

1 MR--BROWN: We would call Kent May.

2 THE BAILIFF: Step forward, sir. Stand right there.
3 Face the clerk and raise your right hand.

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

8 THE WITNESS: I do.

9 THE BAILIFF: Be seated in the witness stand.

10 State your complete name and spell your last.

11 THE WITNESS: Kent Arthur May. M-a-y.

12 KENT ARTHUR MAY,
13 called as a witness by the People, having been first duly sworn
14 by the Clerk of the Court, was examined and testified as
15 follows:

16 *DIRECT EXAMINATION*

17 BY MR. BROWN: Q. Mr. May, directing your attention to
18 the area of March 29th, 1975, a Saturday, a Saturday before
19 Easter Sunday, did you know an individual by the name of Keith
20 Crotwell?

21 A. Yes.

22 Q. And how long had you known Mr. Crotwell at that
23 time?

24 A. Approximately a year or so.

25 Q. And on the night, Saturday night, the night before
26 Easter, did you have occasion to be with Mr. Crotwell in the

1 area of Big John's Pizza Store in the City of Long Beach and the
2 County of Los Angeles?

3 A. Yes.

4 Q. And is that an area that is adjacent to the Belmont
5 Plaza Pool?

6 A. Yes.

7 Q. At sometime that night between the hours of 11
8 o'clock and 1:00 the next morning, did you have occasion to be
9 with Kent May and several other people? Excuse me, Keith
10 Crotwell and several other people?

11 A. Yes.

12 Q. Who else were you with?

13 A. Keith, Randy, Terry, Frank Ditmar, Randy -- I'm not
14 sure of his name.

15 Q. Cooper?

16 A. Yeah, Cooper.

17 Q. What were you doing during that period of time
18 between 11:00 that night and 1:00 the next morning?

19 A. Going in and out of the bar drinking beer out in
20 the parking lot.

21 Q. That would be Big John's Bar?

22 A. Right.

23 Q. At sometime during that night, did you have
24 occasion to join Keith in a car?

25 A. Yeah, Keith and I were talking outside of the bar
26 right next to the pool and a gentleman walked up, approached us,



1 joined ~~the~~ conversation and we ended up going for a drive.

2 Q. Did this person ask you to go to the car with him?

3 A. Yeah.

4 Q. And did you and Keith then get in the car and drive
5 somewhere?

6 A. Yes.

7 Q. Is the person that joined you and Keith and asked
8 you to go in his car with him, here in court today?

9 A. Yes.

10 Q. Okay. Could you identify him for the record?

11 A. The gentleman sitting on the right (indicating).

12 Q. What color coat does he have on?

13 A. Gold.

14 MR. BROWN: Could the record indicate the witness has
15 identified the defendant, Kraft.

16 THE COURT: The record will so indicate.

17 The record should reflect that there are four
18 persons seated at the table and one behind, all in suits.

19 MR. BROWN: Could the record reflect the number of people
20 in the audience?

21 THE COURT: They're hard to see.

22 MR. BROWN: Could -- I have just taken a quick count,
23 without taking my shoes off, it looks like there are 13 people
24 out there. Would that be accurate for the record to reflect
25 that as 13 people being in the audience?

26 THE COURT: That is accurate.



1 MR. BROWN: Thank you.

2 BY MR. BROWN: Q. What conversation occurred, Mr. May,
3 prior to you getting into the car with Mr. Kraft and Keith
4 Crotwell?

5 A. It varied from a drinking conversation with just
6 being buddy-type situations, to sex and the toleration of girls
7 as well as the toleration of gay people.

8 Q. All of those subjects were discussed prior to being
9 in the car?

10 A. Yes.

11 Q. What did Mr. Kraft say, if anything, that got you
12 and Keith Crotwell into the car with Mr. Kraft?

13 MR. OTTO: Object. It assumes facts not in evidence.

14 MR. BROWN: They didn't listen to the question.

15 THE COURT: It also calls for a conclusion. Sustained.

16 BY MR. BROWN: Q. What did Mr. Kraft say, if anything,
17 prior to you getting into the car with Mr. Keith Crotwell and
18 Mr. Kraft?

19 A. I think what convinced Keith and I to get into the
20 car --

21 MR. MC BRIDE: Your Honor, I object, "what convinced
22 Keith" would be a conclusion and speculative.

23 THE COURT: Sustained.

24 BY MR. BROWN: Q. What did Mr. Kraft say, if anything,
25 just prior to you and Keith getting into the car?

26 A. That if there was any question about anybody being

1 gay, that ~~he~~ would be the last person to be that type of person.

2 Q. This was Mr. Kraft that said that to you?

3 A. Right.

4 Q. So Mr. Kraft denied being gay; is that correct?

5 A. (Witness nods head affirmatively.)

6 Q. Did you and Keith then get into the car?

7 A. (Witness nods head affirmatively.)

8 Q. What type of car was that?

9 A. It was a Mustang.

10 Q. What were the colors of the car?

11 A. It was a white color with a black vinyl top on it.

12 Q. Who was driving the car?

13 A. Mr. Kraft was.

14 Q. And what occurred then after you and Keith got into
15 Kraft's car and drove away?

16 A. We got into the car, started talking, the same
17 conversations I guess we had before. Some drugs were offered.
18 We both consumed drugs and drinking alcohol at the same time.
19 Alcohol that would be that we had which is prior to getting into
20 the car.

21 Q. Who offered you drugs?

22 A. Mr. Kraft did.

23 Q. Did Mr. Kraft also offer Keith Crotwell drugs?

24 A. Yes.

25 Q. Did you consume some of the drugs that Mr. Kraft
26 offered you?



1 A. Yes.

2 Q. And did you see whether or not Keith Crotwell
3 consumed some of the drugs that Mr. Kraft offered him?

4 A. Yes.

5 Q. By the way, Mr. May, how old were you at that time?

6 A. I believe I was 15.

7 Q. Fifteen years of age?

8 A. (Witness nods head affirmatively.)

9 Q. Did Mr. Kraft give you something to help you
10 consume the drugs?

11 A. Not that I remember. I believe I had my own beer.

12 Q. From before you got into the car?

13 A. Right.

14 Q. And so you used that beer, then, and swallowed the
15 drugs?

16 A. (Witness nods head affirmatively.)

17 Q. What type of drugs did Mr. Kraft give you?

18 MR. MC BRIDE: That calls for speculation.

19 THE COURT: Sustained.

20 BY MR. BROWN: Q. What did the drugs look like that Mr.
21 Kraft gave you?

22 A. They were small yellow pills.

23 Q. And how many of these did Mr. Kraft give you?

24 A. At first a lot, but it was narrowed down to seven
25 tablets.

26 Q. Do you know whether or not these were tablets as

1 opposed to capsules?

2 A. They were tablets.

3 Q. And they were yellow in color?

4 A. Uh-huh.

5 Q. Did you see how many of these Mr. Kraft gave to Mr.
6 Crotwell, if any?

7 A. Again, I think it was a large amount at first, then
8 it was narrowed down to approximately ten.

9 Q. What do you mean by that?

10 A. Well, a handful was handed to each of us and not
11 knowing what the drug was, myself, and Keith knowing what it
12 was, recommended to take a certain amount so you would not
13 completely pass out, so to speak.

14 Q. Who recommended to take a certain amount?

15 A. Keith.

16 Q. Keith did?

17 A. Uh-huh.

18 Q. Because you didn't know what it was?

19 A. (Witness nods head affirmatively.)

20 MR. OTTO: Objection, your Honor. Move to strike as to
21 why Keith said what he said. Calls for speculation on the part
22 of the witness.

23 THE COURT: I'll strike the answer. The objection is
24 sustained.

25 BY MR. BROWN: Q. Why was it that you only took a
26 certain amount of these drugs?

1 A. Basically because Keith was looking out for me,
2 saying, "Look, you don't want to take too many because you will
3 pass out. You won't be able to enjoy what they're doing for
4 you."

5 Q. All right. Did you see Keith, then, also take some
6 of these drugs?

7 A. Yes.

8 Q. How did Keith take the drugs?

9 A. If I remember right, we both shot the beer down,
10 put the pills in our mouth and shot the beer down together.

11 Q. Did Mr. Kraft take any of these drugs that you saw?

12 A. Not that I remember.

13 Q. Did Mr. Kraft drink any beer that you saw?

14 A. Not that I remember.

15 Q. Where did Mr. Kraft take you and Keith at that
16 time?

17 A. We headed going out of the parking lot toward Seal
18 Beach driving around in Seal Beach and then back toward Long
19 Beach.

20 Q. Are there portions of that drive that you do not
21 remember?

22 A. Yeah.

23 Q. What was the reason for that?

24 A. The alcohol and the drugs taking effect, I'm sure.

25 Q. Do you ever remember coming back to the area of the
26 Belmont Plaza in Long Beach?



1 A. No.

2 Q. What is the last thing that you remember that
3 night?

4 A. Crossing over the 2nd Street Bridge, the Saint
5 Vincent Bridge in Long Beach, Belmont Shores area.

6 Q. Is this the Saint Vincent Bridge or the bridge in
7 the Belmont Shores area?

8 A. There's two bridges there, big bridges that I'm
9 referring to.

10 Q. The bridge that goes across the Long Beach marina?

11 A. Uh-huh.

12 Q. What was the conversation that you can recall, if
13 any, between yourself and Mr. Kraft as you were in the car after
14 you'd left the area of the Belmont Plaza Pool?

15 A. I don't remember.

16 Q. Do you recall any conversation that Mr. Kraft had
17 with Keith after you'd left the Belmont Plaza Pool?

18 A. No.

19 Q. Do you recall where you were seated in the car?

20 A. Yes.

21 Q. Where were you seated in the car?

22 A. In the passenger rear seat.

23 MR. BROWN: Thank you, Mr. May. I have nothing further
24 at this time, your Honor.

25 THE COURT: Cross-examination.

26 MR. MC BRIDE: Yes, your Honor, I would initially ask the



1 Court to comment on the record as to its view of the audience if
2 there is anyone remotely similiar in appearance to Mr. Kraft.

3 MR. BROWN: Well, Mr. Briggs is of the same size and has
4 a mustache. Mr. Le Ray here looks similiar to some extent.

5 MR. MC BRIDE: I don't ask for Mr. Brown to make that --
6 I think it is inappropriate to have the record reflect even the
7 significance of a lineup or a random picking out of Mr. Kraft,
8 and I think that's the way Mr. Brown has left it.

9 MR. BROWN: I won't say I'm shocked.

10 MR. MC BRIDE: If I may make a statement. I find nobody
11 in the audience that would be remotely confused with Mr. Kraft
12 in the sense that he would have a lineup or anybody that's
13 similiar to his appearance.

14 THE COURT: There was no lineup --

15 MR. MC BRIDE: That's fine.

16 THE COURT: -- Mr. McBride.

17 I did notice, if you want the Court to take notice,
18 that Mr. May did look around, it appeared to the Court that he
19 was looking at the counsel table and it appeared to the Court he
20 was looking at several people on the right-hand side of the
21 counsel table and there were four, investigators, both
22 attorneys, Mr. Kraft, all dressed in suits. That's all --
23 that's all I mentioned.

24 MR. MC BRIDE: Fine. I think my position as to the
25 record is clear.

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CROSS-EXAMINATION

BY MR. MC BRIDE: Q. Mr. May.

What's your birth date?

A. 2/25/60.

Q. Sixty?

A. Uh-huh.

Q. And you had known Mr. Crotwell about a year prior
to this incident?

A. Approximately.

Q. And he was your friend?

A. We hung out together, yes.

Q. Was he older than you were?

A. Yes.

Q. How much older?

A. Three years.

Q. And you were approximately 15 at that time?

A. (Witness nods head affirmatively.)

Q. It's helpful for the record for you to say yes or
no.

A. Yes.

Q. Thank you.

You went down on March 29th, 1975, to Big John's
Pizza?

A. Yes.

Q. You don't remember the date, do you?

A. No.



1 Q— What is it that causes you to remember the
2 approximate date, if you will, of this incident?

3 A. What is it?

4 Q. Yes. Is it its proximity to Easter that causes you
5 to remember?

6 A. Because I've been told basically what time of year
7 it was, approximately.

8 Q. The District Attorney asked you March 29th and he
9 also said the Saturday before Easter; is that your memory, or is
10 that what you got from the question that was asked --

11 A. That's what I got from the question.

12 Q. That's what I thought.

13 So there was some time around that time of the year
14 that you went down there and that's really the best you can do
15 for us, isn't it?

16 A. Uh-huh. Yes.

17 Q. Thank you.

18 And you went down there with a group of persons,
19 and you gave us a first name. I wonder if you could give us
20 their full names, if you remember?

21 A. The lady I was down there with, I don't remember
22 her last name, I remember her first name.

23 Q. What was her first name?

24 A. Leslie.

25 Q. Were you with her, was this a date that you had
26 with her that night?

1 A.— Yes.

2 Q. Who else was down there?

3 A. Randy Cooper, Keith Crotwell, Frank and Terry
4 Ditmar.

5 Q. Are they brothers?

6 A. Yes.

7 Q. Did you all go to Big John's Pizza together in the
8 same car?

9 A. No.

10 Q. You have to say yes or no.

11 Did you drive -- you were 15, you weren't driving,
12 were you?

13 A. No.

14 Q. Whose car did you go down there in?

15 A. Leslie.

16 Q. She was driving?

17 A. Yes.

18 Q. And this was your date that night?

19 A. Yes.

20 Q. And do you know how Mr. Crotwell got to Big John's
21 Pizza?

22 A. I believe he went with Randy.

23 Q. All right. What time did you arrive at Big John's
24 Pizza?

25 A. I have no idea.

26 Q. It was after dark, though?



1 A. Yes.

2 Q. Was it a Friday or a Saturday night?

3 A. Either or, I'm not sure. I don't remember.

4 Q. All right. But you do believe it was either a
5 Friday or a Saturday?

6 A. Yes.

7 Q. You didn't normally go down there Sunday night?

8 A. No.

9 Q. You were in school at that time, weren't you?

10 A. Yes.

11 Q. Was school in session?

12 A. Yes.

13 Q. So Easter vacation wasn't going on?

14 A. No.

15 Q. What school did you go to?

16 A. Stanford Junior High School.

17 Q. Stanford?

18 A. Junior High School.

19 Q. You arrived there sometime after dark?

20 A. Yes.

21 Q. And had you had anything to drink of an alcoholic
22 nature on that evening prior to arriving at Big John's Pizza?

23 A. I believe so. I don't remember exactly, but I
24 think I did.

25 Q. You think you had some beer in the car on the way
26 down?



1 A. Uh-huh.

2 Q. That would have been your custom?

3 A. Uh-huh.

4 Q. Yes or no, please.

5 A. Yes. Sorry.

6 Q. I don't mean to -- it's important for us on the
7 record.

8 Do you have a memory as to your state of sobriety,
9 if you will, at the time you got to Big John's Pizza, were you
10 feeling good, were you dead drunk or were you just fine?

11 A. I was feeling good, I wasn't dead drunk.

12 Q. You were able to, in your memory, you were able to
13 talk and walk?

14 A. Yes.

15 Q. Then you had some beer when you got to Big John's
16 Pizza?

17 A. Yes.

18 Q. You were not supposed to be buying beer when you're
19 15, are you?

20 A. No.

21 Q. Who got you the beer?

22 MR. BROWN: I object. It's irrelevant.

23 THE COURT: Sustained.

24 BY MR. MC BRIDE: Q. Did you actually go inside Big
25 John's Pizza?

26 A. Yes.



1 Q. Did you have a pizza there?

2 A. No. It was not a pizza parlor.

3 Q. It's not a pizza parlor?

4 A. No.

5 Q. It's called Big John's Pizza?

6 A. It's Big John's.

7 MR. MC BRIDE: Where did I get pizza?

8 THE COURT: Mr. Brown mislead you again.

9 MR. MC BRIDE: I'm shocked.

10 BY MR. MC BRIDE: Q. So it's Big John's?

11 A. Yes.

12 Q. What kind of a place is Big John's?

13 A. It's a pool hall.

14 Q. Pool hall?

15 A. Yes.

16 Q. Is this a place you went frequently or is this the
17 first time you'd been there?

18 A. Frequently.

19 Q. When you got there, was Mr. Crotwell already there?

20 A. I don't remember.

21 Q. And did you have something to drink after -- of an
22 alcoholic nature after getting to Big John's?

23 A. Who?

24 Q. Had you?

25 A. Yes.

26 Q. And you were drinking beer?



1 A. Yes.

2 Q. Were you doing any marijuana?

3 A. No.

4 Q. Did you have any other narcotics prior to coming
5 into contact with Mr. Kraft?

6 A. No.

7 Q. And by narcotics, I'm talking about pills, cocaine,
8 anything.

9 A. I'm aware of that.

10 Q. You're talking alcohol and that's all you had up to
11 the time you met Mr. Crotwell -- I mean Mr. Kraft?

12 A. (Witness nods head affirmatively.)

13 Q. Say yes or no.

14 A. Yes.

15 Q. Thank you.

16 Now, you came into contact, according to your
17 testimony, with Mr. Kraft at sometime between 11:00 or 1:00.
18 Now, that's what the prosecutor said. What is your memory as to
19 when you came into contact with Mr. Kraft, if you remember?

20 A. I remember it being probably after midnight because
21 of the fact that the bar was getting ready to close down and we
22 were all starting to congregate out at the car.

23 Q. What time, if you know, did that bar normally close
24 during that period of time that you were going there?

25 A. I couldn't be sure on that. I would believe about
26 1:30 or so is when they would start getting rid of everybody.



1 Q— Do you recall whether -- they served beer at this
2 place, didn't they?

3 A. Yes, sir.

4 Q. Did they serve drinks or cocktails?

5 A. I believe it was just a beer bar.

6 Q. Do you recall there being a last call? Do you know
7 what I mean by last call?

8 A. Yes. No, they didn't.

9 Q. Did this place normally have a last call?

10 A. I don't believe they did.

11 Q. Last call, I'm referring to the proprietor's
12 last -- his proclamation he's not going to serve anymore drinks
13 after this; you don't recall that?

14 A. No.

15 Q. Are you drinking beer that's poured from a pitcher
16 or are you drinking cans of beer?

17 A. Cans of beers.

18 Q. You don't remember pitchers?

19 A. Not at all.

20 Q. Are you playing pool?

21 A. No.

22 Q. So Mr. Crotwell is there, you don't know if he was
23 there when you got there, but did he come shortly -- was he
24 there most of the evening with you?

25 A. Yes.

26 Q. So how long would say Mr. Crotwell was with you



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1 before ~~you~~ came into contact with Mr. Kraft, if you remember?

2 A. Approximately an hour or so we were outside
3 talking.

4 Q. You and Mr. Crotwell?

5 A. Yes.

6 Q. And are you drinking beer during this time?

7 A. Yes.

8 Q. You're drinking beer right through, aren't you?

9 A. Not right on through, I think we made a couple runs
10 to the liquor store inbetween.

11 Q. At the liquor store, what are you doing at the
12 liquor store?

13 A. To get beer.

14 Q. So you were not buying beer at Big John's?

15 A. None of it at Big John's.

16 Q. Are you playing pool?

17 A. No.

18 Q. What are you doing at Big John's?

19 A. Playing video games.

20 Q. They have pool tables and video games and beer, but
21 you're not drinking his beer?

22 A. No.

23 Q. You're getting beer from a liquor store and
24 drinking it in the parking lot?

25 A. Yes.

26 Q. Did you personally make a run to the liquor store?



1 A. No. Not that I remember.

2 Q. Do you remember divvying up some money to help buy
3 some beer?

4 A. Yes.

5 Q. How much money do you recall divvying up to buy
6 some beer? What was your share?

7 A. I believe I went out this night with approximately
8 \$20.

9 Q. And did you spend it all on beer?

10 A. Yeah.

11 Q. How many other people were joining you and Mr.
12 Crotwell in the drinking of this beer in the parking lot?

13 A. We were all drinking -- the five people I mentioned
14 prior.

15 Q. Were you buying this by the case load, six-pack
16 load or how were you buying this beer?

17 A. Six-packs.

18 Q. You personally go to the liquor store when the runs
19 were made?

20 A. No.

21 Q. But at least you -- you were getting low on beer
22 and somebody made a run and came back with some beer?

23 A. At least.

24 Q. At least twice?

25 A. (Witness nods head affirmatively.)

26 Q. You were feeling pretty good by the time you came

1 in ~~contact~~ with Mr. Kraft?

2 A. Yes.

3 Q. Would you describe yourself as drunk?

4 A. Yeah.

5 Q. And you had had a fight with your girlfriend?

6 A. Yes.

7 Q. Was Mr. Crotwell, to your knowledge, with a date
8 that night?

9 A. No.

10 Q. You were with a date?

11 A. Yes.

12 Q. And you were the only man of the group that had a
13 date, weren't you?

14 A. Yes.

15 Q. And you're having trouble with her?

16 A. Yes.

17 Q. Now, this argument that you had with your
18 girlfriend or your date, this took place in the parking lot?

19 A. Yes.

20 Q. Was there also an argument with her in Big John's?

21 A. No.

22 Q. It was in the parking lot?

23 A. (Witness nods head affirmatively.)

24 Q. Yes or no.

25 A. Yes. No, excuse me. It was just outside in the
26 parking lot.



1 Q— And I don't -- we don't care much about what the
2 argument was about, but would you describe it as a big argument,
3 yelling argument, little argument, how would you describe the
4 argument?

5 A. Little argument.

6 Q. Was your voice raised?

7 A. No.

8 Q. Was her voice raised?

9 A. No.

10 Q. Were there other people involved in this argument
11 or standing with you when you were arguing with her?

12 A. No.

13 Q. So it was a conversation between the two of you?

14 A. Yes.

15 Q. Without raising your voice?

16 A. Yes.

17 Q. Where did this conversation take place in the
18 parking lot, if you remember?

19 A. In her car.

20 Q. Inside her car?

21 A. Uh-huh.

22 Q. Did the whole argument take place inside her car?

23 A. Yes.

24 Q. So there was no argument between the two of you
25 outside the car?

26 A. No.



1 Q. Throughout the night?

2 A. No.

3 Q. As a result of this argument -- let me -- I don't
4 want to assume that. Did you part company with your date?

5 A. Yes.

6 Q. And she was driving?

7 A. Yes.

8 Q. And did you after parting -- what time was it
9 during the evening that you parted with your date?

10 A. It was late in the evening. Toward the end of the
11 night.

12 Q. How long -- strike that.

13 How much time elapsed between parting with your
14 date and your contact with Mr. Kraft, if you know?

15 A. Approximately an hour.

16 Q. Did you see your date around there at all at the
17 time that you came into contact with Mr. Kraft?

18 A. Yes.

19 Q. But you weren't talking to her?

20 A. No.

21 Q. In fact you were mad at her?

22 A. Yes.

23 Q. She was mad at you?

24 A. No.

25 Q. You were mad at her?

26 A. Yes.



1 Q.— So you had an argument with your date and she's
2 still there, but you're drinking with Mr. Crotwell now, aren't
3 you?

4 A. Yes.

5 Q. You're not drinking with your date?

6 A. No.

7 Q. So you're drinking beer with Mr. Crotwell and these
8 other fellows that you've given us names, were they right with
9 you and Mr. Crotwell, or were you and Mr. Crotwell drinking just
10 the two of you?

11 A. Just the two of us.

12 (Interruption in the proceedings.)

13 BY MR. MC BRIDE: Q. Okay. When the two of you,
14 yourself and Mr. Crotwell are drinking, are you in the parking
15 lot or in your car or leaning against the fenders of your car?
16 Where are you physically drinking after you've had this argument
17 with the date?

18 A. We were sitting on a ledge that was, I guess, a
19 boardwalk along the front of the Belmont Plaza outside the pool.

20 Q. Sitting there drinking some beers?

21 A. Yes.

22 Q. Did you have the six-pack with you there?

23 A. No.

24 Q. Just drinking a beer?

25 A. We were just drinking a beer.

26 Q. Where was the beer kept? Did you keep it in

1 somebody's trunk or something?

2 A. I believe so. It was in Randy's car or the
3 Ditmar's car.

4 Q. When you say "Randy," you don't mean Randy Kraft?

5 A. No. Randy Cooper.

6 Q. And then you're sitting there drinking with Mr.
7 Crotwell, and is it at this point in time that Mr. Kraft shows
8 up?

9 A. Yes.

10 Q. Does he approach the two of you as you're sitting
11 there on the ledge?

12 A. Yes.

13 Q. All right. Had you seen him in the area before he
14 approached you?

15 A. Not that I remember.

16 Q. So you were first -- your memory of your first
17 contact with him is when he came up to you as the two of you
18 were seated on the ledge drinking beer?

19 A. Yes.

20 Q. What, if you remember -- you had been drinking a
21 lot at this point, hadn't you?

22 A. Yes.

23 Q. So if you don't remember something, you don't
24 remember it.

25 A. Right.

26 Q. If you do remember something, tell us what, if you



1 remember,—were the exact first words said by Mr. Kraft to you?

2 A. I don't remember.

3 Q. Do you remember who spoke first, he or you or Mr.
4 Crotwell?

5 A. He did, I believe. I'm almost sure, yes.

6 Q. And he approached you, though, you didn't approach
7 him?

8 A. Yes.

9 Q. And he came up to you and started talking to you,
10 or did he start wandering around and sit down there and start
11 talking to you?

12 A. I believe he came up and just sort of mingled into
13 the conversation.

14 Q. Was there anyone beside yourself and Mr. Crotwell
15 being part of this conversation that he mingled into?

16 A. No.

17 Q. It sounds like the two of you, Mr. Crotwell and
18 yourself were somewhat away from the rest of the people that
19 were partying in the parking lot?

20 A. We were.

21 Q. And there are other people partying in the parking
22 lot?

23 A. Yes.

24 Q. Does he sit down, Mr. Kraft, when he comes up to
25 you and mingles into this conversation, does he sit down?

26 A. I don't remember.



1 Q-- Does he have a beer in his hand?

2 A. Don't remember.

3 Q. Do you know what was talked about between yourself
4 and Mr. Crotwell and Mr. Kraft immediately after Mr. Kraft
5 coming up to the two of you sitting on the ledge together?

6 A. Yes.

7 Q. All right. What was talked about? Let's take one
8 subject at a time.

9 A. The problem with Leslie.

10 Q. Did you bring that up?

11 A. Yes.

12 Q. In fact you had probably been sitting there talking
13 to Mr. Crotwell about this problem?

14 A. Exactly.

15 Q. And he kind of comes up, he's in your vicinity and
16 you bring up the problem about your fight with your date?

17 A. Yes.

18 Q. All right. And then he joins that discussion with
19 you?

20 A. Yes.

21 Q. And is that early in the conversation with Mr.
22 Kraft? Is that one of the first things you talked about as he
23 came up to you?

24 A. Yes.

25 Q. All right. And he didn't offer you a beer at that
26 time, did he?



1 A. — Not that I remember.

2 Q. You had a beer, didn't you?

3 A. Yes.

4 Q. Now, so you talked about the problem with Leslie
5 and he entered that conversation; is that right?

6 A. Yes.

7 Q. Mr. Crotwell's part of this conversation?

8 A. Yes.

9 Q. All right. Do you go to another subject while
10 you're still seated there at the same location?

11 A. Yes.

12 Q. And what's the other subject?

13 A. Dealing with the gays touring the parking lot, is
14 what they were known to do, driving around in the parking lot.

15 Q. So the conversation went from you talking about
16 your problems with your girlfriend to the gays in the parking
17 lot?

18 A. Yes.

19 Q. And who brought that subject up, if you remember?

20 A. I did.

21 Q. And then the three of you had a conversation about
22 that?

23 A. We were questioning Mr. Kraft, is he or isn't he.

24 Q. All right. Had there been some discussion of drugs
25 before you started questioning Mr. Kraft's sexual preference?

26 A. Not that I remember.



1 Q.— All right. Do you recall why you wanted to talk to
2 Mr. Kraft about whether he was gay or not --

3 A. Yes.

4 Q. Do you?

5 A. Yes.

6 Q. And why is that?

7 A. Because it's not too often that a single male walks
8 up to two other single males.

9 Q. This fellow comes up and enters this personal
10 conversation with you about your girlfriend and then you talked
11 to him for awhile about that and then you think, "What's this
12 guy doing here"?

13 A. Yes.

14 Q. And because the neighborhood you're in, your're
15 thinking maybe this is somebody that's gay and he may be hitting
16 on you?

17 A. Yes.

18 Q. And you want to avoid that?

19 A. Yes.

20 Q. Mr. Crotwell, what's his attitude about this while
21 you were talking to Mr. Kraft?

22 A. We were basically, were all talking together and we
23 all had the same opinion.

24 Q. And none of them liked the gays cruising the
25 parking lot?

26 A. Exactly.



1 Q— And you all reaffirmed that while you were sitting
2 there?

3 A. Yes.

4 Q. And that gave everybody the credentials to sit
5 there and have this conversation?

6 A. Yes.

7 Q. All right. So there's been a discussion about your
8 girlfriend and there's been a discussion about we don't like
9 these gays that are cruising the parking lot and then does the
10 conversation go to something else?

11 A. Not that I remember.

12 Q. When in relation to the conversation about the gays
13 and the girlfriend did drugs come up? Was that until you got in
14 the car?

15 A. No. That was before we got in the car.

16 Q. And was it while you were still seated at this
17 original location where you and Mr. Crotwell had been seated on
18 the ledge?

19 A. I don't remember, but I would think so.

20 Q. Who brought up the drugs, if you remember?

21 A. I remember Mr. Kraft bringing it up, asking if we
22 wanted to get high.

23 Q. Did he say how you were going to get high? Did he
24 talk about reds, downers, uppers, marijuana?

25 A. He mentioned downers.

26 Q. He mentioned downers?

1 A.— Uh-huh.

2 Q. Yes or no?

3 A. Yes.

4 Q. Did he mention reds?

5 A. No.

6 Q. So you're sitting there talking and he says, "Do
7 you want to get high?"

8 A. Yes.

9 Q. Or something to that effect. Do you remember the
10 exact words?

11 A. No.

12 Q. Who is present when Mr. Kraft says something about
13 getting high?

14 A. Keith Crotwell and myself.

15 Q. No one else?

16 A. Nobody else.

17 Q. Do you remember where you are physically in
18 relationship to the parking lot when this conversation about
19 getting high occurred?

20 A. I believe we were still sitting on the ledge.

21 Q. All right. So do you and Mr. Crotwell agree that
22 you wouldn't mind getting high?

23 A. Yes.

24 Q. Is there a discussion about how you're going to get
25 high?

26 A. No.



1 Q.— All right. Is that conversation followed by a
2 discussion about going to Mr. Kraft's car?

3 A. Yes.

4 Q. Had you noticed Mr. Kraft's car at any time before
5 this point in your contact with him?

6 A. No. He pulled up.

7 Q. Did you see him pull up?

8 A. Yes.

9 Q. How much time went by between when he pulled up and
10 he came over and started talking to you guys?

11 A. I don't remember. I don't believe it was very much
12 time at all.

13 Q. I mean, we're talking about minutes --

14 A. Maybe five minutes.

15 Q. Of course your're drinking a lot again now, too?

16 A. Of course.

17 Q. So you're not sure about the time?

18 A. No.

19 Q. So then after this discussion about getting high,
20 do the three of you go to Mr. Kraft's car?

21 A. Yes.

22 Q. How much time went by, if you can estimate for us,
23 between when he first contacted you, you had these discussions
24 and you went to Mr. Kraft's car?

25 A. Maybe 15, 20 minutes.

26 Q. You're drinking beer throughout this time?



1 A. Yes.
2 Q. Is he drinking beer?
3 A. I don't remember.
4 Q. Do you remember offering him a beer?
5 A. Yes.
6 Q. Did he take it?
7 A. I don't remember.
8 Q. But he didn't offer you any beer?
9 A. No.
10 Q. So you go to Mr. Kraft's car?
11 A. Yes.
12 Q. The two of you?
13 A. Yes.
14 Q. Describe the car for me.
15 A. It's a Mustang, white with a black vinyl top, tan
16 interior.
17 Q. What color top?
18 A. Black.
19 Q. Not brown?
20 A. No. Black.
21 Q. And what color interior?
22 A. Tan.
23 Q. What year was it?
24 A. I believe it was a '74.
25 Q. You were 15 at the time?
26 A. Yes.

1 Q. Do you know about cars when you're 15?

2 A. Yes.

3 Q. You like cars when you were 15?

4 A. Yes.

5 Q. You work on your own car?

6 A. No. I worked at motorcycles, I didn't have a car.

7 Q. At 15 would you describe yourself interested in
8 cars?

9 A. Yes, very much.

10 Q. And you noticed this car?

11 A. Yes.

12 Q. And it was a '74 -- and this was in '75, wasn't it?

13 A. True.

14 Q. So it would have been a year-old car?

15 A. Uh-huh.

16 Q. Yes?

17 A. Yes. Basically because it was the newer type
18 Mustang, that's why I recall it being that year of a car.

19 Q. Now, you've talked to the police on several
20 occasions about this case, haven't you?

21 A. Uh-huh.

22 Q. Excuse me?

23 A. Yes.

24 Q. And you talked to your friends about this case,
25 haven't you?

26 A. Yes.



1 Q.— And you talked to your friends about the car,
2 haven't you?

3 A. I'm sure it was brought up, yeah.

4 Q. Then you talked to the people that were present
5 that night about the car, haven't you?

6 A. Yes.

7 Q. And you've been shown pictures of a Mustang,
8 haven't you?

9 A. Yes.

10 Q. By the police?

11 A. Yes.

12 Q. Now, and you saw a car after this date, didn't you,
13 what you thought was the same car?

14 A. Yes.

15 Q. On the streets in the Long Beach area?

16 A. No. It wasn't on the streets.

17 Q. Where was it?

18 A. It was in the photographs from the police.

19 Q. Excuse me?

20 A. Photographs from the police.

21 Q. You never saw that car, physically saw it again,
22 then?

23 A. No.

24 Q. All right. What I'm asking you, Mr. May, is
25 whether your memory of it being a '74 comes from that night, or
26 does it come from seeing the pictures later?



1 A.— It comes from that night over the length of time I
2 have had to really think about it.

3 Q. Say that again.

4 A. It comes from that night and the length of time I
5 have had to think about it; what kind of car it really was.

6 Q. All right. So you've given this a lot of thought?

7 A. Yes.

8 Q. When was it that you felt firm in your mind that it
9 was a '74?

10 A. Probably when it was brought to my attention again
11 about five and a half, four months ago.

12 Q. Before that you don't think it was that firm in
13 your mind?

14 A. Well, it was never really thought about that much.

15 Q. But you had described the car before to people,
16 haven't you?

17 A. Yeah.

18 Q. Did you describe it as a '74 --

19 A. No. I don't remember describing it as a '74.

20 Q. Three or four months ago somebody showed you
21 another photograph?

22 A. Yes.

23 Q. And you had a detailed discussion about this car?

24 A. (Witness nods head affirmatively.)

25 Q. It was somebody from the police or the District
26 Attorney's Office?



1 A. Yes.

2 Q. All right. Now, let's go back to the night here.
3 You -- you have ever seen pictures of the interior of that car?

4 A. I believe I have, yes.

5 Q. When was that that you saw pictures of the
6 interior?

7 A. Both back then and recently.

8 Q. Back then, you mean within a month or two --

9 A. When the first investigators came and talked to me
10 about it.

11 Q. And that was sometime in May, was it?

12 A. Seventy-five.

13 Q. Several weeks later, wasn't it?

14 A. Yeah, approximately.

15 Q. Try to center your memory on what you remember that
16 night, not anything about pictures --

17 A. Uh-huh.

18 Q. -- discussions with friends or anyone else. What
19 was the color of the interior of that car?

20 A. Light.

21 Q. Anything else?

22 A. No.

23 Q. Was it white?

24 A. No.

25 Q. You know it wasn't white, or it could have been
26 white?



1 A. I know it wasn't white.

2 Q. All right. But it was some light color, then?

3 A. Exactly.

4 Q. Am I safe in assuming that you're uncertain as to
5 what exact color it was that was light?

6 A. No. You're not safe in assuming.

7 Q. All right. Tell me what color it was?

8 A. Tan.

9 Q. You remember that?

10 A. Yes.

11 Q. Is there a reason you didn't tell me that when I
12 asked you a minute ago of the color?

13 MR. BROWN: I object, he did.

14 THE COURT: Objection. Argumentative. Misstates the
15 witness --

16 BY MR. MC BRIDE: Q. Did you tell me tan a minute ago?

17 A. Yes.

18 Q. I'm sorry, I only heard you say light.

19 A. You asked me what reference the color of the
20 interior was and I said "light".

21 Q. It was a light-tan color interior?

22 A. A light interior, tan, not dark in color.

23 Q. Do you remember the color of the dashboard?

24 A. Light, tan.

25 Q. Same color of the upholstery?

26 A. Uh-huh.



1 Q. Yes or no?

2 A. Yes.

3 Q. Do you remember if it was an automatic or a stick
4 shift?

5 A. It's an automatic, I believe.

6 Q. You were interested in cars at that time, weren't
7 you?

8 A. Yeah.

9 Q. When you were 15, you liked stick shifts?

10 A. Yeah.

11 Q. You kind of liked this car, didn't you?

12 A. No, not particularly.

13 Q. Your memory is it was an automatic?

14 A. Uh-huh.

15 Q. Your answer is yes?

16 A. Yes.

17 Q. Was there anything in the car such as clothing,
18 suitcases, anything in the car other than the car itself, when
19 you got in that you recall?

20 A. Not that I remember.

21 Q. Do you remember seeing papers on the floor,
22 anything like that?

23 A. No.

24 Q. How was Mr. Kraft dressed that night?

25 A. From what I remember he was dressed like a biker
26 would have dressed back then, wearing a cap.



1 Q.— What kind of cap? Watch cap?

2 A. No. I'm trying to think. Be like a first mate's
3 cap on an old ship. Beading around it, a little visor on the
4 front.

5 Q. What color was it?

6 A. I believe it was a dark color. I don't remember
7 the exact color.

8 Q. And what else about him was like a biker would have
9 dressed like that?

10 A. The dark jacket he was wearing, the dark pants.

11 Q. What kind of jacket?

12 A. I believe it was a levi jacket.

13 Q. And can you give me anymore description about the
14 jacket?

15 A. Levi Strauss makes one jacket that's a short-cut
16 jacket.

17 Q. When you say short-cut, you mean waist-cut?

18 A. Right.

19 Q. Were there sleeves on this jacket?

20 A. Yes.

21 Q. Was there any emblems on this jacket?

22 A. Not that I remember.

23 Q. All right. How about his pants, what kind of pants
24 did he have on?

25 A. Levi pants from what I recall. They were
26 dark-colored pants. I can't be exactly sure.



1 Q— How about shoes, do you remember boots, biker
2 boots, anything like that?

3 A. (Witness shakes head negatively.)

4 Q. Do you remember anything else about the car?

5 A. The wheels is probably the reason I was most turned
6 off because they were stock-like wheels.

7 Q. You're talking about the rims?

8 A. I'm talking about the hubcaps themselves.

9 Q. And they were stock hubcaps?

10 A. Uh-huh.

11 Q. And did you guys turn the radio on while you were
12 in the car?

13 A. I don't remember.

14 Q. Do you remember anything else about the car?

15 A. No.

16 Q. Do you remember anything about any insignias or
17 lettering on the car?

18 A. No.

19 Q. Any cutsie messages on the back of the car?

20 A. No.

21 Q. Do you remember whether -- do you remember anything
22 about the license number?

23 A. No.

24 Q. Do you remember the license plate whether it was
25 California or not?

26 A. Yeah, it was California, I believe.



1 Q. You remember that from the incident?

2 A. Yeah.

3 Q. Then a lot of times, you know, license plates have
4 these little --

5 A. Frames.

6 Q. -- frames around them that let everybody know where
7 you're from and so forth; did that have this on it?

8 A. No. I don't remember.

9 Q. Do you remember anything on the windshield of the
10 car?

11 A. No.

12 Q. Parking tags on the bumpers?

13 A. No.

14 Q. You got in the car and where did you go?

15 A. We proceeded out of the parking lot away from Big
16 John's.

17 Q. And Mr. Kraft was driving?

18 A. Yes.

19 Q. You were in the back?

20 A. Yes.

21 Q. Mr. Crotwell was in the front?

22 A. Yes.

23 Q. You and Mr. Crotwell had been together with Mr.
24 Kraft throughout the time from when he first came up to you
25 until when you got in the car?

26 A. Yes.



1 THE COURT: How about breaking for lunch, Mr. McBride?

2 MR. MC BRIDE: That would make me happy.

3 THE COURT: It's twelve o'clock. We'll resume at 1:30.

4 Mr. May, you're admonished not to discuss your
5 testimony with any person who may be called as a witness during
6 the preliminary. You may talk with any of the attorneys, the
7 three of them and their investigators. Thank you.

8 THE WITNESS: Okay.

9 (Recess.)

10 THE BAILIFF: Be seated. No talking. This courtroom is
11 again in session.

12 THE COURT: Good afternoon, gentlemen. Mr. May is back
13 on the stand. You may resume your cross-examination.

14 MR. MC BRIDE: Thank you.

15 BY MR. MC BRIDE: Q. Mr. May, after getting into Mr.
16 Kraft's car with Mr. Crotwell, that, as I understand, is the
17 first time you actually saw any drugs; is that correct?

18 A. Yes.

19 Q. And these drugs were handed to you by whom?

20 A. By Mr. Kraft.

21 Q. And you are in the back seat when that happened?

22 A. Yes.

23 Q. Did you see whether there was a container from
24 which those drugs came?

25 A. Yes.

26 Q. What sort of a container was it?



1 A. A prescription bottle.
2 Q. Was it -- was it a plastic or glass bottle?
3 A. Plastic.
4 Q. Could you see through that bottle?
5 A. No.
6 Q. Did it have a plastic cap on it?
7 A. Yes.
8 Q. Did you see whether or not that prescription bottle
9 had writing on it, such as a prescription would look?
10 A. It had a prescription tag on, yes.
11 Q. You didn't get an opportunity to read that, though?
12 A. No.
13 Q. Did you ask to read it?
14 A. No.
15 Q. Now, these pills that you've described as yellow?
16 A. Yes.
17 Q. They were tablets?
18 A. Yes.
19 Q. Was there any marking on those tablets that you
20 observed?
21 A. Yes.
22 Q. What sort of markings?
23 A. The number 10.
24 Q. Did that mean anything to you?
25 A. Yes.
26 Q. What did they mean?



1 A. They were ten milligram volumes.

2 Q. So there was a ten stamped on each tablet?

3 A. I didn't check each tablet.

4 Q. There was a ten stamped on a tablet?

5 A. Yes.

6 Q. Did Mr. Kraft hand you those pills in your hand or
7 empty the bottle in your hand or how did that happen?

8 A. Through the bottle.

9 Q. How big of a bottle was it? Can you estimate for
10 us?

11 A. Inch and a half to two inches high, three-quarters
12 of an inch around.

13 Q. So did Mr. Kraft lean back over the front seat and
14 shake some of the pills into your hand?

15 A. Yes.

16 Q. Did you actually see him shake pills into Mr.
17 Crotwell's hands?

18 A. Yes.

19 Q. Whose pills -- who received their pills first, you
20 or Mr. Crotwell?

21 A. I believe I did. I don't remember exactly.

22 Q. Prior -- did you see where -- did you personally
23 see where Mr. Kraft got those -- that prescription bottle from?

24 A. No.

25 Q. So you don't know if he got it from the glove
26 compartment or on his person; is that correct?



1 A. Correct.

2 Q. Was there some discussion about these drugs before
3 they were poured into your hand?

4 A. I believe there was. I don't remember exactly, but
5 I do know that it was hinted, "Have you" -- "Have you taken
6 these before," "Do you know the effect they will have on you?"

7 Q. And was this Mr. Kraft or Mr. Crotwell?

8 A. Mr. Crotwell.

9 Q. Mr. Crotwell was saying to you, "Have you taken
10 these before"?

11 A. Yes.

12 Q. Now, had there been some discussion as to what sort
13 of pills they were?

14 A. Yeah.

15 Q. And what was the discussion in that regard?

16 A. Just bringing out that they were what they were,
17 ten milligram volume and how many to take.

18 Q. What sort of drug was it? Was that discussed prior
19 to them being put into your hand?

20 A. It was noted to be a downer-type drug.

21 Q. A downer?

22 A. Uh-huh.

23 Q. And was that a word that came from Mr. Kraft?

24 A. No. That came from Keith.

25 Q. That came from Keith?

26 A. Yeah.

1 Q.— Do you recall Mr. Kraft saying anything about the
2 nature, the narcotic nature of these tablets?

3 A. No, I don't.

4 Q. Did Mr. Kraft enter into the discussion as to
5 whether or not you had taken these before and knew the effects
6 of them?

7 A. I don't remember.

8 Q. Did Mr. Kraft enter into the discussion as to how
9 many you should take?

10 A. I don't remember that, either.

11 Q. But you do remember Mr. Crotwell discussing with
12 you how many you should take?

13 A. Yes.

14 Q. But Mr. Kraft poured some of those pills into your
15 hand and he poured some of the pills into Mr. Crotwell's hand,
16 and was it at this time there was a discussion about how many
17 you should take?

18 A. Yes.

19 Q. Did you put some of those tablets back?

20 A. I believe I did.

21 Q. Did you count the pills that you took?

22 A. What I did, in fact, was give the majority of what
23 was given to me to Keith and Keith handed back -- some back to
24 me.

25 Q. Oh, I see.

26 So you didn't give them back to Mr. Crotwell -- I



1 mean Mr. Kraft?

2 A. No.

3 Q. Did Mr. Crotwell already have some pills in his
4 hand when you gave him some out of your hand?

5 A. Yes.

6 Q. And the two of you discussed how many you should
7 take?

8 A. Yes.

9 Q. And Mr. Crotwell told you you should take a certain
10 amount and no more?

11 A. Yes.

12 Q. How many did he tell you you should take?

13 A. Seven would be sufficient.

14 Q. The intent being not to pass out, but rather to
15 feel the effects of the drug?

16 A. Correct.

17 Q. And then you took those drugs?

18 A. Yes.

19 Q. Washed them down with the beer you had?

20 A. Yes.

21 Q. Were you still in the parking lot when that
22 happened?

23 A. Yes, I believe we were.

24 Q. Did Mr. Crotwell take the pills at the same time
25 you did?

26 A. Yes, we both as I recall ...



1 Q. Do you recall any discussion between yourself, Mr.
2 Kraft and Mr. Crotwell, other than what you've described, while
3 you were in the car in the parking lot before you leave?

4 A. I didn't understand that question.

5 Q. Other than this discussion about how many pills you
6 should take and these drugs, were there other discussions inside
7 the car, Mr. Kraft's car, before you left?

8 A. In regards to the drugs or any other conversation?

9 Q. Anything, any other subject matter discussed?

10 A. Not really that I remember. I'm sure there must
11 have been. It was just generally in reference to the drugs.

12 Q. And that was the purpose in getting in the car,
13 wasn't it?

14 A. Uh-huh.

15 Q. And how long after getting into the car did you
16 remain in the parking lot?

17 A. From my rememberance, just a short while. We drove
18 almost immediately.

19 Q. Was there some discussion as to where you were
20 going to go prior to leaving?

21 A. We didn't have a destination set; we were just
22 going for a drive.

23 Q. Was there a purpose in going for a drive, in your
24 mind?

25 A. Not that I remember.

26 Q. Did you have a conversation with your -- with your

1 date or any of the other people that you knew there about where
2 you were going before you left?

3 A. I don't think so. I think Keith and I just kept it
4 between ourselves that we were going for a drive and would be
5 back shortly.

6 Q. And you don't recall telling anybody else that?

7 A. (Witness shakes head negatively.)

8 Q. Did you see Mr. Crotwell talk to any other person
9 prior to getting into the car, but after Mr. Kraft had
10 approached you?

11 A. I don't remember. I don't believe so.

12 Q. So then you do remember leaving the parking lot?

13 A. Yes.

14 Q. And at sometime after leaving the parking lot,
15 you've lost your memory to that; is that correct?

16 A. Yeah.

17 Q. Can you give us an approximation of how much time
18 elapsed after leaving the parking lot and your lapse of memory?

19 A. Maybe 15, 20 minutes.

20 Q. And during that period of time you were driving
21 around?

22 A. Yes.

23 Q. Had you gotten on a freeway?

24 A. No.

25 Q. Do you remember the area in which you were driving
26 around?



1 A.— Yes.

2 Q. What area was that?

3 A. We left from Belmont Shores over to Seal Beach,
4 taking the roads of 2nd Street and Shoreline Drive.

5 Q. Were there any, that you recall, stops made by the
6 vehicle where somebody got out of the car?

7 A. No.

8 Q. Did you park any other place after leaving the
9 parking lot?

10 A. I think we might have stopped in one of the parking
11 lots in Seal Beach, but it was for a very short time.

12 Q. Do you remember what occurred during that stop?

13 A. No. Conversation.

14 Q. And then your memory after that 15 or 20 minutes,
15 you have no more memory of the drive; is that correct?

16 A. Yes.

17 Q. And as I understand it, you don't have a memory of
18 arriving back at the parking lot?

19 A. That's true.

20 Q. That night, or was it early morning by this time?

21 A. Early morning.

22 Q. Do you have an approximation in your mind as to the
23 time it was that you left the parking lot in Mr. Kraft's car?

24 A. Approximately.

25 Q. Well --

26 A. One o'clock, 1:30.

1 Q.— Is it your memory that the pool hall was still
2 open?

3 A. Yeah.

4 Q. Was your date still there when you left?

5 A. I don't remember.

6 Q. Do you remember any of the other people that you've
7 mentioned to us that you knew at the time that were there, were
8 they there when you left the parking lot with Mr. Kraft?

9 A. I believe that the cars were there and they were in
10 the pool hall itself. All -- the lady and the other gentlemen.

11 Q. How about the other men that you knew there that
12 you listed?

13 A. The other gentlemen were in the pool hall as well.

14 Q. Do you remember that because of your memory or
15 because of conversations you've had with people since then?

16 A. Because of memory.

17 Q. All right. What is the next thing that you do
18 remember after -- after your lapse of memory?

19 A. Waking up at home.

20 Q. At home?

21 A. Yeah.

22 Q. You don't remember getting there?

23 A. No.

24 Q. Was it in the morning?

25 A. It was early afternoon.

26 Q. Early afternoon?



1 A.— Yeah, the next day.

2 Q. You have no memory of the events that took place
3 during that period of time?

4 A. None.

5 Q. Up to the point in which your memory ceases during
6 this drive, do you have a memory as to the condition of Mr.
7 Crotwell?

8 A. Yeah. He was more sober than I was to the extent
9 of looking out for me, so to speak.

10 Q. Do you recall seeing the intoxication, the effects
11 of the pills and the alcohol taking control of you so you were
12 losing control of yourself, do you?

13 A. Actually remembering the fact that I was losing
14 control, no; but knowing I was fading fast.

15 Q. Do you have a memory during this time when you were
16 fading fast, that Mr. Crotwell was in a less intoxicated
17 condition than you were?

18 A. Yes.

19 Q. What, if anything, was he doing to take care of
20 you, that you remember?

21 A. Well, just basically talking to me and keeping me
22 somewhat conscious, as I recall. And so to speak, not that he
23 was really taking care me, of helping me along. As far as I
24 know my motor capabilities were still there.

25 Q. Sometime after this incident, you were shown some
26 photographs by the police?



1 A. Yes.

2 MR. MC BRIDE: May we have a monent, your Honor?

3 (Pause in the proceedings.)

4 MR. MC BRIDE: Your Honor, I have what appears to be a
5 photographic mug shot folder. I wonder if we could mark this
6 next in order ...

7 THE COURT: Defense T for identification.

8 MR. MC BRIDE: Thank you. If I can make a notation of
9 that in the lower right-hand corner.

10 BY MR. MC BRIDE: Q. When was it in relationship to the
11 incidents that occurred that night that you were first shown
12 photographs by a police officer?

13 A. Approximately six to eight weeks afterward.

14 Q. Where were you when you were shown photographs by a
15 police officer?

16 A. At my house.

17 Q. Do you recall the name of the officer who showed
18 you these photographs?

19 A. I wouldn't be able to until recently because I was
20 told who they were.

21 Q. All right. Was it a uniform officer?

22 A. No. They were plainclothes.

23 Q. Do you know which police department they came from?

24 A. Long Beach.

25 Q. Was there two of them?

26 A. Yes.



1 Q. Was it Mr. Bell and Mr. Woodward?

2 A. There was a black man and a caucasian gentlemen.

3 Q. That identified themselves as police officers?

4 A. Yes.

5 Q. And they were at your home when they showed you
6 these photographs?

7 A. Yes.

8 Q. Were there any of the other people who were present
9 the night that you got into Mr. Kraft's car also present when
10 these photographs were shown to you?

11 A. No.

12 Q. Had an appointment been set up with you prior to
13 the showing you of the photographs by these police officers?

14 A. No.

15 Q. So they showed up at your home cold, you didn't
16 know that they were coming?

17 A. Right.

18 Q. And were you -- you lived with your parents at that
19 time?

20 A. Yes, my mom.

21 Q. Your parents were present?

22 A. No.

23 Q. Who else other than you and the police officer were
24 present when you were shown the photographs, if anyone?

25 A. My second oldest sister was at the house, but she
26 was upstairs.

1 Q. Was she present at any time during the discussion
2 of the photographs?

3 A. No.

4 Q. Was she present during any time during the
5 discussions about the incident that occurred that night?

6 A. No.

7 Q. So the discussions regarding the incident and the
8 discussions regarding the photographs occurred only with
9 yourself and the two officers present?

10 A. That's correct.

11 Q. And there was no tape recording of this, to your
12 knowledge?

13 A. To my knowledge, none.

14 Q. No discussion about a tape recording, at any rate?

15 A. No.

16 Q. What -- who was doing the talking between these two
17 officers, was it the black officer or the other man?

18 A. I believe it was the black officer.

19 Q. All right.

20 A. As I recall.

21 Q. And they came to the door. Had you met these
22 fellows before?

23 A. No.

24 Q. They came to the door, they identify themselves,
25 and what, if anything, did they tell you about the reason for
26 their presence there that night?



1 A. It was -- direct reference to the fact that Keith
2 Crotwell's remains had been found.

3 Q. Was that the first time you knew that?

4 A. No. I think I read it in the newspaper prior to
5 that.

6 Q. They told you they were investigating the Crotwell
7 case?

8 A. Right.

9 Q. And you had made previous statements to the police
10 in reference to the Crotwell case, had you not?

11 A. Not at that particular time.

12 Q. Before being shown the photographs, had you talked
13 to any police officers regarding the disappearance of Mr.
14 Crotwell?

15 A. I don't believe so.

16 Q. So this in your memory was the first contact you
17 had had with police officers regarding the Crotwell
18 disappearance?

19 A. That's correct.

20 Q. I'm including in that even telephone conversations.

21 A. To my knowledge, that's correct.

22 Q. Prior to looking at these photographs on that
23 night, had you had discussions with any of your friends who were
24 also present on the night that Mr. Crotwell disappeared,
25 regarding the case?

26 A. I'm sure we talked about it but I can't remember

1 any of ~~the~~ discussions word-for-word.

2 Q. This was a friend of all of yours that had been
3 killed, wasn't it?

4 A. Right.

5 Q. Do you recall knowing before the police arrived
6 that night that some of the other people that were there had
7 been shown photographs?

8 A. No.

9 Q. Had you had discussions with the other people about
10 the physical characteristics of Mr. Kraft before being shown the
11 photographs?

12 A. I don't believe so. There may have been, but I
13 don't remember.

14 Q. All right. Were you, prior to being shown the
15 photographs -- strike that.

16 Prior to being shown the photographs, had you seen
17 Mr. Kraft again?

18 A. No.

19 Q. Had you seen a vehicle that you thought was his
20 vehicle?

21 A. No.

22 Q. Prior to being shown the photographs?

23 A. No.

24 Q. Had you discussed with any of your friends that
25 were there the night that Mr. Crotwell disappeared whether they
26 had seen Mr. Crotwell since that evening?



1 A. We discussed that we hadn't seen him.

2 Q. That you had not?

3 A. Had not.

4 Q. So prior to seeing the photographs, to your
5 knowledge, none of the other of your friends had seen Mr. Kraft?

6 A. (No audible response.)

7 Q. Do you want me to repeat that?

8 A. No. Just we were talking about Crotwell and then
9 you said Kraft.

10 Q. That was my mistake, I was saying Crotwell.

11 Had you discussed with any of your friends whether
12 they had seen Mr. Kraft prior to being shown this photograph?

13 A. I don't remember any discussion.

14 Q. Had you discussed Mr. Kraft's physical appearance
15 with any of your friends prior to seeing these photographs?

16 A. I don't remember.

17 Q. And would the same be true regarding Mr. Kraft's
18 car?

19 A. I believe we did discuss his car.

20 Q. And who was that that you discussed his car?

21 A. I believe at that time it was with Frank Ditmar.

22 Q. Who?

23 A. Frank Ditmar.

24 Q. Who was also present that night?

25 A. Yes.

26 Q. And you said that you were, at one point, shown a



1 photograph of a car?

2 A. Right.

3 Q. Were you -- when was it in relationship to when you
4 were shown these photographs of people that you were shown the
5 photograph of a car?

6 A. First I was shown the photographs of the car.

7 Q. The same evening?

8 A. Yeah. I don't believe it was evening, I believe it
9 was during the wee morning hours.

10 Q. All right. And your -- had you discussed with any
11 of your friends that were there that night the fact, if it be a
12 fact, that they had looked at a photograph of a car?

13 A. No.

14 Q. So you had no discussions with your friends about
15 any contact they had had with the police regarding the Crotwell
16 case?

17 A. That's correct.

18 Q. Now, the police officer told you why he was there,
19 and then he must have said something to you about some pictures?

20 A. Uh-huh.

21 Q. What is your memory as to the -- as close as you
22 can -- to the words that he used to discuss the pictures he
23 wanted to show to you?

24 A. I don't have any idea, really.

25 Q. Did he have some discussion about what he wanted
26 you to do with reference to these pictures before he actually



1 showed ~~them~~ to you, or did he show the pictures right away?

2 A. I believe we discussed what had happened that
3 evening, to the best of my memory.

4 Q. And you made a statement to them about the events
5 of that night?

6 A. Right.

7 Q. And then they started to talk about the pictures?

8 A. (Witness nods head affirmatively.)

9 Q. Your answer is yes?

10 A. Yes.

11 Q. And did they tell you that they thought they had a
12 suspect?

13 A. No.

14 Q. Did they tell you they knew who the owner of the
15 car was?

16 A. No.

17 Q. What, if anything, did they tell you about the case
18 before showing the photographs?

19 A. That they wanted me to look at some pictures. That
20 they felt they possibly had a suspect that they wanted me to
21 basically identify.

22 Q. All right. Did you describe to these officers
23 prior to looking at these photographs your state of intoxication
24 that night?

25 A. Yes.

26 Q. Did you in your discussions with those police



1 officers and prior to looking at the photographs, tell them that
2 you thought you could recognize the man?

3 A. Yes, I believe I did. I don't remember, but I'm
4 sure I did.

5 Q. Did they ask you prior to showing you the
6 photographs whether or not you felt you could identify the man's
7 picture?

8 A. Yes.

9 Q. What did they say to you in that regard?

10 A. That as far as I remember, if I could identify a
11 person, would I be able to through looking at these photos.

12 Q. What did you say to that?

13 A. I'm sure I said, yes, I would give it a try.

14 Q. Did they tell you where they had gotten these
15 photographs that they were going to show you?

16 A. No.

17 Q. Did they tell you what sort of photographs they
18 were?

19 A. No.

20 Q. Did they talk to you about the importance of your
21 identification of a possible suspect?

22 A. Not until after the conversation, that it is
23 important.

24 Q. Not until after the --

25 A. Conversation after showing the pictures and when
26 they were leaving, "You've been a great help. It will help us a



1 lot." —

2 Q. Did they tell you prior to showing you the
3 photographs that it was important to get an identification of
4 somebody?

5 A. I don't recall being told that it was real
6 important.

7 Q. How many photographs were you shown?

8 A. I believe six.

9 Q. Were they color or black and white?

10 A. Color.

11 Q. Do you have a memory as you sit here today as to
12 what size those photographs were?

13 A. I believe one and a half inch photographs by an
14 inch. Not very big.

15 Q. Were these photographs arranged in a folder?

16 A. I don't recall. I think they were, but I'm not
17 sure.

18 Q. Do you remember whether you had to leaf through a
19 stack of photographs as opposed to looking at them all at the
20 same time?

21 A. I believe they were shown to me individually at
22 first, and then all together.

23 Q. Who was it that showed them to you individually?

24 A. I don't remember which officer it was.

25 Q. All right. Were these photographs numbered when
26 you were shown them individually?

1 A. I believe they were.

2 Q. Where on the photograph were they numbered?

3 A. Now that I'm thinking about it, they were on a card
4 because they were numbered below the card.

5 Q. So you think they were shown to you all at one time
6 rather than individually?

7 A. (Witness nods head affirmatively.)

8 Q. Is the answer yes?

9 A. Yes.

10 Q. Did the officers discuss with you what you should
11 say if you did identify somebody?

12 A. No.

13 Q. Did they discuss with you whether they wanted only
14 a positive identification or if you were unsure what you should
15 say or anything like that?

16 A. Well, to point out who I thought was this person,
17 and regard -- regardless of whether it was true or false or
18 whether I did make the right selection, it really had no bearing
19 at that time.

20 Q. Did they discuss with you the manner in which they
21 had put these pictures together?

22 A. It was a random selection.

23 Q. Did they tell you they had made an effort to get
24 men who looked similiar?

25 A. I believe they did, but I don't remember.

26 Q. Did they discuss with you whether or not you should



1 pay great~~at~~ attention as to whether the persons in the pictures
2 had mustaches or beards or not?

3 A. I believe they mentioned taking into account he
4 would or would not have a mustache or beard.

5 Q. So they cautioned you in regard to that?

6 A. Yes.

7 Q. Your memory of Mr. Kraft, not in reference to
8 pictures or anything, did he have any facial hair?

9 A. What I remember was that he was a big-jawed person.
10 Whether it was a beard or just having a big square jaw, I didn't
11 know.

12 Q. When you saw him that night again, without
13 reference to the pictures just that night, do you have a memory
14 as to how tall he was?

15 A. He was short.

16 Q. How tall were you at that time?

17 A. I believe I was about six foot at that time.

18 Q. Were you?

19 A. Uh-huh.

20 Q. And he was shorter than you?

21 A. Yes.

22 Q. And he was shorter than Mr. Crotwell?

23 A. Yes.

24 Q. At that time only, do you have a recollection as to
25 the length of his hair?

26 A. I believe it was short.



1 Q.— When you say "short," can you describe that further
2 in relationship to the ears?

3 A. I don't really remember whether it was covering his
4 ears or not. I remember it being off his collar.

5 Q. All right. But not below his collar?

6 A. Right.

7 Q. 1975, there were some people that had real long
8 hair, weren't there? That was not uncommon, was it?

9 A. This is true.

10 Q. And would you have described him as someone with
11 long hair?

12 A. No.

13 Q. Do you remember whether his hair was -- what color
14 his hair was?

15 A. Not really.

16 Q. He had his hat on, didn't he?

17 A. Yes.

18 Q. Did he ever take that hat off?

19 A. I don't remember. He might have taken it off when
20 we got in the car ...

21 Q. Do you remember -- when you were shown these
22 photographs and just prior to being shown the photographs in
23 this conversation with the police officers, you made it -- you
24 gave them a description, didn't you, prior to looking at the
25 photographs, as much as you could remember?

26 A. Right.

1 Q. And that was before looking at the photographs?

2 A. (No audible response.)

3 Q. Now, they asked you to look at these photographs,
4 and you looked at them; is that correct?

5 A. Yes.

6 Q. And did you say anything to the police officers
7 about these photographs after looking at them?

8 A. I don't remember.

9 Q. Did you draw their attention to any of the pictures
10 in the photograph?

11 A. I believe I did.

12 Q. And can you recall what you said in that regard?

13 A. That I was not sure, but I believe that this is the
14 person.

15 Q. Did you talk about any of the other photographs,
16 other than the one that you said I wasn't sure, but I believe
17 this was the person?

18 A. I don't think so.

19 Q. Did you discuss the physical characteristics of the
20 various persons in the pictures, such as to say, "This guy
21 couldn't be it, his nose is too big," or anything of that
22 nature?

23 A. I don't recall discussing anything like that, no.

24 Q. Did you point out, other than the one you did
25 indicate to them, did you discuss anything about that one
26 picture that was different from the way the man looked that



1 night? Do you understand my question?

2 A. I think I do, and no.

3 Q. Such as, "His hair was longer when I saw him," or
4 "He didn't have the mustache," or something of that nature?

5 A. I remember discussing, in quotes, that I did say,
6 "He did have a big jaw or a beard," and that's what I relied on,
7 that and only that.

8 Q. How long did you look at those photographs before
9 you drew their attention to this one picture?

10 A. I don't remember. It wasn't a very long time,
11 though.

12 Q. Do you remember studying each of the photographs?

13 A. No, I don't.

14 Q. Now, you were shown photographs -- all right.
15 Strike that.

16 So you told them that you think -- what were the
17 words you used? Do you remember?

18 A. No. I don't remember the exact words, but I was
19 saying or said in reference, "I believe this is him, but I am
20 not sure."

21 Q. I see.

22 Something to that effect?

23 A. Yes.

24 Q. And that's your memory of what your state of mind
25 was at that time?

26 A. Yes.



1 Q. What did they say to you when you said that, if
2 anything?

3 A. I don't believe they said anything at that
4 particular time.

5 Q. Well, did they tell you that that was the guy --

6 A. Not at that time.

7 Q. Some later time did they tell you you picked out
8 the guy you were suspicious of?

9 A. When they left the house, I asked him.

10 Q. What was that discussion?

11 A. "Yes, you did make a positive identification."

12 Q. So they were plesased with that?

13 A. Yes.

14 MR. BROWN: I object. That calls for a conclusion.

15 THE COURT: Sustained.

16 BY MR. MC BRIDE: Q. What did their demeanor appear to
17 you when you --

18 MR. BROWN: Objection. Calls for a conclusion.

19 THE COURT: Overruled.

20 MR. MC BRIDE: Q. Do you remember the words they used in
21 telling you you picked out the man they were suspicious of?

22 A. No.

23 Q. What did you say to them, if anything, in response
24 to them telling you this was the man that they were suspicious
25 of?

26 A. If I said anything, I asked if I had helped them



1 out at all.

2 Q. So you don't recall the exact words?

3 A. No.

4 Q. After seeing these photographs in this conversation
5 with these officers, did you call any of your friends that had
6 been there that night?

7 A. No.

8 Q. After that night -- let me rephrase -- rephrase
9 that.

10 You were being, again, shown a series of
11 photographs relatively recently?

12 A. Right.

13 Q. It was in 1983, sometime?

14 A. Yes.

15 Q. Do you remember what month it was?

16 A. I believe it was May.

17 Q. Between seeing the first set of photographs and
18 being shown those photographs the second time, did you have
19 conversations with any of your friends that were at the scene
20 when Mr. Crotwell disappeared about the photographs?

21 MR. BROWN: Objection. Hearsay.

22 MR. MC BRIDE: Goes to his state of mind on
23 identification.

24 THE COURT: Overruled.

25 MR. MC BRIDE: Thank you.

26 THE WITNESS: I believe I didn't have any conversation in



1 reference to the photographs with anybody else.

2 BY MR. MC BRIDE: Q. Did you tell anyone else that you
3 had picked out a man in the photographs?

4 A. I don't recall telling anybody else.

5 Q. At the time that you looked at the second set of
6 photographs, were you aware from whatever source that some of
7 the other people at the scene that night where Mr. Crotwell
8 disappeared had looked at photographs?

9 A. No. I was not aware of anybody else looking at
10 photographs other than myself.

11 Q. And is that true today?

12 A. As far as I know today, now, other people have,
13 yes, looked at photographs.

14 Q. Who told you that?

15 A. Well, it's just word of mouth.

16 Q. I would like to know who?

17 MR. BROWN: I object. It's irrelevant.

18 THE COURT: Overruled.

19 THE WITNESS: I think it was mentioned to me via Frank
20 Ditmar.

21 BY MR. MC BRIDE: Q. All right. And when did that
22 conversation take place?

23 A. Last year sometime.

24 Q. Was that close in time when you looked at the
25 photographs the second time?

26 A. No. It was a stop that I had just run into him and

1 we had a talk about it.

2 Q. You hadn't seen him for awhile?

3 A. Yeah.

4 Q. Discussing Crotwell?

5 A. It was brought up in a manner of speaking very
6 quickly.

7 Q. What did he say to you about his looking at
8 photographs?

9 MR. BROWN: Objection. It's hearsay.

10 THE COURT: Sustained.

11 MR. MC BRIDE: May I be heard on that?

12 THE COURT: You may be heard.

13 MR. MC BRIDE: I think this is a conversation regarding
14 an identification that occurred prior to him looking at the
15 photographs the second time where we have some more statements.
16 I think anything that comes to his mind regarding these
17 photographs is not introduced for the truth of the matter
18 stated, but how it may have affected his mind at a subsequent
19 photographic identification.

20 THE COURT: I'll let you inquire, but for the life of me,
21 I can't imagine that he's going to say anything that's going to
22 help you, Mr. McBride. That's not reason to exclude or include.

23 MR. BROWN: I would object to the question, also, assumes
24 facts not in evidence.

25 THE COURT: Overruled.

26 BY MR. MC BRIDE: Q. What did Mr. Ditmar tell you, if



1 anything, about photographs that he had looked at?

2 A. I believe it was not he himself looking at
3 photographs, but in fact that Randy and Terry had been shown --
4 the police had come and talked to them.

5 THE COURT: I'm sorry.

6 BY MR. MC BRIDE: Q. Did Mr. Ditmar tell you --

7 THE COURT: Excuse me, I didn't hear the last part of
8 your answer.

9 THE WITNESS: That the police had talked to these other
10 individuals.

11 BY MR. MC BRIDE: Q. Did Mr. Ditmar tell you that anyone
12 else had also selected a photograph as a possible suspect?

13 A. No.

14 Q. Did he discuss with you whether anyone else had
15 picked out a particular photograph?

16 A. No.

17 Q. Did you tell Mr. Ditmar that you had picked out a
18 photograph?

19 A. I don't recall. I might have, but I don't
20 remember.

21 Q. Then you were shown these photographs the second
22 time. Who was it that showed you these photographs the second
23 time?

24 A. Bill Collette. Detective Bill Collette from Long
25 Beach Police Department.

26 Q. Had you met him previously?



1 A.— He said he was one of the detectives that had come
2 by the house in '75. I didn't remember.

3 Q. And were you at your home when he showed you
4 these -- this second set of photographs?

5 A. No. We were at a park.

6 Q. Okay. He arranged to meet you at this park?

7 A. Yes.

8 Q. Did he tell you prior to actually meeting you at
9 the park the purpose for meeting him at the park?

10 A. Yes.

11 Q. What did he tell about the purpose?

12 A. That he wanted me to make a positive identification
13 on Randy Kraft.

14 Q. Did he use the word "positive"?

15 A. I believe he did. I can't really say he used
16 positive, but I believe it was in direct reference.

17 Q. Did he tell you why you were going to look at these
18 photographs a second time?

19 MR. BROWN: Objection. Hearsay.

20 THE COURT: Sustained.

21 MR. MC BRIDE: So the record is clear, my purpose is for
22 the same reason. I think any conversation regarding these
23 photographs, especially coming from a police officer, could be
24 relevant to his state of mind and the identification in court
25 here today.

26 THE COURT: How did this help him pick out a particular

1 photograph?

2 MR. MC BRIDE: If the police, and I hesitate to argue
3 about this in front of the witness, but if the police in some
4 manner unbeknownst to them, make a suggestion.

5 THE COURT: Well, you can rephrase the question, the last
6 question is objectionable.

7 BY MR. MC BRIDE: Q. Did the officer that showed you
8 these photographs the second time, did he indicate to you that
9 they were dissatisfied with the previous identification?

10 A. No.

11 MR. BROWN: Objection. Calls for a conclusion.

12 THE COURT: Overruled.

13 MR. BROWN: Object. It calls for hearsay, also.

14 THE COURT: Not being offered for the truth of the matter
15 asserted, so it will be received.

16 MR. MC BRIDE: Thank you.

17 BY MR. MC BRIDE: Q. Did he indicate to you what his
18 purpose was in showing you these photographs the second time?

19 A. Yes.

20 Q. What did he say?

21 MR. BROWN: Well, I'm going to object. That calls for
22 hearsay. The Court has already sustained that objection.

23 THE COURT: Sustained.

24 MR. MC BRIDE: It's not offered for the truth of the
25 matter stated, your Honor.

26 THE COURT: How is it relevant?

1 MR. MC BRIDE: If the man picks out Mr. Kraft here today
2 and he's seen previous photographs --

3 THE COURT: I understand all of that. But the purpose --
4 telling the witness the purpose of the second lineup should have
5 no bearing at all on his ability to pick out or not pick out any
6 photographs.

7 MR. MC BRIDE: What if he said to the man, "Listen, you
8 got the wrong guy last time and we want you to do better." I'm
9 not saying he said that, I'm sure he didn't. But he may have
10 said something like that inadvertently and that may have had
11 some effect on this witness.

12 THE COURT: The objection is sustained.

13 MR. MC BRIDE: Thank you.

14 BY MR. MC BRIDE: Q. So the man meets you at the park?

15 A. Yes.

16 Q. And he showed you some photographs at that park?

17 A. Yes.

18 Q. Are they the same photographs you had previously
19 seen?

20 A. I didn't think so.

21 Q. What was it about the second set of photographs
22 that caused you to not think they were the same ones?

23 A. Out of memory and what I had seen before, I was not
24 sure what exactly the photographs looked like before. You know,
25 if they were the exact set of other faces.

26 Q. All right. Did you recognize anyone in these



1 photographs that were shown you the second time?

2 A. Yes, I did.

3 Q. And did you point that out to the officer?

4 A. Yes, I did.

5 Q. What word did you use to point that out?

6 A. I believe I said, "This is the gentleman, Randy
7 Kraft, that I was with that particular night."

8 Q. When you saw those photographs the second time, did
9 you recognize any other of the pictures in the second lineup --
10 photographic lineup as also being in the first photographic
11 lineup?

12 A. I just said I didn't know.

13 Q. So you don't know if you recognized them or not?

14 MR. BROWN: Objection. That misstates the witness.

15 THE COURT: Sustained.

16 BY MR. MC BRIDE: Q. Did you have a conversation with
17 the officer on the second occasion about any of the other
18 photographs other than the one you picked out?

19 A. No.

20 Q. The second photographic lineup, were the pictures
21 arranged in a folder in a similiar manner that they had been on
22 the first photographic lineup?

23 A. As I recall, yes.

24 Q. During the first photographic lineup, do you recall
25 saying anything to the officers about you would be more sure if
26 you saw the man in person or something to that effect?



1 A.— No.

2 Q. And you didn't say anything like that on the second
3 time?

4 A. No.

5 Q. The second photographic lineup, did the officer
6 caution you in any way regarding the manner in which you should
7 go about the identification?

8 A. No. Not that I remember.

9 Q. Did he tell you whether or not these photographs in
10 the second photographic lineup were the same photographs that
11 had been shown to you in 1975?

12 A. No. I don't believe he mentioned that at all.

13 Q. As you sit here today, do you remember anything
14 different about the photographs that you were shown on the
15 second time and the ones that you were shown on the first time?

16 A. No.

17 Q. On the second photographic lineup, did the officer
18 discuss with you any identifications made by any other persons?

19 A. I don't believe he did.

20 Q. Was there -- was there sometime before coming to
21 court today that you had such a discussion with a police officer
22 about what other people had identified?

23 A. No. Collette mentioned to me that he was going to
24 interview other people, but he had not made a positive
25 identification with anybody else. That was not brought up at
26 all.



1 Q.— That was not what?

2 A. That was not brought up at all. Just the fact he
3 was going to see other people.

4 Q. He was giving the impression that he was going to;
5 you were the first person he had shown the photographs to?

6 A. Yes, I was the first person he had stopped by to
7 see.

8 Q. Had you heard the name Randy Kraft prior to looking
9 at the second set of photographs?

10 A. I believe I did. He mentioned it to me on the
11 telephone.

12 Q. Who was that?

13 A. Collette.

14 Q. Prior to that conversation on the telephone, had
15 you heard the name Randy Kraft?

16 A. I had heard the name Randy Kraft as I was leaving
17 town that particular weekend, that someone had been pulled over
18 in Long Beach with a body. Kraft, not Randy Kraft, but Kraft.

19 Q. That was 1983?

20 A. Yes.

21 Q. So you didn't hear the name Randy Kraft before that
22 time?

23 A. No.

24 Q. When did you first hear the name Randy Kraft in
25 relationship to the Crotwell case?

26 A. Recently or --

1 Q.— The first time Randy Kraft was mentioned to you in
2 relationship to the Crotwell case.

3 A. I believe it was back in '75 when the detectives
4 were talking to me.

5 Q. When they showed you the photographic lineup?

6 A. If I remember right. I can't remember exactly
7 where I first heard the name.

8 Q. When you talked to the police officers about the
9 incident in '75 when they showed you the photographic lineup,
10 you didn't know the man's name you got in the car with, did you?

11 A. No.

12 Q. When the -- Mr. Collete called you up to set up the
13 appointment to look at the second set of photographs, did he
14 mention the name Randy Kraft to you?

15 A. I believe he did, yes.

16 Q. Had you been reading the paper about Randy Kraft,
17 other than the article about the man being dead in the car?

18 A. No. As a matter of fact, I didn't read the article
19 about the man being dead in the car, I was told about it.

20 Q. Who told you about it?

21 A. My sister.

22 Q. Did you connect that with Mr. Crotwell?

23 A. Not at first, no.

24 Q. Did you remember back at the time your sister told
25 you that, did you remember back to Randy Kraft being a name
26 mentioned to you by the police officers on the first occasion?



1 A. I did not relate it --

2 MR. BROWN: I object. It's irrelevant.

3 THE COURT: Overruled.

4 THE WITNESS: I didn't.

5 BY MR. MC BRIDE: Q. I didn't hear your answer.

6 A. I did not relate it to it.

7 Q. All right. I'm showing you a series of photographs
8 that's been marked as Defendant's T, six photographs with
9 numbers over it. Is that the photographic lineup that you were
10 shown by Officer Collette in 1983?

11 A. I don't believe it is.

12 Q. What is it about this Defendant's T that appears to
13 you to be different about the photographs that you were shown by
14 Officer Collette?

15 A. Kraft's photograph did not appear here
16 (indicating).

17 Q. You think it was in a different location?

18 A. (Witness nods head affirmatively.)

19 Q. In Defendant's T it appears in number 3, you
20 indicated your memory when Officer Collette showed it to you, it
21 was in position number 5.

22 A. It was on the bottom row, either 4 or 5.

23 Q. Were the photographs that you were shown by Officer
24 Collette, were they numbered in the same fashion as these?

25 A. Yes.

26 Q. Starting in the upper left with 1, working across



1 to number 6 in the lower right?

2 A. That's correct.

3 Q. Now, that's the position of the pictures. Were
4 these the same pictures, regardless of the position?

5 A. It looks like they were the same pictures, yes.
6 This face looks familiar and this looks familiar (indicating).

7 Q. You've pointed to number 5 and number 3?

8 A. Yes.

9 Q. Did any of the other photographs in Defendants T
10 look familiar to you as photographs shown to you by Officer
11 Collette?

12 A. I imagine they all do if I would sit and look at
13 them.

14 Q. There's nothing in Defendant's T that's
15 inconsistent with the photographs shown to you by Officer
16 Collette other than their position in the folder?

17 A. That's correct.

18 Q. All right. Now, when you selected a photograph for
19 Mr. Collette, did you point to Mr. Kraft's picture?

20 A. Yes, I did.

21 Q. Did you point to any other pictures?

22 A. No.

23 Q. Did you discuss with him any of the other pictures?

24 A. No.

25 Q. Did you tell him what it was about Mr. Kraft's
26 picture that caused you to be able to identify him?



1 A. I believe it was referring back to the fact that he
2 had a bigger jaw than normal, or that was his distinguishing
3 mark. Characteristic.

4 Q. Do you remember telling the officer on the first
5 occasion that you were shown a photograph that the big jaw was
6 one of the factors that caused you to identify him?

7 A. Yes.

8 Q. Did you discuss with the officers on the first
9 occasion that you were shown a photographic lineup the fact that
10 none of the other gentlemen had a big jaw?

11 A. I don't remember discussing that.

12 Q. Does the picture of Randy Kraft as it appears in
13 this Defendant's T, is that the same picture you were shown of
14 Randy Kraft in 1975 when you were shown a photographic lineup?

15 A. I don't remember exactly.

16 Q. You don't remember whether it was?

17 A. No.

18 Q. It was a color photograph on both occasions?

19 A. Yes.

20 Q. And nothing in the photograph in Defendant's T
21 strikes you as being different then the photograph you were
22 shown in 1975?

23 A. Like I said, I don't remember exactly the
24 photographic lineup.

25 Q. Prior to coming into court, were you told by anyone
26 that you'd picked out the man that they suspected of these

1 crimes, of the Crotwell crime?

2 A. Yes, Collette did let me know that I had identified
3 him a second time.

4 Q. What did he say in that regard? What were the
5 words that he used?

6 A. I don't remember, it was just a positive
7 identification.

8 Q. And did Investigator Collette tell you that that
9 was the same man that you picked out in 1975?

10 A. I believe he did mention that to me, yes.

11 Q. And Investigator Collette also had a discussion
12 with you about how sure you are of your 1975 identification,
13 didn't he?

14 A. He might have, yes.

15 Q. Didn't you discuss the fact that you were nervous
16 in 1975 and was not as certain at that time?

17 A. Yes.

18 Q. What was it you said to him about that?

19 A. I don't remember exactly. I know it was in
20 reference to the fact that it was still real fresh. That in
21 fact I did pick out that particular photograph and the only
22 thing I was not sure about it was whether he had a beard or not.

23 Q. You told Investigator Collette that you were
24 nervous in 1975 when you were making the identification; is that
25 correct?

26 A. I might have said that; I don't remember saying



1 that. —

2 Q. You did tell him you're more sure now in 1983 then
3 you were in 1975, didn't you?

4 A. Yes.

5 Q. Is that a fact, you're more sure in 1983 then you
6 were in 1975?

7 A. Uh-huh.

8 Q. Your answer is yes?

9 A. Yes. I'm sorry.

10 Q. What is your explanation for the fact you're more
11 sure in 1983 then you were in 1975?

12 A. I would have to say having the time to think about
13 it between the time Collette contacted me and the time he showed
14 up to me, the time I had to think about it.

15 Q. Did you see Randy Kraft's picture on TV?

16 A. No.

17 Q. In the paper?

18 A. No.

19 Q. Did anybody between the time that Investigator
20 Collette told you he was coming up to show you a photograph and
21 the time actually arrived, did you have a discussion with
22 anybody else regarding your ability to identify the person?

23 A. No.

24 Q. You were shown a photograph of the car in 1975 at
25 the same time you were shown the photographic lineup of the six
26 men?



1 A. Yes.

2 Q. Now, were you shown a -- what sort of photograph
3 was it? Can you describe it?

4 A. It was instamatic camera photographs.

5 Q. Black and white?

6 A. No. They were color.

7 Q. How many photographs were they?

8 A. I think it was three.

9 Q. Were they of the same color of car or different
10 cars?

11 A. Different cars.

12 Q. Different color?

13 A. I believe they were the same color cars but
14 different models of cars. I don't remember exactly.

15 Q. So you were shown three photographs of different
16 cars?

17 A. Uh-huh.

18 Q. Did you select one of those photographs of the car
19 in 1975?

20 A. Did I select one?

21 Q. Yes.

22 A. Yes, I did.

23 Q. And what was it you said to the officers regarding
24 the one you selected?

25 A. I don't remember. I don't think I picked out the
26 right one because of the wheels. I wasn't sure, though. I'm



1 not sure at this particular time.

2 Q. Did someone tell you didn't pick out the right one?

3 A. I don't think they mentioned to me that I picked
4 out the right or wrong one.

5 Q. What made you think you picked out the wrong one?

6 A. Just what I recall, the wheels, the hubcabs on the
7 car.

8 Q. When did you decide you may have picked out the
9 wrong one in 1975?

10 A. I don't think I made a decision at that particular
11 time, I just picked out the one I thought it was and left it at
12 that.

13 Q. What causes you right now as you sit here today
14 that makes you unsure as to whether it was the right car or not?

15 A. Like I said, the wheels.

16 Q. Did you think about the wheels when you were
17 looking at the photograph in 1975?

18 A. Yes, because of the fact the cars looked the same
19 except there was different hubcabs on two of the cars.

20 Q. So the photograph you picked out in 1975, did
21 that -- did the wheels, were they stock or were they custom
22 wheels?

23 A. Stock wheels.

24 Q. What was it about the wheels that you picked out in
25 1975 that was inaccurate?

26 A. To my knowledge I thought that they were fatter



1 wheels. —

2 Q. Excuse me?

3 A. They were not stock wheels -- they were stock
4 wheels but they were for the racier-type model, as a package
5 that you would get when you buy a car.

6 Q. Were you ever shown other photographs of cars after
7 1975?

8 A. Eighty-three.

9 Q. By Investigator Collette?

10 A. Yes.

11 Q. Did you pick out a car at that time?

12 A. Yes.

13 Q. Did you discuss with Investigator Collette the fact
14 you may have picked out the wrong car in 1975?

15 A. I don't believe I did.

16 Q. Did you pick out -- strike that.

17 Were these the same photographs of cars that you
18 were shown in 1983 that you had been shown in 1975?

19 A. I don't remember if they were the exact same
20 photographs or not.

21 Q. All right. Was, as you sit here today, was the car
22 that you saw Mr. Kraft in that night, was that car depicted in
23 one of the photographs that were shown to you in 1975?

24 A. Yes.

25 Q. But you don't think it was the one you picked out?

26 A. I didn't say that.



1 Q. What do you think about it?

2 A. I'm saying I did not know if it was the car or not.
3 I was not making a positive identification, I thought it was the
4 car and I left it at that.

5 Q. All right. Did you tell the officer -- did you
6 point out to the officers in 1975 your best recollection of
7 which photograph belonged to Mr. Kraft?

8 A. Yes.

9 Q. In 1983 you were shown how many photographs of
10 cars?

11 A. In '75?

12 Q. Eighty-three.

13 A. I think it was three again.

14 Q. And these were also instamatic pictures?

15 A. Uh-huh.

16 Q. And did you recognize a car in 1983?

17 A. Yes.

18 Q. And did you tell the officer, "This is the car that
19 Mr. Kraft was driving"?

20 A. I don't think I said, "This is the car that he was
21 driving." I said what I picked out was what I thought was the
22 car, again.

23 Q. Did you pick out the same photograph in '83 that
24 you picked out in '75?

25 A. I don't know.

26 Q. Did you resolve in your own mind this condition of



1 the wheels in 1983 when you looked at the photographs?

2 A. No.

3 Q. Are you certain of your identification of the car
4 in 1983 that you picked out?

5 A. I'm fairly certain, yes.

6 Q. Fairly certain?

7 A. Yes.

8 Q. All right. You feel more certain about the
9 photograph that you picked out in 1983 of a car then the
10 photograph that you picked out in 1975?

11 A. Yes.

12 Q. And why is that?

13 A. Time has passed by and I've had a lot of time to
14 think about it, especially when it was brought to my attention
15 that it's brought to me and I will have to identify something.

16 Q. Did you discuss this issue of the identification of
17 the car with any of your friends that were present on the night
18 that Mr. Crotwell disappeared?

19 A. I don't believe so.

20 Q. You didn't discuss with anybody, then, prior to
21 looking at these photographs in 1983 the -- what sort of wheels
22 were on the car?

23 A. Not particularly wheels, I'm sure we did discuss
24 the fact that it was a Mustang, Type II.

25 Q. And were these discussions with Mr. Ditmar?

26 A. Mr. Ditmar; I'm sure it was with Randy Cooper, as



1 well as Terry.

2 Q. When were you all together talking about it?

3 A. I'm sure we talked about it on occasion or being at
4 the garages where we hung out.

5 Q. Were these discussions before or after you looked
6 at the photographs in 1975 of the vehicle?

7 A. Before.

8 Q. Before?

9 A. Yes.

10 Q. Now, did Investigator Collette tell you that you
11 picked out the right car in 1983?

12 MR. BROWN: Object as --

13 BY MR. MC BRIDE: Q. When you were shown these
14 photographs?

15 MR. BROWN: I object as being asked and answered.

16 THE COURT: Overruled.

17 THE WITNESS: I believe he did mention it to me, yes.

18 BY MR. MC BRIDE: Q. Did the officers in 1975 tell you
19 that you'd picked out the right car?

20 A. I believe, yes, they did.

21 MR. MC BRIDE: I would ask Defendant's T be introduced in
22 evidence.

23 THE COURT: Any objection, Mr. Brown?

24 MR. BROWN: No.

25 THE COURT: It will be received.

26 BY MR. MC BRIDE: Q. The photographs that you were shown



1 in 1983 ~~of~~ the car, did the car seem to be in the same location
2 in those photographs as the photographs that you had observed in
3 1975?

4 A. Yes.

5 Q. Was there anything unusual about the photographs
6 shown to you in 1983?

7 A. No.

8 MR. MC BRIDE: Thank you. No further questions.

9 THE COURT: Any redirect, Mr. Brown?

10 MR. BROWN: Yes, your Honor.

11 *REDIRECT EXAMINATION*

12 BY MR. BROWN: Q. Mr. May, where did you live in
13 relation to Keith Crotwell?

14 A. Across the street.

15 Q. And did you see Keith on a regular basis?

16 A. Pretty regular basis.

17 Q. Would that be on a daily basis?

18 A. Generally speaking, yeah.

19 Q. Did you ever see Keith alive after that night in
20 the car with Mr. Kraft?

21 A. No.

22 Q. So that night in the car with Mr. Kraft was the
23 last time you saw Keith alive; is that correct?

24 A. Yes.

25 Q. You've indicated to us that you consumed
26 approximately seven of these pills the defendant gave you; is



1 that correct?

2 A. Yes.

3 Q. They were yellow pills?

4 A. Yes.

5 Q. Did Keith consume approximately the same amount?

6 A. More.

7 Q. He had more than seven?

8 A. Yes.

9 Q. How many did he have?

10 A. I think he had ten. Yes, in numerals we were
11 counting them out and that's what I remember.

12 Q. During any of these photographic lineups that you
13 participated in with the Long Beach Police Department, at any
14 time did any of those officers attempt to either persuade you or
15 to suggest to you in any way that you should pick out a
16 particular photograph?

17 MR. MC BRIDE: Calls for speculation.

18 THE COURT: Sustained. The answer is stricken.

19 BY MR. BROWN: Q. Did any of the officers indicate they
20 wanted you to pick out any particular photograph?

21 A. No.

22 MR. MC BRIDE: Again, calls for speculation. Ask the
23 answer stricken.

24 THE COURT: As phrased it's vague. Sustained. Answer is
25 stricken.

26 MR. BROWN: May I be heard?



1 THE COURT: Sure. The problem is with the word
2 "indicate".

3 MR. BROWN: Well, I chose that word because we're talking
4 about the state of mind of the witness as Counsel -- that's what
5 Counsel is getting all this hearsay in under that theory --

6 THE COURT: I suppose if you're subtle enough one would
7 not know that an indication is made, so it calls for a
8 conclusion.

9 BY MR. BROWN: Q. Did you feel that mentally these
10 officers indicated to you that you should pick out a particular
11 photograph?

12 MR. OTTO: Objection. Relevancy.

13 MR. BROWN: Relevancy?

14 THE COURT: Overruled.

15 THE WITNESS: No.

16 THE COURT: When Mr. Brown don't like the objection, Mr.
17 Otto, he laughs.

18 MR. BROWN: I thought that's what we've been doing here
19 for the last hour and a half.

20 BY MR. BROWN: Q. Is your identification here in court
21 of Mr. Kraft, the defendant here, based upon the time that you
22 spent with the defendant on that night at the Belmont Plaza
23 area, when you talked to him about being homosexual and you
24 talked to him about the fight with your girlfriend and all of
25 that?

26 A. Is it based on that?



1 Q.— Yes.

2 A. Yes.

3 Q. And your identification of Mr. Kraft is here based
4 on that and not of the photographs that you have since seen of
5 Mr. Kraft; is that correct?

6 A. That's correct.

7 MR. BROWN: Thank you, your Honor. I have nothing
8 further, your Honor.

9 THE COURT: Recross.

10 MR. MC BRIDE: Thank you.

11 *RE CROSS-EXAMINATION*

12 BY MR. MC BRIDE: Q. Mr. May, you don't know from actual
13 count, do you, that you personally conducted, how many pills
14 that Mr. Crotwell took?

15 A. Excuse me?

16 Q. Do you know from actual personal count that you
17 conducted how many pills Mr. Crotwell took?

18 A. No. I did not count, but he indicated to me that
19 he was taking that amount.

20 Q. You didn't count them or see them to be able to
21 estimate them from your own observations; is that right?

22 A. No.

23 Q. Okay. You say that you didn't feel that these
24 officers wanted you to pick out a particular photograph?

25 A. Yes.

26 Q. You knew they were happy when you picked one out,

1 though, ~~didn't~~ you?

2 A. Not until after they left. When they were getting
3 ready to leave they said yes, you have been helpful, but they
4 weren't showing any hints that yeah, yeah, you did pick out the
5 right one.

6 Q. That was in '75?

7 A. Right.

8 Q. In 1983 you knew they were talking about the same
9 man that was in the photograph in 1975, didn't you?

10 A. That's right.

11 Q. And you knew then in 1983 that they would be
12 unhappy if you didn't pick out the same guy?

13 A. That's obvious, yes.

14 MR. MC BRIDE: No further questions.

15 THE COURT: Mr. Brown.

16 MR. BROWN: No more.

17 THE COURT: Did you have any questions, Mr. Otto?

18 MR. MC BRIDE: Just one question.

19 BY MR. MC BRIDE: Q. In the 1983 photo lineup when you
20 picked out the photo of Mr. Kraft, was the photo you picked out
21 in the second row?

22 A. I believe it was.

23 THE COURT: That was in 1975?

24 MR. MC BRIDE: Eighty-three.

25 THE COURT: Mr. Brown?

26 MR. BROWN: Nothing further, your Honor.



1 THE COURT: Mr. McBride?

2 MR. MC BRIDE: No, thank you.

3 THE COURT: Mr. May, thank you, sir, you'll be excused.
4 I did admonish you before about discussing your testimony?

5 THE WITNESS: Yes, sir.

6 THE COURT: People who may be called, no. With the
7 attorneys and their investigators, yes. Thank you.

8 Call your next witness.

9 MR. BROWN: Your Honor, this would be a convenient time
10 for us to have a recess. We may be out of witnesses at this
11 point. I can step out and see.

12 THE COURT: I should hope you would be able to get one
13 between now and five of. We'll take a 15-minute recess.

14 (Recess.)

15 THE COURT: Mr. Kraft, do you want to proceed without
16 your second attorney, Mr. Otto?

17 THE DEFENDANT: That's fine with me.

18 THE COURT: Here's what's happening. The People do have
19 another civilian witness, they chose not to put him on right
20 now. Both your attorneys have been notified the witness is here
21 and they were given the opportunity to talk to him and put him
22 on. And I think you're chosing not to at this time?

23 MR. MC BRIDE: That's correct.

24 THE COURT: The witness did give you his address?

25 MR. MC BRIDE: Not yet. Mr. Brown said it would be
26 provided to us.



1 THE COURT: Okay. Here's Otto.

2 I was just telling Mr. Kraft what has transpired.
3 The People have decided not to put on the other witness that
4 they had intended to put on, so we're going to recess until ten
5 o'clock.

6 Mr. Brown says that he's going to conclude with
7 Crotwell tomorrow and do the search warrant stuff probably
8 starting tomorrow, but at the latest Monday.

9 MR. MC BRIDE: We have other witnesses and some of the
10 other bodies and those will come off that.

11 THE COURT: I don't have any idea of what he's doing.
12 That's all he said.

13 MR. BROWN: I think Counsel means he's going to call
14 witnesses.

15 MR. MC BRIDE: We'll be prepared.

16 MR. BROWN: Is that what you're saying?

17 MR. MC BRIDE: I anticipate some witnesses being called
18 at the conclusion of the prosecution's case.

19 THE COURT: I'm not asking what you're going to do and
20 that's your decision and you can keep that quite secret.

21 We'll be in recess until 10:00 in the morning.

22

23 (Evening recess.)

24

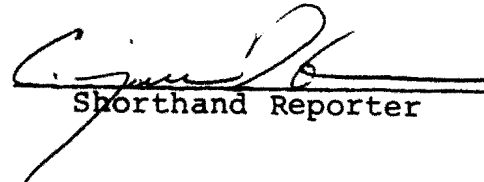
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REPORTER'S CERTIFICATE

I HEREBY CERTIFY that on the 3rd day of
November, 1983, I did report in shorthand the
testimony and proceedings of the foregoing preliminary
examination; that at the conclusion of the above entitled
matter, I did transcribe my shorthand notes into typewriting,
and that the foregoing transcript is a true and correct copy
of my shorthand notes thereof.


Shorthand Reporter



JUDGE'S CERTIFICATE

CAUSE SUBMITTED PER STIPULATION BY AND BETWEEN
BOTH PARTIES THAT THE FOREGOING TRANSCRIPT, IN LIEU OF ORAL
TESTIMONY AND ARGUMENT, BE ENGROSSED AS SETTLED STATEMENT OF
FACTS ON APPEAL.

DATE: _____ SO ORDERED

JUDGE



