

Q. Did you notice whether anything was disturbed in the apartment?

A. No, nothing was disturbed.

Q. When you went out of the apartment did you close the door or did you leave the door open?

A. I did close the door.

Q. Did Mrs. Vandiveer leave with you?

A. Yes.

The Court: Will counsel step up to the bench here a minute?

(Conference at bench between court and counsel.)

The Court: You may proceed.

Mr. Safier: May I have the last question and answer read back?

(Record read.)

By Mr. Safier:

Q. Now, between the time that you last saw Mrs. Blauvelt alive between 3 and 3:30 on the afternoon of July 24th, and the time you entered her apartment about 7 or 7:30 in the evening of July 25th, had you heard any noise, [fol. 180] commotion or anything in Mrs. Blauvelt's apartment?

A. No.

Q. Were you on the fourth floor of the building at any time after 3:30 on July 24th this year?

A. No, I didn't.

Q. You did not go on the fourth floor on July 24th at all in the afternoon or evening?

A. No.

Q. Did you at any time on July 25th, prior to 7:30 in the evening, go to the fourth floor?

A. I might have, but I don't remember.

Q. You don't remember?

A. No.

Q. Who occupies the apartment on the same side of the building as apartment 410, immediately next to apartment 410?

A. A lady by the name of Miss Nilson.

Q. Miss Nilson?

A. Yes, sir.

Q. How do you spell that?

A. N-i-l-s-o-n.

Q. Does she occupy the apartment——

A. 308.

Q. I am talking about the fourth floor.

A. I mean 408.

Q. Did she occupy 408 on July 24th and July 25th of this year?

[fol. 181] A. Yes.

Q. Did she occupy the apartment alone or some other people live there?

A. No, she is all alone.

Q. Did you see anybody enter or leave Mrs. Blauvelt's apartment between 3 to 3:30 in the afternoon of July 24th?

A. No.

Q. And 7 to 7:30, July 25th?

A. No.

Q. Did you see a strange woman around the building at any time on July 24th or July 25th of this year?

A. No, I didn't.

Q. Between 3 to 3:30 on July 24, 1944, and 7 to 7:30 on July 25, 1944, who, if anyone, did you see go to the fourth floor of the building?

A. Well, the only—you know—they all come at night and go to bed—cook their dinner and go to bed, and then they leave in the morning.

Q. I am just inquiring as to anybody you might have seen.

A. The one I saw is Mrs. May. She came to my apartment in the morning, the 25th.

Q. Mrs. May?

A. May, M-a-y.

Q. What apartment does Mrs. May occupy?

A. 409, opposite Mrs. Blauvelt's apartment.

[fol. 182] Q. I see. Anybody else?

A. I might have seen all of them, but I don't remember now.

Q. You don't remember now?

A. No.

Q. When you entered apartment No. 410 on July 25 about 7 to 7:30 in the evening, did you go into any room other than the living room?

A. No.

Q. I believe you testified that at the time you saw Mrs. Blauvelt's body on the floor you noticed a wrist watch?

A. She had it on.

Q. Did you also notice whether she had on some rings?

A. She didn't have it.

Q. That is, what hand did you see?

A. She didn't have it.

Q. Which hand, now, was it that you noticed?

A. Well, I think it was this one (indicating).

Q. The left hand?

A. When she is—the one I could see most. You know, it was this way (indicating).

Q. Was it the left hand you could see?

A. Yes, that is the one.

Q. You are certain it was the left hand?

A. Yes. The other I could see, too, the other, but not as well as the left one.

[fol. 183] Q. Did you see any beads?

A. They were on the floor.

Q. The beads were on the floor?

A. Yes.

The Court: Before she died which hand did she wear the rings on?

A. To tell you the truth, I never paid no attention.

The Court: I see.

By Mr. Safier:

Q. Did you ever notice Mrs. Blauvelt ever wearing any rings at all?

A. Oh, yes.

Q. What rings did you notice?

A. They must have been diamond rings. I noticed it every time she came to pay me the rent, but I never paid much attention to it.

Q. She paid you the rent once a month, was it?

A. Every month.

Q. How many diamonds, diamond rings, did you see her wearing?

A. I never count.

Q. More than one?

A. I know she had quite a few, but I never count them.

Q. How many did you see her wear when she paid the rent?

A. I couldn't tell you; I never counted them. I know she had quite a few.

Q. Well, did you sometimes see her without any rings on?
[fol. 184] A. No.

Q. When she paid the rent?

A. No, she always had.

Q. Did you see a paper boy around the building at any time on July 24 or July 25th?

A. No.

Q. You did not?

A. Well, they do come, yes, it is young fellows about ten or twelve years old.

Q. Or, did you see them around there that day, July 24th or July 25th?

A. They come every day.

Q. Did you see them?

A. Yes.

Q. What day did you see them, July 24th or July 25th?

A. Every day I see them, the 24th and 25th.

Q. You see them every day. What time of the day did you see them on July 24th?

A. Well, they haven't got no regular hours but it is between 4 and 6 o'clock.

Q. When you say "they" do you mean that there is more than one?

A. How?

Q. When you say "they" do you mean that there is more than one?

A. Yes, there is more than one.

[fol. 185] Q. How many are there?

A. There is three in the afternoon and two in the morning.

Q. There are five paper boys come to the building?

A. Three boys.

Q. Three boys?

A. Yes, there is five altogether, two in the morning and three in the afternoon.

Q. There are five altogether?

A. Yes.

Q. How many did you see enter the building on July 24th?

A. The same amount.

Q. Five?

A. Five.

Q. Did you see five enter the building on July 25th?

A. Yes.

Q. Now, do you remember what time of the day you saw any of these newsboys enter the building on July 24th?

A. Well, they come in the afternoon every day.

Q. Well, did they come in the afternoon on that day?

A. Yes.

Q. On July 25th, too?

A. Yes.

Q. Now, after you left Mrs. Blauvelt's apartment on the evening of July 25th where did you go?

A. I went and talked to my help; I went straight to their [fol. 186] apartment.

Q. You went to whose apartment?

A. To Mr. and Mrs. Frick, they work for me and I told them the news.

Q. Well, now, I don't want to know what you told them. I just want to know where you went. Now, at the time you were in apartment 410 the evening of July 25th did you notice whether any of the cushions either on the davenport or the chairs were disturbed?

A. Say that again?

Q. When you went into apartment 410 on July 25th between 7 and 7:30 in the evening did you notice whether any of the cushions either on the davenport or chair were disturbed?

A. The cushions on the davenport they were not disturbed except one extra little one, a throw cushion was on top of her face, and the other cushion from the chair was on top of the other little cushion, so she had two over her face.

Q. She had two on her face?

A. Yes.

Q. Was one on top of the other or were they side by side?

A. One on top of the other.

Q. Did you move the cushions at all?

A. No.

Q. Now, on July 25, 1944, in the evening did you lock the back door yourself?

[fol. 187] A. Sometimes I do it; sometimes just the help.

Q. Well, do you remember whether or not you personally locked the back door?

A. I think they done it.

Q. Wait a minute. On July 24th?

A. We do it every night.

Q. Well, do you remember whether on that particular day you did it?

A. Oh, yes, we locked it.

Q. That does not answer the question, Mrs. Massey, I am sorry.

A. Well, yes.

Q. Do you remember whether you yourself locked the back door?

A. I don't remember whether I did it, but I know we lock it. Sometimes it is my daughter, sometimes it is myself, sometimes it is the help, but I watch and see that the door is locked and if it is locked I don't have to look at it.

Q. Did you check the back door on the evening of July 24th to see whether it was locked?

A. Yes.

Q. What time did you check the door?

A. Well, I don't remember exactly what time.

Q. Approximately?

A. It must have been between 6 and 8 o'clock if I am not mistaken.

[fol. 188] Q. I am talking about the back door. Did you check the back door on July 25th to see whether it was locked?

A. Yes.

Q. Was it locked on both occasions?

A. Yes.

Q. Did you check it about the same time on July 25th as you did on July 24th?

A. More or less: A few minutes more or less.

Q. Let me inquire as to what time in the morning the back door is unlocked.

A. About 6—no.

Q. Is that true every day?

A. No, I think about 7 to 7:30.

Q. About 7 to 7:30 in the morning the back door is unlocked?

A. I think so.

Q. That is every day?

A. Yes.

Q. What time in the morning is the front door of the building unlocked?

A. Well, between 7:30—no, 6:30, I think, until about 9 or 9:30.

Q. Some time between 6:30 and 9:30?

A. 9:30 in the evening. Between 6 in the morning, or 6:30 in the morning until about 9 or 9:30 in the evening.

Q. During that interval the front door is unlocked?

[fol. 189] A. It is unlocked. It is closed but unlocked.

Q. Now, on the afternoon of July 24th—strike that.

Mr. Safier: I think that is all.

Redirect examination.

By Mr. Roll:

Q. Now, counsel read from the transcript—

The Court: I assumed the stipulation was you could simply read that into the record without having to ask the witness.

Mr. Roll: All right, your Honor. (Addressing the witness) Just a minute. I have got some more questions. I would like to read this into the record at this time.

Mr. Safier: Page what?

Mr. Roll: Reading from page 5. Counsel asked with reference to lines 3 and 4. "Q—Was the door unlocked? A—Yes. Q—Did you open the door? A—With a passkey."

Then, on cross examination, at page 8, line 15: "Q—And then when you went into Mrs. Blauvelt's apartment did you open the door to her apartment with a key? A—With a passkey. Q—in other words, the door from the hall leading into her apartment was locked at that time; is that correct? A—Yes, it was locked."

Now, counsel asked you a question with reference to whether anything appeared to be disturbed or not, in the apartment. I am going to show you your testimony on page 6, line 15, and ask you to read that, if you will. You [fol. 190] can read lines—start at 10, and just read it to yourself, down to—

A. To 17?

Q. Yes, you can read to 17. I will catch that in a minute.

(Witness does as requested.)

A. Yes.

Q. Now, I will ask you with reference to whether you observed anything being disturbed—

Mr. Safier: : Just a minute. I am going to object to counsel impeaching his own witness.

Mr. Roll: I am not impeaching my own witness.

The Court: At least, let him finish his question before you object.

By Mr. Roll:

Q. What did you pay particular attention to when you were there in the apartment?

A. The pillows were up over her mouth—over her face, and then I looked to see whether——

Mr. Safier: I cannot hear a word.

A. Nothing was touched.

The Court: Can you talk into that microphone, Mrs. Massey? Then we can hear better.

A. I didn't notice anything disturbed beside the two pillows over her face. One pillow came from the couch and the other from the chair next to her.

By Mr. Roll:

Q. When you got into the room what was the main object [fol. 191] you were looking at?

A. At her.

Q. At her?

A. Yes.

Q. Now, counsel asked you with reference to the apartment which is next door to the apartment that Mrs. Blauvelt occupied, on the same side; what is that number again?

A. 408.

Q. You said it was a Miss or Mrs. Nilson?

A. Miss.

Q. Miss Nilson?

A. Yes.

Q. In so far as she is concerned, do you know whether or not during the month of July, and particularly around the 24th and 25th of July, was she employed at that time?

A. Yes.

Q. Working in the daytime?

A. Working in the daytime.

Q. With reference to the most of the tenants there, with the exception, we will say, of Mrs. May up there on that floor, were those people employed people?

A. All of them except one lady. I think that day she was at the Red Cross.

Q. Now, counsel asked you concerning locking this back door downstairs, that leads out into the alley. I will ask [fol. 192] you with reference to that door, when you lock that door, if you are on the outside in the alley and you want to get in, you cannot come in; is that right?

A. Unless you have a key.

Q. When you are on the inside and you want to go out, you do not have to unlock it, you just turn the door knob, is that right?

A. Yes.

Q. It is one of those catch locks that you can lock it and it locks from the outside?

A. Just pull the door open, yes.

Q. But anyone on the inside who wants to go out can go out?

A. Yes.

Q. Now, I show you here, Mrs. Massey, People's Exhibit 8, and I am going to show you a smaller photograph, which I will ask be marked People's Exhibit 9—

The Court: It may be so marked.

By Mr. Roll:

Q. Do you remember seeing that photograph at the preliminary hearing?

A. I think I did, yes.

Q. Does that fairly represent what you saw there with the exception—

A. Yes.

Q. (Continuing)—of the man's legs in there, when you got in there?

[fol. 193] A. Yes, it is just the same.

Mr. Roll: No further questions.

The Court: Any recross?

Recross-examination.

By Mr. Safier:

Q. Have you told us everything that you observed when you went into Mrs. Blauvelt's apartment?

Mr. Roll: I object to that on the ground—

A. Yes, everything.

Mr. Roll: Just a moment.

The Court: Sustained. Sustained on the ground it is not recross examination. It is already covered on cross examination.

Mr. Safier: No further questions.

Mr. Roll: No further questions.

(Witness excused.)

The Court: We will take our recess at this time until 9:30 tomorrow morning. The jury keep in mind, please, the admonition not to talk about the case or form or express any opinion until the case is finally submitted to you. Take a recess until 9:30 tomorrow morning.

Mr. Roll: Will your Honor be kind enough to ask all witnesses to return tomorrow morning? Do you want Mrs. Massey back, counsel?

Mr. Safier: No.

The Court: She may be excused. The other witnesses [fol. 194] will return here tomorrow morning at 9:30.

(Whereupon an adjournment was taken until Thursday, November 16, 1944, at 9:30 o'clock a. m.)

[fol. 195] Thursday, November 16, 1944; 9:30 o'clock A. M.

The Court: In the case of People vs. Adamson the record will show the jury, counsel and defendant present. I think we had finished with Mrs. Massey, hadn't we, at the end of the day?

Mr. Roll: Yes, your Honor.

The Court: We had finished with Mrs. Massey, that is right.

Mr. Roll: Mr Heck.

FRANK H. HECK, called as a witness on behalf of the People, was duly sworn and testified as follows:

The Clerk: What is your name, please?

A. Frank H. Heck.

Direct examination.

By Mr. Roll:

Q. Your name is Frank H. Heck?

A. That is right.

Q. The last name is spelled "H-e-c-k"?

A. H-e-c-k.

Q. Where do you live, Mr. Heck?

A. 744 South Catalina.

Q. About how long, sir, have you lived there?

A. About two years.

[fol. 196] Q. At what apartment number do you live?

A. 308.

Q. Were you living in that apartment on the date of the 24th day of July, 1944?

A. I was.

Q. What is your occupation, sir?

A. Division Plant Supervisor for the Southern California Telephone Company.

Q. How long have you been engaged in that particular occupation, approximately?

A. About a year.

Q. How long have you been with the 'phone company?

A. About twenty-five years.

Q. Now, with reference to apartment 308 there at this address that you are living at, I take it that is on the third floor, sir?

A. It is.

Q. On which side of the building?

A. The south side.

Q. And is your apartment a single or a double?

A. A single.

Q. Where is it with reference, Mr. Heck, to the rear of the building?

A. It is next to the last apartment in the building to the rear.

Q. Next to the last apartment. Now, directing your attention, sir, to the afternoon of the 24th—

The Court: May we get just a little more location on this apartment: Do you know where 408 is?

A. 408 would be directly above me.

The Court: Directly above you?

A. Yes.

The Court: You may proceed.

Mr. Roll: Well, probably we will tie it in a little better with your Honor's question.

Q. Subsequent to the 24th you learned about a lady being found deceased up there in a room; is that correct?

A. I did.

Q. Will you just tell us with reference to that apartment, that is 410, is that not correct?

A. I understood it was in 410.

Q. Your apartment was up on the next floor, you being on the third floor your apartment would be right next door to it; is that right?

A. Yes, sir, that is right.

Q. Were you home on the afternoon of the 24th day of July, 1944?

A. I was.

Q. On vacation or starting vacation?

A. I was starting vacation.

Q. What day of the week was that, do you remember?

A. It was on Monday.

[fol. 198] Q. On a Monday?

A. Monday.

Q. Along in the afternoon about 3 or 3:30 did you hear something unusual?

A. I did.

Q. About what time would you say it was, as nearly as you can fix it?

A. 3:30.

Q. With reference to the door to your apartment, Mr. Heck, at the time you heard this, was the door to your apartment open or closed?

A. It was open.

Q. What portion of your apartment were you in, sir?

A. In the living room, facing the door.

Q. When you say the living room, that is a single apartment?

A. It is.

Q. You have a pull-down bed?

A. That is right.

Q. And also use it as a bedroom?

A. That is right.

[fol. 199] Q. Were you seated or standing?

A. Seated.

Q. How close to the door, approximately?

A. Oh, I should say the full width of the room.

Q. Now, is there a stairway that comes down some place near the rear of your apartment?

A. That is the rear stairway, yes. It is to the right of my door.

Q. Will you tell the court and the members of this jury what this noise was that you heard, what it sounded like to you?

A. I heard a muffled scream and then a thud against the door, and no further noise after that.

Q. From where you were, could you determine from that sound of the scream as to whether it appeared to you to be a man's voice or a woman's voice, or could you tell at all?

A. First of all, the noise that I heard—I was unable to determine the first noise, but whatever it was, it was of such a character that I got up from the chair and walked to the door, and I determined the noise was coming from my right. It was while I was standing in the door that I heard the scream and the thud against the door.

Q. Now, with reference to the scream, could you say whether, from your hearing it, whether it appeared to be a man's voice, a woman's voice, or did you make any determination at all?

[fol. 200] A. I judged it would be a woman's voice.

Q. After what you have told us did you hear any more noise?

A. Not another sound of any kind.

Q. What did you do then?

A. I went back and resumed reading my book.

Mr. Roll: You may cross examine.

Cross-examination.

By Mr. Safier:

Q. Mr. Heck, how do you fix the date as being July 24th?

A. First of all, I verified my company's payroll record; secondly, I verified a charge-out card in the corner drug-store on two books that I had drawn out on the first day of my vacation.

Q. Was July 24th the first day of your vacation?

A. On Monday, yes, sir.

Q. How do you fix the time as being about 3:30 in the afternoon?

A. The noise that I heard and that I determined as being unusual in character, I glanced at a small table clock after I sat down.

Q. Exactly what time was it on that small table clock?

A. 3:30.

Q. Was there anyone else home in your apartment at that time?

[fol. 201] A. No, sir.

Q. You said you had your front door open?

A. That is right.

Q. Do you ordinarily keep your front door open?

A. No, sir. I was smoking a cigar, and as the apartment is rather small I didn't want it to get too stuffy.

Q. Now, when you testified that your apartment is immediately below apartment 408, do you know that to be a fact of your own knowledge or—

A. Yes, I do.

Q. (Continuing)—just surmise that to be so?

A. I know that to be a fact.

Q. Had you ever been up on the fourth floor?

A. Not prior to Monday, the 24th.

Q. Well, after Monday, the 24th, had you been up on the fourth floor?

A. Subsequent to the events on July 25th, yes.

Q. Were you in apartment 408?

A. No, sir.

Q. Where you ever at any time in apartment 408?

A. No, sir.

Q. You simply judged, then, that your apartment is immediately below 408, is that correct?

A. No, sir. I talked to the occupant of 408—

Q. Now, just a minute. Do not relate any conversation that you had.

[fol. 202] Mr. Roll: Wait a minute. Counsel asked the question—he said he simply judged, and I think he is entitled to—

The Court: May we have the question?

(Question read.)

The Court: We will leave the answer as far as it has gone. Let us have another question.

By Mr. Safier:

Q. Now, you testified, I believe, that you were in the living room at the time you heard this scream?

A. That is right.

Q. Did you hear more than one scream?

A. No, sir.

Q. Just one scream?

A. Just one scream.

Q. And then a thud?

A. Yes, sir.

Q. You could not tell at that time where that scream came from, did you?

A. Only from my right.

The Court: When you say—you used that same expression, Mr. Heck, a minute ago, you say from your right. Can you give us any other indication as to what direction—

A. I am facing the north, your Honor.

The Court: I appreciate that. The sound came from your right, you say. From where you are it may have [fol. 203] come from your right and it would still be possible for it to come from above or below.

A. I don't know; I couldn't say.

The Court: In other words, the sound came stronger from the right?

A. Yes.

The Court: That is as far as you can go?

A. Yes, sir.

By Mr. Safier:

Q. Now, as I understand it, you heard the scream and you heard the thud, you thought it was unusual, and then you went back in and sat down to finish your cigar?

A. That is right; that is right.

Q. You made no investigation of any sort?

A. No, sir.

Mr. Safier: That is all.

Mr. Roll: Let me ask just one question, Mr. Heck, so we can get these questions right.

Redirect examination.

By Mr. Roll:

Q. As you got up—if I am incorrect here, your apartment—let myself be the front of the apartment and your-

self the rear of the apartment, and this indicates here an imaginary hallway between us, your apartment would be on my right and your left, is that correct, on this side, it would be on the south side—

[fol. 204] A. Well, I am not facing the—

The Court: I think the question is confusing, Mr. Roll.
Mr. Roll: All right.

Q. Well, when you got up was your right hand toward the rear of the apartment?

A. Yes, sir.

Mr. Roll: No further questions.

Mr. Safier: That is all.

Mr. Roll: That is all. May this witness now be excused?

The Court: Yes.

Mr. Safier: One further question, if I may, your Honor.

Recross examination.

By Mr. Safier:

Q. Mr. Heck, had you been in your apartment all of that day up to 3:30, or had you been out?

A. Prior to 3 o'clock I had visited in the lobby with Mrs. Massey, and about 3 I stepped to the corner drug store and got two books and went back upstairs, so I should say that probably about 10 or 15 minutes after 3 I had started to read the books.

Q. Well, you said some time prior to 3 o'clock you talked to Mrs. Massey. Can you tell me about how much prior to 3 o'clock it was you stopped to talk to her?

A. Only that it was after 12 o'clock, some time between 12 and 3 that I had talked to Mrs. Massey in the lobby.

[fol. 205] Q. Well, that is a period of about three hours, from 12 to 3. Can you fix it a little closer?

A. I could not be sure.

Q. Can you tell me what time elapsed from the time you talked to Mrs. Massey until you heard the scream?

A. No, I could not fix that.

Q. Just where was it you talked to Mrs. Massey, was it on the first floor?

A. On the first floor; in the lobby on the first floor.

Q. What was Mrs. Massey doing at that time?

A. She had come out of her apartment and sat down in the chair opposite me and talked with me.

Q. Could you say whether or not it was before or after 2 o'clock that you talked with Mrs. Massey?

A. I would fix the time somewhere in that period.

Q. Somewhere about 2 o'clock?

A. Somewhere between 12, say, and 2:30, somewhere in there.

Q. That is as close as you can fix it, is it?

A. I think so.

Q. Was Mrs. Massey doing anything with linens at that time?

A. No. She came out of the apartment, her apartment, and I was seated in my chair and she sat down opposite me.

Q. How long did you remain talking to her?

A. Not any longer than about 10 minutes, possibly.

[fol. 206] Q. Then you went out to the drug store?

A. Yes.

Q. And you were gone from the building about how long?

A. Well, not very long; it could not have been over 10 or 15 minutes.

Q. Then when you came back to the building did you go immediately to your apartment?

A. Yes.

Q. How long had you been back in your apartment before you heard the scream?

A. I don't think I had been reading very long, I cannot tell. I became interested in a book.

Q. Well, can you estimate the time you were back in the apartment before you heard the scream?

A. I could not say; I could not say.

Q. Would it be more than 10 or 15 minutes, or a matter of an hour?

A. I don't think it could have been a full hour.

Q. Somewhere between a half and an hour, would you say, Mr. Heck?

A. I would not be sure.

Q. Now, did you pass anybody else as you went out of your apartment on your way to the drug store?

A. I did not leave my apartment to go to the drug store; I left the lobby to go to the drug store.

Q. Well, was there anyone else in the lobby at that [fol. 207] time?

A. No.

Q. Was there anyone else in the lobby when you came back from the drugstore?

A. I saw no one when I came back.

Q. Was Mrs. Massey in the lobby when you came back?

A. I did not see Mrs. Massey in the lobby.

Mr. Safier: That is all.

Mr. Roll: That is all. May this witness now be excused?

The Court: You may be excused.

The Witness: Thank you.

(Witness excused.)

Mr. Roll: Mrs. Vandiver.

MABEL G. VANDIVER, called as a witness on behalf of the People, was duly sworn and testified as follows:

The Clerk: What is your name, please?

A. Mabel G. Vandiver.

Direct examination.

By Mr. Roll:

Q. Mrs. Vandiver, will you try to keep your voice up so we can hear you down here, please? Will you do that?

A. I will talk loud.

The Court: Suppose you use the microphone, Mrs. [fol. 208] Vandiver. It is much easier on your voice and you won't have to strain it.

The Witness: I talk loud, anyway.

The Court: You just talk into the microphone if we cannot hear you otherwise.

By Mr. Roll:

Q. Will you state your full name, please?

A. Mabel G. Vandiver.

Q. Where do you live, Mrs. Vandiver?

A. 744 Couth Catalina Street.

Q. About how long have you lived there?

A. It will be three years next May.

Q. In what apartment do you live?

A. 108.

Q. Is that on the first floor?

A. Yes, sir.

Q. Were you living in that apartment on the date of the 24th and the 25th of July, 1944?

A. I was.

Q. Is that a single apartment?

A. Yes, sir.

Q. You occupied it by yourself?

A. Yes, sir.

Q. Did you know a lady by the name of Stella Blauvelt during her lifetime?

A. Yes, sir.

Q. About how long had you known Stella Blauvelt?

[fol. 209] A. At least sixteen years, if not more.

Q. Did you see her during the time you were living at the apartment frequently or infrequently?

A. Very frequently.

Q. Now, with reference to the date of the 24th of July, 1944, which was on a Monday, when would you say it was the last time you saw her alive before that date?

A. On Saturday morning, the 22nd.

Q. On Saturday morning, the 22nd of July?

A. Yes, sir.

Q. Where did you see her on Saturday morning, the 22nd of July?

A. She came to my apartment on her way downtown.

Q. Did she spend any time there with you?

A. At that time?

Q. Yes, ma'am.

A. Oh, she stayed maybe 10 or 15 minutes. She said she was on her way downtown to meet Mrs. Watts and she—
[fol. 210] Q. Don't give us the conversation.

Mr. Safier: I move to strike out the conversation.

The Court: It is part of the res gestae of the transaction. It does not indicate anything particularly with reference to this case. If you want it stricken I will strike it.

Mr. Safier: Yes, your Honor.

The Court: It may be stricken.

By Mr. Roll:

Q. Was that the last occasion that you saw her alive?

A. Yes, sir.

Q. Now, during the weeks, Mrs. Vandiver, since the declaration of war had you and Mrs. Blauvelt been going to the Red Cross?

A. Yes, sir.

Q. What days of the week would you go?

A. Tuesdays and Fridays.

Q. Where did you go?

A. To the Southern California Gas Building.

Q. That is here in downtown Los Angeles?

A. Yes, on Flower Street.

Q. You say you would go together sometimes and sometimes go separately?

A. Well, we always started out separately but as a usual thing we would meet at the car line at Eighth and Catalina and go down together.

[fol. 211] Q. Now, did you, yourself, on Tuesday, the 25th of July, 1944, have occasion to go to the Red Cross?

A. Yes, sir.

Q. And about what time did you return home?

A. Well, generally about 4 o'clock.

Q. Did you see Stella Blauvelt there at the Red Cross that day, on Tuesday, the 25th?

A. No, I did not.

Q. Did you have occasion on the evening of the 25th of July, 1944, to go to Stella Blauvelt's apartment?

A. I did.

Q. And what number did you go to?

A. 410.

Q. Had you been there before?

A. Many times.

Q. About what time would you say it was that you went up there on the evening of the 25th of July, 1944?

A. I would say about 7:30 in the evening.

Q. What did you do, if anything, when you got to the door?

A. Well, I saw her morning "Times" laying at the door, and I thought that was very strange, because she never stayed away at night.

Mr. Safier: Now——

The Court: "Because" and so forth may be stricken.

By Mr. Roll:

[fol. 212] Q. Well, you saw her morning Times; is that right?

A. Yes.

Q. Where was the morning Times with reference to her door?

A. Right in front of the door.

Q. Then, after you saw that and thought what you thought, then what did you do?

A. I went down to Mrs. Massey.

Q. Well, before doing that did you rap on the door or do anything else?

A. I rapped on the door.

Q. You got no answer?

A. No answer.

Q. Then you went where?

A. Down to Mrs. Massey.

Q. Then, about how long elapsed—withdraw that. Did you then come back to 410?

A. I did.

Q. About how long elapsed between the time you were first there until you went down, got Mrs. Massey and came back?

A. Well, I would say half an hour; maybe not that long, because we talked a few minutes, you know.

Q. When you did get back with Mrs. Massey did you observe how she gained entrance to apartment 410?

A. Yes. She knocked on the door and then she used her [fol. 213] pass-key and opened the door.

Q. Were the lights on or off in the apartment at the time she opened the door?

A. They were off.

Q. Were they subsequently turned on by someone?

A. What?

Q. Were they turned on by someone?

A. Yes.

Q. Who turned them on?

A. Mrs. Massey. Just at the left of the door.

Q. Just at the left of the door?

A. Right inside, the ceiling lights.

Q. After the lights were turned on did you look into the room?

A. We did.

Q. Referring to People's Exhibits 8 and 9—here is a smaller photograph and here is an enlargement of the same thing. Now, with reference to what you see there, when you looked into the room, did you see what is depicted there in the picture?

A. I did.

Q. What was your particular attention attracted to, Mrs. Vandiver?

A. Well, naturally, was directed to Mrs. Blauvelt lying on the floor.

Q. Did you at that time notice anything with reference [fol. 214] to the condition of her feet? In other words, was she—withdraw that. Did you notice anything about her feet?

A. Yes, sir.

Q. What did you notice?

A. Well, I noticed that she didn't have any shoes or stockings on. They were out beyond her coat.

Q. Was there a coat over her?

A. Yes.

Q. Do you recall what type or color of coat that was?

A. Well, it was kind of a brown coat, light; kind of a sports coat.

Q. With reference to her head, what if anything did you observe with reference to her head? Could you see her face?

A. No, we couldn't.

Q. Was there something over it?

A. Two large pillows.

Q. Did you observe any light cord?

A. I did.

Q. When I refer to a light cord I mean one that is used on a lamp.

A. Yes.

Q. What did you observe with reference to the lamp cord or light cord?

A. Well, I noticed that her lamp usually sat behind her chair, and behind her end table, and I noticed the lamp was out in front of the table and the cord across the floor under her.

[fol. 215] Q. Did you then go into the room?

A. I did not.

Q. In so far as Mrs. Massey is concerned, I take it, she went in there far enough to turn the light on?

A. Evidently she did.

Q. Now, did you make any other observation there in the room at that time?

A. Well, I noticed her hat on the floor, and I noticed her shoes on the floor, and I noticed her pocketbook lying on a chair right at the door.

Q. You noticed her shoes on the floor?

A. Yes, sir.

Q. Her hat, and her pocketbook lying on a chair?

A. Yes.

Mr. Roll: May I have the next exhibit number, your Honor?

The Court: The next is 10.

Mr. Roll: I would like to ask that the smaller of these two photographs here, which depicts the chair, be marked People's Exhibit 10 for identification, and an enlargement of the same view marked People's Exhibit 11 for identification.

The Court: They may be so marked.

By Mr. Roll:

Q. I am going to show you these two photographs, People's Exhibits 10 and 11, one being an enlargement of the other; does that fairly depict some of the articles [fol. 216] which you have described, namely, the purse and the shoes at the time you saw them?

A. Yes—well, the shoes—it seemed to me—of course, I was excited—it seemed to me the pocketbook—I didn't notice those things on there. I just noticed the pocketbook lying on the chair.

Mr. Safier: I did not hear that answer.

The Court: Read the answer, Mr. Reporter.

(Answer read.)

The Court: You mean by that, Mrs. Vandiver, you did not notice the other things on the chair, in the picture; you didn't notice them at that time?

A. I don't remember seeing the other things, only the pocekbtbook.

Mr. Roll: I think she means the reverse of that.

Q. There are other things shown in the photograph you didn't notice; is that what you mean?

A. That is what I mean.

Q. You mentioned her hat lying on the floor.

Mr. Roll: I have here a photograph that I will ask to be marked People's Exhibit—

The Court: 12.

Mr. Roll: —12 for identification.

Q. Mrs. Vandiver, is that a fair representation of the position of the hat—

A. Yes.

[fol. 217] Q. —there on the floor—

A. Yes.

Q. —with reference to the body?

A. Yes.

Q. Did you at that time notice anything with reference to any beads or not?

A. No, I didn't see my beads.

Q. I take it, after that you left; is that correct?

A. Yes.

Q. You left after that?

A. Yes.

Q. Did you go back into the apartment any more at all?

A. Into my apartment?

Q. No, into the one that had been occupied by Mrs. Blauvelt, 410?

A. No, never was in there any more.

Q. Now, Mrs. Vandiver, with reference to Stella Blauvelt, have you seen her wearing some diamond rings?

A. I have.

Q. More than once?

A. All the time.

Q. Do you recall any occasion when you saw her when she was not wearing them?

A. No.

Q. Can you describe those rings to the members of the jury and the court?

[fol. 218] A. Well, I know she wore a plain, old-fashioned gold wedding ring, a solitaire, which was her engagement ring, and then a larger ring that had a diamond and several small ones around it, kind of a high setting in platinum.

Q. Now, directing your attention again to this photograph here, which you previously identified, particularly the large one, People's Exhibit No. 8, which depicts the body of Stella Blauvelt there on the floor, I notice the

picture shows the left hand. Did you pay any attention to that left hand, for the purpose of seeing whether or not there was anything on the hand with reference to jewelry or a watch, or anything of that character?

A. I saw her watch the first thing.

Q. What would you say, if anything, about the rings? Did you pay enough attention to see whether there were or were not rings?

A. No, I didn't see any, because her hand was turned—turned upward.

Mr. Roll: You may cross examine.

Cross-examination.

By Mr. Safier:

Q. Mrs. Vandiver, what is the number of the apartment that you occupied on July 24th?

A. 108.

Q. And that is on the first floor, is it not?

A. It is.

[fol. 219] Q. Now, will you tell me again when was the last occasion upon which you saw Mrs. Blauvelt alive?

A. The Saturday morning before, the 22nd.

Q. What time of day did you see her at that time?

A. Well, I would say about 10; between 10 and 11.

Q. In the morning?

A. Yes.

Q. What was the occasion of your seeing her at that time?

A. Well, I had not seen her for a day or two as I had had company from Long Beach overnight, and she knew these people and she came up to ask me if one of them had gone home, and I told her yes, and she said, "Well, what kind of a time did you have" and asked me all about it.

Q. Did you have quite a little visit at that time?

A. Oh, about 10 or 15 minutes; I don't know.

Q. Then Mrs. Blauvelt left, did she?

A. Yes.

Q. And that was the last time you saw her alive?

A. Yes.

Q. Now, how long did you say you had known Mrs. Blauvelt?

A. At least sixteen years.

[fol. 220] Q. How frequently had you seen her in the year 1944 up until the time of her death?

A. Well, it was usually three or four times a week.

Q. Now, on every occasion upon which you saw her had she her rings on?

A. Yes, sir.

Q. Which hand did she wear the rings on?

A. On her left hand.

Q. How many rings were there?

A. Three.

Q. Did she wear them all on the same finger or different fingers?

A. She did.

Q. What?

A. What did you say?

Q. She did what?

A. She wore them all on the same finger. We often commented upon it.

Q. She wore them all on the same finger?

A. Yes.

Q. I believe you testified that on Tuesdays and Fridays you and Mrs. Blauvelt always went to the Red Cross?

A. We did.

Q. Now, had you been in the habit of going there with her or meeting her at the Red Cross?

A. Well, as I said, we never left the apartment together.

[fol. 221] Q. You never left the apartment together?

A. No. She came from the fourth floor and I came from the first and we just went over and, as a usual thing, we met at the street car at Eighth and Catalina and took the same car down.

Q. You never waited for her on the first floor until she came by your apartment?

A. No, I did not. She usually was ahead of me.

Q. Now, you did go to the Red Cross yourself on Tuesday, July 25th, did you not?

A. I did.

Q. What time did you return home from the Red Cross?

A. Well, I usually got home about 4 o'clock.

Q. Did you get home at 4 o'clock on that day?

A. Yes. The Red Cross was dismissed at 3:30 and we took the car and came right home.

Q. What time was it that you went up to Mrs. Blauvelt's apartment?

A. I would say about 7:30 Tuesday evening.

Q. When you got to Mrs. Blauvelt's apartment you saw the newspaper in front of the door?

A. I did.

Q. Did you pick up the newspaper or did you leave it there?

A. I did not.

[fol. 222] Q. You did not what?

A. I did not pick it up.

Q. Did you knock at the door at that time?

A. I did.

Q. Did you always try the door to see whether or not it was locked?

A. No, I did not.

Q. You did not try it?

A. I did not hear her radio going, and that is another thing.

Q. Did you see underneath the door whether any lights were burning?

A. No, I didn't see any light.

Q. Then you went down to Mrs. Massey's apartment; is that true?

A. I did.

Q. And you and Mrs. Massey returned to apartment 410 together?

A. We did.

Q. Was the newspaper still in front of the door?

A. It was.

Q. Did either you or Mrs. Massey pick up the paper?

A. We did not.

Q. What did you do when you got back to apartment 410 with Mrs. Massey?

A. Well, I stood at the door in back of her and she [fol. 223] knocked on the door, and no answer, and she put the passkey in and opened the door.

Q. Now, just a minute. Before she put the passkey in and opened the door did she try the door at all to determine whether it was locked or unlocked?

A. No, I don't think so.

Q. When Mrs. Massey opened the door did she open it all the way at first or did she open it just a little bit? How was that?

A. Oh, she just opened it part way and we both naturally looked to see if the bed was down, which it wasn't.

Q. Was it dark or light inside of the apartment when you opened the door?

A. Well, it was dusk with the curtains down.

Q. Were there any lights on in the apartment?

A. No.

Q. Then what was the next thing that happened?

A. What?

Q. What was the next thing that you or Mrs. Massey did?

A. She turned on the wall lights right at the door.

Q. Well, did Mrs. Massey walk into the apartment?

A. She might have stepped just inside of the door to turn the lights.

Q. Did you enter the apartment at all?

A. I did not.

Q. You stayed out in the hall?

[fol. 224] A. Yes.

Q. After the time that Mrs. Massey entered the apartment and put on the light, was the door wide open at that time, or just slightly ajar?

A. Well, you see that chair sat right by the door and it went as far back as the chair, I would say halfway open.

Q. How long did you and Mrs. Massey remain at apartment 410?

A. I would say not more than two minutes. I don't have any idea of the exact time.

Q. Now, did Mrs. Massey at any time go further into the apartment than one or two steps?

A. I don't remember.

Q. But she did go into the room?

A. Well, as I said, she may have stepped just inside to turn on the light.

Q. However, she did turn on the light, didn't she?

A. She did.

Q. Now, when you observed Mrs. Blauvelt on the floor did you see her arms?

A. I did.

Q. Both of them?

A. One seemed to be extended up higher than the other.

Q. What do you mean by "standing up"?

A. Well, I mean higher than the one left, something like this (indicating).

[fol. 225] Q. Could you see both arms at all?

A. Yes.

Q. In what position was the right arm?

- A. Extended up like this.
- Q. Indicating a bend at the elbow?
- A. Yes, I guess you would call it that.
- Q. The palm extended toward the head?
- A. Yes.
- Q. I see. In what position was the left arm?
- A. Practically straight out and the palm upturned.
- Q. Both arms were visible and were not covered by the coat; is that correct?
- A. That is right.
- Q. Now, on which wrist did you see the wrist watch?
- A. On her left wrist.
- Q. On her left wrist. Was the left palm up or was the left palm down?
- A. Up.
- Q. Is it your testimony that she did not have her rings on at that time or that you did not observe whether or not she had her rings on?
- A. I said I did not observe them.
- Q. Now, you observed Mrs. Blauvelt's hat. Where did you see the hat?
- A. On the floor to the right of her feet.
- Q. How about the shoes?
- [fol. 226] A. The shoes were over towards the chair.
- Q. How about the stockings?
- A. I didn't see any stockings.
- Q. On the chair you observed her purse?
- A. I did.
- Q. But you did not observe any packages on the chair; is that correct?
- A. No, I did not.
- Q. Now, this lamp wire or lamp cord that you saw, where did you see that?
- A. Extending from the lamp across the floor under her body.
- Q. One end of it was attached to the lamp?
- A. I don't remember that; I know the lamp was out in front of her chair and her end table. I just noticed the cord going from the lamp and it struck me because the lamp was out of place.
- Q. I see. But are you able to tell us whether or not the lamp was attached to the cord, or, rather, that the cord was attached to the lamp?
- A. No, I could not say that.

Q. You could not say whether it was or not?

A. To the lamp?

Q. Yes.

A. No, I could not say.

Q. You did not at any time see Mr. Adamson, the gentleman [fol. 227] man to my right?

A. No, I never have.

Q. At any time on the premises at 744 South Catalina Avenue?

A. No, sir.

Q. Now, had you seen Mrs. Blauvelt at any time on Monday, July 24th?

A. No.

Q. Were you home on July 24th?

A. I was.

Q. All day?

A. Practically.

Q. Had you seen any peddlers in the building on July 24th?

A. Any what?

Q. Peddlers.

A. I don't know whether you would call a solicitor for a newspaper a peddler or not, but one came to my door Tuesday night.

Q. Soliciting newspapers?

A. Los Angeles Examiner.

Q. You say on Tuesday night—

A. Yes.

Q. —or Monday night?

A. Tuesday.

Q. I am referring to Monday, the 24th.

[fol. 228] A. Oh, no, not Monday.

Q. You did not see anybody on Monday?

A. No.

Q. You did not see anybody soliciting for the newspaper on Monday?

A. No.

Q. Now, this boy that came to solicit for the papers, was he a stranger to you?

A. He was.

Q. And you now say that that was on Tuesday?

A. Yes.

Q. Now, you remember testifying in this matter at the preliminary hearing, do you not?

A. I do.

Q. I will ask you to read your testimony on page 14, lines 24 to 26. Will you just read that to yourself?

(Witness does as requested.)

Q. Have you read this, Mrs. Vandiver?

A. Yes.

Q. I will ask you if this question was asked you and if you gave this answer: "Q.—Do you have any peddlers call at the apartment? A—Well, Monday night I had a young boy soliciting for the paper, but that is all." Was that question asked of you and did you give that answer?

A. Evidently I did.

Q. I will also show you your testimony at the preliminary [fol. 229] hearing in this matter, on page 12, lines 8 to 19. Will you read that to yourself, please?

(Witness does as requested.)

Q. Have you read that?

A. Yes.

Q. I will ask you if these questions were asked you and if you made these answers: "Q—Did you see Mrs. Massey open the door?

"A. I did.

"Q. And did you observe anything inside the room?

"A. Yes.

"Q. What did you observe?

"A. I saw Mrs. Blauvelt lying there on her back, with two pillows over her face, covered with a coat, and arms extended, and no shoes or stockings on. Her shoes were in the middle of the floor and her hat on the floor, and I also saw her bag on the chair by the door.

"Q. Did you go into the room?

"A. No, we did not."

Were those questions asked you and did you give those answers?

A. What?

Q. Were those questions I have just read asked you at the preliminary, and did you give the answers that I have just read to the questions?

A. Yes.

[fol. 230] Q. Now, Mrs. Vandiver, when you saw the shoes by the chair,—will you state what that white matter is underneath the shoes?

A. I don't know.

Q. Did you see anything underneath the shoes?

A. No, not at that time I didn't.

Q. Well, the white matter, as it now appears in this picture, as being underneath the shoes, that wasn't there at the time you saw the shoes?

A. No,—when we opened the door I saw a piece of paper about—lying down there by the table—by the chair.

Q. Well, my question—

A. The shoes weren't here.

Q. As I understand it, when you opened the door the shoes were not in the position in which they appear on this picture?

A. I couldn't say that. I didn't notice in which position they were, because I was too nervous. I just noticed the shoes there.

Q. Did you notice them by the chair?

A. Well, close by.

Q. Were they as they appear to be in this picture?

Mr. Roll: There is a larger one also, Mr. Safier.

A. Yes, I would say so.

By Mr. Safier:

Q. Well, did you see anything underneath the shoes, between the shoes and the carpet?

[fol. 231] A. No, I didn't. We stood over here. You see, I couldn't see them. I couldn't observe everything in the room.

Q. I will ask you this question: Do you see in this picture, referring to People's Exhibit for identification 11—there is something white that appears to be underneath the shoes, is there not?

A. Yes, in the picture.

Q. I will ask you at the time whether there was anything—any white matter underneath the shoes?

A. I didn't see any.

Q. You didn't see any?

A. No. I would be—they would be this way from me, anyway; I wouldn't know.

Mr. Roll: What was that answer?

(Answer read.)

By Mr. Safier:

Q. Well, you are unable to say at this time, then, whether this white material that now appears in this picture as being underneath the shoes—you are unable to say whether that white material was there at the time you looked at the shoes?

A. I would say that, yes, I didn't see it.

Q. You didn't see it?

A. No.

Q. Would you say it wasn't there?

A. No, I wouldn't say that, because I was on the other [fol. 232] side of the room. I wouldn't—I couldn't see it if it was there.

Q. There might have been a pair of stockings by the shoes, underneath the shoes?

A. I don't know. I was away over here (indicating on photograph).

Q. How far was this chair from the door to the apartment through which you made these observations?

A. I don't know. Just right as you went in the door, three or four feet, maybe; I don't know.

Q. From the place where you were standing at the door, looking into the room, how far away from this chair would you judge you were?

A. Well, about as far as—I don't know; about 3 feet, I guess.

Q. About 3 feet?

A. Yes.

Q. And the light was on, wasn't it?

A. Not when we opened the door, no.

Q. Well, it was turned on at some time while you were standing there, was it not?

A. Yes.

Q. Now, can you state whether or not the parcels—

The Court: Just a minute. We have run—I was in hopes we could finish, but we have run away past our recess time. We will take our morning recess at this time. The jury

[fol. 233] keep in mind the admonition not to talk about the case or form or express any opinion. Take our morning recess at this time.

(Recess.)

Mr. Safier: May I have the last question and answer read by the reporter?

(Record read.)

Mr. Safier: Strike that.

Q. Can you state, Mrs. Vandiver, whether or not the parcels that appear in the picture, Exhibit 11 for identification, were on the chair at the time you observed it on July 25th?

A. I said I do not remember that.

Q. You do not remember that?

A. I just remember seeing the bag.

Q. Now, how many cushions did you see on the face of Mrs. Blauvelt when you looked in the apartment, one or two?

A. Two.

Q. Is there a davenport or divan in the living room?

A. There is.

Q. And did you see any cushions missing from the divan?

A. No, I did not.

Q. Did you look at the divan?

A. Well, I guess I glanced around the room, not to that especially.

Q. Now, there is just one part of your testimony at the [fol. 234] preliminary hearing, Mrs. Vandiver, that I forgot to ask you about, and I will be through: Will you start again at page 14, line 24, and read over to page 15 at line 21?

A. 24 to 21?

Q. Yes (handing transcript to the witness). You have read that to yourself now?

A. Yes, sir.

Q. I will ask you if these questions were asked of you and if you gave these answers: "Q. Do you have any peddlers call at the apartment?"

"A. On Monday night I had a young boy soliciting for the paper but that is all.

"Q. Soliciting for the newspaper?

"A. Yes, just for new customers.

"Q. What paper was that?

"A. The Examiner.

"Q. The Examiner?

"A. Yes.

"Q. Do you subscribe to any papers?

"A. Yes.

"Q. What paper do you subscribe to?

"A. To the Daily News.

"Q. And did this boy give his name to you?

"A. No, he did not.

"Q. Was he a white boy or colored boy?

"A. He was a white boy.

[fol. 235] "Q. What time did he come to you on Monday night, approximately?

"A. Well, I would say along around 7 or 7:30, something like that.

"Q. Some time after dinner?

"A. Well, I was just getting my dinner. I was late with my dinner."

Were those questions asked and did you give those answers at that time?

A. I did, yes, sir.

Q. Now, did you see any other stranger in or around the building at 744 South Catalina Street on July 24th or July 25th of this year?

A. No, I did not.

Q. Did you at any time, either on July 24th or July 25th of this year, hear any unusual sounds?

A. No, I did not.

Q. In or about the building?

A. No.

Q. At 744 South Catalina Street?

A. No, sir.

Mr. Safier: That is all.

Redirect examination.

By Mr. Roll:

Q. Mrs. Blauvelt, on cross examination——

The Court: Mr. Roll,——

[fol. 236] Mr. Roll: I am sorry, your Honor. I was going to ask a question about her.

Q. Mrs. Vandiver, on cross examination you were asked by counsel with reference to some peddlers coming in the building, and my recollection is that you testified a newspaper boy came on Tuesday night; counsel has read from a transcript of the testimony you gave at the preliminary hearing, which indicates you there testified the boy came on Monday night. What is your best recollection now?

A. It was Monday night. I made a mistake.

Q. You were mistaken?

A. The reason I said that was because I was hurrying to get my dinner to go up to her house.

Q. It was Monday night you saw the boy?

A. It was Monday night I saw the boy. I was wrong.

Mr. Roll: That is all.

Mr. Safier: No further questions.

(Witness excused.)

Mr. Roll: Mr. Pinker.

[fol. 237] RAY H. PINKER, called as a witness on behalf of the people, was duly sworn and testified as follows:

The Clerk: State your name, please.

A. Ray H. Pinker.

Mr. Roll: I wonder, if the court please, if—they have not been introduced. I would like to offer in evidence these photographs here, People's Exhibits 8, 9, 10, 11 and 12.

The Court: They will be marked in evidence.

Mr. Roll: Would it be possible at this time—some of this testimony that Mr. Pinker will give will be concerning some objects in those pictures—would it be possible to show them to the jury before we start?

The Court: Yes. I was just wondering about 5 and 6 also. No, those are not photographs.

[fol. 238] Mr. Safier: May the record show an objection, your Honor, to the reception in evidence of the pictures on the ground no proper foundation has been laid?

The Court: The objection will be overruled.

(Photographs above referred to examined by the jurors.)

Direct examination.

By Mr. Roll:

Q. Your full name is Ray H. Pinker?

A. Yes.

Q. What is your business or occupation, Mr. Pinker?

A. Technical Director of the Scientific Crime Investigation Laboratory, Los Angeles Police Department.

Q. Were you so engaged in that particular occupation on the date of the 25th of July, 1944?

A. I was.

Q. Did you have occasion on that date to go to an address located on South Catalina Street?

A. I did.

Q. An apartment house there?

A. I did. An apartment house, I believe, in the 700 block on South Catalina.

Q. And did you go to apartment 410?

A. I did.

Q. About what time did you arrive there, Mr. Pinker?

A. To the best of my recollection it was in the early part of the evening.

[fol. 239] Q. Were there some officers there at the time?

A. There were.

Q. Now, I am going to show you here three photographs—

The Court: May I just ask one question: What date was this?

Mr. Roll: The 25th, your Honor.

Q. That is the correct date, the 25th of July?

A. Yes, sir, that is my recollection.

Q. I am going to show you here the three photographs which have just been exhibited to the jury, People's Exhibit No. 11, People's Exhibit No. 8 and People's Exhibit No. 12 and ask you to look at those photographs and state to the court and to the members of the jury whether these photographs fairly depict the scene that you saw when you arrived there (handing photographs to witness)?

A. They do. They are true photographic representations of the various effects in the room of apartment 410.

Q. Now, Mr. Pinker, were you there when the body of Stella Blauvelt was removed?

A. I was, yes.

Q. And the body was removed by someone from the Coroner's office?

A. Yes, it was first rolled over and then removed by the Coroner's deputies.

Q. You were right there at the time?

A. I was present, yes.

[fol. 240] Mr. Roll: I have here a piece of silk stocking, if the court please, which I will ask be marked People's Exhibit 13 for identification.

The Court: People's 13.

By Mr. Roll:

Q. Directing your attention to People's Exhibit 13 for identification, Mr. Pinker, I will ask you to examine that and state whether or not you have seen that before?

A. I have.

Q. When and where did you first see that?

A. I first saw this on the evening of the 25th day of July, 1944, at the time the Coroner's deputies rolled the body of Mrs. Blauvelt over this foot, torn foot of a silken stocking was underneath the body, lying on the floor.

Q. Now, directing your attention to—I have here a handkerchief, if the court please—

The Court: 14.

Mr. Roll: 14, apparently green and white, with little green stripes in it.

Q. Directing your attention to People's Exhibit 14, Mr. Pinker, I will ask you to examine that and state whether or not you have seen that before?

A. I have.

Q. When and where did you first see this?

A. I first saw this on the evening of the 25th day pf July, 1944, in apartment 410. It was lying on a large over-[fol. 241] stuffed chair which is illustrated in Exhibit 11. This handkerchief can be seen lying directly behind an open woman's purse.

Q. Will you be kind enough to step down with your pencil so the jury can see what you refer to?

A. (Indicating to jurors:) With my pencil I am pointing to this handkerchief as shown in the photograph.

Mr. Roll: I now offer into evidence, if the court please, People's Exhibit 13, the half silk stocking and the handkerchief which have been identified.

The Court: So marked.

By Mr. Roll:

Q. Now, directing your attention, Mr. Pinker, to the orange colored handkerchief, or brown, anyway, I will ask it be marked People's Exhibit 15 for identification. I will ask you to examine that and state whether or not you have seen that before?

A. I have.

Q. Where did you first see that?

A. I first saw this in a drawer in a dressing alcove in apartment 410. I found upon my examination of the bloody handkerchief—

Q. People's 13?

A. People's 13, the name "Carey" on it. I then searched through dresser drawers and discovered this other handkerchief also with the name "Carey" on it, so I brought it with me as a sample of the type of handkerchief present in [fol. 242] that apartment.

Mr. Safier: I move to strike the "bloody", your Honor. There isn't any evidence that there is blood on the handkerchief.

The Court: Well, we will strike that reference out as to Exhibit 14 for the time being.

Mr. Roll: With reference to People's Exhibit 15 I now offer that into evidence, if the court please, that is the other handkerchief here.

The Court: It may be so marked.

By Mr. Roll:

Q. Now, Mr. Pinker, with reference to the substance which appears there on People's Exhibit No. 13, that is the handkerchief—

The Court: 14.

Mr. Roll: 14, your Honor? That is correct, 14, the handkerchief, the green and white one:

Q. Are you a forensic chemist?

A. Yes, I am.

[fol. 243] Q. Graduate of the University of Southern California?

A. I am.

Q. Engaged in that profession for some period of time; is that correct?

A. For the past seventeen years.

Q. You have made examinations of blood, have you?

A. On numerous occasions.

Q. From your observation of that handkerchief there at the scene, can you state to the court and the members of the jury as to what that substance appears to be?

A. It appeared—

Mr. Safier: Just a minute. I object to that as no proper foundation laid, that he made any examination.

The Court: Well, as far as that is concerned, any person could state what something appears to be. That is opinion evidence. Did you make any further examination other than a visual examination, Mr. Pinker?

A. No, I did not, your Honor. I did not make any chemical or microscopic tests.

The Court: I will sustain the objection, because as far as appearance is concerned, the jury is as well able to observe its appearance as Mr. Pinker. In fact, under People v. Manoogian, they have held testimony of appearance is admissible even by a lay witness. But I do not think it is necessary in this case.

[fol. 244] By Mr. Roll:

Q. I have here what appears to be—it looks like a napkin, which I will ask to be marked People's Exhibit—

The Court: 16.

Mr. Roll: —16 for identification.

Q. I will ask you to examine this napkin and state whether or not you have seen it before.

A. I have.

Q. Where did you first see it?

A. I saw this napkin on the same occasion at the same place.

Q. Where was it, please?

A. I found it lying on the floor underneath a pair of shoes.

Q. Is this the point here (indicating on a photograph)?
A. Yes, it is illustrated in People's Exhibit 11.

Mr. Roll: I will just point that out quickly to the jury.

(Photograph exhibited to the jury by Mr. Roll.)

Mr. Roll: You may cross-examine.

Cross-examination.

By Mr. Safier:

Q. Mr. Pinker, you first went to apartment 410 at 744 South Catalina Street on the evening of July 25, 1944?

A. Yes, it was on July 25th, and my best recollection is it was in the evening.

Q. About what time in the evening was it?

[fol. 245] A. It was, as I recall, some time shortly after the dinner hour.

Q. Who went with you, if anyone?

A. I went alone.

Q. You went alone. How did you gain entrance to the apartment?

A. The apartment was open. There were homicide detectives from Central Homicide Bureau there, there were detectives from the Wilshire Detective Bureau there, Robert Putoff, Los Angeles Police photographer, was there, and the fingerprint expert, I believe Mr. Larbaig, in this instance was present there.

Q. All of those persons you have just named were present in the apartment when you arrived?

A. Yes, sir.

Q. Now, when you arrived was the body still on the floor in the position in which it appears on Exhibit 8?

A. Yes, it was.

Q. Was the pillow still on the face?

A. Yes. There were two pillows; there was a pillow and a seat cover from the davenport over the head of the body.

Q. Was the coat still on the body?

A. Yes, the coat was over the body. The view that I first had of this scene was just as it is shown in these photographs. The photographs were in the process of being taken at the time that I arrived.

[fol. 246] Q. Now, tell me again where you found the orange-colored handkerchief.

A. The orange-colored handkerchief I found in a drawer in a dressing alcove halfway between the kitchen and the living room.

Q. I see. Where did you find the white one with the green stripe?

A. The white one with the green stripe and brown stains I found on a large chair, the chair that is illustrated in People's Exhibit 11.

Q. Where did you find the napkin?

A. The napkin I found underneath the shoes which were lying in front of this large chair.

Q. How far from the chair were the shoes?

A. Well, it was just as illustrated in People's Exhibit 11.

Q. How far would you judge it to be when you looked at it?

A. I can only refresh my recollection by studying the photograph. I would estimate the shoes were within a foot of this chair.

Q. And a part of a silk stocking you found underneath the body?

A. Yes, that was on the floor lying underneath the body. It was not apparent until the Coroner's deputies began removing the body. I made search of the apartment for [fol. 247] additional parts of torn stockings and found none.

Q. Did you find any other stockings at all?

A. Yes, there were a number of stockings hanging up, apparently drying, in the kitchen. There were also stockings in drawers in the dressing alcove.

Mr. Safier: That is all.

Mr. Roll: That is all.

The Witness: May I be excused, your Honor?

The Court: Yes, you may be excused.

(Witness excused.)

ROBERT FRICK, called as a witness on behalf of the People, was duly sworn and testified as follows:

The Clerk: State your name, please.

A. Robert Frick.

Direct examination.

By Mr. Roll:

Q. Your full name is Robert Frick, is that true?

A. Robert Frick.

Q. Where do you live, Mr. Frick?

A. 744 South Catalina.

Q. About how long, sir, have you lived there?

A. A little over five years.

Q. Does your wife live there also?

[fol. 248] A. Yes.

Q. Are you employed there?

A. Yes, sir.

Q. How long have you been employed there?

A. A little over five years.

Q. Generally, what are your duties there, Mr. Frick?

A. Well, I take care of all the cleaning and repair work.

Q. Directing your attention to the apartment known as apartment 410 there, at that address, up on the fourth floor, the one formerly occupied by Mrs. Blauvelt, you are familiar with that apartment, are you?

A. Yes, sir.

Q. Are you familiar with what we might call the garbage disposal unit?

A. Yes, sir.

Q. That is illustrated here, sir, by this "Garbage Compartment" that you observe on the drawing between "D-1" and "D-2" there?

A. Yes, sir.

Q. It is also illustrated by these pictures here on People's Exhibit No. 2, the side view?

A. Yes.

Q. Now, with reference to that garbage disposal unit, I am going to ask you some questions, Mr. Frick. How tall are you, sir?

A. Pardon?

[fol. 249] Q. What is your height? How tall are you?

A. 5 foot 7½.

Q. What is your weight?

A. 130.

Q. Do you want to step down here, Mr. Frick, right alongside of where the defendant is seated?

A. Yes.

(Witness leaves witness stand.)

Mr. Roll: Right over here, if you will.

(Witness stands near defendant.)

Mr. Roll: I will ask if the defendant might stand, please.

The Court: The defendant will stand for the purpose of identification.

(Defendant stands alongside of the witness.)

Mr. Roll: That is fine. You can come back, Mr. Frick.

(Witness thereupon resumes the witness stand.)

Q. Now, did you have occasion, Mr. Frick, some time after the date of the 25th of July, 1944, to yourself try and—not try, but crawl through that garbage disposal unit, from "D-1" to "D-2"?

A. Yes, sir.

[fol. 250] Mr. Safier: Objected to as irrelevant, incompetent and immaterial and has no bearing upon any of the issues in this case.

The Court: Overruled.

By Mr. Roll:

Q. Just tell us what you did, did you get through or did you get stuck?

A. No, sir, there was plenty of room.

Q. You did get through?

A. Yes, sir.

Q. About when did you do that, do you know?

A. Oh, about six weeks ago.

Q. About six weeks ago. Now, Mr. Frick, with reference to the janitor service there, cleaning of the apartments, during the month of July when were you cleaning the apartments up on the fourth floor, particularly apartment 410?

A. Mrs. Blauvelt's apartment had been on Wednesday.

Q. On Wednesday?

A. Yes.

Q. How often, sir?

A. Every other Wednesday.

Q. That would be every two weeks?

A. Every two weeks.

Q. And with reference now to the date of the 25th of July, which was on a Tuesday, when would have been the next day that you cleaned the apartment?

A. That would have been on the 26th, the day after.

[fol. 251] Q. And you had previously cleaned the apartment two weeks before?

A. Yes, sir.

Q. With reference to this garbage disposal unit on the inside there, Mr. Frick, on the kitchen side in apartment 410, there was a door which is depicted in this diagram as view 1 of People's Exhibit 2; is that correct?

A. Yes, sir.

Q. Now, with reference, sir, to the—I have here a photograph which I will ask be marked for identification at this time.

The Court: 17 for identification.

Mr. Roll: 17.

Q. I am going to ask you to look at People's Exhibit 17, Mr. Frick, merely sir, at the door there, which is shown in the back of the picture?

A. That is a door leading to the hall.

Q. Now, I am going to ask you, sir, with reference to the dates of the 24th and 25th of July in apartment 410, with reference to the type of lock, that is a door knob and anything else with reference to the door leading from 410 out into the hall: Can you explain what that was?

A. Well, there is just a knob lock there, that is a regular door lock and there is a chain lock on the inside.

Q. But with reference to when you want to go out that door if you are inside of the apartment you do not have to [fol. 252] insert any key, do you?

A. That is always open, the lock is always open from the inside.

Q. And from the outside—

A. It is locked.

Q. Now, is there some method, if you want to, on the lock where you can take a plunger so that you cannot enter?

A. By pressing a button the bolts that is in the lock there, you push one back.

Q. And if you do that cannot come in from the outside without a key?

A. You can throw the lock off by doing that.

Q. And this chain lock that you mention is one that can only be put on from the inside?

A. Just a chain lock to leave the door extend open about 3 inches.

Q. Now, Mr. Frick, with reference to the collection of the garbage from the various units there in the apartment, who takes care of that, sir?

A. I do.

Q. And do you do that in the morning or evening?

A. In the morning.

Q. Now, directing your attention now, sir, to the date on which Mrs. Blauvelt's body was found, the morning of that date, the 25th day of July, 1944, did you on that morning have occasion to go up on the fourth floor and do [fol. 253] anything with reference to the garbage in apartment 410?

A. Yes, sir.

Q. What, if anything, did you do, sir?

A. Pardon?

Q. What did you do with reference to that?

A. Well, I found that the garbage tin was not in the place where Mrs. Blauvelt usually kept it.

Q. Where was it, sir?

A. It was in the corner, in the other corner, I would say, the southwest corner of the service board.

Q. About how large a garbage container was that, can you indicate with your hands how big a container it was?

A. Oh, the container is about 8 or I will say 9 inches, the container about 12 inches high.

Q. About 12 inches high and 8 or 9 inches across?

A. Yes.

Q. And in so far as the garbage itself was concerned, did you pull the can out that morning?

A. Yes, sir.

Q. Do you recall whether there was any garbage in there or whether there was not?

A. Yes, sir.

Q. Well, what was the situation?

A. There was nothing in it.

Q. Nothing there?

A. No, sir.

[fol. 254] Q. Now, in doing that, Mr. Frick, can you tell me when you reached in to get the garbage out, did you bend down to do it, or do you do it from a crouched position or get down on your hands and knees, or how do you do it?

A. Well, I would say a crouch.

Q. Now, did you look into the unit at the time or just reach in and get the can and pull it out?

A. I just pulled it out; I didn't look.

Q. You didn't pay any attention?

A. I didn't pay any attention only to where the tin was located.

Q. So you are unable to say anything with reference to the door there on the inside?

A. No, I don't know about that.

Q. You did not look for that at all?

A. No, sir, I did not look.

The Court: This may be a good place to break. We will take our noon recess at this time, and the jurors will keep in mind the admonition not to talk about the case or form or express any opinion. Take a recess until 1:45.

(Whereupon a recess was taken until 1:45 o'clock p. m. of the same day, Thursday, November 16, 1944.)

[fol. 255] Thursday, November 16, 1944; 1:45 o'clock P. M.

The Court: The record will show the jury, counsel and defendant present. You may proceed.

The Clerk: Mr. Frick, please.

ROBERT FRICK, recalled:

Mr. Roll: I have no more questions.

Cross-examination.

By Mr. Safier:

Q. Mr. Frick, which apartment do you occupy at 744 South Catalina Street?

A. 110.

Q. How long have you occupied apartment 110?

146

A. 110, how long?

Q. Yes?

A. A little over five years.

Q. Who else lives there with you?

A. My wife.

The Court: I do not see the materiality of that.

Mr. Safier: Very well. It is just a preliminary question.

Q. Now, Mr. Frick, When was it you made this experiment with the garbage disposal compartment.

A. About six weeks ago.

[fol. 256] Q. Do you remember the date?

A. No, I don't.

Q. At whose request did you make that experiment?

A. Pardon?

Q. At whose request did you make the experiment?

Mr. Roll: That assumes something not in evidence.

The Court: Sustained.

By Mr. Safier:

Q. Did you make that experiment at the request of somebody?

A. After the accident in there they installed a Yale lock.

Q. No, now, you can—

The Court: What the attorney wants to know, Mr. Frick, is did you try this all off—was it your own idea to try this or did someone tell you to try it?

A. No, I went in there to release this lock and the keys at the present time was not in the house.

The Court: Did anybody tell you to do it?

A. Yes.

The Court: Who did?

A. My wife.

The Court: That settles that.

By Mr. Safier:

Q. Did you only crawl through that compartment the one time, Mr. Frick?

A. Yes, sir.

Q. Just on the one occasion. Now, at the time that you [fol. 257] made that experiment and crawled through that garbage compartment, was the door represented by D-1 on this large drawing on?

A. Is that the inside?

Q. That is the hall side.

A. The hall side. Yes, sir, that door was on.

Q. Is there any lock on that door?

A. Just the latch.

Q. Just the latch. Now, at that time, the time that you made that experiment, was the door represented by D-2 on the large drawing, being the inside door on?

A. The kitchen, no, sir.

Q. That was off. Now, was there a shelf in that garbage compartment at the time you made that experiment?

A. Yes, sir.

Q. Did you crawl—you did crawl through there, didn't you?

A. Yes, sir.

Q. Did you crawl under or over the shelf?

A. Under.

Q. Under the shelf. Are there some pipes in there in that compartment?

A. No, sir.

Q. No pipes in that—

A. Just lined with tin.

Mr. Roll: I cannot hear you, Mr. Frick.

[fol. 258] The Court: Keep your voice up, Mr. Frick. It is pretty hard to hear you.

A. It is lined with tin.

By Mr. Safier:

Q. Now, is there a lock on the inside door there ordinarily?

A. Just the latch.

Q. Just the latch and the latch opens from the kitchen side?

A. Yes, sir.

Q. In other words, if the door, the kitchen side door of the garbage compartment is closed with a latch it can only be opened from the kitchen?

A. Yes, sir.

Q. Now, did you do the cleaning in the apartment, Mr. Frick?

A. Yes, sir.

Q. When prior to July 24th did you do any cleaning in apartment 410?

A. Well, that was just about two weeks before.

Q. And do you have an independent recollection of having cleaned in that apartment two weeks before July 24th or do you say that just because it was your custom to clean there every two weeks?

A. Well, that is because we clean every two weeks.

Q. Prior to the time you made the experiment by crawling through the garbage disposal compartment when had [fol. 259] you last been in apartment 410 for any reason?

A. As far as I remember the last time we cleaned in there.

Q. I see. Were you about the premises at 744 South Catalina Avenue all day on July 24th of this year?

A. Yes, sir.

Q. And on July 25th of this year?

A. The 23rd?

Q. The 25th?

A. The 25th. I was there all day.

Q. You were not away from the building at any time those two days?

A. No, sir.

Q. Now, did you at any time, either on July 24th or July 25th, hear any unusual noises or sounds?

A. Pardon?

Q. Did you on either of those two days hear any unusual noises or sounds about the building?

A. No, sir.

Q. Do you remember on what floor you were working either on the 24th or 25th of July?

A. On the fourth—the third and fourth.

Q. On the third and fourth?

A. On the third and fourth.

Q. Which day were you working on the third and fourth, was it on the 24th or 25th or on both days?

[fol. 260] A. Well, we work on both floors each day.

Q. You work on both floors each day?

A. Yes, sir.

Q. Do you remember what time of the day on the 24th you were on the fourth floor?

A. That was on a Tuesday, was it?

Q. Monday?

The Court: May I have just one moment, please?

A. I think we were there about 9 o'clock.

(Short interruption on other court business.)

[fol. 261] The Court: You may proceed.

Mr. Roll: What was that answer, please?

(Answer read.)

By Mr. Safier:

Q. Now, we are referring to Monday, July 24th. Can you tell me what time of day you were working on the fourth floor?

Mr. Roll: I object to that as having been asked and answered. He said about 9 o'clock.

The Court: You may answer it again.

A. About 9 o'clock.

By Mr. Safier:

Q. In the morning or in the evening?

A. Morning.

Q. How long did you stay on the fourth floor at that time?

A. Well, about 45 minutes, I think it was.

Q. Were you on the fourth floor at any other time on that date?

A. Yes.

Q. What time?

A. I don't remember.

Q. Was it in the morning or afternoon?

A. I think it was in the afternoon.

Q. The early part of the afternoon or the latter part of the afternoon?

A. I don't remember that.

Q. You did not hear any unusual noise at any time?

[fol. 262] A. Not any.

Q. Now, referring to Monday, July 24th, can you tell me what time of day you were working on the third floor?

A. No, I cannot remember that.

Q. Now, referring to July 25th, Tuesday, can you tell me what time of day you were working on the fourth floor?

A. Well, I would say around 11 o'clock.

Q. In the morning?

A. Morning.

Q. How long did you stay there at that time?

A. About 45 minutes.

Q. Was that the only time on Tuesday that you were on the fourth floor?

A. As far as I remember.

Q. How about the third floor? What time on Tuesday were you on the third floor?

A. Well, earlier in the morning.

Q. Now, referring to the lock on the door of apartment 410 prior to July 24th, when had you last made an examination or seen the lock on the door of that apartment?

A. I don't understand the question.

Q. I will reframe it. When did you last examine the lock on the door of apartment 410 prior to July 24?

A. Examine it? Well, I don't examine the locks without there is something wrong with them.

Q. Well, you do not know whether or not there was [fol. 263] anything the matter with the lock on July 24th?

A. Not that I know of.

Q. I beg your pardon?

A. Not that I know of.

Q. You do not know whether it was working or not, do you?

A. No, I don't.

Q. Now, I believe you testified the type of lock—strike that. Is the lock on that door a lock that is in the door handle itself?

A. No, it is not. It is in the door, in the frame, in the lock; you push a button——

Q. I am sorry. I did not hear you, Mr. Frick.

A. You push a button in on the lock itself. It is not one that has a snap on the lock, on the knob.

Q. It hasn't got a snap on the knob?

A. No.

Q. Well, is it a Yale lock?

A. Pardon?

Q. Is it a Yale lock?

A. No, it is not a Yale.

The Court: Is it a Schlage lock?

A. Well, it is a regular lock, mortised in the door.

The Court: You do not know the name of the particular manufacturer?

A. No, I do not.

By Mr. Safier:

Q. Is it a lock that is fastened on the inside of the door?
[fol. 264] A. No, it is set right into the door.

Q. It is set right into the door?

A. Yes.

Q. It has two little buttons on it?

A. It has two little buttons on it.

The Court: Right in the center of the lock?

A. Right in the center of the lock.

The Court: Most doors have these little buttons on the side edge of the door.

A. Yes, in the edge.

The Court: This one does not have those buttons, or does it?

A. It is right along the edge that closes to the frame.

The Court: You push one which releases the latch and the other one locks it?

A. Yes, the other one locks it.

By Mr. Safier:

Q. If you push one of those buttons the door can be opened from either side without a key, can it?

A. If you push one the door from the inside—the door from the inside can be opened at any time, but when you push—you can lock it on the outside or release the lock by one.

Q. Well, can you, by pushing one of those buttons, fix the door so it can be opened either from the inside or outside without a key?
[fol. 265]

A. Yes, sir.

Q. If you push the other button it can be opened only from the inside but not from the outside; is that correct?

A. That is correct.

Q. And in addition to that there is a chain lock?

A. Yes, sir.

Q. I believe you testified that you took care of the collection of the garbage in the building?

A. Yes, sir.

Q. And do you do that every morning?

A. Yes, sir, all but Sundays and holidays.

Q. Did you collect the garbage from apartment 410 on the morning of July 24th?

A. That was on Tuesday morning? Yes, sir.

Q. That was on Monday, July 24th?

A. Monday morning.

Q. Monday morning, July 24th?

A. Both Monday and Tuesday.

Q. Did you collect it again on Tuesday?

A. Yes, sir.

Q. July 25th?

A. Yes, sir.

Q. And on Tuesday morning, July 25th, the garbage pail was in the garbage compartment, wasn't it?

A. Yes, sir.

Q. Now, you testified something about it being in a [fol. 266] certain portion of the garbage compartment. Which portion was it in on Tuesday morning?

A. It was, I would say, in the southwest corner.

Q. In the southwest corner of the garbage compartment?

A. Yes, in the far corner.

Q. Can you tell me in which part of the garbage compartment the garbage pail was on Monday morning, July 24th?

A. Well, it was right next to the outside door, as far as I remember.

Q. Did you also collect the garbage pail from apartment 408 on the morning of July 25th?

A. Yes, sir.

Q. In what portion of the garbage compartment was the pail in that apartment?

A. That was—it could be any place.

Q. It could be any place?

A. Yes.

Q. Do you remember where it was?

A. I don't remember.

Q. Can you tell me with reference to any other apartments in that building in what part of the garbage com-

partment the pail was setting on the morning of July 25th?

A. No, because there are too many people that do not have one place; certain people have one place where they always keep it, and other people don't.

Q. Well, referring to apartment 408, now, does the party [fol. 267] that lives in that apartment keep the garbage pail in any part of the garbage compartment?

A. They just put it in anywhere, as far as I remember.

Q. As a matter of fact, as to all of the tenants in the building, they just put their garbage pail anywhere in the garbage compartment, do they not?

Mr. Roll: I object to that as asked and answered.

A. Not all of them. Some of them have a regular place to keep them.

Mr. Roll: Withdraw it.

By Mr. Safier:

Q. Tell me which tenants of the building have a particular spot in the garbage compartment.

A. Well, Mrs. Blauvet had—

Q. Let me finish my question, please, Mr. Frick. Tell me which of the tenants of the building that had one particular section in that garbage compartment upon which they set their garbage.

A. I do not remember that, but I do remember Mrs. Blauvelt because she never had but very little garbage in her pail, and she always kept it next to the outside door without a lid on it.

Q. Were there any other tenants that had very little garbage in their pail?

A. Yes, there are some of them that did not have very much.

Q. Any other tenants that always kept the garbage pail [fol. 268] close to the outside door too?

A. Yes, there was.

Q. Who are they?

A. Well, I cannot tell you just who. I could take you out there and show you, if you would like to go out.

Q. Was Mrs. Blauvelt the owner of two garbage pails?

A. She had a garbage pail and a waste paper basket.

Q. Did you see the waste paper basket on the morning of July 25th?

A. The waste paper basket was not in that morning.

Q. It was not there that morning. Were there any other mornings that the waste paper basket was not there, too?

A. Well, there are certain mornings that she would have the waste paper basket in; not that morning.

Q. I see. Now, on the morning of Tuesday, July 25, 1944, when you collected the garbage of apartment 410, did you observe whether or not the inside door, that is the kitchen side door, of the garbage compartment was closed or open?

A. I did not notice that.

Q. Well, if it was open you could have seen right through it, could you not?

Mr. Roll: Just a moment. I object to that, if the court please, on the ground—

The Court: Purely speculative in view of the previous testimony in the record, which I think counsel has forgotten. [fol. 269] The witness testified he did not look in there.

Mr. Safier: Well, I think he testified he crouched, did you not?

The Court: Yes, but he also testified he did not look in there.

By Mr. Safier:

Q. Is it a fact that you did not look into the garbage compartment on that morning?

A. I just looked for the location of the garbage tin, that is all.

Q. You did look in the compartment to see the location of the tin, did you not?

A. Only in the service door.

Q. Did you have to reach into the garbage compartment to reach the garbage pail?

A. Yes, sir, you had to reach to get it.

Q. And as you reached in did you look into the compartment?

A. The service door is directly in front of you when the door leading to the kitchen—it would be on the left side as you were taking that out. I just look straight in there to see where the garbage tin was, not noticing whether the dor was open or closed on the inside.

Q. Well, did you notice whether or not any light was coming from the kitchen into the garbage compartment?

A. No, sir, I did not.

Q. No, sir what, you did not notice or there was no [fol. 270] light?

A. I did not notice it.

Q. Did it appear to be dark in the garbage compartment at that time?

A. Well, she could have had her window shades down and the kitchen could have been dark.

Q. Wait a minute—

The Court: Do you remember whether it was dark when you looked in there, or not?

A. Yes, it was fairly dark.

By Mr. Safier:

Q. What do you mean by fairly dark?

A. Well, it was not clear.

Q. Was it as dark as—strike that. Would you say that it was dark in the same—would you say that the lighting in the garbage compartment on the morning of July 25th, when you reached for the pail, would you say that the darkness in the garbage compartment was about the same as it was on every other morning?

Mr. Roll: Just a minute, if he noticed. I have no objection to the question if he noticed.

The Court: You may answer. Did you notice any different conditions as to light or dark on that particular day?

A. Well, no, not at that particular time of the year there would not be a lot of difference only in case of the day being cloudy outside.

[fol. 271] By Mr. Safier:

Q. Did it appear to you to be about the same on July 25th as it was every other day during the preceding two weeks that you collected the garbage?

A. Well, I didn't notice that.

[fol. 272] Q. Well, did you notice any difference on the morning of July 25th as to the lighting or the darkness in the garbage compartment as compared with any other day during the preceding two weeks?

A. Well, I don't remember that.

Q. Can't you tell us, Mr. Frick, whether you noticed any difference at that time?

Mr. Roll: I object to that as asked and answered.

The Court: He just answered the question. I do not think it should be repeated. The objection is sustained as asked and answered.

Mr. Safier: I have no further questions.

Redirect examination.

By Mr. Roll:

Q. Mr. Frick, counsel asked you with reference to the locks. Did you have any complaint from any source around the 24th or 25th of July or, we will say, the 22nd about that lock being out of order?

A. No, sir.

Q. Did you have any complaint about that door there, the inside door which you marked on the diagram as D-2, anything being wrong with that?

A. Leading to the kitchen?

Q. Yes, sir.

A. No, sir.

Q. Did you have any complaint about that?

[fol. 273] A. No, sir.

Q. I believe you testified on cross examination that on the morning of the 25th when you went to reach in there to get the garbage can, what did you say about the lid?

A. Mrs. Blauvelt never kept the lid on the garbage can.

Q. Yes?

A. And that morning it was on.

Q. And that morning it was on?

A. On.

Mr. Roll: No further questions.

Recross-examination.

By Mr. Safier:

Q. Mr. Frick, do you mean to tell us during the five years that you collected garbage there, July 25th is the only morning that you ever found the lid on the garbage pail in Mrs. Blauvelt's apartment?

A. Mrs. Blauvelt did not live in that apartment five years.

Q. Well, do you mean to tell us, then, that as long as you

have been collecting the garbage at Mrs. Blauvelt's apartment, whenever she lived, that July 25th was the only time in all the time that you collected the garbage there, that you found the lid on the pail?

A. As far as I remember.

Q. I see, all right. Now, ordinarily when you collected the garbage from Mrs. Blauvelt's apartment the kitchen [fol. 274] door to the garbage compartment was closed, was it not?

A. I would not say that it was closed at all times.

Q. Well, was it closed most of the time?

A. Most of the time.

Q. How frequently during the past year would you say you found the kitchen side of the garbage compartment open?

A. I never counted it.

Q. But when you collected the garbage you could very easily tell ordinarily whether the kitchen side of the compartment was open or closed, could you not?

A. Well, no, you do not do that, you do not look in there to find out whether they are open or closed. When you are doing your work you are just carrying on your work. You do not bother about those other little details.

Q. Mr. Frick, if you did not look in there, then, how do you know it was closed most of the time but open sometimes?

A. Well, there are times you look at it and there are times you do not.

Q. I see. Sometimes you look at it and sometimes you don't?

A. Yes, sir.

Mr. Safier: That is all.

[fol. 275] Redirect examination.

By Mr. Roll:

Q. What time of the morning on the 24th or 25th would you pick up the garbage?

A. About 6:30.

Q. A. M.?

A. In the morning.

Q. And you told counsel on cross examination that sometime in the morning, I believe on both the 24th and 25th,

you were up on the fourth floor, I think you said for about 45 minutes. Do you remember what you were doing?

A. I was cleaning apartments.

Q. You were on the inside cleaning some apartments?

A. Yes, sir.

Q. What do you use, a vacuum cleaner to clean?

A. Yes, sir.

Q. What kind?

A. A Hoover.

Q. An electric one?

A. Yes, sir.

Q. One that works off of one of these plugs?

A. Pardon?

Q. Works off an electric plug?

A. Yes, sir.

Q. Is it a small Hoover or a big one they use in apartment houses?

[fol. 276] A. Well, it is quite large.

Q. Makes a little noise?

A. It is a regular—yes, sir.

Mr. Roll: That is all.

Recross-examination.

By Mr. Safier:

Q. Which apartment were you cleaning on July 24th on the fourth floor?

A. Well, I think it was 409.

Q. 409?

A. Yes, sir.

Q. That is the apartment directly opposite from 410?

A. Across the hall, yes, sir.

Q. Did you clean any other apartment on the fourth floor on July 24th?

A. Yes, sir.

Q. On the fourth floor?

A. Yes, sir.

Q. Which one?

A. 406, I think it was.

Q. Where is 406 located?

A. That is about the third apartment down on the south side of the building.

Q. You cleaned both of those apartments on the morning of July 24th, Monday?

A. I don't remember that.

[fol. 277] Q. Do you remember whether it was Monday or whether it was Tuesday?

A. It was Monday.

Q. It was Monday?

A. Monday, but I don't remember the time.

Q. You don't remember whether it was morning or afternoon?

A. No, sir, I don't, when I cleaned 406.

Q. Didn't you have one particular day for each floor for cleaning purposes?

A. Well, no, we work from one floor to the other, different days of the week.

Q. You don't take one floor on Mondays, another floor on Tuesdays, another floor on Wednesdays? Don't you work it that way?

A. No, sir; we only give them every two weeks service.

[fol. 278] Q. Do you remember what apartment you were cleaning on the fourth floor on Tuesday morning?

A. Tuesday morning? I don't remember that.

Q. You don't remember?

A. No.

Mr. Safier: That is all.

Mr. Roll: That is all. May this gentleman be excused?

The Court: He may be excused.

(Witness excused.)

Mr. Roll: Mr. Osmon.

KEN LEMAR OSMON, called as a witness on behalf of the People, was duly sworn and testified as follows:

The Clerk: State your name, please.

A. Ken Lemar Osmon.

Direct examination.

By Mr. Roll:

Q. What is your full name?

A. Ken Lemar Osmon.

Q. How do you spell your last name?

A. O-s-m-o-n.

Q. How old are you, Ken?

A. Fifteen, last September.

Q. Where do you live?

[fol. 279] A. 919 South New Hampshire.

Q. Do you go to school?

A. Yes, sir, I do.

Q. What school do you go to?

A. Loyola High School.

Q. That is located down on Venice Boulevard near Vermont?

A. Yes.

Q. During the summer months were you working?

A. Yes, I was working for Mr. Farmer, delivering papers.

Q. Were you soliciting papers too?

A. Yes, I was.

Q. What paper were you soliciting for, do you remember?

A. The Examiner.

Q. Did you have occasion to go into an apartment house down on South Catalina, No. 744?

A. Yes. In fact, I went through the whole two blocks on Catalina.

Q. Was that during the month of July, do you remember?

A. Yes.

Q. Do you remember being in the apartment house at 744 on any particular day?

A. No, I don't. I believe it was either Friday or Saturday. I wouldn't say for sure. I know I turned some orders in that night, and that would be the night that I solicited.

[fol. 280] Q. What you did was that when you went into this apartment you would go around and rap on the various doors?

A. Yes.

Q. And if someone answered you would talk to them; is that correct?

A. That is right.

Mr. Roll: Will you stand up, please?

(Lady in audience rises.)

Mr. Roll:

Q. Do you remember talking to this lady?

A. I couldn't say for sure. You see, I talk to so many people.

Mr. Roll: That is all.

The Court: Just one question, Ken. Can you give us any better idea than it was in July? Can you tell us about when in July it was?

A. Yes, it was, I believe—I know police officers came down and told me that I had been soliciting there and there had been a murder there.

Mr. Safier: Just a minute. I object to any hearsay evidence.

The Court: This is not hearsay. He is trying to fix the date by something. Some police officers came to you?

A. Yes. We read in the paper, of course, there had been a murder there, and I believe—in fact, I know I was either in there Friday or Saturday of the preceding week.

The Court: In other words, you were in there a few days [fol. 281] before you read the account in the paper; is that about the way it was?

A. I believe it was one or two days before.

The Court: One or two days before. You may cross examine.

Cross-examination.

By Mr. Safier:

Q. Your best recollection is that it was on Friday or Saturday that you went into the apartment at 744 South Catalina Street?

A. Yes.

Mr. Safier: That is all. No further questions.

Redirect examination.

By Mr. Roll:

Q. Now, just one thing more: Mr. Wiseman here and Mr. Brennan took you back there to the apartment house later on, didn't they?

A. Yes.

Q. For the purpose of refreshing your recollection, do you remember telling them that you thought it was on Monday night you were there?

Mr. Safier: Just a minute. I object to that as being—

The Court: Sustained.

Mr. Safier: —in the nature of impeachment.

The Witness: You see, it has been so long—

Mr. Safier: Just a moment.

[fol. 282] The Court: Objection sustained. You cannot answer the question, Ken.

Mr. Safier: The judge says you cannot answer it.

The Court: We have certain rules here the same as we have in basketball.

Mr. Roll: That is all. May this young man be excused?

The Court: Yes, he may be excused.

(Witness excused.)

JAMES R. FERGUSON, called as a witness on behalf of the People, was duly sworn and testified as follows:

The Clerk: State your name, please.

A. James R. Ferguson.

Direct examination.

By Mr. Roll:

Q. Will you state your full name, please?

A. James R. Ferguson.

Q. Mr. Ferguson, what is your business or occupation?

A. Police officer, City of Los Angeles, attached to the Scientific Investigation—

Q. How long have you been engaged as a police officer?

A. A little over four years.

Q. What division or detail are you attached to?

A. Scientific Investigation Bureau, latent fingerprints [fol. 283] section.

Q. Mr. Ferguson, how long have you been working in that department?

A. Approximately eighteen months.

Q. Were you working in that department on the date of the 25th of July, 1944?

A. I was.

Q. Did you have occasion to go to apartment No. 410 on that date?

A. I did.

Q. About what time of day did you go there, sir?

A. Approximately noon time.

The Court: Fix the apartment house and address.

By Mr. Roll:

Q. 744 South Catalina Street?

A. Yes.

Q. Were there some other officers there when you arrived?

A. Yes, there was.

[fol. 284] Q. Do you remember if Mr. Wiseman and Mr. Brennan were there?

A. I believe they were both there.

Q. Did you see Mr. Pinker there?

A. Yes, I did.

Q. As a part of the equipment that you take along with you when you go out on a call such as the call that you went on on this night, what type of equipment do you take with you?

A. I had a fingerprint camera, some brushes, some fingerprint powder and some Scotch tape.

Q. When you say fingerprint camera, can you tell us a little more about it, please?

A. Well, it is an Eastman fingerprint camera with a fixed focus; place it immediately over the fingerprints and turn it on; it is operated by batteries from the inside.

The Court: For the ladies to get a better idea, it is something like a shoe box, it is black, and you set it right on top of the fingerprints; is that right?

A. That is right.

By Mr. Roll:

Q. With reference to the brushes, will you tell us what kind of brushes?

A. I have camel's hair brushes.

Q. And you say some powder?

A. Yes.

Q. Now, will you tell us—I am not going into too many [fol. 285] details with reference to it at this time, as I expect to call some other witnesses—with reference to

when you start looking on a surface for prints, just how do you do it? Will you tell us that, please?

A. Well, you take your brush, dip it in the powder and rub the powder lightly over the surface that you are examining for fingerprints, and the powder adheres to the surface where the fingerprint is.

Q. That is, if you do get some prints there and desire to take a photograph of them, you take your camera and take a photograph?

A. Yes, that is right.

Q. The Scotch tape you mentioned, what do you use that for?

A. After photographing the print we lift the print from the surface, put it on a card and keep the card with the lifted print on it.

Mr. Roll: May I have the next exhibit number?

The Court: The next number is 18.

Mr. Roll: May this be marked People's Exhibit 18 for identification?

The Court: It may be so marked.

Mr. Roll: For the purpose of identifying it, it is a picture of a part of the kitchen of apartment 410.

Q. Directing your attention to this photograph, Mr. Ferguson, I will ask you to examine that photograph and [fol. 286] state whether or not that is a fair representation of the kitchen in apartment 410 at 744 South Catalina Street?

A. Yes, it is.

Q. Now, I notice in that photograph that there are some newspapers there on the floor. Were those papers there when you arrived?

A. No, I put those papers on the floor myself to keep the black powder from getting on the floor.

Q. I notice in the photograph, right in the forepart of the photograph, what appears to be a door. Where was that door there in the apartment when you first saw it?

A. Approximately the same place it is now in the photograph.

Q. By approximately the same place it is now in the photograph, I take it, you mean by that answer that it was in the kitchen part of apartment 410?

A. Yes, it was, near the sink.

Q. Near the sink?

A. Immediately in front of the sink.

Q. Lying up against the sink?

A. Yes.

Q. Directing your attention, Mr. Ferguson, to a door which at this time I ask to be marked People's Exhibit 19 for identification, I will ask you to look at that and state whether or not that is the same door that you have referred to in your testimony as having seen there in the kitchen on [fol. 287] the evening of the 25th of July, 1944, in apartment 410 at 744 South Catalina Street in the City of Los Angeles?

A. Yes, that is the same door.

Q. That is the same door that is shown in this photograph; is that correct?

A. Yes, it is.

Mr. Roll: Now, at this time, if the court please, I offer into evidence People's Exhibit 18, this photograph, and the door, People's Exhibit 19.

The Court: They may be so marked.

Mr. Roll: I would like to pass this picture, People's Exhibit 18, to the jury.

The Clerk: The door was marked once before as Exhibit 6.

Mr. Safier: Yes, I think it was at the time of the measurements.

The Court: That is right. We do have that marked as 6.

Mr. Roll: I am sorry, your Honor.

The Court: We will cancel No. 19 and let it remain as 6.

Mr. Roll: All right.

The Court: That is, it is 6 for identification.

Mr. Roll: I will now offer 6 into evidence.

The Court: Mark it into evidence.

By Mr. Roll:

Q. Now, with reference to People's Exhibit No. 6, did you do what you call dust People's Exhibit 6 out there at the apartment itself on the evening of the 25th of July, [fol. 288] 1944, for the purpose of determining whether or not there were any fingerprints on that door?

A. I did.

Q. And did you find some fingerprints on the door?

A. I did.

Q. What did you do after you found prints on the door?

A. After I found prints I made labels, placed them next to the print where they would show in the photograph, placed the camera over the label and the print and photographed the print and the label on the door.

Q. How many different photographs did you take of fingerprints on the door there? I mean, different locations?

A. Three different photographs of prints on the door.

Q. And then later on—I will get into this later—later on did you cover over that area with this Scotch tape, where you took the photographs?

A. I did. I made a lift of three groups, of three prints, the three prints that I had photographed, and then I re-developed them, redusted them, and covered them all with Scotch tape.

[fol. 289] Q. I will go back into that. If you can, take People's Exhibit 6—will you be kind enough to hold that up there just a second?

(Witness does as requested.)

Q. On the, we will say, kitchen side of the door, the outside of the door, facing into the kitchen,—I am now pointing on the door near the hinge side where there is some Scotch tape; is that one area where you took a picture of some fingerprint?

A. That is.

Q. I now come to the same side of the same door, People's Exhibit 6, on the side near where the little catch is and the knob down near the bottom; is that the second place where you observed some prints and took some fingerprints?

A. That is.

Q. Now, will you turn the door around, please, sir, on the back side of the door, on the metal portion thereof, near the center and approximately, I should say, 9 or 10 inches from the top, I notice there is another piece of Scotch tape; is that another area where you dusted and took some fingerprint pictures?

A. That is.

Q. Do you have in your possession at this time the negatives of those pictures that you took?

A. I do.

[fol. 290] Q. And do you also have smaller developed pictures from there with you, or not?

A. I do.

Q. Now, will you first pick out for me, forgetting the negatives for a minute, the two that you developed from what we might call the front side of the door?

A. I developed these two of the front side, the side toward the kitchen.

Mr. Roll: I will ask that this be marked People's Exhibit No. — is it 19?

The Court: We can use 19 now. I would suggest, in view of the fact that the mere numbers do not indicate anything, you probably are going to mark them all 19 as a series.

Mr. Roll: That will be satisfactory, your Honor.

The Court: Suppose—I merely make this suggestion to both counsel,—that we might letter them, and also indicate whether they are the front or the back of the door, so that we can keep track of it ourselves and the jury can keep track of it as the occasion arises.

Mr. Safier: Yes, that is a good suggestion.

The Court: Or a front.

Mr. Roll: Yes. This will be 19. Do you want to put an "A" behind that, your Honor?

The Court: Yes, I think so. You will probably want to get the initial—

Mr. Roll: 19-A.

[fol. 291] The Court: And the word "Front" after it.

Mr. Roll: All right, your Honor. I don't know whether they can mark these negatives or not.

The Court: I do not think it is necessary to mark the negatives. This remark is addressed solely to counsel—I do not think the negatives will be of any particular value as evidence, because they are in reverse and they are pretty hard to follow.

Mr. Roll: I expect to have to use the negatives later on.

The Court: I see.

Mr. Roll: Probably by some of the other witnesses.

The Court: Well, that is all right. Why not put all the negatives into one envelope? They can be segregated very easily by anyone who has to handle them.

Mr. Roll: All right, your Honor.

The Court: Mark all the negatives 20.

By Mr. Roll:

Q. The second one you have handed me, is that another picture taken from the front side of the door?

A. Yes, both of these are from the front.

Mr. Roll: May this be marked 19-B Front?

The Court: 19-B Front, yes.

By Mr. Roll:

Q. Do you have in your possession the one marked back side or metal side of the door?

A. I have.

Mr. Roll: I will ask that be marked 19-C Front inside.
[fol. 292] A. Inside the garbage disposal section.

Mr. Roll: I will mark that 19-C inside metal.

Q. Now, these three negatives that you now hand me here, are they corresponding negatives—do you want to check these—to the 19-A, 19-B and 19-C?

A. Yes, they are.

Mr. Roll: May those, if the court please, be marked 20?

The Court: Yes, we will mark all of the negatives 20.

Mr. Roll: All right, your Honor. I will give them to Mr. Moore, if he has a small envelope we can possibly put them in.

The Witness: I have an envelope here.

Mr. Roll: Oh, fine.

Q. Now, will you indicate with reference to, first, 19-A, which you have said was on the front, where that is located on the front, if you can describe it, please?

A. That is located on the left front of this section right here.

Q. That is on the side down below the glass knob?

A. Yes.

The Court: May I make a suggestion, Mr. Roll?

Mr. Roll: Yes, your Honor.

The Court: I do not see any objection, but I merely suggest it, however, we might put an "A" there and show the corresponding relationship.

Mr. Roll: On the door, your Honor.

[fol. 293] The Court: On the door itself. I have a colored pencil if you want to use it.

Mr. Roll: I think that will be very fine. I will use the red.

Q. All right, now, will you look at 19-B and tell me where that is?

A. 19-B is on the opposite side, right over here (indicating).

Mr. Roll: I will mark "B" with an arrow pointing to that.

Q. All right, now, 19-C, that is on the back side, I take it?

A. 19-C is on the back.

Mr. Roll: I will put a "C" here with an arrow pointing to it.

Q. Now, you also said that you took some lift prints?

A. I did.

Q. Now, will you describe to the court and the members of the jury what you mean when you say "lift prints"? What is a lift print?

A. A lift print is the developed latent print lifted with Scotch tape. It lifts the powder adhering to the surface of the print off. That is what is known as a lift print.

Q. When you use the term—we will go into a little more detail later on—latent print, what do you mean by a latent [fol. 294] print?

A. A latent print is a print left by the moisture from the fingers, and it corresponds to the pattern of the ridges on the surface of the inner finger.

Q. In other words, if I put my hand down here on this jury box rail, with my fingers like this, the surface is somewhat clean, I leave what is known as a latent print, is that it?

A. That is correct.

Q. Now, while you were working with this door there, did you notice anything—I notice that at the present time there is a screw there in the top hinge of People's Exhibit 6. Did you notice whether that was there at the time or not?

A. Yes, it was.

Q. Did you go around the apartment other than the door looking for fingerprints that you might photograph?

A. I examined a couple of glasses on the sink and I also examined a writing desk in the front living room.

Q. Did you find any prints that were good enough to develop?

A. No, I did not. I also examined the heels on the pair of shoes that were sitting on the floor beside the chair close to the door.

Q. Did you find any fingerprints on there that you could make pictures of?

[fol. 295] A. No, sir, I did not.

Mr. Roll: You may cross examine.

The Court: Just one question. You may want to ask the question on cross examination, and I think this is a matter relative to the word fingerprints. Mr. Ferguson, every time someone touches a piece of polished furniture does that indicate he is going to leave a fingerprint to be identified?

A. Not necessarily. If it is handled too frequently it gets an accumulation of moisture and grease from the fingers of other people.

The Court: What I am trying to get at is, I am trying to get you to tell this jury what we mean by a smudged print.

A. A smudged print is one that is in a condition that you cannot identify it.

The Court: And why is it that you cannot identify it?

A. It is on top of other prints or it has been smeared when the fingers move and conditions were not ideal.

The Court: You may cross examine.

Cross-examination.

By Mr. Safier:

Q. What time was it you went out to apartment 410?

A. Approximately 9 o'clock.

Q. In the evening?

A. In the evening of July 25, 1944.

[fol. 296] Q. And when you got there tell us again who was present.

A. Ray Pinker was there while we were there. I don't know whether he was there when we got there or not. Officer Woodhull was with me, and I think Sergt. Wiseman and Sergt. Brennan were there too; also Capt. Thad Brown, of the Homicide Bureau, and Capt. Rasmussen of the Wilshire Detective Bureau.

Q. Were all of these people milling about the apartment at that time?

A. Well, they were in the front at the time we arrived.

Q. I see, all of them?

A. Well, to the best of my knowledge, they were.

Q. Was anybody in the kitchen?

A. Not at the time I went in there.

Q. I see. Now, did you go directly to the kitchen?

A. I was directed to the kitchen by Capt. Rasmussen, I believe, shortly after I got there.

Q. You commenced your search for prints in the kitchen, did you?

A. On the garbage disposal door, yes, sir.

Q. At the direction of somebody?

A. Yes.

Q. When you got into the kitchen was the light on?

A. Yes, it was.

Q. It was already on?

A. Yes.

[fol. 297] Q. Where was the garbage disposal door when you got into the kitchen?

A. It was leaning up against the cabinet underneath the kitchen sink.

Q. It was unhinged from the garbage compartment, wasn't it?

A. Yes, it was.

Q. You testified that you placed the papers that appear in this picture, Exhibit 18, underneath the door?

A. I did.

Q. Did you handle the door in doing that?

A. I merely touched the edges very carefully while I was placing the papers under it.

Q. You touched the edges of the door?

A. I touched the edges only.

Q. Now, I notice in the upper portion of this garbage disposal compartment there appears to be some things in there. Did you observe what they were at that time?

A. No, I did not. There is a shelf up over the section there. I do not recall what was in there.

Q. You do not recall. Now, where else in the apartment, if any place, did you search for prints?

A. As I said, I examined the glasses on the kitchen sink and the pair of shoes that were found on the floor, I took

them in the kitchen and examined them, and I examined a writing desk in the front room.

[fol. 298] Q. Did you make any examination of the front door of the apartment that leads into the hall for prints?

A. No, I did not.

Q. Did you make any examination of the body for prints?

A. No, I did not.

Q. Did you make any examination of the coat that was on the body for prints?

A. No, I did not.

Q. Or any cushions that were on the body?

A. I did not.

Q. Did you make any examination of the lamp for fingerprints?

A. I did not.

Q. Now, you said you examined some glasses in the sink. Did you find any prints on the glasses?

A. None that could be identified.

Q. Did you find any prints on the secretary that you looked at?

A. I did not.

Q. Have you told us every place that you did examine for fingerprints on that occasion?

A. As far as I can recall, that is all I examined.

Q. I see. From that examination is it a fact that you were unable to obtain any prints from any place other than this garbage disposal door?

A. That is correct, no prints that could be identified.

[fol. 299] Q. Now, when you say you made an examination of the glasses and the secretary, did you make that by sprinkling, dusting powder on it?

A. I did.

Q. Now, did you make these photographs of the prints of the garbage disposal door yourself?

A. I did.

Q. What kind of film did you use in that camera, is it a roll film?

A. No, it is a plate holder.

Q. A plate holder. A separate plate for each film?

A. That is right.

Q. When had you put the plates in with which you took these particular photographs?

A. I put the plates in my kit immediately before I went on the call.

Q. When did you put them in the camera?

A. I put them in the camera just before I took the photographs.

Q. How many photographs did you say you took altogether?

A. Three photographs.

Q. Three photographs. How many prints did you find on the door?

A. I found a few partial prints adjoining the single print on the inside that were smudges. In other words, they were prints that could not be identified, the ridge patterns were [fol. 300] destroyed.

Q. Did you take a photograph of them?

A. No. I photographed only the prints that could be identified and we found the prints that are in these photographs.

Q. Did you take the photographs before you put the Scotch tape on the prints?

A. I did.

Q. You did what?

A. I photographed them before I put the Scotch tape on them.

Q. I see. Now, how many different prints did you photograph of the door?

A. I will count them. In this there is one good one and part of a smudge; in this there are three and part of another.

Q. May I see those, please?

A. And in another photograph there are three fingerprints.

Q. Did you develop these pictures yourself?

A. I did not. I took them in to the laboratory and they were developed in my presence.

Q. How long did you remain in the apartment that evening?

A. It was almost 10 o'clock when I left.

Q. And did you take the camera to the laboratory on that [fol. 301] same evening?

A. No, I took the camera back to the office.

Q. Where is your office?

A. It is in the City Hall.

Q. You took your camera back to the office and left it there?

A. Yes.

Q. Overnight?

A. Yes.

Q. Is that office occupied by other persons besides yourself?

A. Yes.

Q. And other persons—strike that. Whereabouts in the office did you leave the camera?

A. In the cabinet where we keep the cameras.

Q. Were there other cameras in the cabinet?

Mr. Roll: Well, I am going to object to this on the ground it is immaterial.

The Court: I think we are getting into matters that have no relationship in particular. It is not material as to where he left the camera, whether he left it under lock and key or placed it in a cabinet—

Mr. Safier: I think we have a right to follow up these films—

The Court: You can follow it up, but we have him taking the camera into the room and having the film developed, and [fol. 302] there is no reason to find out what—

Mr. Safier: As I understand his testimony at that time, we are talking about when he left the cameras in the office, I believe the pictures were still in the camera.

The Court: Let's find out whether that was the situation.

By Mr. Safier:

Q. At the time you left the camera in the office were the films still in the camera?

A. No, the films were not.

Q. When had you removed the films?

A. Immediately after taking the photographs.

Q. You mean while you were still at the apartment?

A. Yes.

Q. What did you do with them, please?

A. Took the films out and put them in my kit.

Q. What did you do with the kit?

A. I brought the kit back into the office with the films.

Q. All right. Did you have some other films in that kit too?

A. No other exposed film, no.

Q. No other exposed film. Did you leave the kit in your office then overnight?

A. The kit was left in the office but I took the plates out and took them over to the laboratory.

Q. The same night?

A. Yes.

Q. About what time of night was it you got over to the [fol. 303] laboratory?

A. It was a little after 10.

Q. What did you do with the film after you got to the laboratory?

A. Took them in the laboratory and had them developed.

Q. I see. You handed them to somebody to develop?

A. Yes.

Q. You did not make the prints, make the negatives yourself there, did you?

A. No, I did not.

Mr. Safier: I think that is all.

Mr. Roll: Just one or two other questions, if the court please.

Redirect examination.

By Mr. Roll:

Q. In direct examination you said something about putting a marker on the film—I am looking for 19-A, B and C.

A. Wait a minute. I have them here.

[fol. 304] Q. Now, if I understand, before you actually took the pictures you did something with reference to the film itself so that there would be some printing on the film in conjunction with the print; is that correct?

A. I made a tag with the printing on it identifying the photograph.

Q. And that appeared—how did you make that tag, will you tell us that?

A. I wrote on a small piece of brown paper with adhesive on the surface, I wrote the date and the name of the victim and the place where I found the print, and I put my initials on there.

Q. You did that with reference to each one of the three pictures you took?

A. I did.

Q. And that was actually placed on the negative?

A. That was.

Q. So you positively know that those are the pictures that you took and those are the negatives; is that it?

A. Yes, that is right.

Q. Now, you told us about taking some lift prints. Do you have those with you?

A. Yes, I have.

Mr. Roll: I think I will ask that the lift prints be marked.

The Court: 21 for identification.

[fol. 305] By Mr. Roll:

Q. Can you, if you can—we will mark that A, B and C also and try and make them correspond.

A. This is the one that corresponds with 19-C.

Mr. Roll: I will mark that 21-C.

A. This is the one that corresponds with 19-A.

Mr. Roll: I will mark this one 21-A.

A. This is the one that corresponds with 19-B.

Mr. Roll: I will mark that 21-B. Now, I will offer these in evidence, if the court please, as People's Exhibit 21.

The Court: Marked 21.

Mr. Roll: Cross examine.

The Court: May we proceed, please?

Mr. Safier: I have no further examination.

The Court: that is all, Mr. Ferguson.

(Witness excused.)

The Court: I think we will take our recess at this time. The jury keep in mind the admonition not to talk about the case or form or express any opinion. Take our recess for the afternoon.

(Recess.)

[fol. 306] MRS. LILLY W. BAILEY, called as a witness on behalf of the People, was duly sworn and testified as follows:

The Clerk: State your name, please.

A. Mrs. Lilly W. Bailey.

Direct examination.

By Mr. Roll:

- Q. Will you state your full name again, please?
- A. Mrs. Lilly W. Bailey.
- Q. How do you spell your last name, please?
- A. B-a-i-l-e-y.
- Q. Where do you live, Mrs. Bailey?
- A. I live at 918 South Manhattan Place.
- Q. That is here in the City of Los Angeles?
- A. Yes, sir.
- Q. Is your occupation that of a housewife?
- A. It is.
- Q. Directing your attention to a lady by the name of Stella Blauvelt, did you know her during her lifetime?
- A. I did.
- Q. About how long had you known Stella Blauvelt prior to her death?
- A. I think about twenty-five years.
- Q. A social acquaintanceship?
- A. She was my neighbor for many years. In fact, she owned a home right next door to my home.
- [fol. 307] Q. Here in Los Angeles?
- A. Yes, sir.
- Q. About how long have you lived where you now live?
- A. Thirty-five years.
- Q. About how long did Mrs. Blauvelt live next door to you there?
- A. I think about twenty-five, but the last two years she was not living there.
- Q. Now, directing your attention to Sunday, the 23rd day of July, 1944, did you see Stella Blauvelt on that day?
- A. I did.
- Q. Where did you see her?
- A. At my home.
- Q. About what time did you see her?
- A. She came about 2 o'clock in the afternoon.
- Q. How long did she remain at your home, Mrs. Bailey?
- A. Until a quarter of five.
- Q. Did you notice whether on that day, at your home, meaning the 23rd of July, on Sunday, that she was wearing any rings?

A. Yes, sir, she was.

Q. Did you see them?

A. I did.

Q. Can you tell us which hand she had the rings on?

A. On her left hand.

Q. During the time you have known her, after she moved [fol. 308] away, about how often would you see her?

A. Well, I think I might safely say, during the club season, about three times a month; not every week.

Q. Did you and Mrs. Blauvelt belong to some club together?

A. We did.

Q. What club?

A. Los Angeles Ebell.

Q. Do they have weekly meetings?

A. Yes, sir.

Q. What day is that?

A. On Monday.

Q. Over the period of years that you have known her, we will say, the last three or four years, limit it to that time, so far as her wearing rings are concerned, did you notice her wearing rings frequently, all the time, or what?

A. I never saw her without those rings.

Q. Can you tell the court and the members of the jury, Mrs. Bailey, anything about Mrs. Blauvelt that—I will withdraw that. There in your home on the 23rd of July, when Mrs. Blauvelt was talking to you, what, if anything, did she do with her hands?

A. She always used her hands when she talked, and that is why I noticed her rings so particularly.

Q. That was a habit of hers, was it?

A. What is that?

Q. Was that a habit of hers?

[fol. 309] A. Yes, sir.

Q. Will you, as best you can, describe the rings? I don't mean as to the details. I will ask you this question, first: Are you familiar with diamonds?

A. I am.

Q. Will you describe any of the rings she had as being ones containing diamonds?

A. They were diamonds.

Q. We will take the size of what we may call the largest ring; approximately what size would you say it was?

A. I think that was a solitaire, the large one.

Q. A solitaire?

A. Yes. At least over a carat, I should think.

Q. Then she had another ring?

A. Some cluster ring, too.

Q. She had a cluster ring, too?

A. Yes.

Q. And a wedding ring?

A. Yes, sir.

[fol. 310] Q. When she left your home there on the 23rd of July, on Sunday, how did she—did she just leave there or did you take her home?

A. We took her home.

Q. You took her back to her apartment on South Catalina?

A. Yes, sir, and left her there.

Q. About what time was that?

A. We left the house at a quarter of five, Sunday afternoon.

Q. About how far is that from you?

A. Well, it is a short distance, because Manhattan Place is just one block west of Western, and Catalina is east of there about five or six blocks. It is not but a very short distance from my home.

Mr. Roll: You may cross examine.

Cross-examination.

By Mr. Safier:

Q. I believe, Mrs. Bailey, you testified Mrs. Blauvelt lived next door to you, I think, until about two years ago?

A. She sold that home about two years ago, I think.

Q. Well, can you fix the time a little more certain, as to when she moved away?

The Court: What is the materiality as to whether it was—just the precise time two years ago? Frankly, I cannot see it.

Mr. Safier: Well, I will withdraw it.

[fol. 311] Q. Anyway, it was about two years ago?

A. Yes.

Q. Is that correct?

A. About that, I should say.

Q. You continued to see her after she moved away about how often?

A. Well, I might say about three times a month during the club season.

Q. What is the club season?

A. From the first of October until the latter part of June.

Q. From October until June?

A. Yes, sir.

Q. Now, when Mrs. Blauvelt was at your home on Sunday, July 23rd of this year, how many rings was she wearing?

A. Well, I could safely say she had three on her hands; there might have been more.

Q. Were they all on one finger or were they on different fingers?

A. On different fingers.

Q. On different fingers?

A. As I remember, yes, sir.

Q. Well,—

A. Not all—I don't think they were all on one finger.

Q. I beg your pardon?

A. I don't think they were all on one finger.

[fol. 312] Q. Let me ask you this question: Did she wear them all on one hand or was she wearing some on the left hand and some on her right hand?

A. I did not notice any on her right hand. I noticed those on the left hand because she always talked and used her left hand.

Q. How many rings do you recall were diamond rings?

A. Well, I can recall two vividly, diamond rings; there might have been more.

Q. What is the third ring that you recall?

A. I think a gold band wedding ring.

Q. Now, can you remember on which finger she had the gold band?

A. Why, on the one that one always wears their wedding ring on; that finger (indicating), next to the small—

Q. The third finger of the left hand?

A. Yes, sir, the third finger.

Q. Is that the finger Mrs. Blauvelt was wearing her ring on at that time?

A. Yes, sir.

Q. Now, referring to the diamond ring, can you tell me on which finger she was wearing the diamond ring?

A. I know there was one on the third finger and I think one on the small finger.

Q. One on the third finger and one on the small finger?

A. Yes, sir.

[fol. 313] Q. Is that the way she customarily wore her rings, one with her wedding band and one on her little finger?

A. I think so.

Q. I did not hear you; I am sorry.

A. Yes, sir.

Q. You left Mrs. Blauvelt at her home on July 23rd at what time?

A. I should say about five minutes of 5. We left our house about a quarter of 5.

Q. Was that the last time you saw Mrs. Blauvelt alive?

A. Yes, sir.

Mr. Safier: That is all.

Mr. Roll: That is all.

Mr. Safier: One more question. Just one more question, please.

The Witness: Yes, sir.

Q. Did Mrs. Blauvelt wear her wrist watch when you saw her on that Sunday?

A. That I cannot recall.

Q. You do not recall?

A. No, sir.

Mr. Safier: All right, that is all.

(Witness excused.)

Mr. Roll: Call Mrs. Frances Jean Turner.

[fol. 314] MRS. FRANCES JEAN TURNER, called as a witness on behalf of the People, was duly sworn and testified as follows:

The Clerk: State your name, please.

A. Mrs. Frances Jean Turner.

Direct examination.

By Mr. Roll:

Q. Your name is Frances Jean Turner?

A. Yes, sir.

Q. Where do you live, Mrs. Turner?

A. 1739 West 36th Place.

Q. Maybe, if you will pull the microphone up, it will be a little easier for you. Will you give us that address again, please?

A. 1739 West 36th Place.

Q. Where is that with reference to Western Avenue in the city of Los Angeles?

A. It is west of Western Avenue.

Q. About how far?

A. Half a block.

Q. About how long have you lived there?

A. Eight years.

Q. Do you own that home?

A. No, sir.

Q. You rent?

A. Yes, sir.

[fol. 315] Q. Directing your attention to a place known as the Colony Club, do you know where that place is located?

A. Yes, sir, 29th and Western.

Q. 29th and Western?

A. Yes.

Q. That is in the city of Los Angeles?

A. Yes, sir.

Q. About how far is that from your home?

A. I imagine it is about twelve blocks.

Q. Now, directing your attention to the Colony Club, were you in the Colony Club some time between the 10th and 14th of August, 1944?

A. Yes, sir.

Q. Directing your attention to the defendant in this case, Dewey Adamson, who is seated at the end of the counsel table, did you see him in there?

A. Yes, sir.

Q. Some time between the 10th and the 14th of August?

A. Yes.

Q. What time of day or night would you say that you saw him in the Colony Club?

A. Well, it was before dark; I imagine it was around 6 or 6:30, some time along there; it was in the early part of the evening.

Q. Were you present at some conversation between the defendant and some other person wherein a diamond ring [fol. 316] was mentioned?

A. Yes, I overheard him ask some man if he would be interested in—

Mr. Safier: Just a minute. I think the question has been answered, your Honor, and I move to strike the voluntary answer.

The Court: After the answer "Yes" we will let the balance of the answer go out at the present time.

By Mr. Roll:

Q. Where did this conversation happen, what place?

A. In the Colony Club.

Q. Where in the Colony Club?

A. At the bar.

Q. Where were you at the bar?

A. I would imagine it would be maybe the third stool from the door.

Q. Where was the defendant, Adamson?

A. Sitting on my righthand side, that would be.

Q. Where was this man he was talking to?

A. He was seated on the other side of Mr. Adamson.

Q. What was the conversation?

Mr. Safier: Objected to, your Honor, no proper foundation laid.

The Court: What foundation?

Mr. Safier: Well, persons present—

A. Well, I just happened to overhear—

[fol. 317] The Court: Wait a minute. There isn't any rule that requires you to have all parties present at the conversation named, and there does not need to have been any person present, as far as that is concerned. You may proceed.

By Mr. Roll:

Q. Go ahead and relate the conversation so far as it pertains to the diamond ring.

A. Well, I just happened to overhear him ask this man if he would be interested in buying a diamond ring. He really wasn't talking to me. I don't know why I did hear it.

Q. What, if anything, did the man say?

A. He said no, he was not interested.

The Court: I did not hear it, Mr. Reporter.

(Answer read.)

By Mr. Roll:

Q. Who was it that asked the man if he would be interested in buying a diamond ring, who asked that?

A. Who asked that? Dewey.

Q. Dewey?

A. Yes.

Q. That is this defendant here?

A. Yes, sir.

Mr. Roll: Cross examine.

Cross examination.

By Mr. Safier:

Q. This Colony Club to which you have reference is run [fol. 318] by and frequented by colored people, is it not?

A. Yes, it is.

Q. Was that the first time you had been in there, or had you been in there on other occasions?

A. Well, I had been in there off and on for the last eight or nine years.

Q. Did you know Mr. Adamson before?

A. Just by him coming in there. I was never really acquainted with him.

Q. Did you know his name?

A. Nothing more than just hearing people call him "Dewey." I didn't know the rest of his name, his last name.

Q. On how many occasions had you seen Mr. Adamson in the Colony Club prior to the occasion to which you have now testified?

A. I do not believe I saw him there more than four or five times.

Q. Four or five times. Now, what date was it that this conversation took place?

A. It was between the 10th and 14th of August.

Q. How do you fix that time?

A. Well, because I have a friend who I talked to yesterday and day before yesterday, too, that more or less brought it to my mind about the time that it would be through the hours that he works.

[fol. 319] Q. Now, you mean you fix the time as being between August 10th and August 14th of this year because some friend of yours told you that that was the time?

A. Yes.

Q. You have no independent recollection of when it was?

A. Well, I knew it was around about that time but I did not know just exactly what time, whether it was around the 1st or the 10th or 14th. It was the first two weeks of August, that is all I knew, until I talked to Mr. Gaines.

Q. You are positive it was some time in the first two weeks of August?

A. Yes.

Q. Do you remember what day of the week it was?

A. No, I don't remember that.

Q. Could you state whether or not it was a week day or whether on a Sunday?

A. It could have been Tuesday or a Thursday; it could not have been on Wednesday, because they are closed on Wednesdays.

Q. I see. And you were sitting at the bar, were you?

A. Yes, sir.

Q. Were you drinking?

A. I had a few glasses of beer but I had not even been served beer at the time that I heard the conversation. I had just come in.

Q. You just came in?

[fol. 320] A. Yes.

Q. And you had not had anything to drink at all?

A. I had not been served a beer yet, no.

Q. How long did you remain in the Colony Club that evening?

A. Oh, I imagine an hour or an hour and a half.

Q. How many drinks had you had during that hour or hour and a half?

A. I probably had five or six drinks.

Q. Five or six drinks of what?

A. Glasses of beer.

Q. Did you remain at the bar all of that time?

A. Yes, sir.

Q. Was Mr. Adamson at the bar too?

A. He was at the bar when I went in, yes, sir.

Q. Now, did you hear this conversation when you first went into the Colony Club, or had you been in there some time before you heard it?

A. Well, they had been talking, evidently, before I came in. I mean, I didn't even know how I happened to even listen to it. I just sat down like anybody would, and they were talking, and there wasn't very many people in there and it is not so hard in a little place to overhear conversation, not that I was listening for anything.

Q. Was Mr. Adamson already in the Colony Club when you arrived?

[fol. 321] A. Yes, sir.

Q. And when you walked into the Colony Club did you come in alone or were you with somebody?

A. I was alone.

Q. Where was Mr. Dewey seated when you came in?

Mr. Roll: Just a moment, if she knows. That assumes something not in evidence.

The Court: Overruled. You may answer.

[fol. 322] A. Well, I would say he probably would have been on either the fourth or fifth stool; it could not have been any further back than that, because I know I could not have had any more than maybe the third stool myself on the bar as I walked in.

Q. You did see Mr. Dewey sitting there when you first entered, didn't you?

A. Oh, yes, yes.

Q. Were there other people seated at the bar, too?

A. There was an elderly man that we call "Tim." I don't know what his name is.

Q. A white man or colored man?

A. A white man.

Q. Other than Mr. Dewey and this man that you called "Tim" was there anybody else seated at the bar when you came in?

A. Well, there could have been. There wasn't very many people in the place. I think there was, away up at the other end of the bar perhaps a couple of men seated up there.

Q. How long a bar is it?

A. I would not say whether one or two. I don't believe I looked up there.

Q. I see.

A. I didn't pay much attention, I mean.

Q. Well, you sat down at a stool at the bar then, didn't you?

[fol. 323] A. Yes, sir.

Q. How many stools were you away from Mr. Adamson?

A. I had the one next to him.

Q. You sat on the stool next to Mr. Adamson?

A. Yes, sir.

Q. Where was the man to whom Mr. Adamson was talking?

A. He was on the other side of Mr. Adamson.

Q. And was this other man a white man or a colored man?

A. He was a colored man.

Q. Do you know his name?

A. No, I never saw him before.

Q. You never saw him before. About how old a man did he appear to be?

A. Well, I suppose around about thirty-five, maybe.

Q. How was he dressed?

A. I do not believe I remember.

Q. How was Mr. Adamson dressed?

A. I don't believe I can remember that.

Q. Was Mr. Adamson wearing a hat?

A. Yes.

Q. Was the other man wearing a hat?

A. Yes, I believe he was, yes.

Q. Was there anybody else in the Colony Club that you knew when you arrived there that evening?

A. No, just this man that we call "Tim" and Eddie and his wife that own the place. I don't know their last names.

[fol. 324] Q. They are colored people, too, aren't they?

A. Yes, sir.

Q. Was there any entertainment there that evening, some band playing?

A. No, they have no orchestra or anything like that; just a music box.

Q. Was the music box,—was there some music coming from the music box?

A. I don't remember of any, no.

Q. You don't remember. Now, how long prior to that particular evening had you seen Mr. Adamson?

A. Oh, maybe a week or ten days.

Q. I see. Could you be mistaken about it being Mr. Adamson that you saw at the Colony Club that night?

A. No, there is no mistake about knowing him.

Q. No, I did not ask you if you are mistaken about knowing him. I asked you if you may be mistaken about he being the man you saw at the Colony Club that evening?

A. No.

Q. You could not be mistaken?

A. No, I am positive it was him.

Q. Was he wearing a mustache at that time?

A. No, I don't think so—I don't know.

Q. Well, on the other occasion that you saw him prior to that particular evening was he wearing a mustache or not?

A. Yes, I believe he had just a very thin mustache.

[fol. 325] Q. But that particular evening he did not have any?

A. I don't know; I did not observe him that much, I wasn't—

Q. Are you able to say as to that particular evening that you had that conversation whether Mr. Adamson was wearing a mustache or not?

A. He probably was. I can remember that he has had a mustache.

The Court: Can you tell, looking at him now, whether he has a mustache from where you are looking at him?

A. I really never observed the man enough; I was never interested.

The Court: Look at him right now and tell me whether he has a mustache right now or not.

A. It doesn't look like it from here.

Mr. Safier:

Q. You say it doesn't look like it from where you are seated?

Mr. Roll: Will you read the answer, Mr. Reporter?

(Answer read.)

By Mr. Safier:

Q. You were a lot closer to him that evening at the Colony Club than you are now, were you not?

A. Yes, sir.

Q. How many feet away from him were you at the Colony Club that evening?

A. The width there is between two stools.

Q. Well, how far in feet to the best of your judgment? [fol. 326] A. I did not hear your last question, I am sorry.

Q. In feet how far was it to the best of your judgment?

A. Well, it was about a foot and a half; I do not think it is even two feet the stools are apart; I am not sure.

Q. About a foot and a half?

A. I would imagine so.

Q. You can't tell me whether he had a mustache on that evening or not?

Mr. Roll: I object to that as asked and answered.

The Court: Sustained.

Mr. Safier:

Q. All you heard Mr. Adamson say was "Do you want to buy a diamond ring"?

A. Yes.

Q. The other man said he did not; is that correct?

A. That is right.

Q. You did not see any diamond ring?

A. No.

Q. Did you just take one glance at Mr. Adamson that evening or were you sitting there watching him?

A. Well, he was more or less talking to this man. He simply spoke when I sat down, he just said, "Hello, Frances" and I said "Hello" and was talking to Tim. [fol. 327] In fact, my back was turned, really, and I would not say turned to—I was facing Tim and my back would be to Dewey, because I was talking to him and he was talking to this, whoever the man was; I didn't know the man.

Q. He said, "Hello, Frances"?

A. Yes. Most everybody up there knows me and speaks.

Q. Have they a juke box in that Colony Club?

A. Yes.

Q. Do you remember whether that was playing at that time?

A. No.

Q. You don't remember, or it was not playing?

A. They play it and do not play it; that is something I don't pay much attention to. I am always glad when it doesn't play because I don't care for the records.

Q. Can you tell us whether it was playing at that time or not?

A. No, I don't believe it was.

Q. You don't believe it was. Who is this party you called up to refresh your recollection about dates?

A. Mr. Harold Gaines.

Q. Was he with you on that evening?

A. No.

Q. Who left the club first, you or Mr. Adamson?

A. Mr. Adamson.

Q. How long after you came in there—strike that. How [fol. 328] long after you had this conversation did Mr. Adamson leave?

A. I don't believe I know. I don't believe I paid any attention to when he walked in or walked out. Several other people came in after that and people would get up and leave, and sit down. I really don't know.

Q. Was that all the conversation you overheard?

A. Yes.

Q. As a matter of fact, you are not even sure that you heard that, are you?

A. Yes, I am pretty sure I heard it.

Q. You are pretty sure?

A. Yes, sir.

Mr. Safier: I have no further questions.

Mr. Roll: That is all.

The Court: That is all.

Mr. Roll: May this witness be excused?

The Court: Yes, you may be excused.

Mr. Roll: Does your Honor want to take the recess now?

The Court: Well, I think we will take our recess at this time. We have reached our recess time. The jury will keep in mind you are not to talk about the case or form or express any opinion. Take a recess until tomorrow

morning at 9:30. All witnesses are instructed to return at 9:30 tomorrow morning.

(Whereupon an adjournment was taken until Friday, November 17, 1944, at 9:30 o'clock a. m.)

[fol. 329] Friday, November 17, 1944; 9:30 O'clock A. M.

The Court: Let the record show the jury, counsel and defendant present in the case on trial. You may proceed.

Mr. Roll: I wonder, if your Honor please, with your Honor's permission, if we could take the little diagrams off the board and erase the little sketch?

The Court: Yes, that might be done.

Mr. Roll: Then when we get the easel we can put them on that.

The Court: By the way, those diagrams have not been offered in evidence as yet.

Mr. Roll: I will offer them in evidence.

The Court: Marked 1 and 2 in evidence.

Mr. Roll: Mr. Larbaig.

JOHN B. LARBAIG, called as a witness on behalf of the People, was duly sworn and testified as follows:

The Clerk: State your name, please.

A. John B. Larbaig, L-a-r-b-a-i-g.

Direct examination.

By Mr. Roll:

Q. Your name is John B. Larbaig?

A. That is correct.

[fol. 330] Q. Mr. Larbaig, you are attached to the Los Angeles Police Department; is that true?

A. I am.

Q. How long have you been in the Los Angeles Police Department?

A. Nineteen years and ten months.

Q. What is your duty at the present time?

A. Scientific investigation division in the fingerprint detail.

Q. How long have you been in that particular detail?

A. Approximately thirteen years.

Q. Mr. Larbaig, prior, we will say even to going into that particular detail and during the time you were in there, have you made any study of fingerprints, fingerprint comparisons and fingerprint classifications?

A. I have.

Q. Will you state to the court and jury what study you have made, what books you have read, if any? Will you do that, please?

A. I have read numerous books on fingerprints such as Henry in Classification, Kuhne on Prints, Batley and Larson on Single Fingerprints.

The Court: Mr. Larbaig, pardon me. It might be of some interest to the jury if you will just, in a few words, tell us the difference between the Henry System and the Larson System.

[fol. 331] A. The Henry System is the classification of the complete set of fingerprints, in other words, the impression of each separate finger, including your right and left hand; the classification of all those fingers combined is the Henry System. The Larson is the classification of one single print.

The Court: In other words, if you found one single print and are trying to find it in your records, it would be rather difficult to find it under the Henry System, but under the Larson System you could?

A. That is correct.

The Court: In other words, you could more readily?

A. Yes, much more.

The Court: You may proceed.

By Mr. Roll:

Q. Now, in addition to reading those books have you attended lectures and taken any educational courses?

A. I attended several lectures and schools for a short period of time, one put on by the Federal Bureau of Investigation, a monthly periodical that they send out on fingerprints.

Q. Now, with reference to the time you have spent over there in the Police Department, working on fingerprints, how long has that been?

A. Approximately thirteen years.

Q. And you have testified in court a number of times on [fol. 332] fingerprints; is that correct?

A. I have.

Q. Fingerprint comparisons, is that true?

A. That is true.

Q. Now, will you explain to the court and to the jury, Mr. Larbaig, first, what you mean when you use the words "latent fingerprint"?

[fol. 333] A. Well, the word "latent" originally is that it is invisible. In other words, a latent print—it is an impression of your fingers left on a fairly clean surface. In some instances it is visible, such as glass or something like that, that you can hold up and you can readily see the moisture that your impressions have left there. But on some surfaces it is invisible, and thereby derives the word "latent." It is invisible in the majority of cases until developed by some kind of a powder.

Q. All right. Will you tell us with reference to the leaving of a fingerprint by touching certain objects, such as a clean surface, such as a fairly clean surface, what actually leaves the impression of the fingerprint on there? What is there about the fingers or the glands or anything along that line that actually leaves the impression of the prints on there?

A. Yes. The fingers or hands are so constructed that on the ridge portion of your hand there is a series of sweat glands or ducts, so-called, and that perspiration is mostly always—in general cases it is—comes through these pores and there is an oily substance, a natural substance that is exuded from the body that is always left on your hands, and when you touch this surface, fairly clean surface, you leave that perspiration and that oil on that surface.

The Court: You refer to some ridges. Will you just [fol. 334] tell us a little more about it? This may be new to some of the ladies.

A. Well, the construction of, I would say, the area that we call the prints that we use, contains ridges, little fine ridges and also depressions. In other words, you have your valleys and mountains. Your ridges represent the mountains, and then there is a valley in between your ridges.

By Mr. Roll:

Q. When you leave an impression by touching an object what actually—what part of the finger makes the impression?

A. The ridges.

Q. And the valleys will show after the picture is photographed, after the print is photographed, as white spaces, is that true?

A. That is true. If it is developed with black powder the ridges will show black, and the depression part, the valleys, will show white; that is, the same color as the background.

Q. With reference to fingerprint patterns, that is the patterns in the fingers themselves, generally how many different types of finger patterns are there?

A. Well, in general type we have—there are four distinct patterns. We have one called the loop, whorl, arch and tented arch.

Q. There are different kinds of loops. In other words, you take and break a loop down, isn't that true?

[fol. 335] A. We have two distinct loops. We have one called the ulnar loop and one called the radial loop.

Q. With reference to some of the other general classifications are they also broken down?

A. Yes, the whorls,—yes, your whorls are broken up in quite a few. You have different types of whorls.

The Court: You have another classification covering the unusual case?

A. The composite patterns. That includes one or more patterns, but it is classified as the whorl.

Mr. Roll: May I have your Honor's permission to erase that?

The Court: Yes. That is there just for a temporary illustration. Let the record show the drawing made by Mr. Maurer as representing the possibility of lifting the shelf in the so-called garbage compartment was not offered in evidence, and has been erased.

By Mr. Roll:

Q. I wonder, Mr. Larbaig, if you would step to the blackboard there and with this crayon draw on the blackboard—give us an illustration of the four general patterns,

that you have mentioned in your testimony, and make it large enough so we can see it down here, if you will?

(Witness draws on blackboard.)

Q. Will you explain what you have put on there? You put something there; will you explain what it is?

[fol. 336] A. These are called a loop pattern print; they come up and loop, and this most central portion is called the core, and the pattern area tends to go up around that and loops and right back in the direction where your ridge started out from. If it appears on one hand, in the right hand, it is a radial loop, and if it appears in the left hand, it is called an ulnar loop; and the reverse to this one over here; this is a loop in the other direction. If appearing in the right hand it is an ulnar loop and if it appears in the left hand it is a radial loop.

[fol. 337] The Court: The reason for calling them that, one slants toward the radius and one slants toward the ulnar bone?

A. The radius and ulnar bones. In the right hand the ulnar loop slants to the right or toward the ulnar bone, and in the left hand it slants to the left, which is just the reverse, the ulnar bone being on the outside of the arm. In the radial loops, such as the one on the left, if appearing in the right hand it slants in the opposite direction.

The Court: I think that covers it.

A. This type is known as the whorl type. It has what, in fingerprint terms, it must have what we call two deltas to consist of a whorl, but the general pattern just circles and goes around the centermost portion of this, which is the core. It tends to go around that area. Those are all classified as whorls. There are several different patterns of whorls but this is the most general type.

By Mr. Roll:

Q. Mr. Larbaig, before you move on to your next one, will you be kind enough to take the two blue patterns you have shown on the board, the right ulnar—will you mark out where the cores are there? Just put an arrow up and put a "C" on it.

(Witness does as requested.)

Q. Will you do the same thing with reference to the whorl?

[fol. 338] (Witness does as requested.)

Q. Now, you mentioned also on the whorl that there are two deltas. Can you come down with some letters, with a "D" and show that?

(Witness does as requested.)

Q. What do you mean when you say "delta"?

A. Well, it is in illustrations in books, it is the same as you have your delta, it is the term the same as you have in your rivers. Your portion of land which is out in the middle of that they call the delta of that river, and these ridges, when they tend to flow from one side to the other side of that portion in between there, right here, that is called the delta for fingerprint classification. We also have in this portion here, this part here is called the delta on the loop pattern print.

Q. All right, if you will go ahead with your next one.

A. This type of pattern is just about all the name implies, they just arch out from one side of your finger to the other. That is known as the arch pattern.

Q. Before you get over there, have you shown enough of that arch pattern to show where the core will be in that?

A. There are no cores or deltas in your plain arch pattern. All your other patterns, your ridges come out from one side of the finger and arch over and go right out through the other side. Then the tented arch, almost the same thing takes place and the centermost portion of the [fol. 339] pattern appears in that respect. This is termed as your tented arch.

Q. Now, in a tented arch is there a core?

A. Not necessarily, no, but you could term this part here—there is no ridge counting or anything else in fingerprint classification as to your arches, but it is the centermost portion of that print would be termed as that. We never do it, we do not have to count ridges on them.

Q. Those are the four general patterns you mentioned in your testimony, is that correct?

A. That is correct.

Mr. Roll: If you want to resume your seat, unless your Honor has some further questions.

The Court: No, I think he has fairly well covered the preliminary matters.

By Mr. Roll:

Q. Now, Mr. Larbaig, with reference to fingerprint work and making fingerprint cards for filing with the Police Department, the Sheriff's office or the Federal Bureau of Investigation, or some of the industrial plants that use them, will you tell us how a fingerprint card is made? Just a second—May I have one of the cards there, please? I think probably I will withdraw that.

I have here, Mr. Larbaig, two cards which I ask be marked for identification at this time.

The Court: Our next number is 22.

[fol. 340] Mr. Roll: I will ask that the one be marked, the one which is indicated as being taken at 2:10 be marked No. 22, and the one which is indicated as being taken at 2:12 be marked as 23. I will put a circle around the number.

Q. Now, I show you here two cards, Mr. Larbaig. Will you state what those cards are?

A. They are rolled impressions, inked impressions of the defendant, A. D. Adamson.

Q. Did you, yourself, actually take and roll the prints of the defendant, A. D. Adamson?

A. I did.

Q. With reference to People's Exhibit No. 22 for identification, on what date and at what time and where was People's Exhibit 22 made?

A. They were rolled on August 31, 1944, at 2:10 p. m. in the county jail.

Q. And with reference to People's Exhibit No. 23, when was that rolled?

A. On August 31st, 1944, at 2:12 p. m. in the county jail.

Q. Will you tell us, Mr. Larbaig, what equipment you use to roll, as you say, the prints of an individual?

A. We use a roller, that is a small rubber roller, with a roll the diameter of which is about an inch, and a glass slab or plate approximately a foot and a half long, 6 inches wide, and printer's ink.

[fol. 341] Q. Will you illustrate by the card, Mr. Larbaig—I will now offer these two cards into evidence, if the court please, 22 and 23.

The Court: They will be marked 22 and 23.

Mr. Roll: Will you step right up here?

The Court: You might have Mr. Larbaig explain as he goes along what he does, starting with the material he has given, what he does with the inks and the material.

Mr. Roll: That is what I would like to have you do. If you want to use my hand, assuming you have to put the substance on it, you can do that if you want to do it.

A. First of all, the ink comes in tube form, and a little bit of it is squeezed out onto this slab. It is rolled up evenly and smooth onto this glass plate we have, rolled out even. Then the procedure is first, as you see in the upper, and in the next row these represent the right hand and these the left hand. These are rolled impressions which I will show you how they are obtained. They are taken, one set on this slab, and rolled all the way over there and then placed on this card, and in the same motion rolled from one side to the other. All ten of these are put on in that respect. Now, we have the prints on the bottom. These prints are called plain impressions. These impressions are taken by placing the fingers simultaneously on this plate and taken and put right on the card in that manner, not rolled, they are just plain, and also with the left hand, [fol. 342] and they are, with the thumb, just placed right down onto it and then picked up and placed where they stay.

Q. Now, Mr. Larbaig, with reference to doing what you call rolling prints, such as you have just described to the jury, in so far as the condition of cleanliness of the hands and the condition of the ink on the hands, will you state to the court and jury what practice you use in that connection?

A. Well, to get a good impression, the hand should be fairly clean.

Q. Now, with reference to what we have determined to be a latent print, a latent print is one that, from your description, is left on some object, and is left there by reason of the construction of the fingers and the oily substance on the fingers, that is correct, isn't it?

A. That is correct.

Q. Depending on the nature of the surface upon which the print is left, and depending upon the condition of the