

1 THE COURT: Mr. Brown.

2 MR. BROWN: We call Sergeant Bell.

3 THE BAILIFF: Face the clerk, raise your right hand.

4 THE CLERK: Do you solemnly swear the testimony you are
5 about to give in the cause now pending before this court shall
6 be the truth, the whole truth and nothing but truth, so help you
7 God?

8 THE WITNESS: I do.

9 THE BAILIFF: Be seated in the witness stand.

10 State your complete name, spell your last.

11 THE WITNESS: Robert M. Bell, B-e-l-l.

12 ROBERT M. BELL,

13 having been called as a witness by the People and having been
14 first duly sworn by the Clerk, was examined and testified as
15 follows:

16 DIRECT EXAMINATION

17 BY MR. BROWN: Q Mr. Bell, directing your attention to
18 May 19th, 1975 at approximately 1700 hours, were you working for
19 the City of Long Beach as a police officer?

20 A I was, sir.

21 Q At that time did you have occasion with Officer
22 Woodward to have a conversation with a person identified to you
23 as Randy Kraft?

24 A I did, sir.

25 Q Is Mr. Kraft here in the courtroom today?

26 A He is at the end of counsel table.



1 MR. BROWN: Could the record reflect that the witness is
2 identifying Mr. Kraft?

3 THE COURT: Yes.

4 BY MR. BROWN: Q Where did that conversation take place?

5 A Took place in interview room at the Long Beach
6 Police Department 400 West Broadway on the third floor.

7 Q Did you talk with Mr. Kraft concerning the day
8 before Easter of 1975, Saturday evening?

9 A I did.

10 Q What was the conversation that you had of Mr. Kraft
11 at that time?

12 A I asked Mr. Kraft to tell me what his dealings,
13 whereabouts were on the Saturday prior to Easter. He stated
14 that to the best of his recollection he had been to Ripple's Bar
15 which is located at Granada and Ocean, City of Long Beach, left
16 the bar between 11:00 p.m. and 1:00 a.m. Walked across over to
17 the parking lot which is located just south of Ripple's Bar, he
18 then entered his vehicle and drove to the west end of the
19 parking lot near the olympic swimming pool.

20 Q What did Mr. Kraft tell you he did at that point?

21 A Stated when he reached that point in the Granada
22 lot he ran into a friend, stopped and chatted with a friend for
23 a few minutes then his friend left. He stated that he then
24 observed a male white and a female white engaged in an argument.
25 Stated that he seated himself on the, I believe he said the
26 fender of his car and quote "watched the show."



1 — Stated after a few minutes the female who was
2 involved in the argument got into a vehicle with some other
3 people and drove off. At this time the person which she was
4 arguing with walked over to where he was seated on his car, they
5 struck up a conversation. Mr. Kraft stated that this person was
6 extremely upset and at this time he offered him a beer.

7 Mr. Kraft went on to state that he and this male
8 subject sat down and drank a beer and a few minutes later this
9 person that he was talking and drinking with either walked over
10 and got another person and came back and they drank some more
11 beer stating that the other person then entered the vehicle and
12 got into the back seat of Mr. Kraft's car.

13 Q Mr. Kraft say what happened in the car?

14 A States that the three of them then left the, drove
15 out of the parking lot, drove around the Belmont Heights area
16 for approximately twenty to thirty minutes and then the second
17 subject, the one that had entered and got into the back seat
18 wanted to go back to the parking lot. States that this was the
19 younger of the two people that he was with. He then drove back
20 to the parking lot where the younger male white got out of the
21 vehicle, walked over to where a small truck was parked either a
22 Datsun or Toyota, and that Mr. Kraft and the other person then
23 drove off. Mr. Kraft stated that they drove he and this other
24 male white, drove south on the San Diego Freeway but he was
25 unable to recall how they got from the parking lot to the
26 freeway, meaning which streets they used to get to the freeway.



1 States they drove south on the San Diego Freeway to the area of
2 the Leisure World in Laguna Beach.

3 THE COURT: Laguna Beach?

4 THE WITNESS: Yes, sir, Laguna Beach.

5 BY MR. BROWN: Q Laguna Beach Leisure World?

6 A Yes. Got off the freeway at El Toro Road off ramp,
7 drove for approximately one mile and then got off onto a dirt
8 road. They drove a short distance on this dirt road where the
9 car at this time bottomed out and got stuck.

10 States that he and the victim or the person that
11 was with him worked for half an hour to forty-five minutes
12 attempting to free the vehicle but were unsuccessful. States
13 that he left this person with his vehicle and he walked to what
14 he said quote civilization to get some help. States he walked
15 for approximately a mile when he came to a twenty-four hour
16 restaurant, he believes it was a Bob's Big Boy, where he then
17 called his roommate Jeff Graves, told him of the predicament
18 that he was in. At that time he stated he struck up a
19 conversation with an elderly couple who were at the restaurant.
20 After having a cup of coffee this elderly couple stated that
21 they would help him, they drove him back to where his vehicle
22 had been stuck and he stated that this was about 5:00 o'clock in
23 the morning. When he returned the person that he had been with
24 was gone and after this couple had helped him free his vehicle
25 he drove back to Long Beach -- back up just a second. After the
26 car was freed, he stated he looked around the area to try and



1 find the fellow he was with, couldn't find him, thought maybe he
2 had wandered off and passed out. When he was unable to locate
3 this person he stated he drove back to Long Beach and went to
4 work the next day, which was Easter Sunday.

5 Q Did you ask Mr. Kraft to describe this male white
6 individual that he had driven down to the El Toro off ramp?

7 A Yes, sir, I did.

8 Q How did Mr. Kraft describe that person?

9 A Described him as being a male white, twenty to
10 twenty-two years, approximately five foot ten with medium build,
11 below collar length brown hair. Asked him if he remembered what
12 his name was, he stated he could not recall. I also asked him
13 if he had ever seen him before and he stated that he had not and
14 I asked him if he had seen him since he had taken the ride and
15 he stated that he hadn't but he had looked for him.

16 Q Did you ask Mr. Kraft to describe the other male
17 white individual that had gotten out of the car in the Granada
18 parking lot?

19 A Yes, sir.

20 Q What did Mr. Kraft say in that respect?

21 A Described the second male white as being a male
22 white, younger than the first and somewhat smaller and that was
23 the essence of his description.

24 Q Did you ask Mr. Kraft what the individual was
25 wearing that he took down to the area of the El Toro off ramp?

26 A I did, sir.



1 Q What did Mr. Kraft state in that respect?

2 A Stated he could not recall.

3 Q Did you ask Mr. Kraft why the vehicle had been
4 driven off to the dirt area?

5 A Yes, I did.

6 Q What did Mr. Kraft say in that respect?

7 A Mr. Kraft stated that the male white subject that
8 was with him had driven to that area, that he had asked to drive
9 the car somewhere in the area of the San Diego Freeway and
10 Harbor Boulevard and that he allowed it, this fellow was the one
11 who drove to that area and eventually stuck the vehicle, got the
12 vehicle stuck.

13 Q Did you ask Kraft what type of clothing he owned
14 with respect to a jacket in particular?

15 A Yes.

16 Q What did Mr. Kraft say in that respect?

17 A I asked him if he owned a Levi jacket and he stated
18 that he did. I asked him if he had patches on it and he stated
19 yes, there was patches on it and something about some spark
20 plugs, Champion spark plugs patch on this particular jacket.

21 MR. BROWN: Thank you, Mr. Bell. I have nothing further,
22 your Honor.

23 THE COURT: Cross examination.

24 MR. MC BRIDE: Thank you.

25 CROSS EXAMINATION

26 BY MR. MC BRIDE: Q Mr. Bell, on May 19th, when you came



1 into contact with Mr. Kraft, that was your first personal
2 physical contact with Mr. Kraft; is that correct?

3 A That's true, yes, sir.

4 Q Had you been involved in the investigation of the
5 Crotwell disappearance prior to your conversation with Mr. Kraft
6 on May 19th?

7 A Very briefly, yes, sir.

8 Q At the time you commenced your conversation with
9 Mr. Kraft on May 19th, at the police station, were you privy to
10 information regarding the circumstances under which Mr. Kraft
11 was last -- Mr. Crotwell was last seen?

12 A Some of it, yes, sir.

13 Q You were aware then that the vehicle allegedly
14 belonging to Mr. Kraft was seen by witnesses to contain Mr.
15 Crotwell just prior to Mr. Crotwell's disappearance?

16 A Yes, sir, that's correct.

17 Q You also had been told that there were witnesses
18 who indicated that Mr. Kent May was also in the car with Mr.
19 Crotwell and Mr. Kraft just prior to Mr. Crotwell's
20 disappearance; is that correct?

21 A Yes, sir, that's correct.

22 Q You knew then that Mr. May, according to these
23 witnesses, had been pushed or shoved from Mr. Kraft's car while
24 Mr. Crotwell was still in Mr. Kraft's car?

25 MR. BROWN: The only thing I object to would be vague and
26 ambiguous as to time.



1 MR. MC BRIDE: This is all prior, information that you
2 had prior to the commencement of your conversation with Mr.
3 Kraft on May 19th?

4 THE WITNESS: I'm not sure if that information, I had
5 that information prior to contacting Mr. Kraft or after
6 contacting Mr. Kraft, I don't know which.

7 BY MR. MC BRIDE: Q So your memory is unclear in that
8 regard?

9 A That's correct.

10 Q Did you learn that at some point?

11 A At some point in time, yes, I did.

12 Q Had you had a conversation with Sergeant Woodward
13 about his contact with Mr. Kraft prior to commencing your
14 conversation with Mr. Kraft at the police station?

15 A Briefly, yes.

16 Q Prior to commencing your conversation with Mr.
17 Kraft on May 19th, you were aware, were you not, of allegations
18 that Mr. Kraft had been supplying drugs to Kent May and Mr.
19 Crotwell just prior to Mr. Crotwell's disappearance?

20 A No.

21 Q You didn't know that at that time?

22 A No, sir.

23 Q You did learn that at subsequent time?

24 A At sometime, yes.

25 Q So there was no, in your mind at any rate, was
26 there any discussion of narcotics in relationship to Mr. Kraft



1 and Mr. Crötwell prior to the commencement of the conversation
2 on May 19th?

3 A No, sir.

4 Q Where physically in the police station did you
5 first see Mr. Kraft on May 19th?

6 A It was probably in the homicide detail office prior
7 to going to the interview room which is just across the hall.

8 Q Sergeant Woodward with him when you first saw Mr.
9 Kraft?

10 A No, Mr. Kraft came in on his own.

11 Q Then you came into contact with Mr. Kraft then
12 conducted and had him come with you to the interview room; is
13 that correct?

14 A That's correct, yes, sir.

15 Q Did you cause a photograph to be taken on Mr. Kraft
16 at some time during your interview with Mr. Kraft or some time
17 during Mr. Kraft's stay at the police station on May 19th?

18 A No, sir.

19 Q There was no booking type photograph taken to your
20 knowledge?

21 A Not to my knowledge, no, sir.

22 Q You didn't order one?

23 A No, sir.

24 Q How about fingerprints?

25 A No, sir, not to my knowledge, I didn't.

26 Q And you didn't order somebody else to do that?



1 A No, sir.

2 Q This conversation that you had with Mr. Kraft, was
3 it tape recorded?

4 A No, sir.

5 Q Was there some effort to tape record it?

6 A No, sir, not to my knowledge, I don't recall any
7 tape recordings.

8 Q I noticed today that during direct examination that
9 you have been referring to your police report; is that correct?

10 A That's correct, yes, sir.

11 Q And does your -- would it be fair to say that your
12 memory as to the events in your conversation with Mr. Kraft on
13 May 19th, 1975 in large measure is based upon your review of
14 your police report, would that be fair to say?

15 A That's correct, yes.

16 Q You do have though some independent recollection of
17 that conversation?

18 A Yes, sir, I do.

19 Q At the time that you interviewed Mr. Kraft at the
20 commencement of that interview was your, did you have -- strike
21 that.

22 At the time of your commencement with -- let me ask
23 you this, Doctor.

24 Did you have any information regarding statements
25 made by Mr. Crotwell, Senior, the victim's father, prior to the
26 commencement of your conversation with Mr. Kraft on May 19th?



1 A I personally did not talk to Mr. Crotwell, Senior
2 and I don't recall reviewing any information that he may have
3 given.

4 Q Do you recall knowing on May 19th that Mr.
5 Crotwell, Senior, the victim's father, had given information to
6 the police regarding the father's investigation of the son's
7 disappearance, did you know that at the commencement of your
8 conversation with Mr. Kraft on May 19th?

9 A I can't answer that, Counsel, I don't recall.

10 Q At some point in time either subsequent or prior to
11 your conversation on May 19th, you did learn some facts relative
12 to Mr. Crotwell, Senior's investigation into his son's
13 disappearance, didn't you?

14 A Yes, sir.

15 Q Was that from reading police reports or from
16 discussions with your fellow officers?

17 A Probably both.

18 Q Did you personally interview Mr. Crotwell, Senior
19 as part of this investigation, either prior or subsequent to
20 your conversation on May 19th?

21 A Yes, I interviewed him a few months ago, it was the
22 first time that I interviewed him.

23 Q That was the first time?

24 A Yes, sir.

25 Q Not in '75 you didn't?

26 A I didn't, no.



1 Q As we have been talking about Mr. Crotwell,
2 Senior's investigation into his son's disappearance, has that
3 refreshed your memory as to anything Mr. Crotwell, Senior may
4 have said about narcotics that would have been in your mind at
5 the time you talked to Mr. Kraft on May 19th, 1975?

6 A I'll have to ask you to state that again, I didn't
7 quite understand.

8 Q Right, that was a long one.

9 At the time that you talked to Mr. Kraft on May
10 19th, you had it in your mind, did you not, that at least Kent
11 May after being in Mr. Kraft's vehicle allegedly according to
12 these witnesses was extremely under the influence of something
13 when he left Mr. Kraft's presence, you knew that at the time
14 that you started the conversation with Mr. Kraft, didn't you?

15 A I believe so, yes.

16 Q Now, if you will examine your mind the source of
17 that information that you had at the time that you talked to Mr.
18 Kraft, where was it that you got the information regarding Kent
19 May's intoxication prior to talking to Mr. Kraft on May 19th?

20 A I believe that was from reviewing briefly Sergeant
21 Woodward about Mr. Kraft's reason for being there.

22 Q And you knew that Sergeant Woodward had personally
23 discussed Mr. Crotwell's disappearance with several possible
24 witnesses?

25 A Yes, I believe he had talked.

26 Q Did you engage with some of these witnesses that

1 were with Mr. Crotwell on the night of his disappearance, did
2 you personally talk with them?

3 A Not in '75, not prior to talking to Mr. Kraft.

4 Q So that was Sergeant Woodward relaying that
5 information to you --

6 A That's correct.

7 Q -- in '75.

8 So you knew that there was some activities
9 regarding narcotics and Mr. Kraft and Mr. May and possibly Mr.
10 Crotwell just prior to his disappearance?

11 MR. BROWN: Objection, vague and ambiguous.

12 THE WITNESS: No, I didn't say that -- I'm sorry.

13 THE COURT: Sustained.

14 MR. MC BRIDE: I didn't hear the grounds.

15 MR. BROWN: Vague and ambiguous.

16 BY MR. MC BRIDE: Q At the time that you were talking to
17 Mr. Kraft you knew that Mr. May when he left Mr. Kraft's
18 presence was intoxicated of something, did you know anything
19 further about Mr. May's intoxication such as whether it resulted
20 from alcohol or from the ingestion of some narcotic?

21 A No, I did not.

22 Q You don't recall a conversation with Sergeant
23 Woodward in that regard?

24 A Was my understanding he was intoxicated but I don't
25 know what he was intoxicated on, it was my impression it was
26 alcohol.



1 Q We are trying to center your attention in on your
2 frame of mind on what you knew on May 19th just prior to the
3 conversation with Mr. Kraft?

4 A That's what I knew on May 19th prior to the
5 conversation.

6 Q At the time you commenced the conversation with Mr.
7 Kraft on May 19th, did you have information as to the apparent
8 condition of Mr. Crotwell when he was last seen leaving with Mr.
9 Kraft in Mr. Kraft's vehicle?

10 A I don't recall if it was before or after the
11 conversation that we -- that I knew what his condition was or
12 found out what his condition was.

13 Q You did find out at some point?

14 A At some time, yes.

15 Q You did feel at the time you talked to Mr. Kraft on
16 May 19th, that your evidence to date indicated he was the last
17 person to be in Mr. Crotwell's presence when Mr. Crotwell was
18 seen alive?

19 A Yes, best of my recollection, yes.

20 Q The information he had at that time was a Mr. Kraft
21 was seen with Mr. Crotwell in this car leaving in his car?

22 A I believe that's correct, yes.

23 Q Nobody had seen Mr. Crotwell alive past that date?

24 A That's correct.

25 Q Did you have information at that time that just
26 prior to Mr. Kraft leaving with Mr. Crotwell, that Mr. May had



1 been pushed from Mr. Kraft's vehicle?

2 A I don't recall if I learned that before or after
3 the interview with Kraft.

4 Q When you talked with Mr. Kraft, when you commenced
5 conversation with Mr. Kraft on May 19th, what did you think you
6 had, a homicide, a drowning, what did you think you had?

7 A We were investigating a death by suspicious
8 circumstances but that's about the extent of it at that time.
9 We had a human head and that was all we had, we had no idea
10 whether it was an accidental or a homicide.

11 Q Well, there was something suspicious, wasn't there
12 about --

13 MR. BROWN: Excuse me, your Honor, could the witness --

14 MR. MC BRIDE: I didn't mean to interrupt you, Officer,
15 go ahead.

16 THE WITNESS: I was just saying we didn't know what we
17 had, if it was a homicide, if it was a suicide, if it was an
18 accidental, what, so any time we have something of that nature,
19 yes, it is suspicious.

20 BY MR. MC BRIDE: Q You are looking for possible bad
21 guys in this case?

22 A We are looking to find out what killed him first.

23 Q You had in your mind at the time that Mr. Kraft was
24 first interviewed the fact that only a head or skull had been
25 recovered and that a search of the area in which the skull was
26 recovered did not reveal any other human bones. You were aware



1 of that ~~when~~ you first talked with Mr. Kraft, weren't you?

2 A I knew only a head had been found at the 72nd
3 jetty, yes.

4 Q A search had been conducted of the surrounding area
5 around that head and no further human remains had been
6 discovered?

7 A I knew there were no further remains found in that
8 area, yes.

9 Q Were you interested at the time you first commenced
10 a conversation with Mr. Kraft on May 19th as to whether Mr.
11 Kraft was homosexual or not?

12 A Was I interested in that? I don't believe that
13 came up in my interview with him, I don't think I asked him
14 about it.

15 Q You don't recall any conversation about his being a
16 homosexual during the interview?

17 A Not during my interview with him, I don't recall
18 that, no.

19 Q Were you personally interested in whether Mr. Kraft
20 was homosexual at that time?

21 A No, not that I can recall, no.

22 Q You weren't thinking possible homosexual murders
23 then?

24 A At the time I talked with him, no. I was --

25 Q Want to explain your state of mind, go ahead?

26 A I would just like I said, say earlier I was just



1 trying to get to the bottom of a head that was floating out
2 around our bay.

3 Q Did you find the circumstances such as that you
4 knew it on May 19th, did you find the fact and the circumstances
5 under which Mr. Crotwell was last seen leaving with Mr. Kraft to
6 be suspicious?

7 A Well, certainly, they were somewhat suspicious,
8 yes, sir.

9 Q Was there any discussion of attorneys with Mr.
10 Kraft during your time with him?

11 A Was there any discussion what?

12 Q Of attorneys.

13 A No.

14 Q You didn't bring it up?

15 A No, sir.

16 Q He didn't bring it up?

17 A No, sir.

18 Q Now, during the discussion with Mr. Kraft, was
19 Sergeant Woodward present throughout or did one of the other you
20 leaving during some time during the conversation?

21 A I don't recall exactly, I would imagine both of us
22 were there the whole time.

23 Q You don't have a memory at this time of someone
24 leaving and the interview continuing in someone's absence?

25 A No.

26 Q You wrote, did you write this report that you are



1 referring to?

2 A I dictated this one, yes, sir.

3 Q That was shortly after the event?

4 A Yes, sir, I dictated it the next day to our
5 secretary and in fact the next morning.

6 Q Did you and Sergeant Woodward go over this report
7 after it was transcribed?

8 A I went over it, yes.

9 Q Did you give it to Sergeant Woodward and discuss it
10 with him?

11 A I don't recall.

12 Q Would that normally, was Sergeant Woodward your
13 partner at that time?

14 A We didn't have assigned partners at that time, I
15 just happened to be the one that was there when he needed some
16 assistance.

17 Q What was your rank at that time?

18 A Detective.

19 Q I'm certain after getting the transcripts of the
20 report you reviewed it for accuracy and so forth and okayed the
21 contents of that report shortly after it was transcribed; is
22 that correct?

23 A Yes, sir.

24 Q Was it transcribed shortly after the events in
25 question?

26 A Yes, it indicates here that I dictated it to my



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1 secretary, Sharon Row on the 20th, which would be the next day
2 at 8:40 a.m. so that would have just been less than twelve hours
3 or a little more than twelve hours after --

4 Q You reviewed it prior to coming to court today and
5 again today during the testimony, haven't you?

6 A That's correct, yes, sir.

7 Q Perhaps in order to save time, is there anything
8 about this interview that is in your memory that you don't find
9 in your report?

10 A No.

11 Q That has jumped out you as you have been thinking
12 back to the events then that gee, that wasn't in my report?

13 A No, sir.

14 Q Now, the interview commences with you present,
15 Sergeant Woodward present, and Mr. Kraft present. Who does the
16 majority of the questioning, if there was someone that did the
17 majority of the questioning?

18 A Well, I would say as how I dictated this report
19 that I did the majority of questioning.

20 Q Is that your memory too that you were talking with
21 Mr. Kraft?

22 A Yes, sir.

23 Q In fact was that why you were helped to -- called
24 out to help Sergeant Woodward with this because of your
25 experience and so forth so, that you would actually conduct the
26 interview?



1 A That wasn't the necessary reason, no. I was called
2 in because he needed assistance and I did have more experience
3 but that isn't the reason that I did the report, I just happened
4 to be the one that did the interview.

5 Q Now, at the commencement now of this interview, I
6 understand that your report doesn't attempt to do a verbatim
7 script, does it?

8 A No, it does not.

9 Q So some extent you have to examine your own memory
10 and think back to the commencement of this interview. Was there
11 a discussion between yourself and Mr. Kraft as to the purpose of
12 this interview as you commenced it?

13 A I don't independently recollect that but I know
14 what my procedures are and I can explain that to you.

15 Q Would you please?

16 A Yes, my procedure is I generally briefly discuss
17 with the person that I'm going to interview whether it be a
18 witness, victim or a suspect why they are there and what is
19 about to take place and I'm sure that I did in Mr. Kraft's case.

20 Q Did you describe to Mr. Kraft his status in this
21 case whether he was suspect, victim or witness?

22 A I don't believe I stated any of the three, I stated
23 we were investigating a dead body and he was one of the last
24 persons to see him and wanted to get some information.

25 Q Did you tell him it was a homicide investigation?

26 A Oh, I probably did, yes, it was --

1 Q Well, homicide means something other than drowning,
2 I guess drowning could be homicide?

3 A Sure.

4 Q It means other than accidental?

5 A Yes, and that can even be a homicide, an
6 accidental.

7 Q You believe you used the word homicide in
8 discussing the nature of your investigation when you commenced
9 this conversation with Mr. Kraft?

10 A I probably introduced myself as Detective Bell from
11 homicide.

12 Q The message would be there then?

13 A Yes.

14 Q Did you tell him at any point in the interview, at
15 any point in the interview that something he was telling you
16 didn't jive with your information?

17 A Not that I recall, no.

18 Q You don't recall at any point in the interview
19 challenging the statement by stating that that doesn't jive or
20 something to that affect, with the information you have?

21 A No, I don't recall challenging.

22 Q Now, in direct examination the District Attorney
23 asked you what was relayed by Mr. Kraft and you read it or you
24 went through it in a somewhat narrative form. Is that the way
25 it happened or did he say something and then interrupt and ask a
26 question say something else, interrupt and ask a question; he

1 didn't just give you a speech, did he?

2 A No, he answered questions as I stated in here some
3 questions, I asked him questions and he answered them.

4 Q At one point in the interview you asked him, "Was
5 Mr. Crotwell alive when you left him"?

6 A Yes, sir, at the end of the interview.

7 Q That was kind of the clincher of your interview,
8 wasn't it?

9 A It was something I wanted to know, yes.

10 Q If he said no he wasn't then Mr. Kraft would have
11 been in big trouble, wouldn't he?

12 A Probably, yes.

13 Q Was there a discussion prior to that dealing with
14 Mr. Kraft's possible involvement in a murder? You understand
15 the question? It is vague and ambiguous, I'll rephrase it.

16 A Why don't you, yes.

17 Q Other than that one question that you memorialized
18 in your report regarding was Mr. Crotwell alive when you left
19 him, were there any other questions that you now recall of that
20 nature such as, now isn't it true that he was dead and you
21 buried him down there and you threw his head in the water,
22 something like that, you see what I'm getting at?

23 MR. BROWN: It is vague and ambiguous.

24 MR. MC BRIDE: He is trying to answer, I think he
25 understanding.

26 THE COURT: Overruled.

1 MR. MC BRIDE: Thank you.

2 THE WITNESS: No, I did not.

3 BY MR. MC BRIDE: Q You know the kind of questions I'm
4 talking about?

5 A Yes, I know.

6 Q On television they call that the third degree?

7 A Yeah.

8 Q None of that took place here?

9 A No, sir.

10 Q Did Mr. Kraft indicate at any time during the
11 interview that he was tired of talking to you guys?

12 A I don't believe he did, he was pretty cooperative
13 best I can remember.

14 Q You don't recall any aggressive behavior on
15 anybody's part?

16 A Not that I recall, no.

17 Q You have been in interviews where they would have
18 somewhat more aggressive nature?

19 A Oh, yes.

20 Q Did you challenge any of the things that he had to
21 say?

22 A I don't believe I did, no.

23 Q Never said that doesn't make sense or something
24 like that?

25 A Not to my recollection, no.

26 Q At the end of the interview, did you tell him we



1 would be getting back to you?

2 A I don't recall saying that, no. I asked him, I
3 think the last part of interview was asked him if he would take
4 a polygraph.

5 Q Why did you ask him that?

6 A Standard investigative tool, I ask everybody that.

7 Q When the polygraph came up, did attorneys come up
8 in that same conversation?

9 A No, sir.

10 Q Now, he said in a -- let me ask you a couple more
11 questions.

12 Did you engage in a conversation with Mr. Kraft
13 regarding the search of his vehicle?

14 A No, sir.

15 Q Were you present when Sergeant Woodward engaged in
16 such a conversation with him?

17 A No.

18 Q How did the interview finally end, did you shake
19 hands, get up and leave, what happened?

20 A I probably -- what happened is I said well, I don't
21 have anything further, I looked at Mike or Detective Woodward at
22 the time and said do you have anything further, he probably said
23 no and then he left and I understood later that Mike -- excuse
24 me, Detective Woodward then went down and they took some
25 photographs.

26 Q And searched the vehicle?



1 A And looked through the vehicle, yes.

2 Q You didn't engage in a search?

3 A No, sir.

4 Q You weren't part of the discussion or decision to
5 do those things, search the vehicle and take photographs?

6 A I don't believe I was, no.

7 Q Did you ask -- strike that.

8 Did Sergeant Woodward tell you prior to your
9 conversation with Mr. Kraft about anything about the contents of
10 Mr. Kraft's car?

11 A No.

12 Q Didn't talk about a shirt that was in the car?

13 A Not before we talked to Mr. Kraft, no.

14 MR. MC BRIDE: Your Honor, so I have the Court's
15 intention, my questions regarding the motion, voir dire, such as
16 they have come to an end. If the Court wishes to hear argument
17 then perhaps open or close the courtroom that would be fine or I
18 can continue with my cross examination as to the substance of
19 the conversation.

20 MR. OTTO: Can I have a moment, your Honor.

21 BY MR. MC BRIDE: Q When you conclude the interview with
22 Mr. Kraft, sometime during that did you tell him not to leave
23 town?

24 A No.

25 Q Did you tell him to get back to him later?

26 A I don't recall if I told him I would get back to



1 him later, possible but I didn't tell him not to leave town.

2 Q You didn't tell him not to leave?

3 A No.

4 Q Let me ask one more question that may be relevant
5 to the motion.

6 Did you during the conversation with Mr. Kraft
7 discuss with him other homosexual murders that had taken place
8 in your jurisdiction?

9 A No.

10 Q Does the term asshole stuffer mean anything to you?

11 A Oh, yes, I know what you are referring to, yes.

12 Q Was that term used in the conversation with Mr.
13 Kraft?

14 A Not that I recall, no, I wouldn't know of any
15 reason why it would have.

16 Q That is a term though that did describe some
17 murders in your vicinity that you were aware of prior to talking
18 to Mr. Kraft?

19 MR. BROWN: Objection, it is irrelevant.

20 THE COURT: Overruled.

21 THE WITNESS: Yes.

22 MR. MC BRIDE: Thank you, your Honor, that does conclude
23 the questions that I have that I think would be relative to the
24 motion.

25 THE COURT: Mr. Brown, any further questions?

26 MR. BROWN: No.

1 THE COURT: Any additional witnesses on the motion to
2 exclude the statements and the car?

3 MR. BROWN: No.

4 THE COURT: People rest on the motion?

5 MR. BROWN: Yes.

6 THE COURT: Defense?

7 MR. MC BRIDE: We have no witnesses to present or other
8 evidence, your Honor.

9 THE COURT: Okay. You can step outside but don't go
10 away.

11 THE WITNESS: Yes, sir.

12 MR. BROWN: Don't leave town.

13 THE COURT: Don't leave town, we aren't through with you
14 yet.

15 Would you like to be heard on the motion?

16 MR. OTTO: Your Honor, could I just have one minute, one
17 thing I wanted to look at.

18 MR. MC BRIDE: I do have some brief comments on the
19 motion, your Honor, if the Court is ready.

20 THE COURT: Yes.

21 MR. MC BRIDE: I think that the issue obviously of the
22 statements of Mr. Kraft, the issue there is I say whether it was
23 subject to custodial interrogation and as the Court knows
24 custody is not required in arrest but merely atmosphere or
25 creation of atmosphere in which a reasonable man would think
26 that his freedom of movement were significantly reduced and the