

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

-VS-

BRUCE MCGREGOR DAVIS,

Defendant.

NO. A-267861

226

REPORTERS' DAILY TRANSCRIPT

Wednesday, January 19, 1972

VOLUME 26APPEARANCES:

For the People: JOSEPH P. BUSCH, JR., District Attorney
BY: ANTHONY MANZELLA
and
STEPHEN R. KAY, Deputies District Attorney

For Defendant Davis:
GEORGE V. DENNY, III

WHITELEY
WHITE
FRASER
COPY

MARY LOU BRIANDI, CSR
ROGER K. WILLIAMS, CSR
Official Court Reporters

I N D E X

VOIR

PEOPLE'S WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS	DIRE
---------------------	--------	-------	----------	---------	------

WHITELEY, Paul J.	3822 K				
-------------------	--------	--	--	--	--

WHITE, Flois	3837 M	3872	3905 M	3906	3854
	3863 M		3907 M	3908	D

FRASER, James K.	3915 K				
------------------	--------	--	--	--	--

E X H I B I T S

PEOPLE'S:	FOR IDENTIFICATION	IN EVIDENCE
-----------	--------------------	-------------

43 - two photographs	3824	
----------------------	------	--

24 - latent print	3841	3882
-------------------	------	------

25 - fingerprint exemplar card	3825	3882
--------------------------------	------	------

26 - two photographs on a piece of cardboard	3841	3882
--	------	------

27 - (previously identified)		3882
------------------------------	--	------

27-A - (previously identified)		3883
--------------------------------	--	------

28 - (previously identified)		3882
------------------------------	--	------

A-1

LOS ANGELES, CALIFORNIA, WEDNESDAY, JANUARY 19, 1972 1:46 PM

- - - -

THE COURT: Good afternoon, ladies and gentlemen.

(Whereupon, murmurs of, "Good afternoon, Judge," were heard from members of the jury.)

THE COURT: Glad to see you all.

Let's proceed in the Davis matter. Do the People have their next witness?

MR. KAY: Yes, your Honor.

The People call Sergeant Paul Whiteley.

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

THE WITNESS: I do.

THE COURT: The record should show that all jurors are present; all counsel are present; the defendant is present.

PAUL J. WHITELEY,
called as a witness by and on behalf of the People, having been first duly sworn, was examined and testified as follows:

THE CLERK: Please state and spell your name, please.

THE WITNESS: Paul J. Whiteley, W-h-i-t-e-l-e-y.

DIRECT EXAMINATION

BY MR. KAY:

Q Sergeant, I may have -- before we get started, I

1 may have you step down and use this easel that Mr. Kanarek
2 has brought to court.

3 You don't need the microphone, I remember you told
4 me last time.

5 Now, directing your attention to August 6th, 1969,
6 did you go up to San Luis Obispo?

7 A Yes, I did.

8 Q And did you have occasion to go to an impound lot
9 utilized by the California Highway Patrol up in San Luis
10 Obispo?

11 A Yes.

12 Q And when you went to that impound lot, did you see
13 Mr. Hinman's Fiat, as depicted in People's 1?

14 A Yes.

15 Q And when you saw that at the impound lot, did you
16 perform a search of that vehicle?

17 A Yes.

18 Q And directing your attention to the trunk area
19 of the car, the back area, did you find anything unusual in
20 that area?

21 A Yes. I found a knife.

22 Q And where did you find the knife?

23 A I found the knife in the tire well, beneath the
24 floor mat in the rear of the vehicle.

25 MR. KAY: Your Honor, I have here a piece of cardboard
26 with two photographs on it. It's previously been marked as
27 People's Exhibit 43. May it again be marked as People's
28 Exhibit 43?

43 Id.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE COURT: May I see it?

(Whereupon, Mr. Kay exhibited the photographs to the court.)

THE COURT: Yes. This may be so marked.

MR. KAY: Thank you.

Q Now, Sergeant Whiteley, do you recognize the two photographs here?

A Yes.

Q And were these taken while you were up in San Luis Obispo?

A Yes.

Q And do these two photographs -- well, first, what does photograph A show?

A It shows the knife as we found it in the tire well, with the matting in the back pulled up.

Q Is photograph A a close-up of what -- of this area, in photograph C, --

A Yes.

Q -- the back area of the car?

It appears to be what, a rubber mat?

A Yes.

Q And then in photograph B, what does photograph B show?

A It shows the knife. My partner's holding it in his hands in the photograph.

Q And who was your partner?

A Deputy Charles Guenther.

Q Sergeant Whiteley, I show you first Exhibit --

1 People's Exhibit 18, which has already been marked. Do you
2 recognize People's 18?

3 A Yes, I do.

4 Q And what is that?

5 A This is the knife that we recovered from Mr.
6 Hinman's vehicle.

7 Q All right. That's -- is this the same knife that's
8 depicted in photographs D -- or, A and B, of People's 43?

9 A Yes.

10 Q Now, Sergeant Whiteley, I show you People's 18-A,
11 which has already been marked, a buckskin or leather sheath
12 with a scorpion on it.

13 Do you recognize that?

14 A Yes.

15 Q And what is that?

16 A That is the sheath that we found the knife in,
17 in Mr. Hinman's vehicle.

18 ~~Q~~ And is that the sheath that's depicted in
19 photograph B of People's 43?

20 A Yes.

21 MR. KAY: Can all you jurors see this?

22 You may resume the stand, Sergeant Whiteley.

23 Your Honor, I have here a fingerprint exemplar
24 card that's previously been marked as People's 25.

25 May it remain as People's 25 for this proceeding?

26 THE COURT: All right. So ordered. People's 25 for
27 identification.
28

AA-1

1 MR. KAY: May I approach the witness?

2 THE COURT: You may.

3 Q BY MR. KAY: Well, Sergeant Whiteley, let me ask
4 you this: When you went up to San Luis Obispo, on the occasion
5 that you described, when you searched Mr. Hinman's vehicle,
6 did you take Mr. Robert Beausoleil into custody?

7 A Yes, I did.

8 Q Did you bring him back into Los Angeles?

9 A Yes, I did.

10 Q Now, directing your attention to this fingerprint
11 exemplar card, marked People's 25, would you look at it a
12 minute?

13 A Yes.

14 Q Do you recognize that?

15 A Yes, I do.

16 Q And were you present when the fingerprints were
17 rolled onto this card?

18 A Yes.

19 Q And when was that done?

20 A That was done on August the 7th, 1969, at approxi-
21 mately 5:00 A. M. in the morning.

22 Q All right. And whose fingerprints are these that
23 appear on this fingerprint exemplar card?

24 A Robert Kenneth Beausoleil.

25 MR. KAY: I have no further questions of Sergeant Whiteley.

26 MR. DENNY: I have no questions.

27 THE COURT: You may step down.

28 MR. KAY: Your Honor, I believe that our other two

AA-2

1 witnesses havenot arrived. Mr. Fraser, as I told the Court,
2 would be here at approximately 3:00 o'clock. He's in a
3 preliminary hearing in El Monte.

4 And Flois White, I understand will be here at
5 2:30. He was called out on a field investigation.

6 THE COURT: Well, the Court dislikes the delay, but I
7 understand that -- especially when a trial day is interrupted,
8 as this one was, because of the court personnel attending a
9 funeral -- that sometimes things like this can happen.

10 MR. KAY: As I told the Court, one of the witnesses we
11 were going to have today is sick in bed, and his doctor won't
12 let him out of bed until the weekend.

13 And the other one is having major dental work done
14 at USC, and won't be here this afternoon.

15 THE COURT: Can you get Fraser here before 3:00?

16 MR. KAY: Well, the -- not as it was explained to me.
17 I understand it's a welfare fraud case.

18 THE COURT: All right. See what you can do.

19 MR. DENNY: Your Honor, if Mr. White is coming at 2:30,
20 I imagine his testimony will take until 3:00 o'clock, on
21 direct and cross, both.

22 (Pause in the proceedings while a discussion off
23 the record ensued at the bench between the Court and the
24 clerk.)

25 THE COURT: Ladies and gentlemen, we are in recess until
26 -- 2:30?

27 MR. KAY: 2:30.

28 THE COURT: -- 2:30. Remember the admonition that I

AA-3

1 have given you, to not converse amongst yourselves nor with
2 anyone else, nor permit anyone to converse with you on any
3 subject connected with this matter, nor to form nor express
4 any opinion on it until the matter is finally submitted to
5 you.

6 You may remain in the courtroom, if you like. I
7 am going to see whether or not we can find an assembly room
8 upstairs. We are working on conditioning one, putting a
9 carpet in it and one thing and another.

10 And we'll determine, perhaps in the recess, whether
11 or not we can utilize that so that you can go directly there,
12 rather than sitting out there in the hallway.

13 I know that's pretty uncomfortable, sitting out in
14 that hallway, but I'll let you know about that later on.

15 You may stay in the courtroom, or you may be out
16 in the hallways. But you are excused until 2:30.

17 (Whereupon, the members of the jury commenced to
18 exit the courtroom, and the following proceedings were had:)

19 MR. DENNY: Your Honor, before we -- no, it has nothing
20 to do with the jury. Before we reconvene, or sometime after
21 the jury has left, I would like to have a few matters put on
22 the record, as far as certain discovery matters.

23 THE COURT: Very well.

24 (Whereupon, a discussion off the record ensued
25 between the Court and the bailiff.)
26
27
28

1 fol

1 (Whereupon, the jury retired from the courtroom
2 and the following proceedings were had:)

3 MR. DENNY: Your Honor, as long as the jurors are out,
4 might I address the Court on these matters?

5 THE COURT: Yes.

6 MR. DENNY: I believe the Court has already ordered that
7 Sergeant Whiteley's notes, his rough working notes on all of
8 the witnesses that he has interviewed that will testify or who
9 have testified be made available to me. They were not made
10 available to me before Mr. Arneson testified and reports indi-
11 cated that he did speak with Mr. Arneson. I would like to see
12 those notes.

13 I would also like to see the notes, again, at some
14 less inconvenient time, but still sometime before the witnesses
15 testify, either all the notes at once or before they do
16 testify.

17 THE COURT: Have you gentlemen spoken to him?

18 MR. MANZELLA: Yes. I would like to point out, the notes
19 are always available to Mr. Denny and always have been, at
20 least since the Court made the order. Those notes have been
21 made available to Mr. Denny. At any time convenient to him and
22 Sergeant Whiteley, he can go over to the Homicide Bureau and
23 Sergeant Whiteley said he could look at the notes.

24 MR. KAY: And I believe the order was left where
25 Mr. Denny and Mr. Whiteley -- where Mr. Denny could, at his own
26 expense, could copy the notes. I believe that's how it was left.

27 MR. DENNY: That's fine.

28 I had also requested the L.A.P.D. reports, the

1 interview they had conducted with Mr. Springer in the
2 Venice jail of the L.A.P.D. Venice Police Station around
3 October 15th, 1969, the date he said he first talked with
4 the officer about the case. Thus far I have not seen those.

5 MR. KAY: I might say, your Honor, I called Phil
6 Sartuche, who was the chief investigator on the Tate-LaBianca
7 murder trials and I was informed that he will be in Mazatlan
8 until February 8. And he's the one that has control of all
9 those documents.

10 I searched my own files on it and I couldn't find
11 any such interview. The only other detective that might have
12 information on that, I was informed at the time I called, which
13 was Friday, that I think that he would be off either until next
14 week or be back Friday.

15 THE COURT: Are there such notes in existence, do you
16 know?

17 MR. MANZELLA: Pertaining to this case, I don't know.

18 MR. KAY: Well, as your Honor is aware, I was on the case
19 for a year and a half. I never seen such interview. That
20 doesn't mean it does not exist, although I have just about
21 exhausted the sheaf of notes.

22 MR. DENNY: Well, your Honor, I'm reasonably sure --
23 again, my knowledge of police activities both as a prosecutor
24 and as a defense attorney that an interview of this particular
25 kind and its particular importance would have been reduced to
26 writing by any particular police officer, and particularly
27 police detectives with whom this gentleman spoke. And I
28 would just leave it at that.

1 I'm reasonably certain that pursuant to even
2 fundamental police practices some notes were made of that and I
3 believe an official report in addition to rough notes.

4 The other thing --

5 THE COURT: Well, those should be easily found, it would
6 appear to me.

7 MR. KAY: Well, they could be, if they exist. But I'd
8 either have to find Mr. Sartuche or Mr. Gutierrez.
9 Mr. Sartuche will not be back until February 8th, and
10 Mr. Gutierrez will be back either the end of this week or next
11 week, and I have already tried to contact him once and I shall
12 do so again.

13 THE COURT: Well, it would be exceedingly important to
14 have those before Springer will testify.

15 MR. KAY: Mr. Springer will not testify for at least
16 another week.

17 THE COURT: Perhaps in that time you'll find out whether --

18 MR. DENNY: Well, that's fine, your Honor.

19 THE COURT: -- they do exist and get them in Mr. Denny's
20 hand, if they do. The notes and the report.

21
22
23
24
25
26
27
28
la fol

1a-1

1 MR. DENNY: Another thing, I am a little confused as
2 to exactly what the court procedure was on this. We've
3 discussed it three or four times in chambers and now here,
4 and that is the dates and the times, the persons present on
5 the interviews that, according to Mr. Manzella and Mr. Kay,
6 presumably were conducted by Mr. Katz and it may be in the
7 company of Sergeant Whiteley, of those parties for whom I've
8 previously made a motion for discovery of that information,
9 namely, the dates, times, persons present. And all I've been
10 told thus far is that Mr. Katz is available for that.

11 I would ask, at this time, your Honor, that an
12 order be made by the Court because of what appears to be a
13 discrepancy in oral communications concerning notes that I be
14 provided with. Just a written, handwritten, typed or what-
15 ever, a note from Mr. Katz as to what the dates and times
16 and persons present were.

17 THE COURT: That sounds reasonable, considering the
18 many times we've spoken of it.

19 MR. MANZELLA: Your Honor, except the Court forgot,
20 each time we have spoken about it, I have talked to Mr. Katz
21 each time about it. Each time I've spoken with Mr. Katz,
22 he tells me -- and I spoke to him just last week about it,
23 and the last time I spoke to him about it he tells me it is
24 not in the typewritten reports that he made of the witness'
25 statements. He has no recollection of it. He has no
26 independent recollection of when these -- when he conducted
27 these interviews or who was with him when he conducted them,
28 other than what he wrote down in the reports himself.

1 MR. DENNY: I would like to have something in writing
2 about that, then, that can be placed in the record, if
3 necessary.

4 THE COURT: That's in the record now in the form of an
5 oral statement.

6 MR. MANZELLA: That's right, it is in the record.

7 MR. DENNY: My only problem is, again, that the People
8 would be willing to stipulate I can question these people
9 from those statements without establishing, on the basis of
10 prior contradictory statements, time, place and persons
11 present. If they're going to waive that foundation and
12 waive cross-examination, fine. But I still have a problem,
13 because the time is of great import in so many of these
14 statements, the times that they made these compared with other
15 statements and compared with other testimony.

16 THE COURT: You can put Mr. Katz on the witness stand,
17 of course, and see if you can elicit anything, but have you
18 spoken to him since we last spoke about it?

19 MR. DENNY: I have not personally spoken to him, no.

20 THE COURT: I would suggest that in view of what Mr.
21 Manzella has said, and I had forgotten that was the state of
22 Mr. Katz' mind in respect to whether he remembered any of the
23 dates involved and who was present at these conversations,
24 I would suggest that you go in that direction and we'll
25 handle what objections arise, if any, at the time the objec-
26 tions are made.

27 MR. DENNY: Well, by that time it will be too late if
28 the witnesses have already testified and I have already

1 cross-examined them.

2 THE COURT: No.

3 Well, there is a procedure whereby you can engage
4 in a deposition of Mr. Katz, but if there's no document or
5 set of documents available or Katz' memory is not such that
6 he can spell it out for you, then, the information isn't
7 obtainable. It leaves you with the problem of attempting to
8 handle it as best you can.

9 However, I would talk to Mr. Katz about each
10 individual conversation that you are concerned about or
11 expect to be concerned about and perhaps with a face-to-face
12 consultation with him he can give you the information if you
13 remind him of the conversation, the time and place and so
14 forth.

15 MR. DENNY: Well, I'll attempt to do that, your Honor.

16 Your Honor, the other thing is the Sheriff's
17 Manual on the Hinman case.

18 Page 2 thereof has an inventory statement from the
19 Coroner's Office indicating that they received none of the
20 personal effects from the body of Gary Hinman. That the
21 Sheriff, apparently, maintained custody of those.

1b fls.

1b-1

1 And I would like -- again, I am reasonably certain
2 that an inventory of the personal effects found upon him was
3 made in some report, either by Deputy Piet and the officers
4 with him or Sergeant Whiteley and Deputy Guenther at the time
5 they made their original report. And that original report is
6 not in the file, either.

7 I would like the original report that was made by
8 Sergeant Whiteley and Deputy Guenther at the time they made
9 their original report, and also the inventory of personal
10 effects found on Gary Hinman when his body was discovered.

11 THE COURT: Do you gentlemen know whether or not there is
12 an inventory and whether there is an original report available?

13 MR. MANZELLA: As far as I know --

14 THE COURT: Why do you need the original report if you --

15 MR. MANZELLA: As far as I know, the original reports
16 made by Sergeant Whiteley are contained in the homicide
17 manual. And whether or not -- I don't believe there is an
18 inventory report as such of the personal effects of Gary
19 Hinman.

20 And mention has been made of it in testimony in the
21 Beausoleil case and the Manson case, but whether or not there
22 is an inventory report, I don't know.

23 As far as I know, reports made by Sergeant
24 Whiteley, beginning with his assignment to the Hinman case,
25 are contained in the homicide manual.

26 MR. DENNY: Well, I don't have my manual with me. That
27 is the one document that is still in the car. I carried four
28 briefcases up to the courtroom and that's all I could carry.

1b-2

1 But there is, on Page 1, the report of Deputy Piet
2 on the discovery of the body with various witnesses at the
3 time therein called, and thereafter there is the second page
4 that is the Sheriff's -- not the Sheriff's, but the Coroner's
5 report showing there is no property taken, property kept at
6 the Sheriff's department.

7 The next report is way beyond that with a bunch
8 of teletypes that were sent, APD's for the car and things of
9 that kind. And the next succeeding report after that is
10 dated way beyond that, about the time of the apprehension of
11 Bobby Beausoleil.

12 THE COURT: The Court would order, if the two documents
13 referred to exist, that the People ascertain whether or not
14 they are available, whether they do exist, and that they be
15 furnished to Mr. Denny.

16 MR. MANZELLA: Yes, your Honor.

17 THE COURT: Before the end of the week.

18 Anything further?

19 MR. DENNY: That's all, your Honor.

20 (Short recess.)

2 fol

2-1

1 THE COURT: Are the People ready?

2 MR. MANZELLA: Yes, your Honor.

3 THE COURT: All right. The record will show Mr. Davis
4 is present, Mr. Denny and Mr. Manzella at the counsel table,
5 and all of the jurors are present.

6 MR. MANZELLA: The People's next witness is Mr. Flois
7 White, your Honor.

8 THE CLERK: You do solemnly swear that the testimony you
9 are about to give in the cause now pending before this court,
10 shall be the truth, the whole truth, and nothing but the
11 truth, so help you God?

12 THE WITNESS: I do.

13

14

15 FLOIS WHITE,
16 called as a witness by and on behalf of the People, having
17 been first duly sworn, was examined and testified as follows:

18 THE CLERK: Please take the stand and be seated.

19 THE BAILIFF: Would you state and spell your full name,
20 sir?

21 THE WITNESS: Flois White; F-l-o-i-s, W-h-i-t-e.

22

23

DIRECT EXAMINATION

24

BY MR. MANZELLA:

25

Q Mr. White, what is your occupation?

26

A Deputy Sheriff, County of Los Angeles, currently
27 assigned to Identification Section, Technical Services
28 Division.

29

Q And what are your duties in the Identification

2-2

1 Section?

2 A Basically, at the present time, searching for
3 latent fingerprints at the scene of a criminal incident.

4 Q And do you have some background and training and
5 experience in the examination and comparison of fingerprints?

6 A Yes, sir.

7 Q And would you tell us what that is, sir, please?

8 A I originally took a three-unit fingerprint
9 classification course, East Los Angeles Junior College. I
10 worked in the office, making fingerprint comparisons, for
11 a period of two years.

12 In that period of time, I compared in excess of
13 a hundred thousand fingerprints. I probably made a -- in
14 excess of 150 identifications from latent print -- involving
15 latent fingerprints, hand-rolled impressions.

16 I've testified in courts in excess of 95 times.

17 Q And those occasions when you testified in court,
18 did you give your opinion as to whether or not two finger-
19 prints -- that is, a latent fingerprint and a known fingerprint--
20 were made by one and the same person?

21 A Yes, sir.

22 Q And was that in the Superior Courts of the State
23 of California?

24 A Yes. I believe I've had something like 22
25 appearances in Superior Court, and the balance in Municipal
26 Court.

27 Q And how long have you been employed by the
28 Identification Section, Los Angeles County Sheriff's Office?

2-3

1 A Eight years.

2 Q All right. Mr. White, would you tell us, what is
3 a latent fingerprint?

4 A A latent fingerprint is that fingerprint which
5 actually you do not see. This could be found on any hard,
6 smooth surface. It's placed there by any portion of the
7 finger, palm or foot. It's -- the latent print itself is
8 basically moisture from perspiration.

9 Q And because you can't see the print, is that why
10 it's called a latent print?

11 A Yes.

12 Q And is there some procedure which you follow to
13 enable yourself to see that print and to preserve that print?

14 A Yes, sir, there is.

15 Q And what is that procedure? Would you describe
16 it for us, please?

17 A The basic procedure is to apply carbon powder
18 to the surface with a very soft brush. The carbon powder
19 consequently sticks to the moisture, making the print
20 visible.

21 You have another way to do this, which is by a
22 magnetic brush, which we call the magna brush, using
23 powdered steel with carbon to do the same job.

24 When a fingerprint becomes visible, this print
25 is then lifted with Scotch tape and placed on a piece of
26 paper.

27 Q All right. For the purpose of some sort of
28 illustration, Mr. White, when I place my hand down on the

2-4

1 counsel table (indicating), do I leave a print on the
2 counsel table?

3 A You would, if you were perspiring.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2a-1

1 Q And is it the perspiration which causes the
2 print to remain on the counsel table, after I remove my hand?

3 A Yes, sir.

4 Q And does the powder to which you have referred
5 to, the two kinds of powder to which you've referred, does
6 that powder stick to the moisture left by my perspiration,
7 when I remove my hand?

8 Is that what causes the print to appear?

9 A Yes, sir. The sweat pores of the hands and
10 feet are on the tops of the friction ridges. The pores being
11 open when the person is perspiring, leaves the moisture
12 distributed on the ridges.

13 The moisture, when it -- when the hand is placed
14 on an object which is clean and hard surfaced, the moisture
15 is then placed on the surface when the hand is removed.

16 MR. MANZELLA: All right. Your Honor, I have here what
17 appears to be a latent print, previously marked People's 24.

18 May I have that marked People's 24 for identifica-
19 tion in this proceeding?

20 THE COURT: So ordered. People's 24 for identification.

21 MR. MANZELLA: Your Honor, I have here what appears to be
22 a piece of cardboard containing two photographs, one of which
23 appears to be an inked print, and the second photograph, a
24 photograph of what appears to be a latent print, and this has
25 previously been marked People's 26.

26 May that be marked People's 26 for identification
27 at this proceeding?

28 THE COURT: So ordered.

P 24
ID

P 26 ID

2a-2

1 Q BY MR. MANZELLA: All right. Mr. White, directing
2 your attention to the exhibit which has been marked People's
3 24 for identification, do you recognize that exhibit?

4 A Yes, sir.

5 Q And what is that exhibit?

6 A This is a portion of a palm print which was the
7 latent that was lifted by me at 964 Old Topanga Road.

8 Q And on what date was that latent print lifted by
9 you?

10 A (No response.)

11 Q Do you have some notation that you made on the
12 exhibit itself?

13 A Yes, sir, there is.

14 Q And did you put that notation as to the date on the
15 exhibit when you prepared the exhibit?

16 A Yes, I put this on the date the print was lifted.

17 Q All right. Do you need to refer to that, to refresh
18 your memory as to the date you lifted the print?

19 A It was 9-1-61. I can see it now -- no, 9-1-69;
20 I'm sorry.

21 Q All right. Now, would you tell us how you went
22 about lifting and preserving that latent print which is
23 People's 24?

24 A Could I have a minute, please?

25 Q I beg your pardon?

26 A Could I have a minute, please?

27 Q Yes, you may. You may remove the staples from the
28 exhibit if --

2a-3

1 A I made a mistake. That was 8-1-69.

2 Q All right. That's August 1st of '69?

3 A Yes, sir.

4 Q All right. And is that the notation contained on
5 the exhibit itself?

6 A Yes, sir.

7 Q All right. Now, would you tell us how you went
8 about lifting and preserving the latent print which is People's
9 24?

10 A This print was obtained by using the brush, a very
11 fine brush. And when I was called to this address, I was
12 directed by the investigator to make a fingerprint search on
13 any surfaces which I considered suitable and where someone might
14 have had their hands, or touched, in the course of being in the
15 house.

16 During the times that I -- or, during this time that
17 I was brushing the powder on the surfaces, I discovered this
18 print in the house.

3 fol

19

20

21

22

23

24

25

26

27

28

3-1

1 Q How did you go about lifting and preserving the
2 print? I don't believe you've explained how that is done.

3 A The print was lifted with a piece of Scotch
4 tape. At the time it was lifted, it was placed on this white
5 piece of paper which --

6 MR. DENNY: Just a moment, I'll object to testimony
7 at the time it was lifted unless it is stated that he lifted
8 it.

9 MR. MANZELLA: He's already testified that he lifted
10 it, your Honor, I believe.

11 THE COURT: Is that true?

12 THE WITNESS: Yes, sir. Yes, sir, at the time I
13 lifted it.

14 THE COURT: The objection will be overruled. Go
15 ahead.

16 THE WITNESS: The developed latent print was covered
17 with a Scotch tape, rubbed down. The micilage of the Scotch
18 tape picked up the carbon powder which had adhered to the
19 moisture. The tape was then placed on the white paper, which
20 is called lift paper.

21 All the --

22 Q And is that -- I'm sorry. Go ahead.

23 A All the information was then placed on the same
24 paper by me.

25 This was taken to my office and placed in an
26 envelope to await a fingerprint comparison.

27 Q All right. And so that People's Exhibit 24,
28 the one you are holding in your hand, is the actual latent

1 print itself, is that correct?

2 A That's correct.

3 Q Now, Deputy White, directing your attention to
4 the diagram which is on the board here, which is People's 7.

5 If you would, you can step down and use the hand
6 microphone and the pointer, and show us, if you would, if
7 the area from which you lifted the latent print, which is
8 People's 24, shows in that diagram. And if so, would you
9 point it out to us, please?

10 A The diagram shows this on a flat scale. This
11 area here (indicating) is a portion of the wall between the
12 kitchen and the hall, the end being a door jamb. The latent
13 print was found on that door jamb and it was approximately
14 36 inches from the floor, I believe.

15 Q Now, was that location on which you found the
16 latent print, is it marked in any way on People's 7?

17 A Yes. The location is marked with an X and this
18 is my initials (indicating).

19 Q Did you place that marking and those initials
20 on the diagram in a prior proceeding?

21 A Yes, I did.

22 Q And is it your testimony it was found approxi-
23 mately three feet off the floor at that location?

24 A Yes.

25 Q All right, thank you, Mr. White.

26 Mr. White, directing your attention to the
27 exhibit which has been marked People's 25 for identification.

28 Do you recognize what is shown in that exhibit?

1 A Yes, sir.

2 Q Would you tell us what that is, sir, please.

3 A This is a fingerprint exemplar card, commonly
4 referred to in my office as a palm card. It contains
5 rolled impressions of the fingers on the bottom on either
6 side of the card and flat impressions of the palms on either
7 side of the card.

8 Q Have you ever seen that exhibit, People's 25
9 before?

10 A Yes, sir.

11 Q And did you make a comparison between the prints
12 appearing on People's 25 for identification with the latent
13 print, People's 24 for identification, which you lifted from
14 the home at 964, Old Topanga Road?

15 A Yes, sir, I did.

16 Q And as a result of that comparison, did you form
17 an opinion as to whether or not the print appearing on
18 People's 25, the print exemplar card --

19 A Yes.

20 Q -- and the print appearing -- and the latent
21 print were made by one and the same person?

22 A Yes, that's right.

23 Q And what was that opinion?

24 MR. DENNY: Objection, insufficient qualifications to
25 testify and express an expert opinion.

26 THE COURT: People.

27 MR. MANZELLA: The People believe they've laid a
28 sufficient foundation at this time, your Honor, for the

1 testimony.

2 MR. DENNY: May I take the witness on voir dire, your
3 Honor?

4 THE COURT: I'll hear from you at the bench.

5 (Whereupon, the following proceedings were had
6 at the bench among Court and counsel, outside the
7 hearing of the jury:)

8 THE COURT: Wherein do you find his expertise lacking
9 to answer this question?

10 MR. DENNY: The only training, he's had a three-unit
11 fingerprint classification course at L. A. Junior College.
12 He says he's worked in the office. He doesn't say under
13 whose direction or guidance, with what equipment, what books
14 he's read, whether he's knowledgeable on any books in the
15 field, whether he's been under the direction and guidance of
16 any people who know anything about it. All he's said is
17 he's taken a three-unit course at East L. A. Junior College
18 and the fact he's appeared in court.

3a fls.

3a-1

1 The fact he's appeared in court means somebody
2 hasn't challenged his qualifications. But it doesn't
3 necessarily mean he has the qualifications.

4 THE COURT: All right. The Court will sustain the
5 objection at this time. You may question him further.

6 (Whereupon, the following proceedings were had
7 in open court within the presence and hearing of the
8 jury:)

9 Q BY MR. MANZELLA: Deputy White, if I may go back
10 and expand on your background and training and experience in
11 the field of fingerprint training and comparison, which is
12 something I should have done before.

13 Have you had occasion, during your years with
14 the Identification Section of the Los Angeles County
15 Sheriff's Office, of working and studying under and being
16 trained by persons with experience in the field of finger-
17 print comparison?

18 A Yes, sir.

19 Q Would you tell us the names of some of those
20 persons for us, please?

21 A Charles Van der Wende.

22 MR. DENNY: I'm sorry, could I have the spelling of it?

23 THE WITNESS: Charles, and the last name is three
24 separate words. V-a-n-d-e-r W-e-n-d-e;

25 Robert Mienke.

26 MR. DENNY: Could I have the spelling of that last
27 name?

28 THE WITNESS: M-i-e-n-k-e.

1 Malcolm Rentner, R-e-n-t-n-e-r;

2 James Chambers, C-h-a-m-b-e-r-s;

3 Howard Speaks, S-p-e-a-k-s;

4 An L. A. Police Department fingerprint instructor
5 who taught my class, E. W. Howe... who I believe at the
6 present time is supervisor of their record section or
7 identification section in a civilian capacity.

8 I've talked to at least three or four LAPD
9 identification men whom I don't know their names, I've just
10 talked to them in the course of the court duties, meeting
11 them in court, et cetera.

12 MR. DENNY: Well, I move that that be stricken as
13 irrelevant and immaterial, unless he's talked to them about
14 fingerprints. I've talked to officers, too.

15 THE COURT: Sustained.

16 THE WITNESS: This is in regard to their opinion on
17 fingerprints.

18 I've read -- well, I'm getting away from the
19 subject.

20 Q BY MR. MANZELLA: Yes.

21 All right, Mr. White, are these persons, all or
22 some of these people, persons who are recognized authorities
23 in the field of fingerprint examination?

24 MR. DENNY: I'll object to that as calling for
25 conclusion and opinion and hearsay.

26 THE COURT: Overruled.

27 A They have testified as qualified experts.

28 Q BY MR. MANZELLA: And are these persons --

1 MR. DENNY: Just a moment, I'll move that answer be
2 stricken as non-responsive.

3 THE COURT: So ordered.

4 Q BY MR. MANZELLA: And are these persons that have
5 testified as qualified experts in the State of California?

6 A Yes.

7 MR. DENNY: Just a moment, I'll object to that as
8 irrelevant and immaterial.

9 THE COURT: Sustained.

10 Q BY MR. MANZELLA: Are these persons, at the time
11 that you trained and studied under them, persons who had
12 considerably more experience than you had at the time that
13 you studied and trained under these persons?

14 MR. DENNY: That calls for hearsay.

15 THE COURT: Overruled.

16 A Yes, sir.

17 Q BY MR. MANZELLA: Are there, in the field of
18 fingerprint examination, analysis, comparison, textbooks
19 and articles written on the subject, written by other
20 persons in the field?

21 A There are.

22 Q And have you and do you read these books,
23 texts and articles?

24 A I read all articles written in the FBI monthly
25 report that's sent to all police agencies. I have read
26 articles in police magazines written by these experts.

27 Q And is there anything that you can think of
28 that I have omitted as of this time with regard to your

1 background, training and experience in the field of fingerprint
2 examination and comparison?

3 A Well, there's only one thing which is relatively
4 minor.

5 I have rolled probably in the neighborhood of
6 5,000 sets of fingerprints and I have classified and searched
7 fingerprint cards from start to finish and found the cards and
8 the records.

9 I don't believe we've dwelt on exactly how the
10 fingerprint or palm print is actually identified, and I could
11 state to the Court and the jury just how that is done.

3b fls.

3b-1

1 Q All right, would you do that, please, thank you.

2 A The fingerprints which most people are familiar
3 with, are actually on the bulbs of the fingers. Very few
4 people are aware that you can identify a person by the
5 fingerprint --

6 MR. DENNY: Well, I'll object to that as not responsive
7 to the question.

8 MR. MANZELLA: Yes, it is. It is exactly responsive to
9 my question. I asked him to go ahead and tell us what
10 Mr. White said he wanted to -- that I had left out.

11 MR. DENNY: Well, "very few people are aware" --

12 THE COURT: The objection is sustained.

13 MR. MANZELLA: As to that part, that "very few people are
14 aware that"?

15 MR. DENNY: That's all I am objecting to.

16 THE COURT: All right, that's stricken.

17 Q BY MR. MANZELLA: All right, fine, please continue,
18 Mr. White.

19 A You can identify by it by second and third joints
20 of the fingers and by any portion of the palm. You can even
21 identify a person by toe prints and actually the prints of
22 the palms of his feet.

23 And the way this is done, is not actually by the
24 fingerprint pattern itself which appears on the bulbs of the
25 fingers, but the identification is made by comparing identical
26 points on that portion of the latent fingerprint which you
27 have against the portion of the palm or fingers.

28 And by doing this, you have various points of

3b-2

1 identification.

2 For example, you have an ending ridge, which is
3 the -- a ridge that runs between two ridges.

4 Q All right, Mr. White, let me interrupt you for a
5 moment.

6 I have here another exhibit which has been marked
7 People's 26 for identification.

8 Does this exhibit show some of the points of
9 identification about which you're speaking now? If it does,
10 we might use that as an illustration of your testimony.

11 A Yes, sir, it does.

12 Q All right, if I may, then, I would like to put
13 this exhibit, People's 26 for identification, here on the
14 easel.

15 MR. DENNY: Well, I'm going to object.

16 Q BY MR. MANZELLA: And ask you to come down off the
17 witness stand and, using the pointer, perhaps explain what you
18 were about to explain to us, using as an illustration, this
19 exhibit, People's 26 for identification.

20 MR. DENNY: That hasn't been received in evidence. I
21 object to its display before the jury at this time until it is
22 received in evidence. And I object to its being used as a
23 method of displaying general testimony when it is obviously
24 attempted to be a specific exhibit here and when he is not
25 qualified as an expert yet.

26 THE COURT: All right, the objection is sustained.
27
28

4 fol

4-1

1 Q BY MR. MANZELLA: All right. Please continue with
2 your explanation, Mr. White, then, without the benefit of the
3 exhibit.

4 A These identification points are -- one, you have a
5 dot, which is a small ridge between two ridges, which is no
6 longer than it is wide, and circular in appearance.

7 And of course, the ending ridge, which is a
8 ridge that runs between two ridges, and all of a sudden it
9 stops abruptly.

10 You have what you call a bifurcation, which is
11 one ridge that runs through the print --

12 THE COURT: Excuse me just a moment. The Court doesn't
13 believe that this has much to do with his qualifications,
14 and would interrupt at this time.

15 Do you have any questions on voir dire?

16 MR. DENNY: Yes, I do, your Honor.

17 THE COURT: Go ahead.

18
19 VOIR DIRE EXAMINATION

20 BY MR. DENNY:

21 Q Mr. White, you said there are books and texts
22 written by others -- or, I think your response to the question
23 by Mr. Manzella, as to whether there are books and texts
24 written by others, experts in the field, you indicated,
25 "Yes."

26 And he asked then if you had read them, and you
27 said, "I've read all the articles from the FBI reports, and
28 I have read articles in police magazines written by other

4-2

1 experts."

2 Is that right?

3 A Yes, sir.

4 Q Well, what about the books, the texts? What
5 text did you use in this three-unit course in East L.A.?

6 A The text that we used at that time was the
7 FBI Fingerprints Classification book.

8 Q Well, what is it called?

9 A FBI book on Fingerprint Classification.

10 Q Is that the actual title?

11 A Uh -- I'm not sure whether that is the actual
12 title or not. That's the -- to the best of my memory, that's
13 it.

14 It may not be exact, though.

15 Q And do you recall the year -- by the way, when
16 was it you took this course?

17 A In 1963.

18 Q All right. Is that the only text you used?

19 A Yes, sir.

20 THE COURT: Have you been working with fingerprints
21 since 1963, then?

22 THE WITNESS: Yes, sir.

23 Q BY MR. DENNY: And have you read any other book,
24 any other text --

25 A No.

26 Q -- since that time?

27 A No, sir. No other texts.

28 Q Well, are you familiar with the fact that there

4-3

1 are recognized texts, recognized by experts in the field?

2 A I really don't know, because our office uses that
3 one, and this is the one that -- that they had us use in our
4 fingerprint classification course.

5 Q It uses that one and no other?

6 A No other.

7 Q Well, simply because your office uses it, have
8 you not studied others on your own, to become an expert in
9 the field?

10 A No texts. Just read articles and --

11 Q Well, sir, again --

12 A -- and conversed with other experts.

13 Q -- are you familiar with texts, any other texts?

14 A Not any other texts.

15 Q By Guenther or by Osborn?

16 A I haven't read them.

17 Q Well, these people that you say you've studied
18 under, now, who is Charles Van der Wende?

19 A He's a latent fingerprint expert from my unit.

20 Q From your unit?

21 A Yes, sir.

22 Q To your knowledge, trained the same way you were,
23 with a three-unit course at East L.A.?

24 A Yes, sir.

25 Q And has read no other book on the subject?

26 A I don't know anything about that, sir.

27 Q Well, what is his -- is he a Deputy, a Sergeant?

28 A Yes, Deputy 4.

4-4

4a fls.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Q What is Deputy 4?

A That's top Deputy in the Sheriff's Department.

At one time, it was called Senior Deputy.

4a-1

1 Q Well, is that above or below a sergeant?

2 A One step below.

3 Q One step below?

4 A Yes, sir.

5 Q And what are you?

6 A I am a Deputy 4.

7 Q And is this a fellow who is in the department --

8 well, when was it that you received your alleged training under
9 Mr. Van Der Wende? Or did you receive training under him?

10 A This was on-the-job training.

11 Q Well, was he your superior at that time?

12 A He was not my superior. We were equals.

13 Q Well, were you training together at the time?

14 A No. He was already trained, to the best of my
15 knowledge, and he was considered an expert at that time.

16 Q Considered by whom?

17 A By the courts.

18 Q You mean nobody objected to his qualifications,
19 as far as you were aware?

20 MR. MANZELLA: That calls for speculation, your Honor.

21 MR. DENNY: Well, I move that -- well, that's all right.

22 Q And how long had he been trained before he started
23 working with you?

24 A To the best of my knowledge, he was there two years
25 before I was.

26 Q And do you know what training he got? Was it the
27 same training that you got from him?

28 A Just other experts, along with the course.

4a-2

1 Q Other so-called experts?

2 A Yes, sir.

3 Q All right. And who's Robert Minke?

4 A Another one of my associates.

5 Q And is he on an equal level with you?

6 A Yes, sir.

7 Q Did he come into the department at the same time

8 you did?

9 A Uh -- he was in the identification unit before I

10 was.

11 Q How much before?

12 A I don't know. Probably a year, maybe two; but

13 I'm not sure.

14 Q And do you know what training and experience --

15 what training he had had?

16 A The only thing I know is the same as I had had.

17 Q Well, did he go to the same course that you did?

18 A The same course, yes.

19 Q At the same time?

20 A No, sir. Before.

21 Q A year before?

22 A At least.

23 Q All right. And who is Malcolm Rentner?

24 A Another one of my associates. He's now retired.

25 Q By the way, was Robert Minke also a Deputy 4?

26 A Yes, sir.

27 Q He wasn't a Deputy 4 at the time you came in?

28 A He was a senior deputy at that time. Subsequently,

4a-3

1 he's Deputy 4, the same pay grade.

2 Q All right. Malcolm Rentner has retired, you say?

3 A Yes, sir.

4 Q And who was Malcolm Rentner?

5 A Another one of my associates.

6 Q At the time you came into the ID unit --

7 A Yes, sir.

8 Q -- back in '68?

9 A Oh, he was there when I came there. He had been
10 there for several years.

11 Q How many years?

12 A I don't know. But it was in excess of four years;
13 that I am aware of.

14 Q And what grade was he?

15 A At that time, he was a senior deputy.

16 Q And do you know what training he had had?

17 A Basically, the same as the rest of us.

18 Q Well, are you guessing now at this point, or do
19 you know actually what training he had?

20 A I'm not sure. All I know is what he had told me,
21 that he had had a fingerprint course, and he had been trained
22 by other experts who had preceded him.

23 Q Other so-called experts?

24 A Yes, sir.

25 Q All right. And who's James Chambers?

26 A Another one of my associates.

27 Q And was he there at the time you came into the
28 unit?

4a-4

1

A Yes, sir.

2

Q A Deputy 4, or a senior deputy?

3

A Senior deputy at that time.

4

Q All right. And how long had he been in the unit when you came?

6

A I'm not certain, but in excess of four years. He had been there actually longer than Mr. Rentner.

8

Q All right. And do you know what his training was?

9

A From talking to him, it was basically the same.

10

Q How about Howard Speaks?

11

A I think he had something like ten years.

12

Q He has now ten years?

13

A No, he had at that time.

14

Q He had ten years in the ID unit?

15

A That's very close to it. That's just a guess.

16

But he had been there for a very long time.

17

18

19

20

21

22

23

24

25

26

27

28

4b fol

4b-1

1 Q There wasn't --

2 A And considerably longer than the rest of them.

3 Q And there wasn't any such thing as East L. A.

4 Junior College at the time that he came in, was there?

5 A I don't know where he took his training.

6 Q You don't know anything about his training?

7 A No, sir.

8 Q And you've had the course from E. W. Howe at

9 East L. A.?

10 A Yes, sir.

11 Q And you don't know anything about his training?

12 A No, sir.

13 Q And you talked to several L.A.P.D. print officers
14 at court, --

15 A Yes.

16 Q -- but you don't know anything about their
17 training?

18 A No, sir.

19 Q Did you say on direct examination that you worked
20 in the office for two years handling prints and had handled
21 a hundred thousand prints?

22 A I made over a hundred thousand comparisons, yes,
23 sir.

24 Q You made a hundred thousand comparisons in two
25 years?

26 A That's a conservative estimate.

27 Q A conservative estimate?

28 A Yes.

4b-2

1 Q How long did it take you to make a comparison?

2 A Can I illustrate?

3 Q How long? Don't show --

4 THE COURT: Is there any one time, for any single
5 comparison?

6 THE WITNESS: You might make a comparison in the glance
7 of an eye (indicating) on a certain print.

8 Another print, it may take you an hour, maybe two
9 hours to make a comparison.

10 Q I take it you took some time off during those two
11 years?

12 A Sure did.

13 THE COURT: Anything further on voir dire?

14 MR. DENNY: Nothing further, your Honor.

15 THE COURT: Anything further from the People?

16 MR. MANZELLA: Yes, your Honor. We haven't gotten to the
17 testimony.

18 THE COURT: On voir dire?

19 MR. MANZELLA: Oh, no, your Honor.

20 THE COURT: All right. Ask your question.

21

22 DIRECT EXAMINATION (Continued)

23 BY MR. MANZELLA:

24 Q All right. Mr. White, did you make a comparison
25 between the prints appearing on People's 24, which is the
26 latent print, a comparison of that print, the latent print,
27 with People's 25, the print appearing on People's 25, which is
28 the print exemplar card?

4b-3

1 A Yes, I did.

2 Q And as a result of that comparison, did you form an
3 opinion as to whether or not the prints on People's 24, the --
4 that is, the latent print -- and the print appearing on
5 People's 25, the print exemplar card, were made by one and the
6 same person?

7 A Yes, sir.

8 Q And what was that opinion?

9 A That they were made by the same person.

10 Q And I should ask you: Is that your opinion now?

11 A Yes, sir.

12 Q Now, did -- was an exhibit of some sort prepared
13 for you here in court, involving the enlargement of the latent
14 print and an enlargement of a portion of the print appearing on
15 the print exemplar card?

16 A Yes, sir.

17 Q All right. Now, directing your attention to the
18 exhibit which is People's 26 for identification -- and if you
19 would, step down here to the easel, using the hand-microphone
20 and the pointer -- do you recognize People's 26 for identifica-
21 tion?

22 A Yes, I do.

23 Q And would you tell us what that is? And please
24 make sure you stand to the side, so the jurors at the end of
25 the jury box can see.

26 A The entire card is what we call a court exhibit.
27 The photograph on the left of the card is the -- is a photo-
28 graph enlargement of the latent print found at the scene.

4b-4

1 Q And is that marked underneath that enlargement,
2 "Latent Print"?

3 A Yes, sir.

4 Q And is that the print which I am holding in my
5 hand now, People's 24?

6 A Yes, sir.

7 Q All right. Please continue.

8 A The photographic enlargement on the right is a
9 portion of the -- a portion of the inked impression which is on
10 the exemplar card.

11 Q The exemplar card that you are referring to is
12 People's 25, the exhibit I am holding in my hand now?

13 A Yes, sir.

14 Q Now, does the portion of the exemplar card, which
15 has been enlarged and is referred to as the "inked print" on
16 People's 26, is that portion designated in any way on the
17 exemplar card?

18 A Yes, sir.

4c fol

19

20

21

22

23

24

25

26

27

28

4c-1

Q And I'll hold the exhibit. Would you point that out and tell us how it is designated on the exemplar card?

A The red broken lines designate the area which is depicted in the photographic enlargement.

Q All right. Now, would you tell us -- I believe you started to tell us before, generally.

Would you tell us now specifically, Mr. White -- if I may, when you point the microphone at the speaker, that's when you get the screeching sound. So try not to point it at the speaker. The speaker is this thing right over your head there (indicating).

Would you tell us now specifically, with regard to those two prints, the latent print and the inked print which have been enlarged and which appear on People's 26 for identification, would you tell us how you went about making the comparison and what the results of the comparison were? And how they show on the exhibit itself?

A The comparison was made by comparing -- by finding a specific point, No. 1, which is marked with the red line, and it is No. 1 on the latent -- the enlarged portion of the latent print.

At that time, you go to the rolled impression taken from the exemplar card, and you attempt to find a point which makes it identical to this, which would be an ending ridge right at the end of the red line marked No. 1.

From there, you count ridges to your next point of identification on the latent impression, which would take you to point No. 2, which appears to be a dot on the rolled --

4c-2

1 or on the latent fingerprint.

2 The dot is -- you then look over to the rolled
3 impression, by starting at No. 1, and you count so many
4 ridges, as you would here, and these have to match identically.
5 The ridge count has to match identically.

6 And the No. 2 point of identification would have
7 to be in the same spot, exactly, on the latent print impres-
8 sion as it is on the rolled impression and vice versa.

5 fls.

9 When you start again --
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Q And is it --

A -- No. 2, you go on to No. 2 --

Q Excuse me, Mr. White.

Is it in the exact spot in the latent impression as it is on the inked impression?

A Yes, sir.

Q And is that designated by the No. 2, as shown in the court exhibit?

A That's correct.

Q All right, please continue.

A You come back to the latent impression and you count from No. 2 to the next point that you --

THE COURT: Mr. White, would you stand aside so the two ladies in the end seats there can see.

THE WITNESS: You count from No. 2 point, which is the dot, one, two ridges. You find No. 3, as marked on the latent impression at -- by the 3, and the red line. This happens to be an ending ridge. You come to here (indicating), and you count one, two, and then you have the ending ridge at the end of the red line marked 3.

From the No. 3 point, you go to No. 4 point, which is another ending ridge. The first line down from No. 3. You go back to the rolled impression and you find No. 4 marked an ending ridge. You make a complete examination of the entire latent, matching as many points as you can with the rolled impression in that same manner. You have 14 points of identical nature marked on the latent impression that correspond with the same identical 14 points in the inked

1 impression.

2 Q And those 14 points have been labeled and show
3 on People's 26, the court exhibit?

4 A Yes, sir.

5 Q And for each of those 14 points, are you saying
6 that you did the same thing that you've told us you've done
7 with points No. 1, 2 and 3?

8 A Yes, sir.

9 Q And all those points were in the exact position
10 on the inked impression that they were on the latent impres-
11 sion?

12 A Yes, sir.

13 Q Now, Mr. White, before you resume the stand,
14 let me ask you this:

15 Did you find 14 points of identification or did
16 you find more than 14 points of identification between these
17 two prints?

18 A There was in excess of 35 identical points that
19 I could match the latent fingerprint or the latent palm print,
20 rather, to the palm print which is enlarged here.

21 Q You say there were at least 35?

22 A Yes, sir.

23 Q And was it for reasons of space that you did not
24 mark it all on the court exhibit?

25 A That's correct.

26 Q Now, is there some recognized standard in the
27 field of fingerprint examination and comparison as to the
28 number of points of identification which experts in your field

1 require before they will, say, testify that they have formed
2 the opinion that the two prints are made by one and the same
3 person?

4 A Most experts that I've had conversation with
5 consider ten identical points.

6 MR. DENNY: I'll object to that as not responsive to
7 the question, and that is, is there a recognized standard
8 among -- not the people you've talked to, but people in the
9 field as a whole.

10 THE COURT: Sustained.

11 MR. DENNY: And I move that the answer be stricken.

12 THE COURT: The answer is stricken.

13 Q BY MR. MANZELLA: Is there one or more than one
14 recognized standard among the experts in your field?

15 MR. DENNY: It is a compound question.

16 THE COURT: Overruled, you may answer.

17 A There is actually no standard.

18 Q I see. Is there a standard in your field that is
19 used by persons with whom you've talked and used in articles
20 that you have read on the subject of fingerprint examination
21 and comparison?

22 MR. DENNY: That's a compound question.

23 THE COURT: It is. You may rephrase it.

24 Q BY MR. MANZELLA: Is there a standard used by
25 persons with whom you've spoken on the subject of fingerprint
26 examination and comparison?

27 MR. DENNY: Irrelevant and immaterial as to what --

28 THE COURT: Overruled. You may answer.

1 MR. DENNY: Well, what people he's spoken with, your
2 Honor, whether they're experts or not.

3 THE COURT: All right, sustained. You may rephrase your
4 question.

5 MR. MANZELLA: I'll withdraw the question.

6 Q Mr. White, was it as the basis of this, the
7 comparison which you've just described for us, that you formed
8 the opinion that the latent print which is People's 24 was
9 made by the same person which made the prints that appear in
10 People's 25?

11 A Yes.

12 Q And could anyone else in the world have made the --
13 that latent print, People's 24, other than the person whose
14 prints were rolled on People's 25, the People's print
15 exemplar card?

16 A No.

17 Q Okay. You can resume the stand, Mr. White. Thank
18 you.

19 Your Honor, I have here what appears to be -- I'm
20 sorry, strike that, your Honor, both of these exhibits have
21 already been marked for identification.

22 Mr. White, directing your attention to the exhibit
23 which has been marked People's 28.

24 Have you ever seen that exhibit before?

25 A Yes, sir.

26 Q And that is the exhibit which has been identified
27 as the Coroner's print exemplar card.

28 Directing your attention to the exhibit which

1 has been marked People's 27-A for identification --

2 Your Honor, I'm not sure if that exhibit has been
3 marked. It appears to be a temporary -- application for a
4 temporary driver's license in the name of Gary Alan Hinman.

5 THE COURT: It has been marked 27-A for identification.

6 MR. MANZELLA: All right, thank you.

7 Q Mr. White, directing your attention to People's
8 27-A. Have you examined that document?

9 A Yes, sir.

10 Q And have you, at my request, made a comparison
11 between the print appearing on People's 27-A for identification
12 with the prints appearing on People's 28 for identification?

13 A Yes, sir.

14 Q And as a result of that comparison, did you form
15 an opinion as to whether or not those prints were made by one
16 and the same person?

17 A Yes, sir.

18 Q What is that opinion?

19 A They were made by one and the same person.

20 MR. MANZELLA: All right, thank you, Mr. White. I have
21 no further questions, your Honor.

22
23 CROSS-EXAMINATION

24 BY MR. DENNY:

25 Q Mr. White, before you became a -- assigned to
26 the fingerprint unit or Identification Unit, what were you
27 doing?

28 A I was a Deputy Sheriff.

1 THE COURT: Do you anticipate some time on this?

2 MR. DENNY: Yes, I do.

3 THE COURT: All right, we'll take a recess now, ladies
4 and gentlemen. During the recess you are admonished not to
5 converse amongst yourselves, nor with anyone else, nor permit
6 anyone to converse with you on any subject connected with the
7 matter, nor form or express any opinion on it until it is
8 finally submitted to you.

9 (Afternoon recess.)

6 fls.

6-1
1 THE COURT: The record will show all jurors to be
2 present. The defendant is present, and Mr. Denny and
3 Mr. Manzella.

4 You may resume the witness stand.

5 You may proceed, Mr. Denny.

6 BY MR. DENNY:

7 Q Mr. White, I think we had asked you, just before
8 the break, what you were doing with the Sheriff's department
9 before you were assigned to the fingerprint identification unit.

10 What was your job?

11 A My exact job? I was working at Wayside Honor
12 Rancho.

13 Q In what capacity?

14 A As a senior deputy.

15 Q This is custodial work?

16 A Yes, sir.

17 Q And how long had you been so employed?

18 A In that particular position, five years.

19 Q And how long have you been a Deputy Sheriff?

20 A Twenty-four years.

21 Q And before that time, had you gone through the
22 regular patrol --

23 A No, sir.

24 Q Well, what had you done before your five years --

25 A Previously --

26 Q -- custodial service with the Sheriff's department?

27 A Previous to that, I was at Mira Loma, custody unit.

28 Q For how long?

6-2

1 A For five years.

2 Q That makes it ten years.

3 A And prior to that, another six years at the
4 County Jail.

5 Q The County Jail, upstairs here (indicating)?

6 A Yes, sir.

7 Q All right. Six years, was that?

8 A Yeah, slightly over six years.

9 Q So, then, for the sixteen years of your work with
10 the Sheriff, before you became a fingerprint expert, you were a
11 jailer; is that right?

12 A Hmmm -- yes, you could call it that.

13 Q All right. And what is your educational background,
14 sir?

15 A High school graduate, with -- high school graduate,
16 with 30 units of police science --

17 Q Well --

18 A -- in college.

19 Q -- you say 30 units of police science in college?

20 A Yes, sir.

21 Q You went to college?

22 A I took the adult extension course at Antelope
23 Valley Junior College, and East L. A. --

24 Q Antelope Valley?

25 A Antelope Valley Junior College.

26 Q Is that out in the Victorville area?

27 A No, sir. That's in Lancaster.

28 Q All right.

6-3

1 A And the East L. A. course.

2 Q Well, were these regular courses at the campuses
3 of those --

4 A No, sir.

5 Q -- two universities, or just extension courses?

6 A Extension courses.

7 Q Mail --

8 A No.

9 Q No?

10 A No. No mail order.

11 Q Well, what do you mean by "extension course"?

12 A They were -- the East L. A. course was at the
13 police building in Los Angeles.

14 The other police science courses were given at the
15 Mira Loma facility, by an accredited teacher from Antelope
16 Valley Junior College.

17 Q I see. All right. So that we get it straight,
18 you did not go from high school, then, to any accredited
19 college; you went right from high school into the Sheriff's
20 department; is that correct?

21 A Yes, sir.

22 Q You didn't do any work with any other agency,
23 organization, or anything like that between high school and
24 your acceptance as a Deputy Sheriff?

25 A No police agency, no, sir.

26 Q And at the time you were a Deputy Sheriff, you
27 became a Deputy Sheriff, did they have a regular training
28 course at the Sheriff's Academy? For incoming deputies?

6-4

1 A They had. I never did attend.

2 Q So, you didn't even take the basic training for a
3 Deputy Sheriff; is that right?

4 A No, sir.

5 Q All right, sir. Now, this particular exhibit, the
6 latent print, People's 24 --

7 I'm sorry, Miss Holt. Did you return that to the
8 witness stand, or is that on your desk still?

9 (Whereupon, the clerk handed an exhibit to
10 Mr. Denny.)

11 Q BY MR. DENNY: I've had the clerk remove the paper
12 clips from that, so that there's no problem with your reading
13 that.

14 Do you want to look that over carefully, sir?
15 The lift and the material on that?

16 A Yes, sir.

17

18

19

20

21

22

23

24

25

26

27

28

6a fol

6a-1

1 Q Now, again, you testified initially in response
2 to Mr. Manzella's question that you took that lift on September
3 1, 1969. And then you said, "I made a mistake. That was
4 August 1, 8-1-69."

5 Is that right?

6 A Yes, sir.

7 Q And that's when you made the lift?

8 A Yes, sir.

9 Q Are you sure of that?

10 A Yes, sir.

11 Q Positive?

12 A Absolutely.

13 Q Why are you positive of that?

14 A It's written right there.

15 Q Well, now, is that the date that you made the
16 lift, or the date of death? Or the date of discovery of the
17 body? Or was it that date?

18 A 8-1.

19 Q Well, what does that mean?

20 A It means that I was at that address 8-1.

21 Q And did you make up a report, in the ordinary
22 course of business, pursuant to your duties as a fingerprint
23 deputy?

24 A Yes, sir.

25 Q And when you make up a report, is it your normal
26 procedure to make up a report the same day that you do the
27 work?

28 A Normally, it is. Sometimes I get behind, and I

6a-2

1 don't make a report the same day.

2 Q Well, do you make your report and date it the day
3 you make the report? Or the day that you did what you say you
4 did in the report?

5 MR. MANZELLA: Your Honor, I would object on the grounds
6 that what is usually done or customary is not relevant here.

7 THE COURT: Sustained.

8 Q BY MR. DENNY: Well, let me show you a copy of the
9 County of Los Angeles Sheriff's Department supplementary
10 report.

11 In the middle of that report it states "F. White,
12 Senior Deputy, Badge 303."

13 A Yes, sir.

14 Q Do you recognize that report?

15 A Yes, sir.

16 Q And that report is dated August 4, 1969; is that
17 correct?

18 A That is correct.

19 Q And it starts off: "Undersigned arrived at the
20 location at 3:10 P. M. this date and took color photos and
21 made a fingerprint investigation."

22 Is that right?

23 A That's correct.

24 Q Well, now, what date?

25 A It was not August the 4th.

26 Q What date was it?

27 A August the 1st.

28 Q Well, there is, below there, "C. Person Dead;
29 V. Hinman, Gary."

6a-3

1 And then: "Location, 964 Old Topanga Canyon. D,
2 August 1, 1969."

3 A Yes, sir.

4 Q Now, is August 1, 1969, then, the date you're
5 talking about, "this date"?

6 A Yes, sir.

7 Q Well, what does August 4th mean up there?

8 A I'm sorry. I don't know.

9 Q Well, that report was made out at your -- by you,
10 wasn't it?

11 A Yes, sir.

12 Q And you signed that?

13 A I wrote the report in my original handwriting.

14 And the only thing that I can offer as an explana-
15 tion is that this was not typed until August the 4th.

16 Q That's your explanation --

17 A That's the only explanation I can offer.

18 Q All right, sir. So, in other words, in the body of
19 your report, when you say, "Undersigned arrived at above
20 location at 3:10 P. M. this date and took color photos and made
21 a fingerprint investigation," you are referring to August 1?

22 A Yes, sir.

23 Q All right, sir. Now, on this particular document
24 here -- let's not get it lost here -- Exhibit 24, is that your
25 writing that appears on the face of the document, above the
26 lift?

27 A Yes, sir.

28 Q So that all of the printing there is your printing?

29 A Yes, sir.

6B-1

1 Q And on the back, there's certain writing or
2 printing. That is not your writing, is it?

3 A The bottom line of the three top lines is my
4 writing.

5 Q Oh?

6 A That's my signature (indicating).

7 Q All right. The first one is J. Leslie?

8 A That's correct.

9 Q 8-7-69?

10 A Correct.

11 Q And the second one is who?

12 A E. Wealer.

13 Q I'm sorry?

14 A E. Wealer. W-e-a-l-e-r.

15 Q 8-7-69?

16 A Yes, sir.

17 Q And the third one is?

18 A F. White.

19 Q 8-8-69?

20 A Yes, sir.

21 Q And to the left of the first two of those is R/Palm.
22 What does that mean?

23 A Right palm.

24 Q And you have put, apparently, ditto marks along
25 there.

26 Is that an indication that you made an identifica-
27 tion of the right palm?

28 A Yes, sir.

1 Q And this would be, then, the right palm of
2 Mr. Beausoleil?

3 A Yes, sir.

4 Q Now, sir, in addition to just the basic data on
5 this document --

6 And your Honor, I would have no objection to that
7 being received in evidence at this time, People's 24.

8 MR. MANZELLA: The People would offer all exhibits
9 identified by Mr. White during Mr. White's testimony at this
10 time, your Honor.

11 MR. DENNY: I have no objection.

12 THE COURT: All right. 24 is received in evidence,
13 and --

14 MR. DENNY: I believe 25, 26 and 27, your Honor -- no,
15 I'm sorry.

16 THE COURT: 25 is -- is a fingerprint card.

17 MR. DENNY: Fingerprint exemplar card.

18 THE COURT: That's received. 26 is a photo, and that's --

19 MR. DENNY: Oh, 26 is the comparison (indicating). No
20 objection to that.

21 THE COURT: That will be received.

22 MR. DENNY: And 27 --

23 MR. MANZELLA: Is the driver's license with a signature
24 of Gary Alan Hinman, and the fingerprint, the right thumb
25 print.

26 THE COURT: Yes.

27 MR. DENNY: No objection to that. And no objection to
28

28.

1 MR. MANZELLA: And I take it -- we are also offering
2 27-A, your Honor. There are two exhibits in that folder
3 marked 27.

4 THE COURT: Yes, that's received, 27 and 27-A.

5 So, from 24 through 28, they're all received in
6 evidence.

7 Q BY MR. DENNY: Now, sir, in addition to the
8 specific data here, as far as the victim's name, the location,
9 and the place from which you say you took the latent lift,
10 you have an opinion expressed on that particular document; is
11 that right?

12 A Yes, sir.

13 Q And what is the opinion that you express there?

14 A That this latent fingerprint was made by Robert
15 Beausoleil.

16 Q No, sir. That's not expressed on the document, on
17 the face of it.

18 I'm talking about on the face of the document,
19 People's 24.

20 A I don't --

21 Q What we call in legal terms an opinion or a
22 conclusion.

23 A I don't believe I understand you.

24 Q Well, what's written in parenthesis there on the
25 last line?

26 A "Possible P.O.E."

27 Q That's right. What does that mean?

28 A Possible point of entry.

1 Q You jumped to this conclusion --

2 MR. MANZELLA: Objection, your Honor. That's
3 argumentative.

4 THE COURT: Sustained.

5 Q BY MR. DENNY: Well, upon what did you base your
6 conclusion that caused you to write that, that a palm print,
7 36 inches above the floor, between the hall and the kitchen,
8 was the possible point of entry?

9 A May I point something out to you on the black-
10 board?

11 Q Certainly, if it will explain -- or answer the
12 question that I asked.

13 Do you want to bring that around again, so the
14 jury can see as you are pointing out anything?

15 A The latent fingerprint was found here (indicating).

16 THE COURT: Indicating where?

17 MR. DENNY: Indicating the X, your Honor.

18 THE WITNESS: The X.

19 MR. DENNY: Which has already been marked.

20 THE WITNESS: Which has been initialed by me on the
21 door facing.

7 fol

22

23

24

25

26

27

28

7
1 MR. KAY: That's on People's 7.

2 THE WITNESS: The door between the kitchen and the hall.

3 And when I arrived, and met Sergeant Whiteley
4 and Sergeant Guenther explaining why I considered as P.O.E. --

5 Q BY MR. DENNY: Well --

6 A -- they informed me --

7 Q Well, again, perhaps without going fully into what
8 they said, is it on the basis of something they told you?

9 A Yes.

10 MR. MANZELLA: I would object to that, your Honor.

11 Mr. Denny has interrupted the witness. He was about to explain
12 why that was a possible point of entry, and I object to his
13 being limited in his answer. Otherwise, I object to the whole
14 answer and Mr. Denny's question and ask that it all be
15 stricken.

16 THE COURT: The objection is overruled.

17 I didn't get the last answer.

18 Was it on the basis, partially on the basis of what
19 they told you?

20 THE WITNESS: Yes, sir.

21 Q BY MR. DENNY: It was not on the basis, then, of
22 the height of the print from the floor, is that correct?

23 A No, sir.

24 Q Or the fact that it was on a door jamb necessarily
25 that caused you to believe that that was the point of entry?

26 A No, sir.

27 Q All right. You can replace the microphone, if you
28 like, sir, and reseal yourself. By the way, on the exhibit

1 here, People's 26, there appears to be a rather interesting
2 structure here in the lower middle portion.

3 Is there a name given to that particular structure?

4 A Yes.

5 Q What is that?

6 A That is a looping formation.

7 Q And is there a difference between a looping
8 formation and a whorl, and that's spelled w-h-o-r-l?

9 A Yes, sir.

10 Q What is the difference between a looping forma-
11 tion and a whorl?

12 A The loop pattern itself has ridges which enter
13 on one side of the print, run parallel to each other, and
14 exit on the other side of the print.

15 The loop also has to have, in order to be
16 considered a bonafide loop, rather than just a looping forma-
17 tion, it has to have a core and a delta and a ridge count.

18 Q Well, if you would, sir --

19 May I have just a moment, your Honor?

20 THE COURT: Yes.

21 MR. DENNY: Hold that there a minute. These are
22 duplicates, aren't they?

23 THE COURT: You were going to explain the further
24 difference.

25 MR. DENNY: Your Honor, I have --

26 THE COURT: Well, I think he was interrupted there,
27 wasn't he, or did you want him to complete that?

28 THE WITNESS: Between the loop and the whorl.

1 THE COURT: Yes.

2 MR. DENNY: I wanted to get to this loop just a moment,
3 if I could, your Honor.

4 MR. DENNY: Your Honor, Mr. Kay has handed me three
5 exhibits which --

6 Q Mr. White, these are identical exhibits to Exhibit
7 26, is that correct?

8 A Yes, sir.

9 Q All right, let me hold these in front of the jury.

10 A Sure.

11 Q As you explain from your location, possibly, so
12 that they can get some idea from where you are pointing to
13 these particular diagrams what you mean by the pattern of a
14 loop.

15 A Uh, this would not be considered a bonafide loop,
16 as described on the balls of the fingers or the bulbs of the
17 fingers, even though it does show a delta.

18 Q Now, a delta is what?

19 A A delta is where two ridges run parallel, tend to
20 diverge. One ridge goes around the pattern from the top, the other
21 goes around the pattern from the bottom.

22 Q And the delta?

23 A It has to have an obstruction between the two
24 parallel ridges that does not have any other obstructions. On
25 this particular part, it is to be considered a delta.

26 Q All right. Is the delta identified on that
27 particular exhibit by any numerical designation?

28 A No, sir, it is not.

1 Q Well, is the delta an important part of identifica-
2 tion in identifying fingerprints?

3 A No, sir.

4 Q All right. So, you didn't use that in identifying
5 these fingerprints, is that correct?

6 A That's correct.

7 Q You didn't use it, at least, as a point of
8 identification?

9 A No, sir.

10 Q All right. All right.

11 Then, let's go to the loop itself.

12 A Yes.

13 Q Would you tell us, again, showing on the exhibit,
14 People's 24, how that particular pattern in the lower middle
15 portion on the right-hand side of People's 24 fits the
16 definition of a loop.

17 A It -- this pattern, uh, actually does fit the
18 definition of a loop because you have --

19 MR. KAY: Excuse me, Deputy White, I don't think the
20 jurors can see, especially the ones on the end. Maybe you can
21 step down and demonstrate on Mr. Denny's photographs. Maybe
22 it would be better.

7a fol

7a-1

1 MR. DENNY: Maybe you'd better. Apparently it is not
2 going to work this way.

3 THE COURT: Perhaps you could set it up on the
4 memorial easel we have here.

5 THE WITNESS: This pattern on the right side which is
6 the inked impression has what would appear to be two lines
7 flowing parallel, one line going this way, and another line
8 going down --

9 THE COURT: Can you see Mrs. Sandberg?

10 JUROR SANDBERG: Yes.

11 Q BY MR. DENNY: Well, again, now, that's talking
12 about the delta, right?

13 A Yes, sir.

14 Q Let's forget about the delta and just go to the
15 loop.

16 A Oh.

17 Q Would you explain how the pattern that's formed
18 in the lower middle portion on the right-hand side here,
19 that is the exemplar print, fits the definition you have
20 given of a loop?

21 A The ridges you see in this area (indicating) --

22 Q You're pointing to the mid area now of the loop?

23 A Mid area -- yes, of the loop, have a tendency to
24 recur, come back and go back out the pattern the same way.
25 Each ridge has a tendency to do this.

26 In this particular pattern, the one small ridge
27 ending where another ridge comes around would be considered
28 the core area. This is a core of the pattern which would be

7a-2

described as a loop pattern. The, uh --

Q Well, we assume from your identification.

A Yes.

Q You say the same would be true of the latent that was lifted?

A Yes, sir.

Q All right. Now, how does the loop, then, differ from a whorl?

A Whorl patterns always have two deltas. And the ridges on the whorl patterns have a tendency to make a complete circle inside the two deltas. No whorl pattern, regardless of which type of whorl it is, will have less than two deltas. Some can have three.

Q All right. The deltas, then, are actually outside, somewhat outside of the main pattern?

A Yes, sir.

Q Is that correct?

A That's correct.

Q All right, fine, sir.

Do you want to retake the stand.

Now, sir, going back to the point of entrance, possible POE in parenthesis on People's 24 there, isn't it a fact that when you went there and looked at this particular area looking for fingerprints, as you say, it was in your mind that you were possibly caught in an investigation or part of an investigation of a murder that had been caused in the course of a burglary? Some sort of entrance in order to commit the crime?

1 A Uh, could you rephrase that? I didn't quite
2 grasp it.

3 Q Well, when you went there, you didn't go there
4 with the idea that somebody known to the victim had walked
5 in and been admitted?

6 A No, sir.

7 Q Freely and voluntarily, did you?

8 A No, sir.

9 MR. MANZELLA: Objection, that doesn't appear to be
10 relevant.

11 Q BY MR. DENNY: Did you --

12 MR. MANZELLA: And ask that the answer be stricken.

13 THE COURT: The answer is stricken.

14 Q BY MR. DENNY: When you made that notation,
15 possible POE, you made it because it was in your mind that
16 you were investigating the burglary-murder, isn't that
17 right?

18 MR. MANZELLA: Objection, doesn't appear to be relevant.

19 MR. DENNY: It is relevant to his notation on the
20 document.

21 THE COURT: Sustained. The objection is sustained.

22 Q BY MR. DENNY: By the way, you found some other
23 identifiable prints there, didn't you?

24 A Yes, sir.

25 Q How many other identifiable prints did you find?

26 A Can I refer to my notes?

27 Q Certainly.

28 A A total of four.

1 Q Four identifiable prints.

2 Were they fingerprints, palm prints, footprints,--
3 what kind of prints?

4 A Uh, may I say that was a total of five instead
5 of four?

6 Q Five in addition to the one you've already
7 described?

8 A No, five total.

9 Q In other words, this one plus four others?

10 A Yes, sir.

11 Q All right. And were they all fingerprints or
12 palm prints or what sort of prints?

13 A Fingers and palms.

14 Q And did you -- could you tell us where you found
15 those; is that reflected in the report at all?

16 A No, sir.

17 Q Do you have any independent recollection of where
18 you found those?

19 A I have an independent recollection of where I
20 found some, but not all.

21 Q All right, would you indicate with the pointer
22 to the jury where you recall finding the others that you can
23 recollect?

24 A Yes, sir.

25 This represents a large picture-type window
26 (indicating).

27 Q You're pointing to a window at the south end of
28 the kitchen?

1 A Yes, sir.

2 Q All right.

3 A I did find partial prints on the outside of this
4 window on the sill.

7b fls.

7b-1

1 Q Now, when you say partial prints --

2 A Yes, sir.

3 Q -- are you now saying that there was one, two or
4 three of these four that you recovered as identifiable prints?

5 A I don't recall these being identifiable. These
6 were unidentified scraps.

7 Q No, I'm talking about just the four identifiable
8 prints.

9 A Oh, okay.

10 Q You found in addition to the one in the hall and
11 the kitchen on the board there.

12 A All right, on the inside frame of this window
13 I found identifiable prints.

14 Q Fingerprints?

15 A Yes, sir, fingers.

16 Q All right.

17 A On this cabinet.

18 Q Now, that is on the east --

19 A It would be the east wall.

20 Q East wall in the southeast corner of the kitchen?

21 A I found a palm print.

22 Q All right.

23 A And the other two, I don't have any recollection.

24 Q All right, sir.

25 Now, did you attempt to make identifications of
26 those four additional prints that you discovered that were four
27 identifiable prints?

28 A Yes, sir.

7b-2

1 Q Whose prints did you compare with those?

2 A I don't know whose they were. We -- or rather my
3 office and I, uh, compared prints of 18 different individuals
4 against all of these prints.

5 Q Well, did you make any record at all, sir, of
6 the 18 individuals whose prints were compared with the
7 identifiable prints that you recovered at the scene?

8 A Yes, sir, there is a record in my office.

9 Q Could you bring that to the courtroom?

10 A Sure.

11 Q All right. You had no independent recollection of
12 what that says at the present time?

13 A No, sir.

14 Q Whose names were on there?

15 A I can remember some of them, not all of them.
16 Let's wait until tomorrow when you can get all of them.

17 Now, sir, in the course of your experience as --
18 of eight years in the fingerprint unit, have you been able to
19 determine how long that print might have been on that door
20 sill?

21 A No, sir. There is no way to determine how old a
22 print is.

23 Q Well, are there maximum and minimum parameters or
24 are there maximum parameters?

25 A There are maximum under certain conditions. And
26 this is why you can't tell the age of the print.

27 Q Well, let's say under the most ideal conditions,
28 under the most ideal conditions, how long would a print on the

1 surface that you recovered this latent print in 24 from, how
2 long could that have been there before you recovered it?

3 A This being a true latent, it very likely wouldn't
4 have been there more than ten days or two weeks.

5 Q Ten days or two weeks.

6 A Not more than that, under the most ideal of
7 conditions.

8 Q Well, when you say this being a true latent, what
9 do you mean?

10 A Purely perspiration.

11 Q Purely perspiration?

12 A Yes, sir.

13 Q Well, are you sure that that latent was purely
14 perspiration?

15 A It wasn't there when I went and when I raised it
16 or when I powdered it, it came up, so I am assuming that it is
17 a pure latent because you couldn't see it.

18 Q Well, there are latents that are not visible to the
19 naked eye that may be perspiration or some other oil and
20 substance mixed, aren't there?

21 THE COURT: Is this material, Mr. Denny?

22 MR. DENNY: Yes, it is very material.

23 THE WITNESS: Usually if there is some form or substance
24 other than perspiration, you can see this.

25 Q BY MR. DENNY: With a naked eye or with the aid of
26 a magnifying --

27 A No, sir, with the identification of a naked eye by
28 getting the proper light and proper perspective.

1 Q And in this particular case you looked carefully?

2 A That's right, checked it and didn't see anything.

3 Q But you dusted it anyway?

4 A That's correct.

5 Q You dusted the whole door frame up and down?

6 A From top to bottom.

7 Q Well, did you look at it carefully first?

8 A Well, I can't say that I did.

9 Q You didn't change the lighting in any way first?

10 A No, sir.

11 Q So that the matter of the light being right and all
12 of that, making a difference in whether there's something mixed
13 with the normal oils of the skin, wasn't a consideration at that
14 time, at the time you lifted this, isn't that right?

15 A I don't quite understand you.

16 Q Well, you simply went and dusted an area that might
17 have been a point of entry, isn't that right?

18 A Yes.

19 Q Without looking too carefully at that area before-
20 hand. You just figured this is where prints will likely be?

21 A Oh, true.

22 Q That's the normal thing you do when you go out to
23 dust a house for prints?

24 A That's right.

25 Q All right. And that's what you did in this case?

26 A Yes.

27 Q So, you didn't look carefully to determine whether
28 there were prints all the way up the door; you just went ahead

1 and dusted it, is that right?

2 A Yes.

3 Q So you can't say at this time whether the print that
4 was on there might not have been mixed with something other
5 than just the oils, the normal oils from the skin, is that
6 right?

7 MR. DENNY: That's argumentative, your Honor.

8 THE COURT: Sustained. Sustained. He's already answered
9 that.

10 MR. DENNY: He answered it that he did see it, your
11 Honor. There was no oils of the skin.

12 THE COURT: You may answer once again.

13 THE WITNESS: I beg your pardon?

14 THE COURT: You may respond. The Court will retract its
15 ruling.

16 Q BY MR. DENNY: You cannot say actually the print
17 that is now the latent print was solely from oils of the skin
18 and not something else mixed with those oils of the skin, can
19 you?

20 A No.

21 Q Thank you, sir.

22 A No.

23 Q All right. Now, if a print is made by -- oh, by the
24 way, let me just get this straight.

25 You've said that under ideal conditions, the
26 maximum ideal conditions, from a true latent print, that it
27 will not last more than ten days to two weeks at the maximum;
28 is that right?

1 A That's if it is a true latent, yes, sir.

2 Q All right. And is this based on your experience or
3 based on your reading in the field or --

4 A Based on experience.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

8 fol

8-1

1 Q Well, have you done any reading in the field
2 that corroborates your experience?

3 A Only commenting from one to another, on different
4 burglaries, crime scenes, et cetera; all of these, where we
5 normally search for latents, and the amount of time lapse
6 from the time it's reported until the time we respond.

7 Q All right. So that again, when you say, "Under
8 the ideal conditions," what are you talking about?

9 A That's high humidity, low heat, clean surface,
10 and hard textured surface. Something that's non-porous.

11 Q A non-porous surface?

12 A Yes, sir.

13 Q High heat, low humidity, clean --

14 A Low heat, high humidity, and clean.

15 Q Low heat, high humidity, and clean?

16 A Yes.

17 Q The high humidity, then, something to maintain
18 the viscosity of the oils?

19 A The moisture.

20 Q The moisture?

21 A Yes.

22 Q Well, they are oils that come from the skin,
23 aren't they?

24 A Very little.

25 Q Well, what is the moisture that comes from the
26 sweat glands of the pores of the skin?

27 A Uh -- very likely, 90 to 95 percent water; then,
28 you have salt, oil, and amino acids, making up the balance

8-2

1 of the perspiration.

2 Q All right. Well, that which remains as a latent
3 is not the water, --

4 A Yes, sir.

5 Q -- isn't that correct?

6 A Yes, it is water.

7 Q It is the water?

8 A Yes, sir.

9 Q All right. And that water, then, evaporates
10 in a very short period of time?

11 A It has a tendency --

12 Q Under normal conditions?

13 A It has a tendency to dry up, yes, sir.

14 Q All right. And even after it has dried, then,
15 these oils and amino acids, do they remain as a residue for
16 a period of time?

17 A The oil would probably remain a short period
18 of time.

19 The amino acids would -- I don't know whether
20 they would attract powder or not.

21 The only thing I know about the amino acids is
22 that when it soaks into paper, they stay there.

23 But they can't soak into a hard surface.

24 Q Now, when you say "a hard surface," was this
25 particular surface a hard surface?

26 A I'm not sure just what type of paint there was
27 on that surface.

28 Q Well, it was painted wood; is that correct?

8-3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A It had been painted or varnished; that's all I can tell you now. And I'm not really sure of that.

I know the -- some of the wood was varnished.

(Pause in the proceedings while a discussion off the record ensued at the clerk's desk between Mr. Denny and the clerk.)

Q BY MR. DENNY: All right. When we talk about a non-porous surface, though, are we talking about a surface like that on the jury stand here, the jury box?

A Yes.

Q That would be considered a non-porous surface?

A Yes. Because that's varnished.

Q Or, say, the top here to this Stenorette machine?

A Yes, that's non-porous.

Q All right. Or some sort of painted metal, like the top to the typewriter that's down here before the Judge's bench?

A Yes, sir.

Q Now, if the fingerprints were not a "true latent" -- what do you mean by that?

A A true latent can't be seen.

Q All right. But if a print, then, is not a true latent, what distinguishes a true latent from a print that is not a true latent?

A A print that is not a true latent is usually made up of some porous substance, other than -- other than the moisture of perspiration, such as oil, grease, candy -- for instance, kids eat candy, and they grab a glass. You'll

8-4

8a fls.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

see sticky prints on the glass.

This is what a lot of people would think would be
a latent print. It is not. It's a visible print.

8a-1

1 Q A visible print?

2 A A visible print, yes, sir.

3 Q And do those tend to disappear after a period of
4 time?

5 A Only if they are wiped off or rubbed off during
6 the due course of activity.

7 Q Well, is it your statement that they will stay
8 forever on something?

9 A If you have -- if you had an object that nobody
10 handled, they would very likely stay forever.

11 Q Yes. I would like to show you, Deputy White,
12 People's 8, the four photographs that -- that have previously
13 been used here of the Hinman home.

14 And showing you 8-A, in the upper left-hand
15 corner, which appears to be a shot looking through a doorway
16 toward a second doorway into a bathroom.

17 A That's correct.

18 Q All right. Now, does that depict the doorway
19 from which you lifted this print?

20 A No, sir.

21 Q It's the doorway around the corner from that
22 (indicating)?

23 A Yes, sir, to the right.

24 Q All right. And to your knowledge, was the door
25 that you -- the door that you removed the latent print from,
26 was that on varnished wood, or a painted white surface, such
27 as is depicted in B and C of this Exhibit A?

28 A I don't remember.

8a-2

1 Q Would it have made any difference?

2 A No, sir.

3 Q Now, you've stated that in your opinion -- I
4 don't think you stated in your opinion; you stated it as a
5 fact -- no one else in the world could have made the latent
6 on 24, other than the person who made the exemplar, the
7 second picture on 24 -- or the second picture on 26, I believe.

8 Is that your statement?

9 A Did I say that was a fact?

10 Q Well, do you say that is a fact?

11 A I say: In my opinion, no one in this world could
12 have made this print other than the suspect Beausoleil.

13 Q Beausoleil?

14 A Yes, sir.

15 Q All right. But that's an opinion; is that right?

16 A Yes, sir, that's correct.

17 Q You do not state that as a fact?

18 A No, sir.

19 MR. DENNY: All right. I have no further questions.

20 THE COURT: Any redirect?

21 MR. MANZELLA: Yes.

22
23 REDIRECT EXAMINATION

24 BY MR. MANZELLA:

25 Q Mr. White, that -- when you testify as an expert
26 in the Superior Courts of this state, you always testify to
27 your opinions; isn't that correct?

28 A Yes, sir.

1 Q All right. Mr. White, just a few questions. Did
2 you look at the door jamb from which you lifted the latent
3 print before you placed the dusting powder on it?

4 A To my knowledge, no.

5 Q Well, were you looking at it as you placed the
6 dusting powder on it?

7 A Oh, yes.

8 Q All right. So did you see the surfaces of the
9 door jamb, the surface of the door jamb, before it was --
10 the various surfaces of it were covered with the dusting
11 powder, as you were dusting the door jamb?

12 A (No response.)

13 Q Do you understand my question?

14 A No, sir, I don't.

15 Q All right. I didn't think you did. As you were
16 placing the dusting powder on the door jamb, you were looking
17 at it; correct?

18 A Yes, sir.

19 Q Right. And as you were looking at the door jamb,
20 before the dusting powder covered the door jamb, as you were
21 proceeding either up or down the door jamb as you were dusting
22 it, did you see any latent -- any prints on the door jamb?
23 Before it was covered with the dusting powder?

24 A No, sir.

25 MR. MANZELLA: All right. Thank you. I have no
26 further questions.

27
28
RECROSS EXAMINATION

1 BY MR. DENNY:

2 Q Well, you weren't looking for them, were you?

3 A That's right.

4 MR. DENNY: Thank you. I have no further questions.

5
6 REDIRECT EXAMINATION

7 BY MR. MANZELLA:

8 Q Well, Mr. White, if my -- well, if there is a
9 visible print on the surface, and you are looking at the
10 surface, I take it, if it was not a true latent, you would
11 see the print; isn't that correct?

12 A That's correct.

13 Q All right. And you did not see any prints on
14 the surface that you were looking at as you were placing
15 the dusting powder on it; is that also correct?

16 A No, sir.

17 Q What?

18 A I'm sorry. That's correct, yes.

19 MR. MANZELLA: All right. Thank you. I have no
20 further questions.

8b fls.

8b-1

RE CROSS EXAMINATION

BY MR. DENNY:

Q Well, I hate to beat this to death, Mr. White, but --

THE COURT: I think you already have.

(Laughter.)

MR. DENNY: Well, your Honor, I would like to recross on this just briefly.

Q Mr. White, when Mr. Manzella says, "You didn't see any prints there," I asked, then, "You weren't looking for any?"

And you said, "That's right, I wasn't."

A That's true.

Q All you were doing was getting a pattern of dust on there (indicating), so that any prints that were there, after you blew off the dust, would come up; is that right?

A (Laughing.)

Q Essentially?

A (No response.)

Q Well, let's go back. I'll withdraw the question.

A Yeah.

Q You had indicated earlier that you thought that there had been some kind of forced entrance, perhaps, or a burglary; and you were looking for points of entrance; right? You figured that prints might be at the point of entrance?

A Near the point of entry, yes.

Q All right. So that's what you were looking for --

A Yes, sir.

8b-2

1 Q -- and you figured a door is a good point of
2 entry, and so you went to the door, and you started dusting for
3 prints that might be on the door; isn't that right?

4 A Yes, sir.

5 Q All right. And when you do that, it just -- you
6 just brush the dust on the area; is that right?

7 A Yes, sir.

8 Q And in this particular case, you weren't looking
9 for prints before you did that, because you were going to get
10 prints after you had dusted; isn't that right?

11 A If there were prints there, I could have seen them
12 before.

13 Q All right. Now, when you say, "If there were prints
14 there," you mean if there were prints that were not true latent
15 prints?

16 A That's correct.

17 Q And when you're talking about, "if there were
18 prints there," non-latent prints differ, as you say, from --
19 what might be just a very tiny little bit of oil --

20 A Yes.

21 Q -- to something such as blood or candy or some-
22 thing like that, that's obvious to the naked eye; is that right?

23 A Yes, they are different.

24 Q Yes. But they range in visibility from those that
25 are easily visible to those that are almost true latent; isn't
26 that right?

27 A Correct.

28 Q All right. Now, you were -- if you were looking at

1 all for them, you were looking for those that were easily
2 visible, right?

3 MR. MANZELLA: That's vague and ambiguous, as to what
4 "easily visible" means.

5 Q BY MR. DENNY: Well, you understand what I mean by
6 "easily visible," don't you?

7 MR. MANZELLA: That doesn't matter. It's still vague
8 and ambiguous.

9 THE COURT: The objection is sustained.

10 You may reframe it.

11 Q BY MR. DENNY: Well, sir, we have just gone over
12 these maximum and minimum areas of visibility, and you under-
13 stood me then, didn't you?

14 A Yes.

15 Q And when I said there are some that are easily
16 visible, as against those that are almost true latent prints,
17 you understood that, didn't you?

18 A Yes.

19 Q Now, looking at that progression, from those that
20 are easily visible to those that are almost invisible, almost
21 true latent prints, if you looked at all on the door jamb
22 before you dusted, you were looking for those that were
23 easily visible, weren't you?

24 A That's true.

25 Q And you didn't see any that just stood out and
26 were easily visible, --

27 A No, sir.

28 Q -- right? But that's all you were looking for;

1 right? Before you dusted?

2 A (No response.)

3 Q Well, let me withdraw that question, sir, and ask
4 you this:

5 Do you remember that you were just looking for
6 prints?

8c fol 7 A True.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

8c-1

Q You just went in and dusted --

A Right.

Q -- for prints?

A Right.

Q Okay. And that's the way it happened, isn't it?

A Basically, yes.

MR. DENNY: All right. That's what we are interested in.

Thank you, sir.

THE COURT: What do you dust with? What are you talking about when you say -- you have been telling the jurors about dusting. What does that mean?

THE WITNESS: When you dust, you use -- the dust you use, your Honor, is made from carbon powder. You have two types of this dust. One is pure carbon powder --

THE COURT: In this instance, what were you doing when you were dusting?

THE WITNESS: I was --

THE COURT: Both counsel have been talking to you about "dusting," and we would like to know what you were doing.

THE WITNESS: You have a jar of this powder, and you have a very fine textured brush that's made from a synthetic--

THE COURT: How big is that, approximately?

THE WITNESS: Very small. I'm coming back tomorrow morning. I could bring one.

THE COURT: Well, just tell us how big a brush it is.

THE WITNESS: The handle on this brush is about

8c-2

1 (indicating).

2 THE COURT: Four inches?

3 THE WITNESS: Four inches long. Very small. The
4 brush --

5 THE COURT: And the bristles?

6 THE WITNESS: The diameter of the bristles is probably
7 -- expanded, maybe an inch to an inch and a half with the
8 bristles expanded. These --

9 THE COURT: How wide are the bristles, expanded?

10 THE WITNESS: Expanded, they're probably an inch to an
11 inch and a half.

12 THE COURT: Well, what you were doing when you were
13 dusting is going over this wood work with this little brush;
14 is that right?

15 THE WITNESS: Yes, sir.

16 THE COURT: All right. All right. You can step down.

17 MR. DENNY: Your Honor, I would request, however,
18 that the Court order this witness to return tomorrow with
19 the names and the report of the --

20 THE COURT: The Court's not going to order him to
21 return. The Court will see that you have the names.

22 You may step down.

23 9 fls.
24
25
26
27
28

9-1

1 MR. MANZELLA: May Mr. White be excused, your Honor?

2 THE COURT: Yes, but the Court would ask him to provide
3 those names or those prints, rather, that he referred to.

4 MR. MANZELLA: Well, the list that he referred to.

5 THE WITNESS: The list of comparisons.

6 MR. DENNY: Well, your Honor, I'm going to ask for a
7 stipulation, then, that may be introduced into evidence if he
8 is not going to return with it.

9 THE COURT: The Court will simply order him -- you don't
10 need to return, but you should bring those --

11 THE WITNESS: All right, I can.

12 THE COURT: -- or get those to Mr. Denny.

13 THE WITNESS: I can see that a list of these names is
14 delivered to the Court.

15 THE COURT: All right. To Mr. Denny, not to the Court.

16 THE WITNESS: Oh, to Mr. Denny.

17 THE COURT: You are excused now.

18 THE WITNESS: All right, sir.

19 MR. KAY: People will call as their next witness Deputy
20 Fraser or does the Court wish to --

21 THE COURT: How long would it take for his testimony?

22 MR. KAY: Direct examination ten minutes.

23 THE COURT: All right, let's take the direct anyhow.

24 THE CLERK: Do you solemnly swear that the testimony
25 you may give in the cause now pending before this Court shall
26 be the truth, the whole truth, and nothing but the truth, so
27 help you God?

28 THE WITNESS: I do.

1 THE CLERK: Please take the stand and be seated.

2
3 JAMES K. FRASER,
4 called as a witness by and on behalf of the People, having been
5 first duly sworn, was examined and testified as follows:

6 THE CLERK: Please state and spell your full name.

7 THE WITNESS: James K. Fraser, F-r-a-s-e-r.

8
9 DIRECT EXAMINATION

10 BY MR. KAY:

11 Q Deputy Fraser, what is your occupation and current
12 assignment?

13 A Examiner of questioned documents for the Los
14 Angeles County Sheriff's Crime Lab.

15 Q And how long have you been a Deputy Sheriff?

16 A Eighteen years.

17 Q And how long have you been in the questioned
18 document section?

19 A For the past four years.

20 Q All right. Would you please relate to Judge Choate
21 and to the ladies and gentlemen of the jury your background
22 and training in the field of questioned documents?

23 Well, excuse me. First, let me ask you, first,
24 what is a questioned document?

25 A It is any document that there's question about its
26 authenticity, either in the makeup of the material or the
27 writing that exists on the document.

28 Q All right. And, basically, what you do is you

1 compare handwriting, is that correct?

2 A Yes, sir.

3 Q All right. Now, would you please relate to the
4 ladies and gentlemen of the jury your background and training
5 in the field of handwriting comparison?

6 A Well, for the past four years I've been engaged
7 full-time in the examination of questioned documents and
8 handwriting comparisons.

9 My training was under the supervision of Herbert
10 L. Campbell, the department documents examiner. He's a
11 recognized expert in the field.

12 MR. DENNY: I'll object to "he's a recognized expert"
13 as calling for hearsay and conclusion.

14 THE COURT: All right, sustained. That's stricken,
15 "he's a recognized expert."

16 Q BY MR. KAY: Well, tell us who Mr. Campbell is
17 and what he does.

18 A He's an examiner of questioned documents for the
19 Los Angeles County Sheriff's Department at the crime lab.

20 Q Are there any other examiners of questioned
21 documents for the Los Angeles County Sheriff's Office other
22 than Mr. Campbell and yourself?

23 A No, sir, just us two.

24 Q How long has Mr. Campbell been in there?

25 A Eight years.

26 Q And you've been there four?

27 A Yes.

28 Q And you studied under Mr. Campbell?

1 A That's correct.

2 Q And he trained you?

3 A Yes.

4 Q All right, continue, sir.

5 A I've read and studied the recognized books in the
6 field of handwriting identification. There are five that we
7 use constantly.

8 Q What are those books and who are the authors?

9 A Questioned Documents by Albert S. Osborn, The
10 Problem of Proof by Albert S. Osborn, Suspect Documents by
11 Wilson R. Harrison, Evidentiary Documents by James V. P.
12 Conway, Scientific Examination of Documents by Ordway Hilton.
13 Those are the basic five that are considered the bible in the
14 field of handwriting identification.

15 Q And who is Mr. Osborn? Is he recognized as some
16 particular person in the field?

17 A He's referred to as the grandfather of handwriting
18 identification. His expertise goes back to the days of the
19 Lindbergh kidnaping. The first book, Questioned Documents,
20 I think was written in 1929.

21 Q All right. Continue with your background and
22 training.

23 A Well, in addition to examining cases for the
24 Sheriff's department, I also examine cases for 37 other police
25 departments, the federal government, State of California, other
26 county agencies and at the request of various local courts.

27 During this time I've examined over nine thousand
28 cases involving over seventy-six thousand documents. I have

1 testified in Municipal and Superior and Federal Court as an
2 expert in handwriting identification ninety-five times.

9a fol

1 Q Now, on the many occasions which you have testified
2 as an expert in the field of questioned documents, did you give
3 your opinion as to whether or not the writings which you
4 compared were made by the same person?

5 A Yes, sir, I did.

6 Q And does this include whether the signature was
7 made by the same person, the signature on different documents?

8 A Yes, sir.

9 Q Mr. Fraser, I show you first People's 3 -- well,
10 let me remove the documents that are in front of you for a
11 minute -- the prior witness, Mr. White.

12 I take it you are not a fingerprint expert so you
13 don't want to have those documents?

14 A No, sir.

15 Q Okay.

16 Now, first, showing you People's 3, which has
17 already been marked a driver's license with the signature of
18 "Gary A. Hinman," have you seen that before?

19 A Yes, I have.

20 Q All right, and I have next People's 32 for
21 identification, which has previously been marked a temporary
22 driver's license where it says "Signature of licensee," it has
23 the signature of "Gary A. Hinman." Have you seen this before?

24 A Yes, sir, I have.

25 Q And People's 33, I have here a motor vehicle
26 purchase order where it says "Purchaser's signature," and
27 signed "Gary A. Hinman." Have you seen this document before?

28 A Yes, I have.

1 Q I have here People's 34, a pink slip to a 1965
2 Fiat in the name "Hinman, Gary Alan, 964 Old Topanga Canyon,
3 Topanga, California," and on the back there is a signature
4 "Gary Alan Hinman," and a date "7-18-69."

5 Have you seen this document before?

6 A Yes, sir, I have.

7 Q And, finally, People's 35, which has been
8 previously marked a Notice of Vehicle Code Violation, commonly
9 referred to as a traffic ticket, where it says "Driver's
10 signature," and it has "Gary A. Hinman." Have you seen this
11 before?

12 A Yes, sir.

13 Q All right. Now, have you had occasion to compare
14 People's 3, the driver's license which -- and the signature
15 on that, Gary A. Hinman, with 32, the temporary driver's
16 license with the signature of Gary A. Hinman, with People's
17 33, the motor vehicle purchase order with the signature of
18 Gary A. Hinman, with the 1965 Fiat pink slip with the
19 signature on the back, Gary Alan Hinman, and with the traffic
20 ticket, People's 35, that has a signature Gary A. Hinman; have
21 you compared all these signatures, one with the other?

22 A Yes, I have.

23 Q And after comparing these signatures, one with the
24 other, did you formulate an opinion as to whether or not all of
25 these five documents were signed by the same person?

26 A I did.

27 Q And what is that opinion, sir?

28 A In my opinion the signature "Gary A. Hinman," or

1 "Gary Alan Hinman," the signatures were all signed by one
2 ~~person.~~

3 Q All right. And what is the basis of that
4 conclusion, generally?

5 A The individual handwriting characteristics in
6 the letter combination connecting strokes, size, slant,
7 proportion, one letter to another are all almost identical.

8 MR. KAY: Thank you. I have no further questions.

9 MR. DENNY: I have no questions.

10 THE COURT: You may step down.

11 MR. KAY: May this witness be excused, your Honor?

12 THE COURT: Yes, Mr. Fraser, you may be excused.

13 MR. DENNY: No objection.

14 THE COURT: What time will you need tomorrow,
15 Mr. Chavers?

16 JUROR CHAVERS: 1:30.

17 THE COURT: So, we should meet in the morning and if you
18 got away from here at 12:00 o'clock, would that be satisfactory?

19 JUROR CHAVERS: Yes.

20 THE COURT: Be here at 9:30 tomorrow morning, ladies
21 and gentlemen. The Court will try to start promptly. Perhaps
22 I can set aside my other calendar and take it in the after-
23 noon so that we can begin at 9:30.

24 Remember the admonition that I must give you,
25 and that is to the effect that you are not to converse amongst
26 yourselves, nor with anyone else, nor permit anyone to
27 converse with you on any subject connected with this matter,
28 nor are you to form nor express any opinion on the matter until

1 it is finally submitted to you. Good night. See you at
2 9:30.

3 And, Mr. Kuczera, may they gather --

4 THE BAILIFF: Yes, sir, in Department 100.

5 THE COURT: Department 100 deliberation room, is it?

6 THE BAILIFF: Yes.

7 THE COURT: Do that tomorrow morning, ladies and
8 gentlemen, rather than wait in the hallway you can gather
9 upstairs there.

10 (Whereupon, at 4:35 P. M., an adjournment was
11 taken in this matter, to reconvene the following morning,
12 Thursday, January 20, 1972, at 9:30 A. M.)
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28