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1 SANTA ANA, CALIFORNIA -- THURSDAY, NOVEMBER 10, 1988

2 AFTERNOON SESSION

3 (THE FOLLOWING PROCEEDINGS HAD IN OPEN COURT
4 IN THE PRESENCE OF THE JURY:)

5 THE COURT: MR. BROWN, YOU MAY PROCEED.

6 MR. BROWN: CALL SERGEANT BELL.

7 THE CLERK: PLEASE STAND RIGHT THERE, SIR. RAISE
8 YOUR RIGHT HAND.

9 ROBERT M. BELL. *

10 CALLED AS A WITNESS ON BEHALF OF THE PEOPLE,
11 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED
12 AS FOLLOWS:

13 THE CLERK: PLEASE STATE YOUR NAME AND SPELL IT FOR
14 ME.

15 THE WITNESS: ROBERT M. BELL, B-L-L-L.

16 THE CLERK: THANK YOU.

17 DIRECT EXAMINATION *

18 BY MR. BROWN: Q. MR. BELL, WHAT IS YOUR
19 OCCUPATION, SIR?

20 A. I AM A POLICE SERGEANT WITH THE CITY
21 BEACH, PRESENTLY ASSIGNED AS THE HEAD OF THE HOMIC
22 DETAIL.

23 Q. WOULD YOU TELL US, SIR, THE EXPERIENCE THAT
24 YOU HAVE HAD IN LAW ENFORCEMENT?

25 A. I HAVE BEEN WITH LONG BEACH POLICE
26 DEPARTMENT FOR 24 YEARS, PLUS I WORKED INVESTIGATIONS

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1 SINCE 1969. SPENT 11 YEARS IN HOMICIDE. I SPENT TWO
2 YEARS AS A NARCOTICS INVESTIGATOR. COUPLE YEARS AS A
3 ROBBERY INVESTIGATOR. JAIL SERGEANT, PATROL SERGEANT, AND
4 PATROL OFFICER.

5 Q. NOW, AT SOME POINT IN TIME ON OR AROUND MAY
6 19TH, 1975, DID YOU HAVE OCCASION TO BECOME ACQUAINTED
7 WITH AN INVESTIGATION CONCERNING THE DISAPPEARANCE OF
8 KEITH CROTWELL?

9 A. YES, SIR.

10 Q. AND AT OR ABOUT THAT TIME DID YOU HAVE
11 OCCASION TO PARTICIPATE IN AN INTERVIEW WITH MR. KRAFT,
12 RANDY KRAFT, AND ANOTHER INVESTIGATOR FROM THE LONG BEACH
13 POLICE DEPARTMENT?

14 A. YES, SIR, I DID.

15 Q. IS MR. KRAFT HERE IN COURT TODAY, SIR?

16 A. YES, SIR, HE IS.

17 Q. WOULD YOU IDENTIFY HIM FOR THE JURY AND THE
18 JUDGE, PLEASE?

19 A. THE GENTLEMAN IN THE WHITE SHIRT SITTING AT
20 THE END OF THE COUNSEL TABLE.

21 THE COURT: THE RECORD WILL REFLECT HE'S IDENTIFIED
22 MR. KRAFT.

23 BY MR. BROWN: Q. NOW, WOULD YOU TELL US WHERE
24 THIS INTERVIEW TOOK PLACE AND ON THE DATE OF THE
25 INTERVIEW, SIR?

26 A. THE DATE OF THE INTERVIEW WAS MAY 19TH,

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1 1975. TOOK PLACE AT APPROXIMATELY 5:00 P.M. IN THE
2 AFTERNOON. IT WAS ON THE THIRD FLOOR OF THE PUBLIC SAFETY
3 BUILDING, 400 WEST BROADWAY, LONG BEACH, IN THE INTERVIEW
4 ROOM ON THAT THIRD FLOOR.

5 Q. WAS THIS INTERVIEW TAPE RECORDED?

6 A. YES, SIR, IT WAS.

7 Q. AT SOME POINT IN TIME SINCE THE INTERVIEW IN
8 1975, DID YOU TESTIFY AT A PRELIMINARY HEARING IN THIS
9 CASE?

10 A. YES, SIR, I DID.

11 Q. AND AT THE TIME YOU TESTIFIED IN THAT
12 PRELIMINARY HEARING, DID YOU RECALL AT THAT POINT IN TIME
13 THAT THE INTERVIEW WAS TAPE RECORDED AND THAT LONG BEACH
14 POLICE DEPARTMENT HAD A TAPE OF THAT INTERVIEW?

15 A. I DID NOT RECALL THAT, NO.

16 Q. AT SOMETIME AFTER THE PRELIMINARY HEARING,
17 WAS THIS TAPE FOUND BY ANOTHER INVESTIGATOR AT THE LONG
18 BEACH POLICE DEPARTMENT?

19 A. THAT'S CORRECT, IT WAS.

20 MR. BROWN: JUDGE, WE HAVE THAT TAPE.

21 THE COURT: WHAT WE ARE GOING TO DO, LADIES AND
22 GENTLEMEN, WE WILL PLAY THE TAPE AT THIS PARTICULAR TIME.
23 WE WILL -- AND DO YOU HAVE A TRANSCRIPTION MADE ALSO?

24 MR. BROWN: YES, SIR, I DO, AND I HAVE A COPY FOR
25 EACH OF THE JURORS.

26 THE COURT: WHAT WE ARE GOING TO DO, LADIES AND

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1 GENTLEMEN, YOU ARE FREE TO USE THESE TRANSCRIPTIONS TO
2 FOLLOW ALONG, BECAUSE SOMETIMES THERE IS A LACK OF
3 CLARITY, SO THESE ARE USED FOR YOUR PURPOSE TO ASSIST YOU
4 IN FOLLOWING THE TAPE.

5 I WILL CAUTION YOU THAT THESE TRANSCRIPTIONS
6 ARE NOT ADMITTED INTO EVIDENCE. THE TAPES WILL BE, AND IF
7 FOR ANY REASON -- ASSUME YOU GET TO YOUR DELIBERATIONS AND
8 DESIRE TO LISTEN TO THE TAPES, YOU WILL HAVE TO, AS I
9 SAID, GET A TRANSCRIBER. AND ALSO, IF YOU DESIRE A
10 TRANSCRIPT OF THAT, YOU HAVE TO ASK FOR IT. SO THEY WILL
11 NOT BE IN EVIDENCE. THE TAPE WILL BE ONLY. SO I CAUTION
12 YOU IN THAT REGARD.

13 MR. BROWN: JUDGE, THE TAPE HAS BEEN MARKED AS
14 148-A; IS THAT CORRECT?

15 THE COURT: THAT'S CORRECT.

16 MR. BROWN: AND THEN I HAVE A TRANSCRIPT -- CAN I
17 JUST HAVE A MOMENT?

18 THE COURT: SURE.

19 (INTERUPTION IN PROCEEDINGS.)

20 MR. BROWN: WITH RESPECT TO THE MARKINGS OF THESE
21 TRANSCRIPTS, I HAVE THE TRANSCRIPT THAT WE WERE REFERRING
22 TO YESTERDAY, I'D LIKE ALSO MARKED AT THIS TIME IN
23 ADDITION TO THE ONE WE HAVE HERE TODAY.

24 THE COURT: HAVE THEM MARKED A AND B ACCORDINGLY.

25 MR. BROWN: THE TAPE HAS BEEN A, 148, THE
26 TRANSCRIPT THAT WE HAVE WITH THE JURY NOW IS 148-B. AND

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1 COULD WE HAVE THE OTHER TRANSCRIPT MARKED AS 148-C.

2 THE COURT: ALL RIGHT. I -- ASSUMING YOU MIGHT
3 CHECK WITH THE OTHER CLERK WHEN SHE GETS BACK, I THINK I
4 DIDN'T REALIZE. ALL RIGHT, WE WILL DO IT THAT WAY.
5 THAT'S ACCEPTED.

6 MR. BROWN: MR. BELL, WHAT I'D LIKE TO DO AT THIS
7 TIME IS I WOULD LIKE TO PUT THAT TAPE OF THAT INTERVIEW,
8 WHICH IS 148-A, INTO THIS MACHINE AND HAVE YOU LISTEN TO
9 THAT TAPE; AND IF YOU WOULD, AT THE END OF THAT TAPE I AM
10 GOING TO ASK YOU WHETHER OR NOT THAT IS AN ACCURATE
11 REPRESENTATION OF THE CONVERSATION THAT YOU AND THE OTHER
12 INVESTIGATOR, INVESTIGATOR WOODWARD, HAD WITH MR. KRAFT ON
13 OCTOBER 19TH, 1975 AT APPROXIMATELY 5:00 P.M.

14 A. MAY 19TH.

15 Q. EXCUSE ME, MAY 19TH, I AM SORRY.

16 MR. BROWN: CAN WE PLAY THAT NOW?

17 THE REPORTER: YOUR HONOR, DO WE HAVE A
18 STIPULATION?

19 THE COURT: STIPULATION -- THERE IS NO STIPULATION,
20 BUT THE DEFENSE IS AGREEABLE THAT YOU MAY --

21 MR. MC DONALD: THAT'S CORRECT.

22 THE COURT: -- FOREGO TYPING THIS DOWN. WE WILL
23 USE A COPY OF THE TRANSCRIPT IN LIEU OF YOUR TAKING IT
24 DOWN. OVER MR. BROWN'S STRENUOUS OBJECTIONS IT PROPERLY
25 SHOULD BE TYPED, WE WILL DO IT THIS WAY.

26 (WHEREUPON THE TAPE RECORDING, PEOPLE'S

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1 148-A, IS PLAYED IN OPEN COURT. THE FOLLOWING IS A
2 TRANSCRIPT THEREOF, CONSISTING OF PAGES 19387-19406.)
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DR NUMBER: 693-607
VIOLATION: PC 187

INTERVIEW

DATE/TIME AND LOCATION HELD AT: May 19, 1975, 1700 hours, Long Beach
Police Department, Room 346

INTERVIEWEE: Randy Steven Kraft

CONDUCTED BY: Detective Bob BELL and Detective Mike WOODWARD, Long Beach
Police Department

TRANSCRIBED BY: K. WAGNER, Orange County Sheriff's Department,
Investigation Division, Homicide Detail

* * * -- Denotes inaudible portions of tape.

Uh-uh = No

Uh-huh = Yes

WOODWARD: Testing, one, two, three, four, five. Testing.

(TAPE IS TURNED OFF)

BELL: Things like this that we're going to have to check out . .

(TAPE IS TURNED OFF)

WOODWARD: Today is May nineteen, nineteen seventy-five.
approximately seventeen hundred hours. We're in room
forty-six of the Public Safety Building. Present in this
is Detective Bob BELL, Mike WOODWARD and your name sir is Randy
Steven KRAFT?

KRAFT: That's right.

WOODWARD: And it's KRAFT with a "K", K-R-A-F-T.

KRAFT: That's correct.

WOODWARD: Your present address, seventeen, twenty-seven and a half, East
Ocean Boulevard in Long Beach.

FT: Right.

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WOODWARD: And phone number, four, three, two, zero, zero, eight, five.

KRAFT: Right.

WOODWARD: And what is your correct date of birth?

KRAFT: March nineteenth, nineteen forty-five.

WOODWARD: Now, Mr. KRAFT, on or about March the twenty-ninth, the Saturday prior to Easter Day, do you recall picking up or seeing a subject in the area of the Granada parking lot?

KRAFT: As I say, I'm not certain about the time. It's somewhere in the past.

BELL: When you say somewhere in the past, but, would this be general time-wise, uh, you know, somewhere in the past can mean five years, or . . .

AFT: I'd say somewhere within the past two, two or three months.

BELL: Okay. Fine.

WOODWARD: Okay, when you picked this subject up, uh, uh, did you later take him for a ride somewhere's or did you accompany him or he accompany you. . .

KRAFT: Uh, first of all I didn't pick the person up. As I told. . .

WOODWARD: Okay.

KRAFT: . . .you before I'd been to the bar, to Ripples, drinking that night. Just, you know, talking to some friends, and I went out and got in my car, which was at the Granada end of the parking lot.

BELL: Now that's directly across the street from the Ripples, is that correct?

AFT: Right. Not a cat- catty-corner. . .

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BELL: Yeah.

KRAFT: . . . across the street. And I started to drive home and uh, as I got towards the other end, I noticed on the other side of the uh, parking lot, there was uh, a person that I knew.

BELL: Do you know this person's name?

KRAFT: No, I don't. Just somebody that I've, you know, seen.

BELL: You don't, you don't even know his first name?

KRAFT: I know him by sight, I don't know him by. . . I don't. . . uh, there are numbers of people like that.

BELL: Okay.

KRAFT: When, you know, in the gay world, lots of people you know by sight (BACKGROUND NOISE) perhaps you don't know by name, or occupation, or whatever. I chatted with this fellow for a while and uh, as I said before, there was a guy and a girl, and they were having an argument. Right in the middle of the first aisle in the parking lot.

BELL: Was this uh, on the Granada end or was this down at the other end by the pool?

KRAFT: It's down at the other end by the, by the Olympic pool.

BELL: That would be uh, west of, where you originally got into your car?

KRAFT: Right. And they were having disagreement, some sort of personal disagreement. I don't know what it was, but they were very vocal about it, a lot of arm waving and stuff like that and I (SIGH) sat in my car and was, you know, watching, sort of watching the show, take place. And finally the girl had

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evidently had it, and I believe she got in a car and left with some, with some people. And the guy comes over and was talking to me and uh, right there at my car. I believe I was sitting on the hood, I don't know. And uh, I had some beer in the car and I asked him if he wanted to have some beer. And he said, yes, so we had a, a beer. Only one or two. I, could be Budweiser, could have been Busch, you know. Uh, like I said I don't drink Coors. Doubt that it was that. Okay, and, so then this other guy, either he came over to the car, I guess he'd, uh, got out of, like a Datsun truck. Either he came over or the other guy went over and got him, said to him, come on over, you know, partake with us. I don't remember which * * *. So the guy that I first met that was arguing with the girl, got in the backseat and this other guy got in the front seat, cause only two can sit in bucket seats. And uh, you know, proceeded to have another beer, it was, it was just the new guy's first beer and uh, probably on our second beer. But then since they were, there were three of us in the car and I don't like to draw attention to myself out in the parking lot, like I said I like to drink and drive. And we went driving around, a little bit, we went uh, just around the Heights, I think, Belmont Heights. Not for very long, you know, wandering around.

BELL: About twenty minutes?

KRAFT: Maybe twenty minutes.

WOODWARD: Did you ever leave that area? The Belmont Heights area, did you head toward Huntington Beach or Seal Beach or anywhere

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down in that area?

KRAFT: Not that I remember.

WOODWARD: * * *

KRAFT: I don't recall ever going * * in that direction.

WOODWARD: Did anyone suggest anyplace to drive to, or did you just drive wherever you felt an urge to go?

KRAFT: I think I just drove wherever I, you know, turn here, there, whatever, . . . popped into my head to go.

WOODWARD: Okay.

KRAFT: I don't recall any directions. And so then we went back to the parking lot, I think, one guy, maybe the one guy, mentioned something about a party or something, you know, lots of girls and * *, the usual thing. Maybe, I don't know. That just popped into my head. But anyway, if, if that were the reason, then that's why we went back to the parking lot. Perhaps we just got tired of running around and went back. We got back a pulled in, and pulled up and parked, just about where we left from. And uh, like I said there was some other people, they drove up or they were already there or I don't, I don't remember the situation. But the guy in the backseat wanted to get out. He said, you know, that he, he was, he was tired of riding around, you know, drinking beer and he wanted to uh, he was tired of it. So he got out and the other guy, you know, he asked his buddy if he wanted to leave, you know, the other guy, said, no, he didn't, you know, and. . . he'd just stay. So the other guy and I went, took off, and went driving around some

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more and this time, really got into one, one of my driving fits. Drove on down, on the uh. . . San Diego Freeway down south. I, I don't know, we might have stopped for gas, we might not have. Uh. . . we did stop, uh, one time, just on an off-ramp, I don't remember which one, so, this guy wanted to drive the car and I said he could. So we did, and, so then we went, kept on going down south, and we were having some more beers. Got off somewhere around the El. . . El Toro off-ramp. I don't know if it was that one or the one before, or the one after. . . that general area. And this guy that was driving the car, he went off on a, like a side road there. I don't know where it was, it was dark. And ended up and high-centered the car. Couldn't go anywhere. So we got out and tried to. . . tried to get it unstuck. Trying to dig it out, number one, it was on an embankment. . . embankment.

LL: How did you try and dig it out?

AFT: Well, I'd looked all around to see if I could find anything I could use for a tool, you know. Tried jacking it up, but uh, getting the jack out of my car and stuff, but, we just, the dirt was really soft, and it wouldn't hold it. So then I found like, a, a stick, a long stick was the only thing I could find and we tried to, 'cause the dirt was loose, and so I just thought maybe I could, you know, shovel it out from underneath. It was right up in the oil pan, the whole thing was just sitting there in the dirt, there was no way I was going to go anywhere. And I tried to dig out from under the tires and put

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stuff underneath them. I don't know what I found to put, you know, for traction, I had something, maybe, a, a larger board or a plank. . . or some. . . or something. But he was helping me do that and we, you know, tried that and it didn't work. Tried, you know, jacking it and then trying getting the wheels up on some traction, trying to get the dirt out from under the front of it. It didn't work, so I, like I said, I had to go to work the next morning so uh, I wanted to get some help. And I asked the dude if he, told him, asked him. . .

WOODWARD: Excuse me.

KRAFT: Yeah?

WOODWARD: You had to go to work the next morning you said?

KRAFT: Yeah.

WOODWARD: Well, the next morning's Easter Sunday and you have to be to work on Easter Sunday.

KRAFT: Yeah.

WOODWARD: You did?

KRAFT: Yeah.

WOODWARD: Where? At, at the uh, aircraft place?

KRAFT: It's open seven days a week. Fifty-two weeks a year.

WOODWARD: Okay. Go ahead, excuse me.

KRAFT: Sure. So, I went to get, see if I could get some help, like a tow truck or anything to get the car unstuck and uh, oh, I remembered something, well, it doesn't fit in right here, anyway, uh, like how I finally the car unstuck, I never told you. Uh. . . anyway, I went to get some help. I walked. It

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was about, I don't know, a mile, two miles, I don't know how, how far up I'd actually walked. To this Bob's Big Boy and there was some gas stations and stuff around there, but I don't believe they were open. They must not have been, because I couldn't get any help and well, I didn't have any money anyway so i couldn't have paid for a tow truck, but, you know, possibly I could have got somebody with a chain, or something to yank it off. So uh, I couldn't find any help so I called my roommate JEFF, to come and, you know, see if he could help.

BELL: What's JEFF's last name?

KRAFT: GRAVES.

BELL: JEFF GRACE?

KRAFT: GRAVES.

BELL: GRAVES.

KRAFT: I took it down. So I called him, got him out of a sound sleep and uh, he said yeah, he'd come down and, you know, you know, pick me up or help me out. (COUGHS) I didn't tell him there was anybody with me. JEFF's not just a roommate, he's my uh. .

BELL: Yeah.

KRAFT: . . .He's my other half. Uh, so and then I sat down and had some coffee at uh, this restaurant there, where I called from. That's where I called from. And uh, and at times, it was probably about, when I left uh, to go get some help.

WOODWARD: Did you turn the other one in?

KRAFT: It was probably about, say three thirty or four o'clock, something like that.

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BELL: When you'd left to go get help? , ,

KRAFT: When I, when I left, yeah. And then, I don't know, when I went back, it, you know, it was getting light. Now the thing was, I had some coffee and uh, I was, you know, thinking well, wow, you know, having to drag JEFF all the way down there and he's just got a, got a Volkswagen, he's probably not going to be able to help me anyway. So I was looking around at the people, you know, see if i could uh, you know, if any of them could help me out. And that's how I got the car unstuck, was that, this guy and his wife, had a, a pickup and they drove me back. I went back. And I said, like the guy was gone. They were with me. They got, you know, helped me get it unstuck. Tried to push forward, I thought it might roll down, but we couldn't do that so, uh, once again, I started looking for stuff, that this man could tow it with and there was this. . .building, uh, kind of across the street, it was so dark when I got there, I didn't know what was around, I couldn't see, it was getting light now, I could see this building there, so I went over there and I found a, a rope. So we, uh, yanked the car off, off the thing with the rope and, pulled it back, with his truck. So then I got the car unstuck and then I went uh, this other the guy wasn't there. I, I walked around, you know, looking for him. I didn't, you know, didn't see him anywhere, 'cause, we were. . .we were pretty drunk. And uh, so, you know, it crossed my mind that he might have passed out, or, you know, I didn't, I didn't see him anywhere. So uh, I went back,

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I had the car going, so I drove back to the restaurant, 'cause JEFF was going to show up to, to help me out. So I went back and had, got some breakfast or just some more coffee, I don't remember which. I waited for him to show up. He showed up. I told him I already had the car unstuck and that that some people had helped me, helped me get it off the, off the dirt and uh, so he sat down and I think he just had some coffee or something * * and uh. . .and then you know, drove back.

WOODWARD: Do you recall where you had coffee * *.

KRAFT: It was at the same place where I called from. . .

WOODWARD: Bob's Big Boy?

KRAFT: It's a Bob's or something like that.

WARD: So, when your roommate, he was there shortly after you call him?

KRAFT: No, yeah, I'd say about forty-five to an hour after that. See I got him out of a sound sleep, and he had to get up and put his clothes on and. . .and it takes a while to, to drive down there.

BELL: Are you sure it was on the El Toro Road off-ramp of the San Diego Freeway?

KRAFT: Yeah, that's where the restaurant was.

BELL: And you were approximately a mile from there?

KRAFT: I'd say so, yeah.

BELL: Which direction?

KRAFT: Uh, south.

BELL: Due south or San Diego Freeway south?

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KRAFT: Oh, San Diego Freeway south.

BELL: Okay. Off the freeway though?

KRAFT: Yeah.

BELL: Excuse me. Would you be able, think you'd be able to recognize this area again, if you saw it?

KRAFT: Yeah, I think so. It's, 'cause it's like I said, it was dark when I first got there and as it lightened up, you know, you could see more of what it looked like, and as it turned out, just right next to where I was stuck in the think, was another on-ramp to the freeway. I don't know what the name of that one is 'cause it was down the one past the El Toro Road.

BELL: When you walked back to the restaurant, did you get up on the freeway or did you walk. . .

KRAFT: No, no, no, no. I walked down the road, that we come on to get stuck in that mess. It started out to be paved and then it turns into dirt * *, so I walked back up that, back, you know, to civilization, I mean, that was the last place I, uh, I remembered seeing, you know.

WOODWARD: Was there any lights or anything down there or was it kind of out of the way?

KRAFT: No, it was pretty black. Like I said, it was lightened up in the morning. There were some street lights, I think, there were lights on the hills and that kind of uh, but there was a, the building that they were under construction, right across the street.

BELL: Remember this guy's name at all?

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KRAFT: No, I don't.

BELL: Was he white?

KRAFT: Yeah.

BELL: About how old do you think he was?

KRAFT: I'd say about twenty-three, twenty-four. . .

BELL: About how big?

KRAFT: I'd say he was smaller than me, but I, I couldn't be sure about that.

BELL: How tall are you.

KRAFT: I'm five, ten and a half. I think he was five-nine or five-ten.

BELL: How about weight wise? Was he skinny, fat, medium build or...?

KRAFT: Average.

BELL: How about hair?

KRAFT: Uh, hadn't thought about that. I think it was longish. Longer than mine. I'd say. . .

BELL: Your's is just a little bit down over your collar, so his would have been a little bit longer than that.

KRAFT: I think so, yeah.

BELL: What color, do you know? Dark, light, red, black?

KRAFT: At night its hard to tell. I'd, you know, brown is all that sticks out * *.

BELL: Do you. . .was there anything distinguishing about him? Like a scar or broken nose, missing tooth, uh, amputated finger or...

KRAFT: No.

BELL: Do you know what he was wearing?

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KRAFT: No, not offhand.

WOODWARD: I asked you earlier, did you recall whether or not he was wearing glasses.

KRAFT: I can't, it doesn't stick, you know, maybe maybe not. . .

BELL: Okay, so you think you left the Ripples, somewhere around midnight, give or take some time there, right?

KRAFT: Give or take an hour. It's from eleven to one, somewhere.

BELL: Okay.

KRAFT: When it gets crowded I don't like it. It's too crowded.

BELL: Okay. Uh, then you left there, you went across the street, got in your car, drove down towards the other end of the lot to go home.

.FT: Right.

BELL: You saw somebody you knew and you stopped, you chatted with him for a few minutes. Then you saw this fellow and a girl in an argument. So you watched that for a little bit, like you say, watched the show.

KRAFT: Taking in the show.

BELL: Right. She left. You struck up a conversation with this guy.

KRAFT: No. He walked over. . .

BELL: Or he walked. . .

KRAFT: . . .I was just sitting on my car.

BELL: He walked over to you and you guys got conversant.

KRAFT: Yeah.

BELL: Uh, you asked him if he wanted a beer? Did you drink the beer inside the car or outside the car?

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KRAFT: Inside of it.

BELL: Inside. And then uh, this other guy came over, or anyway he got over to your car.

KRAFT: Yeah. . .

BELL: This other guy.

KRAFT: . . .he, either he came over or the other guy went and got him, I'm not sure.

BELL: You then, uh, decided that you didn't like three of you sitting around there in the parking lot so then you went up and drove around the Heights area, Belmont Heights area, for maybe twenty minutes to half an hour, and drank a couple of beers. . .you drove back down to the lot, the other fellow got out.

K. : He was in the backseat. He got out.

BELL: He got out of the car, and then you and uh, this other fellow drove off. You drove south.

KRAFT: Yeah.

BELL: Did you remember going down through Belmont Shore, to get on the freeway or how do you. . .

KRAFT: That's one thing I can't. . .I can't remember that period of time at all. I can't remember. . .

BELL: But you did get on the San Diego Freeway?

KRAFT: Yeah. But I can't remember getting to it.

BELL: Okay.

KRAFT: I remember being on it. . .

BELL: Where uh, what point in time, did this, uh, fellow, ask you to let him drive your car?

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KRAFT: While we were down on the other side of Harbor Boulevard, probably right around * * right around there. So how, you know, how ever long that would take.

BELL: Okay, then it was right around San Diego Freeway and Harbor Boulevard.

KRAFT: Probably more down by the airport. You know, farther than, than Harbor.

BELL: Like down in Irvine?

KRAFT: Yeah.

BELL: In that area? And then you stopped and you let him drive for a ways.

KRAFT: Uh-huh.

BELL: And he pulled off the freeway down around, uh, Laguna uh. . .

KRAFT: Off the. . .

BELL: . . .near Leisure Wor. . .Leisure World or El Toro off-ramp?

KRAFT: I believe he pulled off on El Toro.

BELL: You drove for another, approximately, another mile, with him still driving?

KRAFT: Yeah.

BELL: Did you ask him where he was going?

KRAFT: No, we were just, you know, carousing and drinking, having fun. I didn't, you know, I told him I'd let him have his turn at the wheel. I'm, you know, sometimes I'm too generous, you know, but when you trust the dude, you know.

BELL: Okay, then uh, you drove on a blacktop or asphalt road for a while and then it turned into dirt and you eventually got

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stuck.

KRAFT: Yeah. We were turning around to go back, you know, 'cause I *
* *, I probably said something like, you know, enough is
enough, you know, let's get back to the road, you know. We
were trying to get back and that's when we got stuck.

BELL: Okay, and then from there, you uh, after you got stuck, you
worked, uh, for forty-five minutes, or so on the, trying to get
the car free with this other fellow helping you. Uh, you told
him to uh, watch the car while you went to get some help.

KRAFT: Uh-huh.

BELL: You walked to the El Toro off-ramp of the San Diego Freeway,
noticed that there were some stations but they were closed. Is
that correct?

KRAFT: As I recall. There, there's one across, like a serve yourself
* *, you know. But, I think that one was open, but they
didn't have any, uh, any tow trucks.

BELL: You then went into, what you believed, was a Bob's Big Boy
restaurant, or, or an all-night coffee shop of, some type in
that general area, called your roommate, advised him where you
were and the problem you were having. You had a cup of coffee,
you then made contact with a man and his wife, who had a pickup
truck. They. . . is this right?

KRAFT: Yeah, that's right.

BELL: Okay. Uh, you then drove, they drove you back to where your
car was then you eventually got the car loose from the uh, its
stuck position.

19403

KRAFT: Right.

BELL: When you got back there the fellow that had been with you was gone. And have you ever... did you ever see him again?

KRAFT: No.

BELL: Did you...

KRAFT: ...like I said I looked for him.

BELL: Did you leave anything in the car, did he leave anything in the car?

KRAFT: No.

BELL: You don't recall what his name was? During your two rides with him, one around the Heights area and the one down the coast, did he ever take any pills or narcotics or anything like that, that you know of?

KRAFT: Not that I know of, no.

BELL: Was there any talk about dope... while you guys were riding around?

KRAFT: There may have been, I just, ordinary chit-chat, you know, its a popular subject to talk about.

BELL: But nothing that you recall specifically?

KRAFT: Specifically, nothing.

BELL: When you left him by the car, what kind of condition was he in?

KRAFT: About the same as me.

BELL: Well, what was that?

KRAFT: Well, we were, kind of drunk, but, we maintained...

BELL: Able to maintain?

KRAFT: Yeah, both having all our faculties.

19404

ELL: Did he say he'd wait for you?

RAFT: Uh-huh.

ELL: Did you kill him?

RAFT: No.

ELL: Did you in anyway, uh, help dispose of his body?

RAFT: No.

ELL: Do you know how he died?

RAFT: No.

ELL: Do you have any idea? Anything that you two did together that night, uh, that may have resulted in his death?

RAFT: I don't think so.

LL: Do you remember anybody uh, specifically that you talked to or saw you leave the Ripples bar? That would know, approximately what time you left.

AFT: I. . .yeah, I think, yeah.,

LL: Who?

AFT: JIMMY DOOLEY. He's the barber at the men's room, and then there was. . .

DDWARD: Is there any reason why he should specifically remember this?

AFT: I remember chatting with him, I was chatting with him and JOHN.

LL: JOHN who?

AFT: I don't know his last name, just JOHN.

LL: Do you know where JOHN works?

AFT: I believe he works at a beauty shop in Seal Beach.

DDWARD: Did you go to work the next day?

AFT: Yeah.

19405

BELL: Where do you work? What is the name of it again?

KRAFT: AZTEC AIRCRAFT.

BELL: Spell it, please.

KRAFT: A-Z-T-E-C.

BELL: Aircraft?

KRAFT: Aircraft Incorporated.

BELL: Do you know the address?

KRAFT: Forty-two, twenty-five, McDonnell Douglas Drive.

WOODWARD: Long Beach Airport?

KRAFT: Right.

BELL: Do you know the phone number out there?

KRAFT: Four, two, one, . . . eight, eight, three, six.

BELL: How long have you worked for them?

KRAFT: Since last July.

BELL: Almost a year.

KRAFT: Yeah, but. . .

WOODWARD: How long have you been in Long Beach?

KRAFT: I was born here.

WOODWARD: You were born here? Did you, weren't you living in Huntington Beach for awhile, or one of the beach cities, for a while?

KRAFT: Uh. . . I lived in Sunset.

WOODWARD: Sunset Beach?

KRAFT: About. . . seventy, seventy-one.

BELL: Who did you work with, at AZTEC AIRCRAFT, uh, that Sunday, Easter Sunday?

KRAFT: Well, let's see who's * *. BOB WAGNER was probably there. . .

19406

JIMMY WALLACE. Either of those two people aren't with the company any longer but they're. . .

BELL: Anybody. . .

KRAFT: . . .still around and readily available.

BELL: Anybody that is with the company now. . .?

KRAFT: Uh. . .

BELL: . . .working there?

KRAFT: Not that I recall. BOB was chief flight instructor and he was, I don't remember seeing him, but he always worked Sundays, so I imagine. . .

BELL: What, what is your job there? What do you do?

KRAFT: I'm the dispatcher.

BELL: Dispatcher.

KRAFT: More or less, I took, uh. . .

BELL: They're, they're not charter service there or. . .

KRAFT: Well, they charter, and they give flight instructions, and rent aircraft and sell them.

BELL: I see.

KRAFT: And I work in the office.

BELL: Okay.

KRAFT: I picked it up as a part-time job when I was going to school.

BELL: You still going to state?

KRAFT: No, I finished, last semester.

BELL: What's your major?

KRAFT: Well, my major's economics, and I graduated in sixty-eight from Claremont Men's College. And I just went back beginning, oh, a year and a half ago to get a teaching credential.

19407

1 BY MR. BROWN: Q. MR. BELL, DID YOU HAVE OCCASION
2 TO HEAR ALL OF THAT TAPE WE JUST PLAYED?

3 A. YES, SIR.

4 Q. AND WITH RESPECT TO THAT TAPE, HAVE YOU
5 LISTENED TO THAT TAPE BEFORE AND COMPARED IT WITH A
6 TRANSCRIPT?

7 A. I HAVE.

8 Q. AND DO THE NAMES THAT ARE ADJACENT TO THE
9 DIFFERENT PORTIONS OF CONVERSATION ON THAT TAPE ON THE
10 TRANSCRIPT, ACCURATELY REFLECT THE PEOPLE THAT ARE
11 SPEAKING IN THOSE PASSAGES?

12 A. YES, SIR, THEY DO.

13 Q. CAN YOU STEP DOWN, AND MR. MC DONALD AND MR.
14 DITMAR DID A DIAGRAM HERE YESTERDAY THAT HAS NOT BEEN
15 MARKED.

16 DO YOU WANT THAT MARKED, MR. MC DONALD?

17 MR. MC DONALD: YES, IN ORDER, PLEASE.

18 MR. BROWN: YOU WANT IT AS A DEFENSE EXHIBIT, SIR?

19 MR. MC DONALD: WHATEVER THE NEXT IN ORDER IS.

20 THE CLERK: D-42.

21 THE COURT: D-42.

22 (DEFENDANT'S D-42 = MARKED FOR I.O.)

23 MR. BROWN: WOULD YOU WANT ME TO PUT THAT ON FOR
24 YOU?

25 MR. MC DONALD: THANKS.

26 BY MR. BROWN: Q. LOOKING AT D-42 HERE, MR. BELL,

19408

1 COULD YOU GO TO THAT AND CAN YOU ORIENT US A LITTLE BIT
2 WITH OCEAN BOULEVARD AND THE RIPPLES BAR AND THE PARKING
3 LOT, AND LET'S SAY JUST TO GET THINGS A LITTLE CLEARER
4 EVEN YET, THE BELMONT PIER. CAN YOU GIVE US AN IDEA WHERE
5 THAT IS ON THAT DIAGRAM? AND GIVE US A NORTH SOUTH
6 DIRECTION ON IT, TOO, IF YOU CAN.

7 A. THIS WOULD BE EAST, WEST, SOUTH, NORTH.

8 BELMONT PIER WOULD BE HERE. RIPPLES.

9 THE COURT: YES, MA'AM.

10 A JUROR: CAN'T SEE.

11 MR. BROWN: I AM SORRY. LET ME PULL THAT OUT WHILE
12 YOU ARE DOING THAT. IT'S HARD FOR EVERYBODY IN THAT LINE
13 TO SEE.

14 BY MR. BROWN: Q. CAN YOU DESCRIBE WHAT YOU WERE
15 GOING TO THAT?

16 A. YES. THIS WOULD BE RIPPLES BAR, THIS IS AT
17 THE FAR EAST END OF THE GRANADA PARKING LOT. THIS HERE IS
18 GRANADA. THIS IS OCEAN BOULEVARD THAT IS ALREADY MARKED
19 ON HERE.

20 GRANADA IS A NORTH-SOUTH STREET, AND RIPPLES
21 BAR SITS ON THE NORTHEAST CORNER OF GRANADA AND OCEAN.

22 Q. IS THAT PARKING LOT REFERRED TO AS THE
23 GRANADA PARKING LOT?

24 A. YES.

25 Q. YOU HAVE HEARD OF THAT?

26 A. YES. GRANADA LOT, GRANADA PARKING LOT, YES.

1 MR. BROWN: HE WOULD ASK THAT DEFENSE 42 BE
2 RECEIVED AT THIS TIME, JUDGE.

3 THE COURT: ANY OBJECTION?

4 MR. MC DONALD: NO. IT'S MY EXHIBIT.

5 THE COURT: BE RECEIVED.

6 (DEFENDANT'S D-42 - RECEIVED IN EVIDENCE.)

7 BY MR. BROWN: Q. IN THE TAPE RECORDING DO YOU
8 RECALL TWO DIFFERENT LOCATIONS THAT MR. KRAFT ADVISED YOU
9 OF WITH RESPECT TO RESIDENCES, ONE BEING INITIALLY IN THE
10 TAPE RECORDING AND A SUNSET BEACH RESIDENCE LATER ON DOWN
11 IN THE INTERVIEW? DO YOU RECALL THAT?

12 A. I RECALL HE STATED THAT HE LIVED ON I
13 BELIEVE IT WAS 7TH STREET. I DON'T REMEMBER THE EXACT
14 ADDRESS.

15 Q. LET ME SHOW YOU THE TRANSCRIPT OF THE TAPE,
16 AND ASK YOU TO LOOK AGAIN AT PAGE 1 WITH RESPECT TO HIS
17 STATEMENT CONCERNING HIS CURRENT RESIDENCE, AND -- WHERE
18 DID MR. KRAFT TELL YOU HE LIVED AT THAT TIME, WHICH WOULD
19 HAVE BEEN MAY 19TH, 1975?

20 A. IT WAS AT 1727 AND A HALF EAST OCEAN
21 BOULEVARD IN LONG BEACH.

22 Q. WHAT I'D LIKE YOU TO DO IN JUST A SECOND,
23 STEP DOWN AND GO BACK TO OUR MAP. I HAVE GOT TO UNBURY IT
24 FIRST. JUST RELAX A SECOND. 1727 AND A HALF?

25 A. YES.

26 Q. EAST OCEAN. AND THAT WAS IN 1975; IS THAT

19410

1 CORRECT?

2 A. THAT'S CORRECT, SIR.

3 Q. THEN WITH RESPECT TO THE OTHER PART OF THAT
4 CONVERSATION, YOU REMEMBER MR. KRAFT INDICATING TO YOU
5 THAT HE LIVED IN SUNSET BEACH DURING THE PERIOD OF TIME?

6 A. YES, SIR, HE STATED HE LIVED THERE '70, '71.

7 MR. BROWN: JUDGE, I HAVE SOME ORANGE STICKERS THAT
8 I'D LIKE TO USE WITH RESPECT TO PEOPLE'S 8, IF THAT'S
9 AGREEABLE WITH COUNSEL AND THE COURT.

10 . BY MR. BROWN: Q. MR. BELL, COULD YOU STEP DOWN,
11 AND WITH RESPECT TO PEOPLE'S 8, LOCATE ON PEOPLE'S 8 THE
12 LOCATION OF 1727 AND A HALF EAST OCEAN IN LONG BEACH?

13 MR. MC DONALD: YOUR HONOR, PRIOR TO WHAT MR. BROWN
14 IS DOING, I WONDER IF WE COULD APPROACH THE BENCH, PLEASE.

15 THE COURT: WITH THE REPORTER?

16 MR. MC DONALD: YES, PLEASE.

17 (THE FOLLOWING PROCEEDINGS WERE HAD AT THE
18 BENCH, OUTSIDE THE HEARING OF THE JURY:)

19 MR. MC DONALD: I HAVE SOME QUESTIONS WITH REGARD
20 TO THE RELEVANCY OF PLACING ANY STICKERS ON THERE WITH
21 REGARD TO A 1971 --

22 THE COURT: SO DO I. BUT YOU DIDN'T OBJECT.

23 MR. MC DONALD: IT CAME OUT BEFORE I HAD A CHANCE
24 TO.

25 THE COURT: WHY DO WE WANT 1971? WHAT'S THAT GOT
26 TO DO WITH ANYTHING?

19411

1 MR. BROWN: WELL --

2 THE COURT: BRING IT UP ON MY OWN, BUT I DIDN'T.
3 WHO CARES WHERE HE LIVED IN 1971?

4 MR. BROWN: WELL, HE IS ACCUSED OF KILLING EDWARD
5 DANIEL MOORE IN 1972, AND SO THAT PUTS HIM IN THE
6 GENERAL --

7 THE COURT: LIVES THERE IN 1972. WHY DON'T YOU
8 FIND THAT OUT.

9 MR. BROWN: I DON'T HAVE ANY WAY OF FINDING THAT
10 OUT, SIR. I AM NOT ABLE TO CROSS EXAMINATION MR. KRAFT.
11 THIS IS THE BEST I CAN DO.

12 THE COURT: WELL, I WILL LET IT GO AT THIS
13 PARTICULAR TIME. I THINK IT'S PROBABLY IRRELEVANT, BUT I
14 DON'T THINK IT'S PREJUDICIAL.

15 MR. MC DONALD: I THINK IT POTENTIALLY IS. I SEE
16 PUTTING ON THE ONE STICKER FOR WHATEVER WEIGHT THEY WANT
17 TO GIVE TO IT, BUT 1971, HE'S NOT GOING TO BE ABLE TO
18 PROVE IT, YOUR HONOR.

19 THE COURT: ALL RIGHT. I WILL SCRATCH IT FOR 1971.
20 OKAY.

21 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN
22 COURT IN THE PRESENCE OF THE JURY:)

23 THE COURT: WITH REGARDS TO 1971, OFFICER, WE WILL
24 EXCLUDE YOU DOING 1971. THE COURT DOESN'T FEEL THERE'S
25 ANY RELEVANCY AS FAR AS WHERE MR. KRAFT MAY OR MAY NOT
26 HAVE RESIDED IN 1971, SO WE WILL LIMIT IT TO THE LONG

1 BEACH LOCATION IN 1975.

2 THE JURY WILL BE ADMONISHED TO DISREGARD
3 ANYTHING WITH REGARD TO 1971 AS BEING IMMATERIAL.

4 THE WITNESS: THE AREA WOULD BE LOCATED BETWEEN
5 CHERRY AND OCEAN -- I AM SORRY, BETWEEN CHERRY AND ORANGE
6 ON THE NORTH SIDE OF OCEAN BOULEVARD, ABOUT THERE.

7 BY MR. BROWN: Q. I'VE GOT THIS YELLOW -- ORANGE
8 STICKER, AND IT'S GOT 1727 AND A HALF EAST OCEAN, 1975.
9 DID I PLACE THAT IN APPROXIMATELY THE CORRECT LOCATION?

10 A. YES, SIR.

11 Q. ARE YOU FAMILIAR WITH LONG BEACH, PRETTY
12 MUCH?

13 A. YES, SIR.

14 Q. IS THAT IN THE AREA OF -- IS IT LOCUST, IN
15 THAT AREA? EXCUSE ME, GAVIOTA AND FIRST STREET?

16 A. YES, SIR, THAT WOULD BE THE GENERAL AREA.

17 MR. BROWN: THANK YOU, MR. BULL. WE'D ASK THAT 148
18 BE RECEIVED.

19 THE COURT: ALL RIGHT. MR. MC DONALD, PLEASE.

20 MR. BROWN: WOULD THE COURT ALSO RECEIVE 148-B AT
21 THIS TIME?

22 THE COURT: SO ORDERED.

23 MR. BROWN: A IS THE TAPE AND B IS THE TRANSCRIPT.

24 MR. MC DONALD: NO OBJECTION.

25 THE COURT: SO ORDERED.

26 (PEOPLE'S 148-A AND 148-B = RECEIVED IN

19413

1 EVIDENCE.)

2 CROSS EXAMINATION *

3 BY MR. MC DONALD: Q. THE DIAGRAM THERE,
4 DEFENDANT'S 42, THAT'S NOT COMPLETELY ACCURATE, IS IT,
5 DEPICTING THE AREA AS IT ACTUALLY IS; IS THAT CORRECT?

6 A. IT'S NOT TO SCALE, NO, BUT IT'S -- SHOWS THE
7 GENERAL AREA, YES, SIR.

8 Q. OKAY. WHAT -- WHAT'S THIS AREA RIGHT HERE
9 BETWEEN BIG JOHN'S AND THE POOL? IS THAT PARKING LOT, OR
10 IS THERE A PARK THERE, GRASSY AREA?

11 A. IT'S A GRASSY AREA. I BELIEVE THE POOL IS A
12 LITTLE FURTHER EAST. I DON'T -- OR BIG JOHN'S IS A LITTLE
13 FURTHER WEST. IT'S NOT DIRECTLY ACROSS FROM EACH OTHER.

14 Q. OH-HUH. SO -- WE WANT TO UNDERSTAND THIS AS
15 CLEARLY AS WE CAN. DOES THE GRASSY AREA ESSENTIALLY
16 OCCUPY THE ENTIRE -- WHAT'S THE WORD I WANT? IF YOU WERE
17 LOOKING DIRECTLY TOWARDS THE OCEAN FROM BIG JOHN'S, WOULD
18 IT OCCUPY THIS ENTIRE SPACE THAT I HAVE MY FINGERS ON
19 BETWEEN WHAT WOULD BE, I GUESS, THE WESTERN BOUNDARY AND
20 THE EASTERN BOUNDARIES OF BIG JOHN'S -- OR APPROXIMATELY
21 THAT?

22 A. IT'S BEEN AWHILE SINCE I'VE BEEN DOWN THERE.
23 I AM NOT REAL SURE. I BELIEVE LIKE I SAID BEFORE, I THINK
24 THAT BIG JOHN'S IS A LITTLE FURTHER WEST, AND I THINK FROM
25 SAY THE FAR WEST END OF BIG JOHN'S, I THINK YOU CAN PRETTY
26 MUCH SEE THE OCEAN FROM THERE.

19414

1 THE GRASSY AREA WOULD BE AT THE WEST END OF
2 WHERE BIG JOHN'S IS, AND THERE'S ALSO A RESTAURANT AT THE
3 FAR END, A LITTLE CAPE WHERE THERE'S SOME GRASSY AREA --

4 Q. WHERE WOULD THAT BE LOCATED, THIS
5 RESTAURANT?

6 A. RESTAURANT RIGHT HERE CALLED CHUCK'S. IT
7 SETS RIGHT LIKE THIS (INDICATING) AND THERE'S A STREET
8 THAT COMES AROUND THAT GOES OVER HERE TO THE POOL. THE
9 POOL SHOULD ACTUALLY BE OVER HERE A LITTLE FARTHER EAST.

10 Q. WHY DON'T WE START ANEW HERE, JUST TO MAKE
11 SURE WE UNDERSTAND THIS PARKING LOT. LET'S JUST MARK THAT
12 DEFENDANT'S 43, AND DRAW FOR US THAT PARKING LOT AND THE
13 CHUCK'S RESTAURANT AND BIG JOHN'S --

14 A. THIS IS AGAIN NOT TO SCALE, AND IT'S BEEN
15 AWHILE SINCE I'VE BEEN DOWN THERE.

16 Q. AT LEAST PUT THE LANDMARKS WITHIN THE
17 BOUNDARY OF IT. THAT'S WHAT I AM INTERESTED IN MAKING
18 SURE THE JURY UNDERSTANDS.

19 (WITNESS COMPLIES.)

20 BY MR. MC DONALD: Q. HOW LARGE A PARKING LOT IS
21 THIS, BY THE WAY?

22 A. IT'S SEVERAL BLOCKS LONG.

23 Q. QUARTER OF A MILE?

24 A. I WOULD -- I DON'T WANT TO ESTIMATE. I
25 DON'T KNOW. SEVERAL BLOCKS.

26 Q. IT'S A LONG PARKING LOT THOUGH, ISN'T IT?

19415

1 A. YES, SIR.

2 (WITNESS DRAWS DIAGRAM.)

3 ACTUALLY, THIS SHOULD BE -- WE WANT TO SAY
4 OCEAN BOULEVARD. THIS WOULD BE THE ENTRANCE TO THE
5 PARKING LOT.

6 BY MR. MC DONALD: Q. PUT AN L THERE.

7 (WITNESS COMPLIES.)

8 BY MR. MC DONALD: Q. AND ARE THERE OTHER
9 ENTRANCES TO THE PARKING LOT?

10 A. THERE'S ONE HERE.

11 Q. PUT AN L THERE, TOO, PLEASE.

12 (WITNESS COMPLIES.)

13 THE WITNESS: I AM NOT SURE IF THERE'S ANOTHER ONE
14 ALONG OCEAN. I DON'T BELIEVE THERE IS.

15 BY MR. MC DONALD: Q. AND YOU SAY THE PARKING LOT
16 ITSELF IS SEVERAL BLOCKS LONG?

17 A. YES, SIR.

18 Q. DO YOU KNOW HOW LONG THE BLOCKS ARE IN LONG
19 BEACH?

20 A. WELL, BELMONT SHORE, THEY VARY. THESE ARE
21 THE SHORT BLOCKS, THE STREETS ALL RUN -- INTERSECT INTO
22 OCEAN BOULEVARD, RUN NORTH AND SOUTH, SO YOU ARE JUST
23 TALKING TWO LOTS WIDE.

24 Q. UM-HUH.

25 A. IT'S -- I DON'T REALLY KNOW. IT MAY BE
26 QUARTER OF A MILE, MAYBE A LITTLE MORE, MAYBE A LITTLE

19416

1 LESS.

2 Q. BUT THE POINT IS, I WANT TO MAKE SURE THE
3 JURY UNDERSTANDS IT'S QUITE A SIZABLE PARKING LOT, ISN'T
4 IT?

5 A. IT'S A GOOD SIZE PARKING LOT, YES, SIR.

6 Q. HAVE A SEAT.

7 BEFORE YOU INTERVIEWED MR. KRAFT, DID YOU
8 KNOW HE WAS SICK THAT DAY?

9 A. NO.

10 Q. DID MR. WOODWARD TELL YOU THAT HE HAD STAYED
11 HOME THAT DAY BECAUSE HE WAS ILL AND HAD AGREED TO COME IN
12 AND TALK WITH YOU AFTER HE HAD CHANGED HIS CLOTHES TO COME
13 DOWN TO THE POLICE STATION?

14 A. NO, I DIDN'T KNOW HE WAS SICK.

15 Q. AND MR. WOODWARD DIDN'T TELL YOU THAT?

16 A. NOT TO MY RECOLLECTION.

17 Q. OKAY. BEFORE THE TAPE WAS TURNED ON, YOU
18 HAD A CONVERSATION WITH MR. KRAFT THAT ESSENTIALLY WAS
19 SAME TYPE OF QUESTIONING, THAT WAS REFLECTED IN THE TAPE
20 RECORDED STATEMENT.

21 A. BASICALLY THE SAME, YES.

22 Q. AND THE ANSWERS WERE BASICALLY THE SAME,
23 TOO?

24 A. YES, SIR.

25 Q. ONE OF THE THINGS THAT YOU SAID JUST AS THE
26 TAPE IS GOING ON IS THAT YOU'D HAVE TO CHECK OUT THESE

19417

1 THINGS.

2 A. THAT'S CORRECT.

3 Q. WAS THAT IN REFERENCE TO SOME OF THE
4 STATEMENTS THAT MR. KRAFT SAID THAT EVENING AND VARIOUS
5 PEOPLE HE HAD SEEN, TALKED TO, AND BEEN WITH THAT EVENING?

6 A. WELL, IT WAS EITHER THAT, OR IT WAS IN REPLY
7 TO DETECTIVE WOODWARD'S CHECKING THE TAPE, ONE, TWO,
8 THREE, FOUR. I BELIEVE THAT CAME RIGHT AFTER HIM CHECKING
9 THE TAPE. I DON'T KNOW WHAT IT WAS REFERRING TO.

10 Q. UH-HUH. OKAY. BUT AT ANY RATE, YOU DID
11 CHECK OUT A NUMBER OF THE THINGS THAT MR. KRAFT HAD TOLD
12 YOU ABOUT, CORRECT?

13 A. I PERSONALLY DIDN'T CHECK OUT TOO MANY OF
14 THEM. DETECTIVE WOODWARD DID.

15 Q. DID YOU GO TO AZTEC AIRCRAFT, FOR INSTANCE,
16 AND TALK WITH A REPRESENTATIVE OF AZTEC AIRCRAFT TO SEE
17 WHETHER OR NOT MR. KRAFT HAD WORKED EASTER SUNDAY AND
18 WHETHER OR NOT HE HAD WORKED THE DAY BEFORE EASTER SUNDAY?

19 A. YES.

20 Q. AND WHAT INFORMATION WERE YOU PROVIDED WITH?

21 A. YES, HE DID WORK ON EASTER SUNDAY, I BELIEVE
22 IT WAS FROM 9:00 TO 5:00. AND I BELIEVE HE ALSO WORKED ON
23 SATURDAY, THE DAY BEFORE.

24 Q. AND WAS THAT FROM 8:00 IN THE MORNING TILL
25 7:00 IN THE EVENING?

26 A. I AM NOT SURE THE EXACT TIME, COUNSEL, BUT I

19418

1 AM SURE HE DID WORK ON THAT DAY -- RELATIVELY CERTAIN THAT
2 HE WORKED ON THAT DAY.

3 Q. OKAY. I THINK THIS IS -- SHOWING YOU A
4 REPORT MAY 20TH, 1975, AND YOUR NAME'S DOWN AT THE BOTTOM
5 AND THIS LAST SENTENCE THERE?

6 A. YES, SIR. IT STATES HE WORKED FROM 0800 TO
7 1900 HOURS, WHICH WOULD BE 8:00 A.M. TO 7:00 P.M.

8 Q. THAT WAS THE DAY BEFORE EASTER?

9 A. THAT'S CORRECT.

10 Q. DID YOU GO DOWN TO THE AREA THAT MR. KRAFT
11 HAD TOLD YOU HE AND THIS OTHER INDIVIDUAL HAD BEEN
12 DRIVING?

13 A. YES.

14 Q. AND YOU FOUND A DIRT ROAD DOWN THERE, DIDN'T
15 YOU?

16 A. FOUND SEVERAL, YES.

17 Q. THAT WHOLE AREA AT THAT TIME REALLY WASN'T
18 DEVELOPED AT ALL YET, WAS IT?

19 A. NO, IT WAS NOT.

20 Q. FOUND SEVERAL DIRT ROADS WHICH WERE CLOSE TO
21 THE FREEWAY IN WHICH CARS APPARENTLY HAD BEEN STUCK?

22 A. THAT'S CORRECT, YES, SIR.

23 Q. YOU COULD SEE SIGNS OF IT?

24 A. YES, SIR.

25 Q. DID YOU CONTACT ANY OF THE ALL NIGHT
26 RESTAURANTS IN THE AREA?

1 A. YES, SIR. I BELIEVE WE TALKED TO THE
2 MANAGER AT BOB'S BIG BOY, AND ALSO CHECKED WITH ANOTHER
3 ONE, I BELIEVE IT WAS CALLED BUFFY'S.

4 Q. IT WAS VERIFIED THEY DID HAVE ALL NIGHT
5 OPERATION?

6 A. I BELIEVE BOB'S BIG BOY CLOSED AT 2:00 A.M.
7 I DON'T RECALL THE TIME THEY OPENED, BUT I BELIEVE IT WAS
8 0700. I WOULD HAVE TO LOOK AT MY REPORTS.

9 Q. BUT BUFFY'S WAS AN ALL NIGHT OPERATION,
10 WASN'T IT?

11 A. I BELIEVE BUFFY'S WAS A 24-HOUR.

12 Q. THAT WAS IN THAT AREA ALSO?

13 A. YES.

14 Q. DID YOU MAKE EFFORT TO INTERVIEW MR. KRAFT'S
15 ROOMMATE?

16 A. I DID NOT, NO, SIR.

17 Q. DID ANYBODY?

18 A. I DON'T KNOW IF THEY DID OR NOT.

19 Q. NOW, YOU CONSIDERED THAT PART OF THE THINGS
20 THAT NEEDED TO BE CHECKED OUT, DIDN'T YOU?

21 A. LIKE I SAY, I DID NOT CHECK THEM OUT, SIR.

22 Q. BUT YOU PERSONALLY, YOU ARE AN EXPERIENCED
23 OFFICER, OBVIOUSLY, AND ONE OF THE THINGS MR. KRAFT TOLD
24 YOU WAS THAT HIS ROOMMATE CAME DOWN TO THE RESTAURANT?

25 A. THAT'S CORRECT.

26 Q. IN RESPONSE TO MR. KRAFT'S REQUEST TO HELP

19420

1 DISLODGE HIS VEHICLE?

2 A. YES.

3 Q. SO THAT WAS AN IMPORTANT THING FOR YOU TO
4 TRY TO CHECK OUT?

5 A. YES, IT WOULD HAVE BEEN, YES.

6 Q. BUT YOU PERSONALLY DIDN'T?

7 A. I DID NOT, NO, SIR.

8 Q. DID YOU LEARN THAT SOMEBODY HAD?

9 A. I DON'T KNOW THAT ANYONE HAD CONTACTED HIM
10 REGARDING THAT STATEMENT, NO, SIR, I DO NOT KNOW.

11 Q. NOW, THIS AREA THAT YOU CHECKED OUT DOWN
12 THERE, IT WAS PRETTY CLEAR TO YOU IT WAS A DESOLATE AREA
13 AND HAD NO LIGHTS; IS THAT CORRECT?

14 A. THAT'S CORRECT.

15 Q. AND IT WAS PRETTY CLEAR TO YOU THAT THE DIRT
16 STREETS WERE NARROW, AND SOMEONE COULD EASILY HAVE BECOME
17 STUCK DOWN IN THAT AREA?

18 A. THAT'S CORRECT.

19 MR. MC DONALD: I NEED JUST A MINUTE.

20 THE COURT: SURELY.

21 (DISCUSSION BETWEEN DEFENDANT AND COUNSEL.)

22 BY MR. MC DONALD: Q. IN CONJUNCTION WITH YOUR
23 INVESTIGATION ON THE CASE, YOU SPOKE WITH MR. DITMAR; IS
24 THAT CORRECT?

25 A. I BELIEVE I DID, YES.

26 Q. AND YOU SHOWED HIM SOME PHOTOGRAPHS?

19421

1 A. CORRECT.

2 Q. AND HE PICKED OUT A GENTLEMAN BY THE NAME OF
3 DAVID PICO (PHONETIC) AND DESCRIBED THAT INDIVIDUAL AS
4 SHORT AND STOCKY, RESEMBLING THE INDIVIDUAL HE SAW THAT
5 NIGHT?

6 A. THAT'S CORRECT.

7 MR. MC DONALD: THAT'S IT. THANKS, OFFICER BELL.

8 REDIRECT EXAMINATION

9 BY MR. BROWN: Q. WITH RESPECT TO THAT
10 CONVERSATION YOU HAD WITH MR. DITMAR, DID MR. DITMAR ALSO
11 CHECK THE PHOTOGRAPH OF MR. KRAFT?

12 A. YES, SIR, HE DID.

13 Q. WHAT DID HE SAY WITH RESPECT TO THE
14 PHOTOGRAPH OF MR. KRAFT?

15 A. STATED THAT HE ALSO LOOKED LIKE THE DRIVER
16 OF THE CAR, WORDS TO THAT EFFECT. I AM NOT EXACTLY SURE.

17 Q. HOW MANY PHOTOGRAPHS WERE THERE IN THAT
18 PARTICULAR PHOTOGRAPHIC LINEUP?

19 A. SIX.

20 Q. NOW, WITH RESPECT TO YOUR INTERVIEW THAT YOU
21 AND MR. WOODWARD HAD WITH MR. KRAFT ON MAY 19TH, 1975, DID
22 MR. KRAFT APPEAR TO YOU TO BE SICK AT THAT TIME -- YOUR
23 OBSERVATIONS OF HIM?

24 A. NO, HE DID NOT.

25 Q. DID HE SOUND SICK WHEN YOU JUST LISTENED TO
26 THIS TAPE RECORDING?

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1 A. NO, SIR.

2 MR. MC DONALD: WELL --

3 BY MR. BROWN: Q. WAS THERE ANYTHING ABOUT EITHER
4 HIS SOUNDS OR HIS MOVEMENT OR DEMEANOR OR ANYTHING THAT
5 APPEARED TO YOU TO BE REPRESENTATIVE OF MR. KRAFT BEING
6 SICK?

7 A. NO, IT DIDN'T.

8 Q. NOW, MR. MC DONALD ASKED YOU ABOUT THIS --
9 BOB'S BIG BOY. WHERE WAS THE BOB'S BIG BOY LOCATED?

10 A. EL TORO ROAD, THE SAN DIEGO FREEWAY.

11 Q. WHERE'S BUFFY'S LOCATED?

12 A. I BELIEVE IT'S THE NEXT OFF -- BELIEVE IT'S
13 THE NEXT OFF RAMP SOUTH.

14 Q. LET ME SHOW YOU YOUR POLICE REPORT IN THAT
15 RESPECT.

16 A. ALL RIGHT.

17 Q. THIS IS A REPORT BY YOU DATED MAY 20TH,
18 1975, AND I'D ASK YOU JUST TO LOOK AT THE LAST PARAGRAPH
19 AND ASK YOU WHAT CITY AND WHAT STREET BUFFY'S IS LOCATED
20 ON?

21 A. AVERY PARKWAY.

22 Q. WHAT'S THE ADDRESS OF BUFFY'S?

23 A. 28722 CAMINO CAPISTRANO IN SAN JUAN.

24 Q. THE CITY OF SAN JUAN?

25 A. YES.

26 MR. BROWN: NOTHING FURTHER.

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RECROSS EXAMINATION

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BY MR. MC DONALD: Q. MR. BELL, LISTENING TO THE
TAPE AND YOUR RECOLLECTION, MR. KRAFT CERTAINLY USED THE
TERM BOB'S BIG BOY, BUT THERE WAS UNCERTAINTY AS TO WHICH
RESTAURANT AND WHICH OFF RAMP THAT RESTAURANT WAS LOCATED
ON; IS THAT TRUE?

MR. BROWN: I OBJECT. THAT CALLS FOR A CONCLUSION.
THE TAPE SPEAKS FOR ITSELF.

MR. MC DONALD: THAT'S EXACTLY WHAT I AM ASKING.

THE COURT: I WILL OVERRULE. IF YOU KNOW, OFFICER.

THE WITNESS: I BELIEVE THERE WAS SOME QUESTION
REGARDING THE RESTAURANT, BUT I DON'T BELIEVE THERE WAS A
QUESTION REGARDING THE LOCATION. I THINK THE TAPE CLEARLY
STATED EL -- EL TORO AND THE FREEWAY. THERE WAS A
QUESTION REGARDING THE RESTAURANT.

BY MR. MC DONALD: Q. YEAH, HE SAID IT WAS EITHER
THE NEXT OFF RAMP DOWN, THOUGH, THAT HE WALKED TO, OR THE
NEXT OFF RAMP NORTH THAT HE WALKED TO TRYING TO LOCATE
SOME HELP?

A. WELL, I MAY BE WRONG, BUT I BELIEVE THAT THE
TAPE IN ONE PORTION OF THE TAPE DID SAY EL TORO ROAD AND
THE 405 FREEWAY FOR BOB'S BIG BOY.

MR. MC DONALD: I NEED A MINUTE.

(INTERRUPTION IN PROCEEDINGS.)

THE COURT: IF YOU'D LIKE TO READ IT -- THE JURY
JUST READ IT. JUST READ IT TO THE JURY AGAIN. THAT WOULD

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1 BL THE EASIEST THING, MR. MC DONALD.

2 BY MR. MC DONALD: Q. OKAY. ON PAGE 6 OF THE
3 TRANSCRIPT. BEGINNING AT THE FIRST COMPLETE SENTENCE OF
4 PAGE 6:

5 "I DON'T KNOW. WE MIGHT HAVE
6 STOPPED FOR GAS, WE MIGHT NOT HAVE.
7 WE DID STOP AT ONE TIME JUST ON
8 AN OFF RAMP, I DON'T REMEMBER
9 WHICH ONE, SO THIS GUY WANTED TO
10 DRIVE THE CAR, AND I SAID HE
11 COULD. SO WE DID. AND SO THEN WE
12 KEPT ON GOING SOUTH AND WE WERE HAVING
13 SOME MORE BEERS. WE GOT OFF
14 SOMEWHERE AROUND THE EL TORO OFF
15 RAMP. I DON'T KNOW IF IT WAS THE
16 ONE OR -- THAT ONE OR THE ONE BEFORE
17 OR THE ONE AFTER. THAT GENERAL AREA."

18 DO YOU RECALL THAT?

19 A. YES, SIR.

20 Q. WASN'T SURE, ALTHOUGH HE MENTIONED BOB'S BIG
21 BOY, HE MENTIONED AS A NAME -- HE DIDN'T SPECIFICALLY SAY
22 THAT THAT'S THE RESTAURANT HE WENT TO TO GET HELP, THOUGH.
23 THERE WAS SOME AMBIGUITY IN THAT, TOO, WASN'T THERE?

24 A. THAT'S CORRECT, YES, SIR.

25 MR. MC DONALD: I THINK THAT'S IT.

26 THE COURT: MR. BROWN.

REDIRECT EXAMINATION

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1 BY MR. BROWN: Q. LET ME HAVE YOU LOOK AT PAGE 10
2 OF THAT SAME TRANSCRIPT. AND MAYBE START ABOUT A THIRD OF
3 THE WAY DOWN TO PUT IN CONTEXT, IF YOU WANT TO READ TO
4 YOURSELF JUST FOR A SECOND.
5

6 (WITNESS COMPLIES.)

7 MR. MC DONALD: YOUR HONOR, I'D ASK THAT THE ENTIRE
8 TRANSCRIPT JUST BE GIVEN TO THE JURY, RATHER THAN GOING
9 BACK AND FORTH.

10 THE COURT: I AM GOING TO PRECLUDE YOU FROM DOING
11 IT ANY MORE, GENTLEMEN. THE JURY IS BRIGHT ENOUGH THEY
12 CAN READ AND UNDERSTAND AS WELL AS YOU GENTLEMEN, I AM
13 SURE. SO I AM GOING TO FOREGO ANYTHING FURTHER OF THAT
14 NATURE. THE JURY'S READ IT. I AM SURE THEY ARE CLEAR
15 ABOUT IT, EVEN THOUGH YOU GENTLEMEN CAN'T UNDERSTAND IT.

16 WHAT ELSE? ASK SOMETHING NEW, MR. BROWN.

17 MR. BROWN: THE COURT DOESN'T WANT TO LET ME ASK --

18 THE COURT: NO, I DON'T WANT YOU TO ASK ANY MORE.

19 MR. BROWN: YES, SIR.

20 THE COURT: I READ IT, I UNDERSTAND IT. MY I.Q. IS
21 HALF WHAT THE JURY IS, SO I ASSUME WE ARE ALL RIGHT.

22 MR. BROWN: NOTHING FURTHER, YOUR HONOR.

23 THE COURT: THANK YOU, SIR.

24 MR. MC DONALD: NO QUESTIONS.

25 THE COURT: THANK YOU VERY MUCH, SIR.

26 NEXT WITNESS, PLEASE, MR. BROWN.

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1 MR. BROWN: EXCUSE ME? MR. WOODWARD.

2 THE CLERK: PLEASE STAND AT THE END OF COURT
3 TABLE, SIR. RAISE YOUR RIGHT HAND.

4 MICHAEL C. WOODWARD,

5 CALLED AS A WITNESS ON BEHALF OF THE P
6 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TEST
7 AS FOLLOWS:

8 THE CLERK: PLEASE STATE YOUR NAME AND SPELL IT FOR
9 ME.

10 THE WITNESS: MICHAEL C. WOODWARD, W-O-O-D-W-A-R-D.

11 THE CLERK: THANK YOU.

12 DIRECT EXAMINATION *

13 BY MR. BROWN: Q. MR. WOODWARD, WHAT IS YOUR
14 OCCUPATION, SIR?

15 A. POLICE SERGEANT FOR THE CITY OF LONG BEACH.

16 Q. WOULD YOU TELL US WHAT YOUR DUTIES ARE IN
17 THAT RESPECT AT THIS TIME, SIR?

18 A. I AM IN CHARGE OF THE BURGLARY SECTION,
19 RESIDENTIAL AND COMMERCIAL BURGLARY.

20 Q. ARE YOU BUSY OVER THERE?

21 A. YES, QUITE BUSY.

22 Q. DIRECTING YOUR ATTENTION TO SOMEWHERE
23 SHORTLY BEFORE MAY 19TH, 1975, DID YOU HAVE OCCASION TO
24 BECOME AWARE OF THE DISAPPEARANCE OF AN INDIVIDUAL BY THE
25 NAME OF KEITH CROTWELL?

26 A. YES.