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# Document Separator Sheet

Case Number

SX008362A

Defendant Name

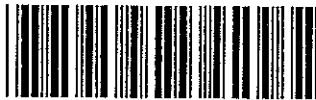
MARK RICHARDS



SX008362A



MARK RICHARDS



FELONY

DISTRICT ATTORNEY'S TRANSCRIPT OF INTERVIEW WITH MARK RICHARDS.

WK1 SIDE 1

TL: Be right back.

RK: Ok, do you smoke?

MR: No, sir, I don't.

RK: Don't mind if I do, do you?

MR: No, not at (inaudible)--

RK: Thank you.

MR: If I had something to drink right now, I wouldn't mind it. Sitting in there thinking my God, how much of my world is going to fall apart just from being arrested.

RK: It gets heavy quickly.

MR: Yeah. I understand that you were talking with Duncan yesterday I was going to come down today and talk with you. I wish I had the chance. I suppose there is no way of keeping this out of the papers?

RK: Well, I don't know. It's uh it's one of those situations where no one has control over the press, obviously.

TL: Did you uh brief Mark on what's going on?

RK: No, I didn't.

TL: Well, as I told you out on the street when you were stopped with your friends on Butterfield Road, you're under arrest for murder, and you're under arrest for the murder of Richard Baldwin.

MR: OK.

TL: And so are your friends. Your employees.

MR: Yeah.

TL: And what we want to do is, is, uh just talk to you.

MR: OK.

TL: And get a statement from you. We want to get your side of the story, if you have one. And uh, before we do that we need to and we want to advise you of your constitutional rights.

MR: OK.

TL: Do you understand?

MR: Yeah, I understand.

TL: You have about 10:20 Rich?

RK: Yeah, 10:20.

MR: I mentioned to the other officer uh I'd be happy to show people my keys so they don't have to break into my house. I understand that they were going to search the house; and if there is anyway I can help just to make things a little easier on my wife, I'd appreciate it.

RK: Is your wife at home now?

MR: No, sir, she's not.

RK: Before you go into that why don't you let Ted explain to you what's going on.

TL: What's your middle initial Mark?

MR: Uh, there's none.

TL: O.K, all right Mark, No. 1, you have the absolute right to remain silent. Do you understand that?

MR: Yeah.

TL: No. 2, anything you say can and will be used against you in a court of law. Do you understand that?

MR: I understand. Yes.

TL: No. 3, you have the right to consult with an attorney, to be represented by an attorney, and to have an attorney present before and during questioning. Do you understand that?

MR: I understand.

TL: No. 4, If you can not afford an attorney, one will be appointed by the court free of charge to represent you before and during questioning if you desire. Do you understand that?

MR: I understand that.

TL: Do you understand each of these rights that I've explained to you?

MR: Yes.

TL: Having these rights in mind, do you wish to talk to me now?

MR: Uh, I think so. Yes. Uhm, I'll talk to you as much as I can.

RK: OK. You should also understand too, Mark, that if there is something you don't want to answer you don't have to.

MR: OK.

RK: OK. You can call the shots on that.

MR: I, I don't think there's anything, I don't want to answer, to tell you the truth. I, I just don't uhm... After Duncan talked with me yesterday, I started... Well, go ahead and ask your questions. (Inaudible) Just tell me how I can make it easier.

RK: Just maybe... You keep talking about Duncan. Who's Duncan?

MR: The boy across the street from Dick's shop. Uhm, across the parking lot. He has the little chimney sweep service across the parking lot.

RK: You keep referring that's what ...talk about.

MR: Yeah. I'm sorry. I, I had phoned Dick's shop yesterday, and I got somebody there. And, so I said, "Hi, is Dick there." And they said no. And I said well this is Mark and I said is he around? And they said no. And I sat there and thought because that's not usual and so I asked him, you know, well OK, should I call back? And he said yeah. Something like that. Something along the lines of that conversation and said he was a friend of Dick's and so. OK. When I called back two hours later, there was nobody there. I went down to the shop. And when I went into Duncan's asking Duncan if he seen anybody over at the shop and this is when he started telling me this story, and I got thoroughly neurotic because I can imagine what it's going to look like.

TL: Yeah. One of the things I need to conclude with you.

MR: OK

TL: About your, your rights waiver is to have you look over this form that I've been reading from. When I asked you if you had your rights in mind or having these rights in mind do you wish to talk to me now, the answer you gave me was I think so.

MR: Yeah.

TL: Does that mean that you want to talk to us?

MR: That means, you know as much as I can I will talk to you, yes.

TL: O.K.

MR: OK. Uhm, let me say yes. I will talk to you. I'm presuming, I guess, that I stop talking to you if I think I'm in danger. I know I'm in danger.

TL: Mark, would you please look this form over and if you understand it, would you please sign it where it says signed. And these are just the rights that I just explained to you.

MR: All right. OK. Oh God, my hands are shaking so bad I can't even sign it. Guys I'm really sorry. I'm just uh... Needless to say I'm neurotic right now.

RK: You know,

TL: If you get a chance, Rich, would you initial it?

RK: Sure. As Ted just explained to you, Mark, it's obviously a very serious offense, O.K.?

MR: Yeah.

RK: For what you are charged and the investigation is obviously still occurring so if you want to... Why don't you tell us what you'd like to say about it.

MR: Uhm, I was originally, eight years ago, nine years ago, ten years ago, I was training to be a policeman myself so I'm not unfamiliar with things.

RK: Sure.

MR: Uhm, when Duncan told me this yesterday I obviously know, therefore... Well, I know it must look right now its real bad because I knew Dick real well. And for years, he was in my wedding. And, over the last months we have traded things back and forth. We've helped each other work on each other's projects. Everything like back and forth. My God, if you're going on fingerprints or something... You know, if somebody had shot him or something like that, my fingerprints are probably on the gun that did it. You know. I mean, I've gone shooting with him. I've gone... I've done everything with him and his prints are going to be all over my house. I'm sure my prints are all over his house, all over his shop. I have things

down at his shop. I have... I've help, I was helping him build that little office thing at the shop. I was helping him build the new section onto the back of his house. I, I'm a builder...

TL: Yeah, we understand.

MR: And, you know, up to two weeks ago my, my, God I had free reign over everything of his. There were very few secrets. My God, as much, you know... If, I know what it must look like and it scares me to death.

RK: What-- What do you know about what may have occurred?

MR: Well, Duncan told me yesterday that - o.k. let me. In fact, I've been trying to think how I can help. Like I mentioned to you I was going to come in today. Um, two weeks ago... I don't know. You probably won't believe me but my story is that at least two weeks ago I went there to Dick's house, and we called back and forth several times and another friend of his was there. I don't know the boy's name. I can't remember it. I wasn't introduced - good looking, young caucasian, had a child with him, drove a Volkswagen, if I remember correctly. And a bunch of us sat and joked and everything because Dick wanted me to put in a concrete pad for him along side of the house for a part of his garage and help him finish up what we started like six months ago on the rest of the house. This was fine. We, we, we were doing the forms. We were, we decided to pour the pad the next day. And uh, his friend was still there, and uh we all left. Now, in that space of time, of course, my life... Up to this, up to that day, of course, I had been in and out of the house. I helped him....

TL: That's his house? In and out of his house.?

MR: In and out of his house. Uh huh. In and you know, in and out of the shop. Um, I'm, I am, I was helping him with the Stutz project and building his cars. Um, Dick and I have been trying to work out a thing for six months now hoping we might work out a business together. So were several of his other friends that were involved in that. I helped him build a little office down there and you'll find that most of... There is just tons of my stuff stored down there. You'll find my fingerprints on everything. I helped Dick with all the (inaudible). I hadn't seen him for about a week or two. And, I went back the next day with several people who work for me. And, at the specified time it was about 8:00 or 9:00 in the morning. He wasn't there. And, I uh, we waited. One of the kids had run through a neighbor's fence the day before. And so I felt responsible and I fixed the fence.

TL: When was this? I'm just a little bit unclear as to what day you are talking about.

MR: It had to be around two, two weeks ago, I think.

TL: OK.

MR: I think if I'm... I write a lot of stuff down on my calendar. I think I could probably find the times and stuff for you on the calendar.

TL: For now just give us your best estimate.

MR: All right.

TL: I didn't know if was two months or two years.

MR: Oh no. I'm sorry. I was about two, two and one-half weeks ago, I guess. And uhm, I really can't remember the days right now.

TL: OK.

MR: OK.

TL: Fine.

MR: (Inaudible) Anyway, I went all around the house, and we waited. We drove off and got something to eat and came back. I don't remember, frankly. And then I waited and went down to the shop and you know. This isn't unlike Dick. OK. He and I had done this to each other alot, miss connections and stuff so I didn't think too much of it. Uhm. I've called since then, and I've gone over there. Uhm, I guess it was about last Thursday or Friday I got a little peeved because he's got a lot of my tools because we'd taken over the tools the day, so we could work on the pad. So I went over and looked around the house quite a bit and...

TL: Dick's house?

MR: Yea, Dick's house again. Uhm, that's about all I could tell you is that he's helped me do everything. He's helped launch my little boat when we got it. He's helped me. And, this is when I started thinking when Duncan started telling me this stuff yesterday. He started telling me that there was a body out in the bay, and oh my God. I was just sitting there going Jesus, what is this going to look like. I mean, I've got, I've got, he's got things that, you know, when you guys run things down you're going to find my compressor and stuff like that in his garage. You're going to find my chain saw in his, in his shop. You're going to find when they search the house today, you're going to find...you know, all sorts of stuff that could be traced back to Dick. I mean, you know, I have some sales slips, some sales receipts, but we

were always - really informal. You know. I never anticipated anything like this.

TL: Can you tell us a little bit more about you conversation with Duncan?

MR: It was yesterday afternoon about 4:30, 5:00 maybe, I went into his shop and my God. I'm sorry. I just know what this is going to do to me. It's really pretty bad. Uhm, I went into his shop because Dick never leaves people alone in his shop. And, when I called back and there was nobody there because this man told me he would be back in a couple hours, I went down to see if Duncan had knew what was going on. I walked into Duncan's. He said my God has Mrs. Baldwin called you, and I said no. I'm going to relate this conversation to you the best I can.

TL: Just do the best you can. Tell us your way.

MR: I said no, and he said well, she'll probably be calling you. He said the police have been over here for days, and uh they think Dick's been murdered. And in passing he said that the lady upstairs or something like that had told him that the police had told her that the body has been found in the bay by the Coast Guard. And that, and that, and that something about them talking to him and saying they were taking fingerprints all over Dick's shop and everything. They've taken, he said he seen them take sacks of evidence out and stuff and... And uh we started talking trying to rack our brains about when the last time we've seen Dick and stuff was. And we, I couldn't think of any, you know. I told him what I basically just told you. I know that since then I remember, the only other thing I could add is that I know that Dick was going to, he was talking about repossessing the car that somebody owed him money on that night, but, you know, I doubt if anything like that, this would have a, that is was a few hundred dollars.

TL: Sure.

MR: It's a, I think he said it was a Volvo, but I can't be sure of that. Uhm, you know, I just... When I think of the thing, you know... I mean I've helped people with everything. You don't understand. You know, I've helped him unload everything. I've helped him put up his shelves in his house. I've helped him store things and it's just... My God. You know, I mean, as late as last saw him we were still trading things. You know. He owes me the money for helping him with his, his house still. And God knows I need the cash more than I need killing somebody.

TL: Was that the concrete work you were talking about?

MR: Concrete work. I bought all of the supplies for him to build his little work room on the back of his house and then the

supplies to build the little office down at the warehouse. You know, I had contacts with people in that type of things. You know (inaudible) I could phone and it would be cheaper. And I'm married, I could lose my job, and I'm sitting here just dying right now.

RK: When was the last time you said you saw him? As near as you can estimate that you...

MR: A couple weeks ago. I will, I will do the best I can, you know, tell you the exact time and stuff when..ever..

RK: That's when you helped him do the concrete thing and the...

MR: Well, we never got the chance to do it, unfortunately. I know that... Yeah, we started framing in for it. We formed part of this little concrete pad next to the house.

RK: OK.

TL: You also mentioned timing, seeing Dick in connection with one of your employees hitting a fence.

MR: I didn't see him unfortunately. We came back the next day. He wasn't there then.

TL: See who?

MR: Well, Dick wasn't there.

TL: OK. Which day is that being...

MR: That was the day after the day I saw him. It was the day after we been... You see, the first day... The last day I saw him, we had made arrangements for us to do a concrete pour the next day. OK. Well, we went back the next day and to work, to do our concrete pour, and there was no Dick. Well, at that time, the day before one of the kids backing the truck up smashed a neighbor's fence.

RK: Who was that?

MR: It's the neighbor to the right hand side of Dick's house.

RK: Who was the kid driving?

MR: Oh, uhm. Oh God. I don't even remember to be honest with you. I didn't see it happen. Dick told me about it an hour and a half later.

RK: One of the kids who works for you.

MR: Yeah. Yeah.

RK: How many.

MR: And...

RK: People do you employ?

TL: Is it one of the kids that we got in custody today?

MR: Uh, uh, I think so but I... I'll have to ask him. I can't honestly tell you.

RK: How many people do you employ Mark?

MR: Well, on and off anywhere from two to six work with me at one time or another.

RK: OK.

MR: You know, I mean, I, I think if I told you guys this stuff, you know. There is so much you can bust me for. I mean these kids, you know, I'm just a little worker. OK.

RK: Needless to say we're not concerned with that.

MR: OK.

RK: You employ up to six people?

MR: Up to six people.

RK: Who are they?

MR: I don't know. God, I could give you a list. The two that are with me today unfortunately. The poor kids. I mean, I should take the fall for this not them. OK. You know like if somebody is going to go down for anything, you know, I mean, it's...

RK: Why should you take a fall?

MR: Well, I mean, you know, I understand what it must look like. OK. And all I'm saying is these are kids. You know. They don't have... They wouldn't of had anything to do with anything like this. Dick didn't owe them any money or anything like that, you know.

RK: Does that mean you did?

MR: No, no. That I'm just saying that, you know, I'm just saying you that... Forget it. It didn't sound right. I know.

RK: Well, anyway, sitting, we're sitting here talking and we're talking about a homicide investigation.

MR: Yeah.

RK: Which isn't like bilking Uncle Sam on employing juveniles.

MR: OK.

RK: All right. You're an intelligent person and so are we. You do realize that you're in a very precarious position.

MR: Yeah.

RK: We wouldn't be sitting here talking to you if we hadn't done our homework.

MR: Yeah.

RK: It's like you told us earlier you been through the system. You wanted to be a cop. You know what it's like.

MR: Yeah.

RK: We we're sitting here looking for truth Mark.

MR: OK. How can I, how can I, how can I help you?

RK: Simply tell us the truth.

MR: OK

RK: And then if we can all get to the truth then we'll probably save each other alot of time and heartache.

MR: OK. Well, I don't know what else to tell you. I was... When Duncan told me these things yesterday, it scared the piss out of me because I just don't need this sort of thing right now. I've got...

TL: Why did it scare you personally?

MR: Because, because I know my prints and the kids who worked for me, all our prints are on everything. I know that, I, I know that, you know, I go shooting with him all the time. If somebody shot him with one of his guns man, my fingerprints our probably on the sucker. You know. You know, I started having these horrible nightmares of... Well, you know, he helped me launch my little boat for the first time when we bought it a few weeks back and, you know... He whacked himself and I started thinking, my God.

RK: We'll do this Mark. Let me ask you something. Your concern is about your prints being in the shop, your employees prints being in the shop. Needless to say there is alot of other people who've been in there also. One of the things we're kind of concerned about is before you spoke with Duncan yesterday, did you know anything about Mark's disappearance? Excuse me.

MR: Dick's.

RK: Dick's disappearance?

MR: I knew he was gone. I mean, OK. I, I knew that it was very unusual for Dick to be gone that long and I, I knew little things like he never leaves windows open and the back bathroom window was open in his house. Dick's a paranoid. You know. He really is. I don't, you know. How much am I suppose to tell you guys? Oh, God.

RK: Whatever you want to tell us. You, we told you before...

MR: Yeah, OK.

RK: You don't have to tell us anything if you don't want to.

MR: I know, I know, I know that when Dick was involved with something, you know, with drugs and stuff. Not big drugs or anything like that but I know he sold a little marijuana here and there. He didn't talk to me about it alot because he knows I don't like the stuff but that's just my personal preference. I'm not down on people who do.

TL: Do you think that got something to do with his disappearance?

MR: I know I have seen lots of bags of marijuana at Dick's house. OK. Just what I am saying, you know, like one time I knew I helped him carry in a few of the bags. Um, I know that's going to put me, I know it's, I know what that's doing to me here. I'm saying I know he dealt, I know he dealt some grass and I know he was paranoid. OK. I know he, we've exchanged guns in the past. You'll find a few of mine in his house. You'll find a few of his in my house. I, you know, we went shooting together and stuff like that, but Dick was always paranoid. He had an incredible alarm system on his house and on his shop.

RK: When was the last time you saw any grass in his house?

MR: Two weeks ago, three weeks ago, I think. I'm not... I can't. OK. I'll tell you. I saw, I saw bags that I would presume to have been grass. OK. I didn't... I never saw, you know, like plastic baggies of it any where or anything like that.

RK: What kind of bags?

MR: OK. Just paperbags. I didn't know what marijuana smells like. You know. This was pretty hideous stuff.

TL: I've been up all night so I'm a little bit rummy but I'd like to ask you a couple questions that in the same line that were talking about before they slip away from me. A few minutes ago... Well, first of all I want to ask you about the guns.

MR: OK. Yeah.

TL: But before I ask you that question, I want to find out... You started to say that Dick was on your boat and he bopped himself.

MR: Yeah.

TL: And then we went off on some other...

MR: Yeah.

TL: Some other direction. Tell me about that.

MR: It's nothing major. I mean, it's just you know.

TL: Well, you seem to be really distraught.

MR: I was... I'm scared to death. I mean, when Duncan was going on yesterday about, you know, that somebody had blown him away and you know. There was blood all over everything, and I started thinking my God what if Dick's blood is in my, you know, is in my house or on my car or anything like that or in my boat, and, you know, on his car. I mean, you'd find... Last night I started thinking...

TL: What if it is?

MR: Yeah, what if it is?

TL: Why would you say what if it is? Is it?

MR: I don't know.

TL: Why would it be?

MR: Because I know that, you know, like I have a little first aid kit in the boat, and I know he whacked himself, you know. Duncan told me about the body so you'll probable be able to see it. There will be a little whack somewhere right up in here. I helped him.

TL: Somewhere up in here means?

MR: On his head.

TL: His head.

MR: Yeah. I mean, he walked into the little cabin and, you know, bump. It was nothing major. Just a little cut, you know. But, I started thinking, my God what if there was even a drop of blood anywhere. You know. What if there's, what if, you know. Oh God, I just gotten so scared because my God.

TL: When did uh, when did Dick bump his head in the boat?

MR: Weeks ago. Weeks ago. It was three weeks ago or something like that. It was several days before when I saw him. Several days before his friend with me last saw him. So I mean it's not something I can't corroborate this very minute.

TL: Somebody with you.

MR: The guy with his Volkswagen. OK

TL: What's his name?

MR: I'll rack my brains and try to remember. OK. But I can't remember it right now. I'm sorry. I'm not...

TL: So you don't remember right now?

MR: I don't remember right now.

TL: Do you know where his friend lives or what he does for a living?

MR: I'm sorry. I don't know. I know that Dick's got a friend up in Sonoma somewhere called Dennis.

TL: Would you recognize Dennis if you saw him again?

MR: Yeah. Oh yeah.

TL: Is Dennis the friend you're talking about?

MR: No, no, no. Yeah, I recognize the other guy. Yes, absolutely. Nice looking. I guess a nice looking, tall, caucasian boy, and had a child with him. And a real nice guy.

TL: You said that three weeks ago Dick bopped his head in your boat.

MR: Boat. Yeah.

TL: And uh what kind of first aid did you give him?

MR: Nothing much. I mean, we were laughing. We were all, you know. I was being silly. I had a little too much to drink anyway. Dick didn't drink, but you know we were all being silly and um. You know, I dabbed it with a little, you know, gauze thing in the first aid kit. (Inaudible) way back then. I mean, you know, that's not, that's not either here nor there. I'm being paranoid. OK.

TL: Yes, you are.

MR: (Inaudible) looks like. You know I'm sorry, but I know what... I'm being, you know, scared shitless.

RK: OK.

TL: Sure, I understand.

MR: And uh.

RK: Who was on the boat with you when this happened?

MR: Unfortunately that time I think it was just Dick and I. I just, I just got the little boat two and a half, three weeks ago.

RK: Is that the boat that you have now?

MR: Yeah. And uh.

TL: So you just scalp wound dabbed it with some gauze and you're concerned that his blood is in your boat?

MR: Yeah. I'm concerned...my..

END WK1 SIDE ONE

WK1 SIDE TWO

MR: Nothing like that. No, look it, no, I'm being paranoid.  
OK. I started being paranoid last night when after Duncan  
said that.

TL: So there shouldn't be any reason why...

MR: No.

TL: He would have any, why his blood would be in your boat.

MR: No. Absolutely not. There should'nt be. OK.

TL: Then you really aren't concerned about the boat incident  
the..

MR: No. I'm just trying to tell you everything I could think of.

TL: OK. We appreciate that.

MR: I'm just... I'm, you know, I'm trying to tell you  
everything. Like, I told the guys that arrested me in the  
car, you know, I'll tell you where anything is in that house.

TL: What about, what about your cars? You mentioned in the same  
breathe when you were talking about (inaudible).

MR: No. No, you can search everything. You know, when I  
honestly sit back calmly and think about it...

TL: Yeah.

MR: No. I'm just telling. I'm trying to vent my fears to you.

TL: If I understand you correctly though, you, you were saying  
blood from the incident in a boat and, and relating it to a  
car at the same breathe. Were you just tossing that out?

MR: Tossing that out, tossing that out. I'm sorry.

TL: You don't know how feel about that?

MR: No. No.

TL: You're not too concerned about that.

MR: No. Well, you know, I mean, I... You guys go ahead do  
anything you have to do. Uhm, you know, because there's  
just, I'm sure there is nothing like that. I'm tossing that  
out because I'm scared shitless. OK. I'm trying relate  
everything I can to you.

RK: Are you concerned at all that Dick is dead.

MR: Well, you know, if... From what Duncan told me yesterday, if, you know, Dick is really dead, I'm concerned from the point of view that if it... I mean, this was a friend. I mean, this boy was in my wedding. You know, uhm, I had no reason to kill him and not to mention I'm just not into that.

RK: OK. Did you kill him?

MR: No.

RK: Do you know who did?

MR: No.

RK: If you knew would you tell me?

MR: I'm scared enough right now, yeah. OK.

RK: If you did it, would you tell us?

MR: I'll be honest with you, if I did it, I think I would of asked for a lawyer. Ok. Ah.

TL: Let me ask. You just said a very curious thing to me. I don't want to dwell on it,

MR: OK.

TL: But...because you were upset. You said ah, you'd tell us if you were scared enough, if you knew who did. Presuming it's not you, and I.

MR: Yes, I am scared enough.

TL: But that doesn't wash well with a guy who considers this guy to be such a terrific friend and in your way. I'm sorry.

MR: Because he was a good enough friend I would have tried to take care of it myself

TL: You would, eh? ok. You wouldn't tell the police?

MR: If I knew who had done it and they really did do what Duncan said they did, I have to think about it; I've never done anything like that before, but

TL: So you'd take care of yourself.

MR: We all talk about it, who knows.

TL: You weren't scared enough to go to the police?

MR: Who knows. We all talk about being big men and going up beating somebody shitless who's killed somebody or hurt a friend. Ok. Right now I don't know. I really don't. You know, ah, all my friends and all the kids that work for me and stuff like that respect me from the point of view that I take care of my own troubles. You know I stay out of trouble, I, you, as you know from my record other than traffic tickets, you know, I have kept my nose real clean for 8 years, and I have tried very hard to do that. OK. Ah,

RK: You say yesterday you called down to the shop. What time did you call down there?

MR: Oh, God, I'm not sure...around 1ish or 2ish. I've been calling on and off for 2 weeks. Ah,

RK: Where did you call from?

MR: I called from a pay phone near a job we are doing right now.

RK: Which is where?

MR: No, I'm sorry. Oh, God, listen to me. Right now I am working at a kitchen we are putting in a kitchen in the Methodist Church on San Anselmo no San Rafael, ah you know off Miracle Mile, there and I.

TL: One second. Can I get you some coffee? (Ted evidently goes to pour some coffee.

RK: I'd love it.

TL: How about you?

MR: I would love some.

TL: How do you take it?

MR: Black is fine for me. Ok. we're working down at this Church putting this kitchen in. Now.

RK: Whereabouts is this Church.

MR: It is right off Miracle Mile, there,

RK: Do you have a street name?

MR: Oh, God, I am so bad with names, I'm sorry.

RK: There is a pay phone by this Church.

MR: Yes, there is a pay phone by the Church down at the 7/11 or Stop and Go that's there at the stop light if you are headed back towards San Anselmo. It is the stop light before United Market on the right hand side. Ok. There is a little 7/11 there on the right.

RK: Right.

MR: You make left there is the Methodist Church and then a block up is their sanctuary and all that stuff.

RK: Then you talked to Duncan sometime after that.

MR: Well yes, I called there around lish or 2ish and then I phoned back after we quit work. Because the man told me Dick would be back in a couple of hours. So I phoned back and there was nobody there. Well, if you knew Dick, you'd would know that was real peculiar because, number one, Dick seldom lets anybody alone in the shop. Like I said he was paranoid. Ok. Number two, you know, why, if Dick was going to be back, why wasn't he there, so I had to go down to my bank anyway. And my bank's right down there by Francisco Blvd. So on my way back I thought, you know, I would drop by and just see what was going on and since we haven't heard from Dick in a couple of weeks I did have a few questions. And at that point I went over, looked at the shop, the locks were on, ah, I walked over to Duncan's to see if Duncan knew, you know

RK: ....what specifically did Duncan tell you happened? I know I heard your story about the cops and they took prints...what I' not concerned about that. What did he say happened to Dick?

MR: He said the cops didn't know yet, but they were calling it a homicide and the lady upstairs or somebody around had told them they had found the body out in the Bay. And, ah, and that the body was apparently was a real mess. Head had been shot away or something like that. Ah,

TL: Hey, Walt open that door. I've got one more cup.

MR: So.

RK: Thank you.

TL: Certainly

MR: And we started talking about things. We started talking about, well, you know, what could we both put together.

RK: He didn't say that the cops said "Dick was blown away?" He's saying that

MR: No the lady upstairs had said that, a lady upstairs had been told by the police, this is how Duncan put it, that a lady upstairs had been told by the police that a body had been found, they thought it was Dick's, and his head been blown away or something like that and then Duncan was saying, you know, my God, we are all sitting there, Duncan says that he's

got a car sitting in his garage right now that he has paid Dick half for. Well, if somebody walked over there and started checking license plates, it looked liked Duncan had just rolled the car out and rolled it in the....across the way, you know. We are all just sitting here just, right now, getting really scared. You know, you never think about how open you are leaving yourself until you think about, you know, if you have had a friend for years, you don't think about getting sales receipts and stuff like that.

TL: May I make a personal suggestion as we continue to talk.

MR: Sure, ok. Yes.

TL: You seem really concerned with your vulnerability and leaving yourself open and I can personally assure you that if you are innocent ah, myself and all the investigators that are involved with the case are going to work our asses off to prove that to be the case. That if you are, in fact, innocent you can sit there and relax and take it easy, because you don't have anything to be afraid of. The truth can't hurt you, if you are innocent, it can only help you

MR: I know, yeah, but you know how scary it is, you know, I mean it is.

TL: I have never been in that situation, but

MR: Neither have I.

TL: I tell you I have a feeling that if I woke up one morning and Rich and Company jerked me out of bed and said "you are under arrest for murder, Ted" and I know I didn't do anything I'd say ok, let's go, it's time to talk.

MR: I know. We loaded..you know, this morning, I was on my way to work, we loaded the truck with trash, stuff I want to throw away, and hooked the boat on because I wanted to put the boat in a berth, you know.

TL: Where were you going to put the boat?

MR: In a berth down at Loch Lomond.

TL: Do you have one for it.

MR: Yeah.

TL: Which one is it?

MR: Which berth?

TL: Berth is it?

MR: It is dry storage, NO. 32.

TL: That's out in the yard?

MR: Yeah, it is out in the yard. Yeah, right. You can check that.

TL: How long have you had that berth?

MR: I only got it a couple of days ago, you know. I just gotten the boat the last few weeks. My wife sort of gave me an ultimatum get it out of the front yard. You know I had just gotten the berth and it is all legal and everything there's no problem with that it's, not stolen or anything like that.

TL: Your wife doesn't like the boat?

MR: She loves it now, but the first time she had ever gone it was about 2 days ago, so

TL: Hm,

MR: Your boys going through my house today will find the complete log. I've kept a little log on it ever since we got it. And I can find, you know, I've kept careful track of time and fuel consumption, and places we went and everything else.

TL: You didn't happen to log Dick's injury did you? Or the joke you had about it?

MR: I wish I had to be honest with you, but no I didn't. Ah, I wish I had.

TL: Did you say that was when, when you and Dick went out and you were alone?

MR: We didn't even go out. He was just helping me. I have never trailered things before and Dick got lots of experience trailering things.

TL: I thought you said you and Dick were out alone together.

MR: Yeah. We were out alone together, we took it down narrow, make sure the thing floated. He showed me how to mix my, you know, how pre-mix outboard motor oil with the gasoline. This is the first boat I have ever had. You know. He was showing me about it.

TL: So you didn't go out on the boat in the Bay?

MR: No, nobody, oh no, no,

TL: Just off the pier.

MR: Yeah. Right there at Loch Lomond.

TL: Taught you how to launch it?

MR: Yeah, he showed me how to back it up, you know, which I still haven't quite mastered, but you know he. He was showing me how to launch it, how to take care of it. He was telling me how to flush the motor and stuff like that. And because, I just don't know that much about them anyway. Ah, you know, this was the type of friendship we had, we did things like that all the time. If Dick had a problem with his cars I would go down help him out with it. I was assembling a little brown Porsche that is down there. You'll find that in the shop.

TL: Hm, Hm.

MR: Ah,

TL: Did you go down with Dick to the, to the yard the first time that you had the boat. Was that before you had it out on the Bay, or

MR: Hm, Hm. That was before I had the boat out on the Bay. It was the day we bought it, and

RK: Who did you buy it from?

MR: A real nice man in Mill Valley. I'll give it, your men will find it I'm sure.

RK: Do you know the guy's name?

MR: Not right off hand, but I will give it to you.

TL: Did you go out the day you bought it you went down to the yacht harbor, with Dick, and he showed you the ropes about launching it and fueling it and so forth.

MR: Right.

TL: Did you go out that day?

MR: No. No we did not. I didn't To be blunt I didn't have the money, you know.

TL: I don't have a log here, so

MR: Neither do I. Ah, I didn't have the money to take it out or anything. I just wanted to know how and stuff.

TL: When did you go out, the first time?

MR: The first time was oh, God, the middle of last week, I guess. It is in the log.

TL: How long after the time that you first bought it...

MR: Four or five days.

TL: Four or five days after Dick helped you with it.

MR: Yeah.

TL: You went out for the first time.

MR: Yeah.

TL: Who'd you go with?

MR: Ah, ah, a boy by the name of Keith Andrews.

TL: Hm, hm..Who's he?

MR: He works for me too. He is also the brother of my long time best friend and stuff and Keith is right now at the church wondering where I am.

TL: Oh, really? Is he suppose to work for you today?

MR: Yeah. Ah, and then another friend of mine by the name of Gary who also works with me on and off.

TL: He's a friend of yours.

MR: Another friend. All the kids that work for me, you know we are all fairly friendly. I don't know them great, but we are ok. They both went out with me. And

TL: For the first time?

MR: That was for the first time. Uh, huh. And

TL: Anybody else?

MR: No.

RK: Was Dick with you when you bought the boat?

MR: No, he was not. No.

RK: But he was with you the same day which you...

MR: About, three or four hours, I was real proud, I bought it down to his shop. Dick was always very willing to remind you how smart he was, let's put it that way. I didn't mind at all when I didn't know something. So, he loved being able to tell you things and teach you things.

RK: Who was with you when you bought the boat?

MR: Andrew, I believe. I think that was it. I can't really

remember.

RK: Who's Andrew?

MR: One of the boys?

TL: Andrew one of the boys here?

MR: Yeah, Andrew is one of the boys here. Ah, you know, and I don't...

RK: How much did you pay for it?

MR: We gave the man \$1000 and owed him another \$1500. No, we owe him \$2000, we bought the boat for \$3000. Ah, I do have a sales thing from the man, just stating that, and I have the pink slip, no I don't. He still has the pink slip until we finish paying him. Ah, I have the white slip, and I have the sales slip for the trailer and that sort of things.

TL: Was that a flat cash transaction?

MR: A flat, cash transaction!

TL: What day did you give him the money for the boat? Was it the same day you brought it home?

MR: Yeah, the same day I brought it home.

TL: No, how much was it that you gave him?

MR: \$1000 in cash.

TL: And you owe how much on it.

MR: Two

TL: Two Thousand.

MR: Two Thousand Dollars.

TL: Did you give him cash money, or a check?

MR: Cash.

TL: Did he give you a receipt?

MR: Yeah.

TL: Where would that be?

MR: When your guys go through my house they are going to find everything. I keep really intense files and oh, God.

TL: And where would those files be?

MR: That file is literally right on top of my desk when you walk in my room. Ok. You'll see it right away.

TL: In your bedroom:

MR: No in my study. When your on the way, when you go through the kitchen, the first little room on the left after they go through the kitchen. They will also find.

TL: You don't remember the guy's name that you bought the boat from.

MR: I'm sorry I don't. Ah, I'm not real good with names.

TL: Yeah, that's all right.

MR: Especially right at this moment. So,

TL: What are your plans for the boat? Or what were your plans for the boat before you were interrupted?

MR: Today?

TL: Today and in general?

MR: Oh, my God, I always wanted a boat, you know. We've thought about buying and living aboard a boat before we bought the house, and you know,. I just, I mean, we go out on it once a week at least, you know, as much as we can afford to, ah, and you know, I know I always wanted a little boat. Ah.

TL: Is the thing seaworthy?

MR: I wouldn't want to take it way out on the Bay. We tried, Keith and I and Gary ah, took it out, ah, the log will show that, we took it out, way up north, to, we went up towards China Camp.

TL: Hm, Hm.

MR: And, it was too rough. It was a little too rough.

TL: Did you log the day you brought it home?

MR: Yeah, yeah, yeah logged it the day I bought it home and logged all the times we went out. Ah, wrote down the fuel, keep all the little receipts from launching, launching receipts.

TL: Where would those be?

MR: Same file, right on the desk.

TL: Ok.

MR: Everything will be right there.

TL: Hm.

MR: Ah, I know I am probably cooking my goose when I talk about it.

TL: How are you cooking your goose?

MR: I don't know, I don't know, I am so scared right now, you have to understand. I've never. Listen, you know. When you pull out of your driveway and suddenly you see UZZI submachine guns pointed at you.

TL: Yeah.

MR: I have news for you, it wasn't much fun. I mean.

TL: Yeah, I know I can understand.

MR: I have to live in the neighborhood, ok.

TL: Sure.

MR: And I don't know what I am going to do.

RK: You said you keep pretty intense files..

MR: Yeah.

RK: Do you have a file for your video cassette recorder?

MR: Yeah.

RK: Where did you purchase that?

MR: Ah, just, let's see.

TL: We just noticed it was brand new. We were curious about it.

MR: Ah, Christ, I think I can show you where I got that.

RK: Where?

MR: It in the file under, ah, it is in one of my personal files. I keep all the records of everything like that in my personal files.

RK: Where did you purchase it?

MR: Ah, Montgomery Wards.

RK: How.

MR: Bought it, ha know.

RK: Cash, credit cards

MR: Cash.

RK: Cash.

MR: Cash.

RK: When did you purchase it?

MR: The sales receipt will tell you.

RK: You don't know when you purchased it?

MR: No. I'm sorry.

TL: Can you tell us about when? Was it a month two months, two weeks? Six months? Just give us a ball park idea, if you will please.

MR: A few weeks. You see we got paid from a job about four weeks back and

TL: Hm, hm

MR: You know, we made a few purchases and stuff.

TL: Did you buy it here in Corte Madera?

MR: Yeah. Ah, sigh, I can show you sales receipts for that for sure. Ok. I'll get you those.

RK: The closest you can come for that is 4 weeks ago?

MR: Between two and four weeks, yeah. I can show you the sales receipt for that, I can show you the sale receipt for my TV, for my stereo in my living room, and I kept real good receipts ever since we've been married.

RK: Who was with you when you purchased it?

MR: Ah, nobody I don't think. I know the guy that I bought it from.

RK: Who was that?

MR: Ah, I just mean I've been in there and bought other things from him. He'll tell you I bought it from him.

TL: OK.

RK: What does he look like?

MR: Tall guy, brown hair, he may have some Mexician blood in him, I'm not sure, and he will tell you I bought it from him.

TL: You don't know his name?

MR: I' m. sorry, you know. He's a salesman. I don't know him that well.

TL: You've bought things from him before.

MR: I've bought things from him before.

TL: What have you bought from him before?

MR: Ah, you know, records, CB radios, ah,

TL: When have you made these purchases, would he remember you?

MR: He remembers me; when I walk in, yeah, he looks and says, oh, hi,... Mark, he doesn't say hi, Mark, he doesn't remember my name, he says, "oh, Hi," you know how a salesman is friendly to you when you.. if they've seen you before.

TL: Yeah.

MR: You know..That's all I can tell you about that.

RK: Where would the receipt be in your house?

MR: Again some where in my personal files.

TL: How much did it cost you?

MR: You know, I'm not sure. Two hundred dollars, something like that, somewhere around Two Hundred.

TL: Two Hundred. That's a hell of a deal.

MR: I think it was \$240, maybe. It wasn't over that, you know, it wasn't over that, I'm sure it wasn't over that.

TL: Are you talking about the VCR that's in your house? That cassette player, that video cassette disk player.

MR: Yeah.

TL: And the turntable that's in your closet? It looks brand new, its not even opened up yet, and there's your speaker.

MR: No, not that, that that I was, that's belongs to that one was traded to me. Ok, so uh,

TL: So that's not all part of the same purchase?

MR: No.

TL: Because it all looks so brand new and it looks like we just said. Oh this guy's been buying stereo equipment.

MR: Right, Oh, yeah, I can imagine.

TL: Not the same transaction?

MR: Stealing all Dick's money and going out and bought this equipment.

TL: I didn't say that.

MR: Well, ok, alright, I understand it. Eh, no, I'll show you the receipts, I can show you the receipts for everything except that. And that I can show you something else about. Ah, there are also things.

TL: You say that is the turntable.

MR: Yes, right, yeah.

TL: Referring to the turntable and the speakers.

MR: Right Ok, and I can also show you the receipts for like the guys will find ah, ah, your guys are going to find what, four or five weapons in the house that I think are still registered to Dick.

TL: Hm, hm.

MR: Ah, the receipts for those are somewhere, you know.

TL: Tell us about them.

TL: What kinds of guns are they and where can we find them.

MR: OK. There is a 22 caliber automatic.

TL: Hm, hm.

MR: Ok.

TL: Where is it?

MR: All, all the, ok, there should be 3 pistols in my closet that belong to Dick, at one time.

TL: Which closet? The bedroom closet?

MR: No this is my little study closet.

TL: Where the receipts are?

MR: Yeah.

TL: OK.

MR: OK. and there are 3 of them in there.

RK: What kind are they?

MR: There is a 22 caliber automatic.

RK: Brand?

MR: I'm not sure. It is in a holster. That's loaded, so be careful. Ah, we have skunk problem around the house and I was using that for skunks.

MR: Excuse me. Ah--

RK: Two more.

MR: I think there is a 22 revolver, and I think there is a 38 there.

RK: 38 where?

MR: And then you'll find another.

RK: These all belong to Dick?

MR: Well, no. They belong to me now, you know. I had traded them for a bunch of stuff for those.

RK: What did you trade?

MR: A month ago. Well, around a month ago, maybe month and a half ago, maybe two months ago. I will have to check. Ah, I traded a compressor and a bunch of tools. And, which I know are still in his garage the last I saw. Ok. . ah, We also

TL: Do you mean the compressor way in the back of his shop? In the corner,

MR: No. No.

TL: On the left as you....

MR: This is in his home. There is a mobile red compressor in his home. You will find that I purchased it from an auction up in Santa Rosa about a year ago.

TL: Hm, hm

MR: And I traded it to Dick.

TL: Do you have the receipt for that too?

MR: Somewhere in my files, yeah. I mean it is going to take us a few days, you know. If one of you wants to go back there and sit there with me so you'll know I haven't looted it or hidden anything or anything like that and go through these things and dig all this stuff up I would be more than happy to do it with you, I want to get this thing, ok.

TL: Sure.

MR: I want this thing annulled as fast as possible.

TL: Didn't you mention 5 guns you had in the house?

MR: Yeah,. ok I've got quite a few I got

TL: Five that belong to Dick.

MR: No, I think there,. oh damn I don't know. Ah.

TL: That are still registered in his name? I think you said.

MR: Ah, I don't know if he bothered to..maybe 5 more likely 4. Ah, I know there is another 38 in the hall closet. Because we just went out target shooting with it last weekend.

RK: Who went with you?

MR: Ah Me, myself and I. Me, I didn't mean to say, I, that was a royal we. Excuse me. It wasn't last week, it was the weekend before last. But, ah, and I am absolutely positive that none of those guns were used to kill Dick because those have all been in my possession for over 4 weeks now, and I have seen him alive since then. So I have no fear about you guys hunting those and finding out anything you want to about them. Ah, I bought originally, let me tell you what happened, about a month and a half ago I had purchased, I didn't purchase, I traded Dick for I believe about 8 handguns, numerous old, old ones, and then these ones that were fairly good. I kept the fairly good ones. Ah, then I sold off several of the old ones.

TL: Where did they go?

MR: Hm, oh God. A couple of friends have a couple, ah, I sold a few over at a gun store, ah, I sold a couple down at the flea market. I didn't. A friend of my did. But he will tell you that he did.

TL: A couple to friends, a couple to the flea market,

MR: Well, Ok, yeah, I know that sounds real loose, I'm sorry.

TL: We would like to kind of tie that down.

MR: OK, I understand, you're after numbers. Again, we will have to go back to my files, ok. I'm sorry. I can't right now. It wasn't a couple of friends. I sold one to one friend, he will tell you that.

TL: Who was that.

MR: Hm, ah, it is boy name Gary. He will back me up with that. I'll give you his phone number and all that sort of stuff.

RK: What is Gary's last name?

MR: I'm sorry I don't know.

RK: What kind of gun?

MR: Ah, a revolver, a, I think it was a 44.

RK: How much did you sell it to him for?

MR: A hundred dollars.

TL: And when did that happen?

MR: It had a bad sight. It had problems. Now, nice gun, but it had a bad sight and the chamber was sort of funky, you know. A lot of Dick's weapons were sort of beaten.

RK: You know what brand the revolver was?

MR: That one I believe was a Rugger. Ok. And the holster was with it.

RK: This guy Gary work for you?

MR: Yeah, on and off. He hasn't for several weeks.

RK: But you can't recall his last name?

MR: I'm sorry. Ah, I know that sounds ridiculous, but I'm not really good with that now.

RK: How old is Gary?

MR: 22, 23, something like that.

RK: Does he live here in the County?

MR: Yes, he does.

RK: Where?

MR: Up in Novato.

RK: Can you tell me where in Novato.

MR: I'll give you, I can drive you there. But I don't.

TL: The guy hasn't worked for you for several weeks. When did you do the transaction with him?

MR: Several weeks ago. Two, three weeks ago. Ah, in fact I believe he mentioned to me that he had sold it since then. Ah, yeah, he would be able to tell you....

TL: Oh, really? He hasn't worked for you for several weeks and you sold it to him several weeks ago was it right around the time he stopped working for you? That you sold it to him?

MR: Yeah. Yeah. It isn't a matter of stopping working for me it is a matter of me not having a job right now, but he knew as soon as I get another job I would call him and hire him back. Ok.

TL: So he hasn't worked for you for several weeks only because you didn't have the work?

MR: Right. Because you didn't have the work. Ok. It isn't one of those things that he got fired or anything like that or released or a payoff or anything along those lines. This was just a simple, you know, times are tight right now, you know.

TL: Sure.

RK: Is he still around or is he working for somebody else right now.

MR: Ah, I have no idea. I presume he is still around.

RK: But you gave him a receipt for at least...so that he..

MR: Oh, yeah, ah, I am fairly thorough with that sort of thing. Now, I don't always report to the police when I've bought or sold a pistol. The other guns that they will find in the house are all mine. There is a 357 in the bedroom. Python, ah, there is a little Derringer 38 caliber Derringer in the bedroom. That's mine.

TL: Are these guns registered in your name. At all

MR: Yes, those are registered. The Derringer is. The Python I bought from a friend about 3 years ago. That may not be registered in my name, I can't remember. I know, we, I signed the paper for it. The friend was Craig Andrews, I bought a Python from Craig Andrews. I'll give you his number and all that sort of stuff too.

RK: What's the gun store that you sold the gun to?

MR: Ah,

TL: Did you previously mention a Keith Andrews?

MR: Yeah.

TL: Are they brothers?

MR: They're brothers--Craig was in my wedding too. He is now back in Tennessee. He used to be my business partner.

TL: Oh.

MR: And, he's back went out on him....anyway; what else can I tell you to get myself off the hook.

RK: How about this gun shop that you sold the gun to?

MR: Oh, God. I went into San Francisco because o.k., several of these guns were so old the type that I didn't want to sell them to a friend or anything for fear someone would try to fire them. O.K. they were, they were damaged in one way or another or they were so old that they worried me. I have a healthy respect for guns and I didn't want. I didn't want anybody hurt. And so I took them to several places. Took them to, ah, the place in San Francisco, Gun Exchange in San Francisco, (inaudible)--

RK: Is that where you sold it?

END WK1 SIDE TWO

WK2 SIDE ONE NOT USED FOR THIS INTERROGATION

WK2 SIDE TWO

MR: Yes I do. And they have my license and everything because I wasn't afraid of that. Well, they took my .. they can prove that, they can back that up. They took my license number and everything.

RK: Do you have a copy of that receipt that you gave this guy Gary?

MR: Yeah, in the files. I don't have it with me. Yes, I do have one with his name and his address and all that are in it.  
(inaudible)

RK: But then he, I guess, sold it to somebody else after that.

MR: I don't know for sure. I can't tell you that for sure.

RK: There was a total of 8 guns that you traded?

MR: Oh, God, you know I'm sorry I'm being so vague, I just.

RK: If you don't recall that's O.K.

MR: I don't recall. I'm scared to give you the exact number because ... I'll look like a liar.

RK: 6 or 8 guns anyway.

MR: Yeah, yeah something around there.

RK: 5 or 8 something like that.

MR: Ah, you know all of our trades were always so loose. You know, we were friends, they just etc. Poor Crossy must be freaking out.

RK: Your wife wasn't at home when all of this happened this morning

MR: No, thank god, no.

RK: Have any children?

MR: No.

RK: What time does she get home from work.

MR: Between 6 and 6:30.

RK: What kind of work does she do?

MR: She's a nurse.

RK: Where?

MR: Marin Convalescent Hospital.

RK: Where's that?

MR: In Tiburon. The one on the top of the hill overlooks Tiburon. Beautiful place.

RK: What about your family? Your Dad? Your Mother? Are they alive?

MR: Yeah. They're the ones I call if I am really in trouble.

RK: (Inaudible) Do they live here in the County?

MR: Ah, yeah. Yes, they do. They live 15 Sturdevant, San Anselmo.

RK: Oh, ok What does your Dad do?

MR: He is retired military man. Career man.

RK: Do you have brothers and sisters?

MR: No I don't. (inaudible) Is that the stereo?

RK: Probably something they've recovered, I guess. Thank you. Give me a headache. How old are these 2 guys that are with you?

MR: They're young. Eighteen, something like that. I'm scared to death that Crossy's just going to go nuts.

RK: Who's he, Crossy?

MR: He's tall, slender boy, he's like

RK: How old is he?

MR: I don't know, maybe eighteen, he's only been with me for about a month. He wasn't going to work for me that much longer. He's a good kid. Ya know, really good kid.

MR: I'm sorry these poor kids have to get involved in this--

RK: What's his last name?

MR: I know I look like such a fool right now. I am so sorry. I just can't think of anybody's names right now.

RK: That's understandable--understandable.

MR: What can I, you know

RK: Do these kids live close by you?

MR: No, they both live in Novato.

RK: What is the name of your company?

MR: I don't really have one. We just work parttime doing anything we can.

RK: You're not in the yellow pages?

MR: No, No. I'm too small for that. . I do good business; a good job, but certainly don't need to kill anybody.

RK: Hopefully, it would be a better world if nobody did.

MR: What--how else--what more can I tell you, what, what can I do?

RK: I'm sure when Ted gets back here we will come to a resolve on that.

MR: I'm not, I'll take you guys piecemeal through the house, you know. Whatever I can do.

RK: Very good. Are you having some?

TL: Yes I am. I just don't have three hands.

RK: If can be a little bit candid with you too, Ted, maybe you didn't pick it up with Ted when he introduced us. But I work with the Sheriff's Office. I'm a detective up there. Ted, obviously here is with San Rafael, and while you were getting the coffee, Mark keeps saying that he would like to know what he can do for us to bring this all to a conclusion and show that he is apparently O.K., and that nothing to worry about as far as any implication in this. Ted and I don't work together.

MR: Ok, um, hum.

RK: Ok, and quite candidly I am about ready to leave and go back to the Sheriff's Office, Mark. I don't believe you. I don't believe what you are telling me. Your are an intelligent person. I am an intelligent person and so is Ted, ok, and we are sitting here, in my opinion,.. all right, as you know, I have conversed with him, and we are wasting each other's time...ah..and I think that for me to insult your

intelligence and for you to insult mine is kind of ridiculous. We can sit here and play psychological head game and shadow box with each other from now to sunset and when your wife comes home from wherever she is or whatever she's doing. Still is going to be the same answers, as far as I'm concerned. I work homicide, and our office is responsible for finding Dick's body and I have talked to Duncan as you have talked to Duncan. I do my homework my way he does his, you do your life style your way. And I just feel if we can't sit and be candid you wouldn't be arrested for murder, or investigated for murder, if something hadn't been done before hand. As you told us from the outset you've been through it. I just feel that I am wasting my time and if you and I can't be candid with one another and I think you ought to at least allow me the opportunity to go back to my office and go to work.

TL: In-In addition to what Rich's is saying I have to I tend to agree very strongly with what he is saying, and one of the things we would like to point out to you and ask you to be very careful about is, ah, the statements that you make to us and the truthfulness of ...with which you come across. It is important for you to know and to realize that in spite of the fact that you are upset you shouldn't have any difficulty telling us the truth and if you don't tell us the truth then it tends to--

MR: Makes me look worse.

TL: further and further incriminate you. One of the things I want to point out to you is that in a case like this it is just not something we walk away from it is the thing that we grab onto extremely hard--

MR: I realize that.

TL: And turn it inside out every which way we can and once we get leads, and we have significant leads, once we get some breaks, the truth has a very interesting way of unfolding, and the truth has been unfolding at a tidal wave pace over the past 24 hours and we are telling you that you have not been honest with us. We don't believe you and we want you to tell us the truth.

RK: That's all we're asking for, Mark.

MR: I understand that.

RK: These things have a tendency of occurring and snowballing, alright. Mark, you and I, and everybody knows that Dick has been gone for some period of time and since that whole period of time that he has been gone we have been doing an investigation. Either little by little, or big piece by big piece.

MR: OK

RK: And we are now down to the bottom line.

MR: Yeah, alright.

RK: You have an oppportunity, sitting with us now, to be candid and up front, you have an opportunity to tell us to go to hell, you have an opportunity to do anything that you want to do. But once you and I and he leave this room together obviously we are not going to be able to talk privately.

MR: Yeah, I know. Well, you can understand why I am scared, ok?

RK: I can understand very well, I have investigated this thing.

MR: Ok, I do want, well, alright, if you have investigated it--

RK: Let me say this--

MR: I have to tell you--

TL: Mark--

MR: I know what could make me look really bad, ok. and yeah you're right, I am trying to cover some of the things that I know could make me look bad and this is terrifying.

TL: How did we start out with you at the very beginning of this with you, Mark, we--

MR: I know.

TL: We made it very clear to you that we are interested in the truth, regardless of how it makes you look. You got nothing to fear from the truth.

MR: All right.

TL: But maybe you should start over and point out some things that you said to us.

RK: Maybe you ought to consider this too, Mark. How it makes you look in your mind or anybody else's mind because we only work on truth, and we only work on fact and the fact is you are here.

MR: Yeah--

RK: And--

MR: ....and reason to (inaudible)--

RK: Obviously, and because of the truth that lead to our facts you are here. We're here. We're saying if you want to talk with us and tell us what you honestly know, we're willing to listen. A lot of times when somebody's killed, the circumstances may not be as they are presented to us. Ok, and if there is more than one person involved and in this particular case 3 people have at least been taken into custody and being investigated; tendencies are that a lot of things come into this, that may present a picture to us or a court that may not be exactly true. I am not going to sit here and say you as an intelligent person, knowing that you are sitting in a police department under investigation for murder and hear a smokescreen, a song and dance. I am going back to work.

MR: My fear is, ok, let me, I understand exactly what you are telling me I don't want you to leave the room. O.K. I mean I would rather, I want--what I want is to be able to somehow a bunch of us go over this and get it straightened out today.

RK: We can do that right now. We can do that probably with about one or two questions, which will.

MR: Ok, let me give you the one answer that I feel I lied about, ok. alright.

RK: Be careful. Be careful.

MR: I know

RK: Don't say the one answer, ok. Go ahead.

MR: All right. Look it, Ok..I did not kill him. Ok. I did not kill Dick. I didn't. Dick was a friend. All right. Please don't walk out. I know whatever reasons you think I did.

RK: I am not disagreeing with you.

TL: We're listening,

MR: I didn't kill Dick. All right. And Dick owed me a lot of money, ok. Dick owes me a whole mess of money. I am not the only one, but he owes me a lot of money and he has owed it to me for months.

TL: Was this causing you some difficulty?

MR: Yeah. A great deal of difficulty. I helped him build that whole back of his house. I helped him move things in, I helped him put up money for that stinking car project. I helped put up money, you know, to get his little business thing going, for tools, for everything. I think that is why I started getting scared and panicky yesterday. And--

TL: Tell us the truth Mark.

MR: Ok. I didn't kill him, all right?

RK: I believe you.

MR: And--I couldn't, you know. I went to him a couple of weeks ago, everything was fine, and we were going to work out a series of trades as we had talked about doing, so that he wouldn't owe me the money any more and so that we could get everything working and get our little company going and stuff like this. There was never any bad feeling between the 2 of us. There was never everything, you know, there was never any misgivings about dealings between any of us.

TL: Any of us?

MR: Ah, Dick and I, or anybody--any of his friends that might recognize me. Or that might be able to look at me and say, well that's Mark Richards. None of them are going to tell you that, you know, that Dick and I ever had a fight, or anything like that.

TL: So you met a couple of weeks ago and everything was fine.

MR: And ah--We started working out a bunch of trade things and--he gave me he gave me the keys to several of his cars that I was gonna, ya know, get from him, you know. We were going to work out a thing immediately with the shop. I was going to, ah--we were getting everything worked out like this. One of the things to tie up the cash, because he owed me several thousand dollars, ok.

RK: I know.

MR: And he was not able to pay me back right now. Ah, one of the agreements had been that I could use his Montgomery Ward charge card and, unfortunately I did. Ah, because I didn't think there was anything going on. Ok. He told me that he had \$1000 on the account and that he could pay it off over a period of months and it was a good way for him to get out from under what he owed me. And so the day that we took the guns to The Old West Gun Room to sell them, ah, you know, I used his charge card. That was several days ago. The beginning of this week.

TL: The beginning of this week? Like Monday or Tuesday?

MR: I don't know, something like that, I am sure you already know. And unfortunately I just thought at the time that he was gone, ok. If something funny had happened to Dick one of us would have known about it before now. You know, I mean, or

RK: Can I stop you?

MR: Ya.

RK: Before I walk out.

MR: Oh, God, you and your walking out. I am not lying to you.

RK: Let me stop you then.

MR: All right.

RK: You started off, as far as .....I am concerned, very good, that I didn't kill Dick.

MR: All right.

RK: I'll concede that.

MR: Ok.

RK: But, I personally believe that leading up to and including your knowledge, that I believe that you possess, about what happened to Dick, you know. I believe you know. It's gonna probably be the biggest thing that has ever happened in your life for you to make a decision as to whether or not you are going to be candid with us and converse with us. Something I want you to think about.

MR: All right.

RK: There are 3 people in custody. There are a lot of other people associated with you, with Dick and with this whole shitty mess. We wouldn't be talking to you if we didn't know.

MR: O.K.

RK: Up to the point where you say you didn't kill him, I'll concede that, beyond that I personally believe that you have knowledge of what occurred and how it occurred. You know what I'm saying. You were driving off today, you were arrested.

MR: Hm, hm.

RK: I wasn't there. Whether you believe me or not I had no knowledge of what happened when you were arrested.

MR: Ok. Hm, hm.

RK: I now have some knowledge about things at your house, your truck and a number of others things. Every single little one of these is going to be, as you are trying to do, right now, with that credit card, alibi it.

MR: OK.

RK: If you continue to try that, Mark, in my opinion, you are going to put yourself into a box that you are never going to get out from under.

MR: Well, I can't look at.

RK: Do you have any knowledge of how Mark--

MR: Dick:

RK: Dick died?

MR: Are you going to walk out on me? If I just tell you

RK: I don't what your answer is going to be.

MR: I don't want him to walk out, ok? I don't how to keep you both listening to me and keep you both talking with me long enough for me to prove I didn't do it. Ok.

RK: I'll concede that.

MR: That's not what's important. I don't know how to keep you two listening to me long enough to realize, to go through my paperwork, to do whatever we have to do, to show you that I--

TL: Hold on a second. Save it, the paperwork, I'll tell you something. Whatever paper work you produce, my friend,

MR: Isn't going to work, could have been fake?

TL: What it is going to do is incriminate you, and I suggest very strongly that you stop relying on your meticulous records, your intense records, you've got yourself into a jam and you have tried to talk you way out of a jam by lying to a couple of experienced detectives who have been beating their heads in doing background work on this case.

MR: Ok. But I'm not--

TL: You have made several lies to us. Do you want to tell us about the rest?

RK: Or through what knowledge you possess, whether it be through hearsay.

MR: Hm, hm

RK: Your own presence, seeing, knowing, then we can stay in the room. I can stay in the room. I don't know what he's going to do. Then we can talk.

MR: Ok, well let me, ok, oh, God--

TL: I want you to remember something. You know what happened. We know you know what happened. All right?

MR: What?

RK: But it doesn't change anything unless you choose to talk with us about it. We'll talk with you about it in detail.

TL: If you continue to deny knowledge of what happened, and you continue to tell peripheral lies about your activities.

MR: You know what hurts though here is that, you know what hurts is that, some of it isn't lies, you know.

RK: True.

MR: I mean, I--

RK: And as I say, I can put it very succinctly as I did to you before. When you say to me I didn't kill him, I haven't left.

MR: All right, if I can--

RK: We can't work with you unless we know if

MR: I realize that.

RK: that it is an open, honest dialogue.

MR: I realize that.

TL: Mark, there is nothing that you can say to us that is going to permit you or enable you to walk out of this door a free man.

MR: I realize that.

TL: There is nothing that you can to us that will place you in just a little bit of trouble. You're in a lot of trouble.

MR: I didn't do it.

TL: And we can prove it.

RK: Why don't you tell us.

TL: If you will tell us the truth

RK: If you'll tell us what you do know and let us work with you from that point on.

TL: Your lies only exaggerate

MR: All right.

TL: The incriminating evidence we already have against you.

MR: I know that. This is why they say don't talk. And I am sitting here trying.

RK: Go ahead, Mark, and just say the way you are thinking it. Don't try to make it sound good.

END WK2 SIDE TWO

WK3 SIDE ONE.

TL: Just be careful what you say because you haven't been doing too good up to now.

MR: The only thing I lied to you about was the credit card thing.

RK: That's all past history. I'm not concerned about anything before this moment.

MR: All right.

RK: Do you know who killed Dick?

MR: I have my suspicions, and it scares me to death.

RK: Tell me how you have them and why.

MR: I am a very trusting loose person, and everybody will back that up. OK? I feel no qualms about telling people things and loaning them my truck and stuff like this.

RK: Tell me what your suspicions are, Mark.

MR: I have my suspicions, that I may have introduced the killer to my friend.

TL: Tell us about it.

MR: My problem is, you see, if I tell you now what my suspicions are, and they hurt an innocent person, I am going to be doing to somebody the same thing that I believe has been done to me.

TL: Innocent people cannot be hurt by the truth, my friend. Judges don't sign search warrants on whim and fancy and conjecture.

MR: Hey, I know that.

TL: They sign it on hard factual evidence.

MR: I know that, I know that--I know, I know, believe me I know there's a reason--

TL: And we're not going to go out and falsely accuse somebody.

MR: Well--

RK: Go ahead, Mark, tell us what's going through your head.

MR: It's the typical what's going through my head; it's the fear of finking on somebody who didn't do it. o.k. I mean, believe me when I tell you one thing. I didn't kill Dick; I didn't see Dick killed; I can honestly look at you, and maybe you're going to walk out on me, all right? But I'm sorry I didn't see him killed, and I can't honestly put a finger on a person and say "this person killed him; I saw them do it." If I did right now and I thought it would get me out of here or get me off, free, believe me I'd tell you.

TL: Explain the circumstances which have led you to believe that someone you know may have harmed him. Please do that for us, will you?

MR: All right. Everybody that works for me and everybody that was around me, for two weeks as we, I was working things out with Dick, a few weeks back -- all right, for some reason you don't believe me about that either. Everybody--I'm sorry--

TL: I'm not saying I don't believe ya. I've been up for a long time and I'm rubbing my forehead because I'm tired.

MR: I'm sorry; I apologize. I'm --

TL: Go ahead and tell us, please. We're listening. Nobody's walking out of the door.

RK: Yet.

MR: All right, o.k.

RK: Mark, I know you're sitting there and you know what happened. You have some reason to believe, you just told me emphatically you didn't kill him and you weren't there when he was killed, but -- and I want the "but" --I don't want to hear about two weeks I've investigated you for a week, for Christ's sakes.

MR: I... I'm not stalling and I'm not trying to think about another story. I'm trying to get my wits together.

RK: Who's the killer you think you introduced to your friend, let's start there. Give me the name.

MR: Let me ask you something. If I, if I confide in you like this now, what we're going to have to do then, if this is going to go down to a court situation where I'm supposed to testify against somebody else, then you have to understand something. I can't honestly look at you and say "I've seen this person commit murder." OK? I have my suspicions, they terrify me.

RK: You're anticipating something you have no control over, and that's an integral part of our investigation.

MR: O.K.

TL: Being interviewed is far different from testifying, and at this point you are being interviewed.

MR: O.K. All right.

TL: Tell us--

MR: My point is. I was very open with everybody who worked for me, and Dick never hid the fact that he had, you know that he carried the stuff around.

RK: Stuff - grass?

MR: Yeah.

RK: O.k, so Dick's a dope dealer, lightweight, he does marijuana --

MR: Right.

RK: And you're a loose person, and you've got young kids around you --

MR: Right; and for several days I heard several kids just razzing back and forth about -- wouldn't it be easy if somebody just wasted--and I just didn't think about it, o.k.? I didn't think about it until (inaudible) found. Anyway, the problem is for weeks these kids have been talking about wasting everybody, and they weren't serious.

RK: O.K., who are these kids? Until you say that, we're not going to be able to get to step two. Who are the kids?

MR: The only one, the only one, Oh God, man (Inaudible)

RK: Well, let's evaluate that. What's the name? I know the name before you said it, because he said it to me when he walked out of the room.

MR: Well, then, you know, I'm--it scares me, because I don't know if he is capable, and I don't know, you know--I'm--

RK: We understand that, Mark. What's the name?

MR: You know it, I think. As crazy as he's getting right now, as crazy as he's been the last couple weeks, it may be Crossy, who knows.

RK: Why?

MR: Because all of a sudden he's just gone all hyper, and, and too many things fit together, and if you don't know them already you're going to find them out.

RK: Did Crossy tell you that he wasted Dick?

MR: No.

RK: Did anybody tell you that Dick was wasted, other than Duncan?

MR: No. O.K. If you want to walk out on me--

RK: I probably will.

MR: All right. Now listen to me.

RK: Because you're going to tell me that nobody told yo that Mark, or Dick, was wasted, you didn't know that until this morning, or yesterday afternoon at four-thirty. I don't believe that.

MR: Look it--

RK: You can't expect me to buy that.

MR: I--

TL: Why don't you just come across with just some information and a statement as to what you know and spare us your emotional pleadings to make us believe you. We don't believe you. O.K. Relax, and lay it out to us, the truth -- we want to hear the truth.

MR: All right, fine, then--then I don't know what to tell you. I, I'm just--I don't know what to tell you. I don't. I, just don't know what to tell you O.K. I don't. You're not, you want me--

TL: We want to hear your speculation, you're speculating.

MR: O.K.

TL: No, let me finish, O.K.? You're speculating that because Crossy has been acting strangely for the last couple of weeks that he may have had something to do with Dick's death, O.K.? And you seem so emotionally overwrought about this, you seem to intensely believe it --that's the message I'm getting from you. Yet you are so afraid to discuss your feelings, your motives for why you've reached that conclusion, why you're speculating and why you seem to be believe it so strongly, that we're not in a position to really have an intelligent conversation.

MR: Listen, I am scared, O.K.?

TL: Of what?

MR: I am -- you've just accused me of a murder charge.

TL: That's right.

MR: And I'm going to go with nothing less.

RK: Did you not tell us, one, you didn't kill Dick?

MR: Yeah.

RK: Didn't you tell us you weren't present when he was killed?

MR: Yes.

RK: Let me ask you this. Do you help get rid of his body?

MR: No, I did not help to get rid of his body. O.K.?

RK: Then I can leave now.

MR: You don't believe me.

RK: I can leave, I'm sorry.

TL: When did you become aware that Dick was dead?

MR: You're going--listen, if you're going to walk out on me and stop any type of talking with me if you don't get me to say something that I can't -- you know, I don't know what you want from me.

RK: We've talked for two hours, and you've said a lot of things.

MR: Oh, God, don't leave, I'm just trying so hard. I am trying so hard, and I don't and you guys think I'm lying all the way around.

TL: O.K. Crossy made the statement about "it would be easy to waste him"?

MR: No.

TL: Who made that statement? You heard the kids--you overheard the kids razzing each other about how easy it would be to waste him, that's just what you said to us.

MR: O.K. But you don't want to, you're telling me, you don't want to talk about that. You're telling me --

TL: I want to talk about it. I've been trying to find out about it. Tell me.

MR: O.K., great, ah, like, we had just - oh, you don't want to hear about that. God, he's a funny boy, o.k.

T: We believe you.

MR: He's very, very strange. He's very mixed up; he's got a lot of very odd problems.

TL: Um, hm.

MR: He --

TL: Are you having a real hard problem answering a direct question that I ask you?

MR: Yeah.

TL: You overheard the kids razzing each other about how easy it would be to waste him. Can I please ask you to elaborate on that statement that you just gave me?

MR: All right, O.K.--all right--

TL: I don't mean to insult you or upset you, or try to pin you down, I'm just asking you, I'm trying to pick your brain.

MR: All right. I'm trying to relax enough to do it. I'm trying. Listen, please.

TL: I am listening.

MR: O.K. I'm just scared. All right, I'm sorry, if I keep saying that. Yeah. Dick is a very cold person, was a very cold person. He is a very -- he's offensive at times. He gets people pissed off quickly. All right. Very quickly he got several kids, you know, offended. Things like you'll go to hammer something, and it's, well, you're doing it wrong. He loved to tell people how to do things.

TL: So tell us about what you're talking about, you're talking around --

MR: I'm leading up to it, I'm just trying to lead up to it, I'm trying to explain.

TL: Well, why don't you hit me right over the head with it?

MR: O.K. Well, then he, ya know, Crossy during the period of that day or two was offended by him several times. Crossy gets bizarre when people offend him. You can go to some of my other customers and find out that. O.K. I have had to keep Crossy away from some of the job sites because of him offending customers. All right, like we had a problem down in Mill Valley a few weeks back. Well, Crossy immediately started talking about wasting the guy. Now he didn't, the

guy just phoned me yesterday. I know that guy's alive. O.K., well, Dick said something to him, you know, that really pissed him off. We had already been talking about how, you know, if Crossy had seen Dick shot and stuff, he'd seen, you know, all of the stuff that Dick had and, great -- and I know you don't believe me, but you know, he started getting vehement about wasting the son of a bitch. O.K.

TL: To you?

MR: To me, yes.

TL: How long ago did he start talking like that to you?

MR: It was only one day.

TL: One day ago?

MR: No, no, no, no, no.

TL: How long ago did he start --

MR: About, about two weeks. O.K.

TL: You're doing much better.

MR: I'm trying, OK? Look it, O.K. He was really upset. When I, now

TL: Crossy?

MR: Crossy - he was very upset. You know, he left with me, they left with me -- Dick was still alive.

TL: O.K, on what day?

MR: This was about two weeks ago. We went home; we went home; I went home, and Crossy took the truck as he always did. I let Crossy take my truck home. I always did (inaudible). He came back the next day--and then--things--

RK: I didn't hear that.

MR: He came back the next day--and ah--he was jumpy and stuff, and I thought he had bumped the truck, OK? So I looked over the truck carefully, and then I noted at the time that there was -- he wanted to take the truck out and wash the truck for me. I noted there was something that -- on the truck when he'd left the night before it had stuff in it. O.K. I told Crossy "go out and unload the stuff - junk OK? Take it to the dumps, and get rid of it. That had been done, and the thing that caught my eye was there looked like there was transmission fluid or something in the bed of the truck. He took it and cleaned it up, you know wash it O.K.? and I told him "fine, wash it." He took the truck and washed it, and everything was fine--went back--went over to Dick's house.

TL: He did?

MR: He went with me. I, he went with me, Andrew and everybody.

TL: Andrew and everybody?

MR: Yeah. This was a job you know.

TL: OK.

MR: Dick wasn't there. The reason this was very unusual is because Dick and I had made some arrangements the day before that were important to both of us. Ok. It was important to Dick and I to get all of our things straight. O.K. We had made some, this had nothing to do with whatever he was doing with drugs.

TL: Try to stay on the track please

MR: Yes, O.K. Well, I am trying to explain to you why it was important why I was aware that Dick was gone. Ok we got there, Dick wasn't there, walked around the house, looked into the house I noticed a window was open. We walked all over the place and I fixed the fence. I fixed the neighbor's fence. I think Crossy started playing with the motorcycle that was there. He does have a tendency to pick things up and started going on about--Started going on about, gee, you know, he was going to get Dick to give this to him -- we talked about Dick trading them the time and stuff, all right? At that point I got a little scared because everybody knows, everybody, not just these two but everybody who works for me, everybody who was around the day that we were there at Dick's knows, where I keep everything, and I started getting scared at that point because his actions, and I have seen blood before, let's face it, and I realized started thinking about, my God, didn't; that could have been blood in the back of the truck. But I can't--anyway--

TL: Was this fluid still in the truck at that time.

MR: No, as I mentioned, I told him to wash it out. We carry sheetrock and stuff too. I don't need transmission fluid on the sheetrock, all right; I know you don't believe me, but I am doing the best I can. I am sure it sounds like another story.

TL: O.K. Keep going. You're explaining to us why you began to feel scared.

MR: Yeah.

TL: Your statement about the motorcycle seems to really bother you in conjunction with the fluid in the bed of the truck.

MR: Well, you know.

RK: Did you ask him?

MR: Yeah.

RK: And his answer?

MR: That's what I--well."it is mine now." And that's got me scared.

RK: What is his now?

MR: The motorcycle.

RK: Did you ask him about the blood?

MR: No. All right. I'm sorry. I didn't.

TL: What motorcycle is this? Does he have Dick's motorcycle now?

MR: No.

TL: Is it out there now?

MR: Well, I don't know.

TL: What kind of motorcycle is it?

MR: It's not a motorcycle, it is the kind that goes boom, boom. It is one of those little bitty things.

TL: A little motorcycle.

MR: Yeah, right. And last I saw it it was still at Dick's. O.K. And I think it is still there. Ok, listen. the only reason I'm telling you this, you think I have done this. Ok, I'll get back on track. The fact, you see, this statement that...

RK: You said, you said earlier that the kids, plural, talked about wasting him. Who is the other kid besides Crossy.

MR: I think, I think, honestly it was just Crossy. I think Crossy said it to me.

RK: Just him alone. The other kid that is in custody, didn't say that?

MR: Oh, no.

RK: None of your other workers said it.

TL: What you had better start doing is being really careful what you say to us. You really make some outlandish statements. I'm telling you, man, you can't just sit there and say that the kids razzed each other about wasting this guy. That's a, that's a very serious remark you make because that implies you overhead somebody saying something.

MR: All right, I'm sorry, but listen, you know. I don't know what you guys want right now. I am sitting here trying to... O.K. You don't believe me, all right. I know, all right.

RK: I shall not return.

TL: Could you do me one favor before you walk out for awhile and get me a cup of coffee?

END WK3 SIDE ONE

WK3 SIDE TWO

TL: If you're an innocent man, you are doing a great disservice to yourself by withholding a single piece of information from us. Deliberately withholding pertinent facts, material information about, listen to me, man, about a crime, can only cost you. You're already under arrest. Okay. What you need to do if you are innocent, or even if you are guilty to a degree, or even if you have, have knowledge, or even if you have participated to some degree, is to your advantage to climb yourself out of by telling the truth and resolving the matter. Why don't you think about it for a couple of minutes. Somebody wants to talk to me. I'll be right back.

MR: Please don't, you know, listen to me.

TL: I'll be right back, ok. Ok--sit tight a moment--

MR: You know, I, I think, all right, your gonna, I know you guys don't believe me but I am trying, you know.

TL: Here's a fresh cup of coffee. Why don't you think about it.

RK: Want some?

MR: I guess so. My nerves are already shot, but please don't give up on me, all right?

TL: We'll be right back.

MR: Thank you sir, God, that rock music is driving me crazy, anyway.

TL: Well, my friend, when I left, I told you that I wanted you to think about things for awhile, and you were telling me don't give up on me. Um, it's not a question of giving up on you, but it's a question of choosing when we decide to stop listening to you. And what we wanted to ask you really, one more chance to lay things out to us. I want you to explain to me and inform me, without taking an hour to tell me about all of your motives and all this peripheral horseshit. I want you to tell me if you have withheld any further information from us regarding any knowledge you have, or the circumstances of Dick Baldwin's demise, and anybody who may be associated with it. I want you tell me right now, if you are withholding any further information from us.

MR: I'm sure I am.

TL: Well, tell me what it is. Tell me the truth. Tell me what it is.

MR: I don't know, okay, I'm ....

TL: For you to be withholding it, you must be con..., I'm asking you, are you consciously withholding any further information from us. Don't try to slide out of it, by saying I must be.

MR: I'm not.

TL: I'm asking you the question. Do you know what consciously withholding information means?

MR: Of course, I do. Of course, I do.

TL: That means you know some information and you are deliberately not providing me or Rich Keaton with that information. I'm asking you are you withholding any further information? I think a simple yes or no answer would probably handle that question real easy.

MR: If I say no you're going to walk out on me.

TL: I'm not going to walk out on you. You can promise, I promise you I will not walk out on you, but you better tell me the truth. It's important for you, in the position you're in, to tell the truth. Because there's one thing that you told us all day that we believe you, that you didn't kill him, and we believe you.

MR: Oh God, it's hard prolonging um.

RK: You don't have to.

MR: I'm trying not to. O.K. I know you, you have your reasons not to believe me, man, but I know I'm not supposed to say anymore bullshit, okay.

TL: Please, don't.

MR: All right, okay.

TL: Answer the question. It was a real easy one.

MR: I know that, but I'm racking my brain right now to try to think of ....

TL: And despite how hard you rack you brain and you are not able to come up with anything that you're consciously withholding from us. Is that correct?

MR: No. I know there's a couple things I have consciously withheld from you.

TL: All right, tell me what those two things are right now. Lay em on me.

MR: I'm...

TL: If we walk out of the room, then you're stuck with the lies that we've got you in.

MR: All right, all right, yea--

TL: Tell us about them now.

MR: The night after, The night after Dick wasn't there, okay, in the morning, um, Crossy wanted to take the boat out, and I said sure because it's his boat. You know, they bought it with me. It's their boat too.

TL: Oh, they did?

MR: Yeah.

TL: You didn't tell us that.

MR: Well, I'm sorry. It's mainly my boat, alright, but they were gonna help with it. So, Crossy took the boat out. Um--

TL: By himself?

MR: I don't know.

TL: Did he leave by himself? Did he hook the boat up to the truck when he went to your house?

MR: No, I helped him. I helped him hook the boat to the truck.

TL: Okay. Was the boat hooked up to the truck?

MR: Yes, yes.

TL: And did he drive the truck by himself out away?

MR: Yes.

TL: Okay. Thank you. You answered my question. Continue your story, please.

MR: What I know about it is that, if he took the boat that night, and it all fits in together. It's very likely that he killed Dick, and I've been covering it up. Because I've been scared shitless.

RK: You know, for the first time I believe you.

MR: Don't tell me that yet. I mean I've got a sweet, nice little wife. Would you believe, I even hide a gun under my pillow. You don't need to believe my--you know--You don't need to believe me.

TL: I'm just looking at you. I'm listening.

MR: All right.

TL: Do you want me to start crying with your (inaudible)

MR: No, no. I just, you gotta understand something.

TL: I'm listening, man. I'm listening. Tell me the story, and spare me the emotion. Lay it on me.

MR: I'm sorry, alright. I've been scared okay?

RK: Let's go back before where you said I believe I know or suspicion that he killed him, that he used your boat, and that you covered it up. Let's go from there.

MR: Well, I, I, I, I just have kept blind to them, O.K.? I mean I, I deliberately washed things, and gotten things cleaned up. I deliberately stayed blind, okay, I looked at it from the point of view that it couldn't be. And unfortunately, after a week, I still was telling myself, it just can't be, and I am hurting right now. You've gotta understand, I am dying right now. I've had too much rough, and Dick owed me too much money. Okay?

RK: Okay.

MR: Now, last....

RK: Specifically, how much did he owe you? Specifically?

MR: Forty-two Hundred Dollars and odd change.

RK: Okay.

MR: Okay. Several house payments.

RK: And he owed you forty-two hundred dollars.

MR: Yeah.

RK: Are you aware of the fact that Dick kept large sums of money on his person?

MR: Yes, to be honest with you, yes I was.

RK: And that he kept large sums of money in his house, or in his shop?

MR: Most people knew that. Yeah, I mean, I mean I can't tell you I knew where the money was, but yes, I did know that he carried large sums of money.

RK: And these things that you're telling us that you suspicioned about Crossy, are really just that. Are some things assumptions, presumptions, or suspicions that you subjectively have about Crossy? You don't know anything firsthand?

MR: I didn't see the murder committed. Okay.

RK: That's not my question. You didn't know anything firsthand. These are presumptions, assumptions, conjectures.

MR: I saw, I saw Crossy have more cash than what I paid him, and I knew he went on a real binge weekend ago. And I'm not sure that I gave him that much coin.

RK: What do you mean a binge? A spending spree?

MR: No, no, no. A drunk and uh, ha know, I know how much I pay him.

RK: How much was that?

MR: I pay him 5 dollars an hour, you know I have the checks. You can check my checkbook.

TL: Okay.

MR: All right, listen I'm sorry.

TL: O.K. Just a second here. Wait a minute. All right, you were headed right in the right direction, by making some remarks about some personal knowledge and personal observations and you said that you were, to a degree, covering things up, refusing to see things, washing things. You haven't elaborated on washing things, and now all of a sudden, you're back out on the periphery. You're an outsider and you're seeing this employee of yours with more money.

MR: Okay, I'm sorry. Okay, I'm sorry. I didn't get....

TL: It's so obviously goes from inside to outside.

RK: Let me ask you this. When you left your house this morning, this isn't too long ago, this shouldn't be too difficult for you to remember. You had your truck?

MR: Uh huh.

RK: And you were driving?

MR: Uh huh.

RK: And there were two people with you?

MR: Uh huh.

RK: And you were towing the boat?

MR: Uh huh.

RK: What was in the bed of your truck?

MR: Ah, trash, the trash, the carpet to the boat, and let me think. Okay? I'm not..I'm not trying to halt you. I'm, I, okay, all right, let me be straight here, O.K. Last I night I phoned,...

RK: It's tough when you're pinned, huh?

MR: No, now wait a minute.

RK: Who loaded your truck?

MR: I helped them load it. Crossy and, and he and I loaded.

TL: We were watching you.

MR: Ok, I'm sure you were

RK: (Inaudible) help load it?

MR: Yeah.

RK: And can you tell me your, or can't you, what was in your truck?

MR: Um yeah, okay.

RK: Trash, carpets, what else?

MR: Yeah and uh, oil cans,...

RK: Okay.

MR: Um, a T.V. cable and um the big concrete form things that we use for various sticks. The things that you stomp down concrete with. I told the boys this morning. I want everything out of here that has anything to do with me and Dick. Okay.

RK: We know that.

MR: All right. And all I told them I don't want anything at all to do with me, to tie me in with this at all.

RK: Tie you in with what?

MR: With a murder. You know, I mean I'm scared, man.

TL: Then, then let me ask you these questions.

MR: Uh huh.

TL: What is the significance of the seats? The boat seats.

RK: Before you answer that one, can I please pursue this for minute?

TL: Sure, I'm sorry go ahead.

MR: Uh huh, uh huh.

RK: Before you were arrested, you told the boys to get everything out of here that could tie me in with the murder?

MR: I'm sorry. Yeah, that is true.

RK: Okay.

MR: I know that probably...

RK: Let me ask you something and I want you to think and be very sure. How about the wheels to the safe that Dick owned? Were they in your truck?

MR: No, no, there were some...

RK: There what?

MR: There were...I know you think I'm hedging, but I...

RK: Yes, or no, were the wheels to Dick's safe in your truck?

MR: I think, not but there were some wheels.. Those little caster wheels, you're talking about?

RK: I'm just asking you if the wheels to Dick's safe were in your truck?

MR: No, I'm sorry, they were not, to my knowledge. Okay, there were some little caster wheels that we threw in the truck. Those were not from the safe. Those were from a um, ah, a thing you roll around, you know on...

RK: A dollie?

MR: A dollie, okay. Those were from a broken dollie.

RK: Where's the dollie?

MR: It broke. I mean...

TL: Where is it?

MR: Probably still on my trash pile.

RK: At home?

MR: I would think so.

TL: What is the dollie used for? What kind of a dollie is it?

MR: It's a dollie to, you know, ah for you to roll around on.

TL: Like a mechanic's?

MR: Yeah.

TL: Dollie that you lay to slide underneath a car?

MR: You got it.

RK: Did you ever use that dollie to move Dick's safe?

MR: No.

RK: Have you ever had possession of Dick's safe?

MR: No. Okay, I have never had possession of Dick's safe.

TL: Has the safe ever been in your garage?

MR: The boys had a big, a big safe...okay, alright...

RK: Listen, Listen to me, O.K.? Did you ever tell anybody that the safe that was in your garage was your safe?

MR: No, I did not.

RK: You didn't?

MR: No.

RK: Did you ever see a hole drilled in the safe?

MR: Yeah.

RK: Who drilled the hole?

MR: You could tell that it was punched, okay. It was not drilled.

RK: Who put the hole there?

MR: Well, Crossy did.

RK: Whose safe was it?

MR: I have no idea, okay. It was an old safe.

RK: When did it show up then?

MR. A week and a half ago.

RK Okay. How did it get there?

MR Crossy told me that he had, you know, found this, and we went into it with the hopes of finding some cash or something. Okay.

RK Who else went into it?

MR Andrew was there.

RK Anybody else go into it?

MR No. No.

RK Have you ever been to the Whale Point Marina?

MR Whale Point Marina? Yeah, yeah.

RK Okay. When were you there?

MR. I go there all the time.

RK When was the last time you were there?

MR. This week. I think about a week ago.

RK What did you do there?

MR. I bought some stuff. Ya know.

RK Do you know what you bought?

MR yeah, sure. I've got the receipts at home. I know you don't like hearing that, but yes. Yes, I've got that, and bunch of other....

TL Let me ask you something?

MR Uh huh.

TL Do you think that these shitheads that work for you are going to protect you?

MR: No.

TL Do you think that your employees who are around your house on a frequent basis, around you and your friends, are going to protect you? Let me ask you that. Do you think that?

MR: No, okay.

TL Then why the hell do you insult our intelligence and lay out the biggest pile of bullshit--

END WK3 SIDE 2

WK4 SIDE 1

RK: The final conclusion in the opinion of the investigating sergeants on this case are: truth, nontruth, cooperative, noncooperative, da-da-da-da, and summarize why.

MR: Uh huh.

RK: O.k, that's why for months in court, weeks in court, you may liable to never take the stand, your attorneys ,may tell you never to take the stand, all right..

MR: Uh hum.

RK: Make them prove their case. There is circumstantial evidence, there is physical evidence.

MR: Uh hum.

RK: You know all of that.

MR: Uh hum.

RK: When we sit here to the point where we are right now, every time we tell you a little more about the case...

MR: Uh hum.

RK: And we do that to see whether or not you want to take the opportunity. We want to let you know that we are not lying to you when we tell you we know.

MR: Uh hum, uh hum.

RK: And if you think we are lying and we talk about a credit card or we talk about the baseball bat or we talk about anything else and you want to try and make it fit, justified, rationalized, or some truth, the bottom line is that until you take the opportunity to say ok, all of the other stuff, forgotten, true, nontrue or half true, let's talk about it, now we will do that.

MR: All right.

RK: OK. this includes everything. If we will do that I will stay here till the sun goes down (inaudible)

MR: Fine.

RK: If you say, peripherally something da-da-da-da, I'm gonna say, Mark I can't do it with you anymore. I have my responsibilities to go on to, we just can't continue.

MR: OK. Fine.

RK: OK. So that's really where we are. We are not trying to play good guy/bad guy.

MR: Uh huh.

RK: We are not trying to play your friends against you. You are a man whose married, an adult in the community with a business who is involved in something that is heavy, and the only thing that the court and everybody is going to look for is the truth. Twelve people are going to have decide somewhere down the line whether it is or it isn't and all I can say is you know, you're given every benefit of this society.

MR: Yeah. I know.

RK: So the only thing you have for yourself is truth and integrity and if you don't have that, you got nothing. That's whether you are in trouble or not.

MR: And I've done so well for so many years and have something like this come up, you got to understand, it's destroying me.

RK: Absolutely. And its only just begun.

MR: Yeah, I know.

RK: But when we walk out of here, we can't talk to you anymore. Its going to be over. Ok. This is an unfortunate situation but the way the system works.

MR: Yeah.

RK: Take one bite of the apple. I can't try to psychoanalyze you.

MR: Uh huh.

RK: I can't try to do anything else other than tell you that, with working on the streets and with people it is either truth, its nontruth or its BS and when something is going to affect your life, for the rest of your life, if we can't have the truth now, then there is no sense in us trying to make you look any worse than you already do.

MR: OK. yeah.

RK: If you feel that you want to do it, I'll listen.

MR: All right. I will go over it. I will tell you everything I know. I will tell you in quotes "my story." All right.

RK: Give me an idea of what you are going to tell me. And let's not talk about the background of Dick. I know his background.

MR: Ok. Ok.

RK: His shortcomings and his strong points. I know yours. And I know the other guys. Tell me about Dick's demise.

MR: Oh God. Where to start. I know, with the truth. Uh--

RK: When did you find out he was dead?

MR: I honestly realized it 3 days after it happened. OK?

RK: OK. How did you become aware of it?

MR: Uh, well, Crossy had been talking about it for days.

RK: Talking about it....

MR: Um, I didn't believe him. All right. I couldn't. Um..

RK: Did he tell you how.

MR: He told me he smashed Dick's head in.

RK: Did he tell you who was with him?

MR: Apparently he told you guys or whatever that I was, but you've got to believe me, I wasn't.

RK: Forget that, forget that. Did he, just what he told you.

MR: No.

RK: He didn't tell you who was with him?

MR: No.

RK: Did he tell you anybody was with him?

MR: No, we didn't--we never, we are talking about somebody telling me they've killed my friend. OK. Now--I'm...

RK: You say 3 days after.

MR: Scared--Scared.

RK: Three days after it happened.

MR: Two or three days.

RK: Two or 3 days after it happened. When was this that he told you so we can back it up.

MR: He told me several times, I'm just saying it was 2 or 3 days later when I took it as the truth. Um, at that point, as you undoubtedly well know, I decided to find out if it was true what did happen in fact. All right.

RK: Did you decide to find out if in fact Dick was dead?

MR: I was hoping Dick wasn't dead. But really. OK, listen to me. I--I know Dick.

RK: OK. What did he tell you though? What did he tell you about how he killed him. Let's just talk about that.

MR: He told me he smashed him over the head. And, ah..

RK: With what, with what?

MR: I'm--I'm sure he told me a baseball bat.

RK: Where did this happen?

MR: I'm sure it happened at the shop.

RK: Why are you sure it happened at the shop?

MR: Because of things he said in the (inaudible)

RK: Tell me everything he said about it.

MR: I don't want to look like I'm a liar just because, you know, I'm trying to remember, but I just don't know.

RK: No problem, Mark, just tell me what he said.

MR: He mentioned, he mentioned, he mentioned to me something about a bumper sticker on a Porsche down there.

RK: Do you own one?

MR: (inaudible)

RK: O.K, and now he has told you that he has killed a friend of yours. You undoubtedly don't walk away from this and let it pass. You talk to him about it and I want all the details of what he said. Did it occur - according to him - day or night, how did he get in, all those things. What he told you.

MR: He told me it happened at the shop.

RK: He told you it happened in the shop.

MR: I can't understand something like that, I deliberately tried to hide .. I deliberately tried to not listen, OK.

RK: OK. But you did.

MR: Yeah.

RK: See that's what we are going to talk about. I can understand your plight. I really can.

MR: (inaudible)

RK: I can't hear you. You have a nice quiet little wife and what?

MR: (Inaudible) OK. (Inaudible) crazy. I can't solve my problem by killing this guy.

RK: OK.

MR: (inaudible) Now, I know that doesn't have anything to do with this -- I'm sorry.

RK: Motive and all that other stuff isn't important to me.

MR: All right.

RK: I want to know what he said to you.

MR: Ok.

RK: You had to ask him what happened. And he has told you that he killed the guy.

MR: No, now listen, understand something. For the first 3 or 4 days I listened to his ranting, OK?

RK: Ok.

MR: I didn't want to believe it so I put it back behind my mind. This was like on Thursday or Wednesday of last week.

RK: All right.

MR: I just didn't want to believe it. Then, I wanted to make sure of it.

RK: How did you make sure?

MR: I started talking with him and I said all right, what have you done, what, what really went down, and he said that, you know, he knew Dick owed me money, and (inaudible) this long story (inaudible) and when he saw the opportunity was right he smashed him. And, he said he got rid of the body.

RK: How did he tell you he did that?

MR: He told me he took the body (inaudible).

RK: Did you ask him how?

MR: I knew how, he took, he took, the boat out and took the body out.

RK: Your're saying he took your boat from you the next day after you knew that Dick wasn't around. Ok?

MR: It was that night, yeah. Ok.

RK: Important question for you to answer is, who did he tell you was with him?

MR: Again, you aren't going to believe me, but I didn't ask. Ok. I didn't want to know.

RK: What did he tell you?

MR: I didn't--Understand, I didn't want to know, Ok. I actually looked at him and said shut up. Ok, I didn't want to know. I am very scared, ok, (inaudible) prove in court. I am scared of what he might do to me and mine. I'm not turning against him, (inaudible) I'm just saying that when I realized he was apparently that crazy, I got scared, Ok? I've been scared since. I'm over dramatizing, excuse me. All right, that's behind me. I don't know what he has told you, all right. I heard some of the facts from some of the other kids. I heard some from the kid who lives with and stuff like that--

RK: What did you hear? Not about his past, about this incident.

MR: I helped him--that I turned him on this guy who had money (inaudible)...I, I (inaudible)...and that I showed him how to kill someone (inaudible).

RK: Who did you hear that from?

MR: I'm not, wait a minute, I'm trying to think, so you know, I'm sure you already know, and I'm trying not to lie, ok.

RK: We sure do. And it's not that hard, that, they all work for you.

MR: Ok. Yeah, I know.

RK: Who are they?

MR: I heard it directly from either Gary or Pete, you know. I'm not sure which one. Um,

RK: Who took the safe?

MR: God help me (inaudible)--

RK: And you helped who?

MR: At that time Crossy and Andrew (inaudible) nobody else, ya know, was involved at that point.

RK: Where did you take it.

MR: In the truck to my house (inaudible) and I punched it open.

RK: When did you -- you punched it open. When did you do that?

MR: I'm not sure. For certain, it sat there there for several days, I'm not too sure.

RK: At the house?

MR: Yeah.

RK: Where? in the garage? Ok. so, he told you that he killed him, right?

MR: Yeah.

RK: And he told that he dumped the body in the bay.

MMR: Yeah.(154)

RK: Ok Did he tell you what he did to the body before he dumped it in the Bay?

MR: He told me he wrapped it in some kind of plastic.

RK: You are doing fine now. You are starting to get it out. He wrapped the body up in plastic. What else did he do?

MR: I'm trying to think of what he told me, Ok. I just don't want to be caught in any more lies. (Inaudible) Um, I know what it looks like--I had a plastic tarp in my garage.

RK: In your garage?

MR: Yeah. I'm sure that he told you that, a bunch of TV antenna wire, and, uh, and he told me that, that's how he done it.

RK: And so presumably he took the plastic tarp from your garage and the antenna wire.

MR: At that point, that's right, that's right.

RK: So he told you he took the TV antenna wire and the plastic from your garage.

MR: Uh huh.

RK: And obviously he wrapped the guy up in it.

MR: Uh huh.

RK: Ok. What else did he tell you about that?

MR: Not much it wasn't one of those things you go into.

RK: I know, but he talked about, about it a number of times. Who did he tell you helped him.

MR: I'm sorry, he didn't say Andrew or anybody else I didn't listen. I know that he had help, (inaudible) at that point--

RK: Obviously he had to have help, but--Let's go back to the first part of that. You said he waited for his opportunity and he smashed him with a baseball bat.

MR: Um, hum, well--I'm saying, yeah, yeah, right, Ok.

RK: And this occurred at the shop.

MR: Uh huh.

RK: And he wiped some blood off the bumper of the Porsche.

MR: Yeah, something along those lines, O.K.? Uh,huh.

RK: And when did he say time-wise that this happened.

MR: I don't know. Ok. Nothing was clearly stated, I--

RK: Did he say it was in the nighttime, daytime, morning.

MR: I think it was at night. I would surmise that it was in the nighttime, I'm not sure, Ok?

RK: How did he say he got into the shop? Was the shop open and he was working.

MR: Dick was always down at the shop , ya know.

RK: Did they know that?

MR: Yeah, Dick,he's always down there. In fact, he doesn't get down there till 1 or 2.

RK: Had he driven down there in your truck?

MR: I presume so.

RK: I'm just going now on what he is saying.

MR: I understand it.

RK: Not what you are saying, but what he's saying.

MR: I know.

RK: Is it my understanding then that he in talking to you over the next couple of days, left the body there for a couple of days and then went back there.

MR: That I don't know.

RK: He borrowed your boat the next day.

MR: Next night.

RK: Next night.

MR: Well, the next afternoon.

RK: He didn't tell you what he was going to do with the boat.

MR: He was going to go out with it, I guess, I think. I hadn't heard anything about this, ok.

RK: Can he handle the boat by himself.

MR: Yeah, he's fairly--ya know, yeah, he can handle it (inaudible).

RK: Is the conclusion then drawn that you got rid of the carpets today because there may have been some evidence on the carpets from the boat where the body was when he dumped it in the Bay.

MR: I was scared about that, all right. I did not lie to you. Didn't lie to you. Dick had been on the boat. He did really hurt his head, ok. I didn't lie to you, ok, alright. I have been running scared.

RK: I know it, and I've forgotten all that we talked about earlier.

MR: Right, I didn't know

RK: We're going back.

MR: I didn't lie about that, O.K.

RK: Were the carpets taken off the boat then because he thought or saw or knew of evidence that was on those that might tie him back to this murder.

MR: Yeah, but I had never seen any blood, O.K.? I had never seen him do it.

RK: Did he say he had?

MR: No.

RK: It was just a precaution on his part.

MR: Uh huh.

RK: Where did the boat motor come from that was tied to the body?

MR: It was in the boat.

RK: Tell me about that. You are nodding your head. Did yo lose a motor? What happened?

MR: The boat has been stalling, you'll see that when you get, ya know, the log, it stalls all the time. He told me it had stalled. (Inaudible) This was the day after, Ok.

MR: I think we are getting somewhere here.

TL: Oh, I know we are going to get somewhere. But I don't want to interrupt anything.

RK: Have you got a minute?

TL: Oh, I have a minute. I'll close the door.

RK: (inaudible) tell you where we are.

TL: O.K., I apologize.

RK: I'll tell you where we are. Mark says, forget about everything that happened before.

TL: Ok.

RK: Mark will correct me when I'm wrong. Mark says Crossy has talked to him, Crossy has told him about Dick's death. In essence, Crossy tells Mark that he, Crossy, went down to Dick's shop knowing that he had a lot of money and that he had mistreated Mark in the past. He went down there, waited for his opportunity...

TL: I'm gonna walk out on you Dick, Rich.

MR: Ok. Now listen, it's not

RK: Wait a sec, wait a sec, just let me run it by your first.... and that he nailed him, smashed him is his words, with a baseball bat, he tried to wipe some blood off the bumper of a porsche, and that he then over the next couple of days tells Mark that, ah, he has killed him. He borrows Mark's boat the next day, takes Mark, takes Dick out, dumps him in the Bay after having wrapped him in some heavy plastic and some TV cable cord that he takes out of Mark's garage. He was just about to tell me that motor used to stall in the boat and that the motor off the boat was tied to the body by Crossy. He says he didn't tell him who helped him. He tried to put those thoughts out of his mind. He says he went over to the house the next couple of days...

TL: (inaudible) don't believe you.

MR: All fine then.

TL: Listen to me. Listen to me all right? Crossy just confessed to the entire homicide.

MR: Great.

END WK4 SIDE ONE

WK 4 SIDE TWO

(inaudible)

MR: I know.

RK: Just answer me, do you know anything about that?

MR: Are you going to walk out on me when I say no?

RK: I don't know what you're gonna say.

TL: Answer the question.

MR: No, well no, goddam it, I don't.

RK: You don't know anything about it, huh?

MR: No, I don't.

RK: Crossy didn't have any conversation with you at any time about a baseball bat and hitting Dick in the head?

MR: Look it. I don't know if 2 weeks, Ok, I know you think I'm--

MR: Look it man, the only thing I can tell you, damn I just don't want you to walk out, I'm trying, Ok? Now I appreciate you think I'm feeding a bunch of crock, but and you think that you caught me in 2 or 3 or a dozen lies or whatever, but I want you to...

TL: We have.

MR: All right.

TL: We have and we still gotcha.

MR: Ok. But you know you've got to understand something--

RK: The thing we understand is you're never going to come up with the truth even when you're caught and pinned, because, because we've given you the opportunity as a man who has been arrested for a homicide--

MR: Uh hum.

RK: ...investigation and a burglary investigation and a robbery investigation and there are two juveniles sitting outside--

MR: That are. You're right, and they're gonna tell you anything they have to get out of it.

RK: We don't work on what is told to us, we work on physical evidence.

MR: Ok.

RK: And when a man like you sits and tells me that his good friend is now dead...

MR: Uh huh..

RK: And he found out at 4:30 one day he's dead and get everything out of my house so it doesn't tie me to a murder, and I'm giving you the opportunity of saying, "Hey, somebody's dead"

if you know, participated, were present, come up front.  
We'll do what we can for you.

MR: Ok.

RK: When I think I'm getting jerked off, I might as well say fuck  
it and walk home. That's where I'm going.

MR: Ok. Then let's. Ok look it--

RK: We can talk about boat motors. We can talk about bodies. We  
can talk about what the body was wrapped in, how the body was  
killed.

MR: Uh hum.

RK: Ok. All the other physical evidence that you said when you  
first walked in this room--

MR: Uh hum.

RK: ... that you know you have the knowledge of how the court  
system works.

MR: Uh hum.

RK: Ok. That's where we decide truth or nontruth.

MR: Ok.

RK: But if we can't get even a semblance of it from you here  
today, then I'm not gonna waste my time with you.

MR: Ok. But my problem is, is my, look it, I'm trying--

RK: No, you're not. No, you're not. You're not trying. You are  
sitting here trying to alibi every goddamn thing--

TL: Mark, the problem is--

RK: ...from the credit card to everything else.

MR: You don't understand.

TL: You fucked up too many times. And you associated with fools,  
with very immature fools and very dangerous...

MR: Yeah.

TL: fools.

MR: You don't think I'm seeing that.

TL: Yeah, well please spare me the dramatics.

MR: I'm not trying to ....

TL: I am not impressed.

MR: Ok, I'm not trying..

TL: Well, you're being dramatic and I'm asking you to spare me.

MR: All right, all right. I'm trying.

TL: You really fucked up a number of times..

MR: Look it...

TL: And you continue to use the property and steal the property of Dick Baldwin after his disappearance and you know you did. We got you pal, we got you. We really do have you and we are sitting back here talking to you and just, you are just laying these...

MR: All right.

TL: ...lies out

RK: We don't have to talk to you.

MR: Ok.

TL: ...one after the other

MR: I know you don't, Ok.

TL: One after another.

MR: I'm trying--

TL: Getting deeper and deeper and deeper.

MR: All right, an now--

TL: And you are trying to absolve yourself when we know that you are guilty. You are guilty of involvement in the murder of Dick Baldwin. We know that.

RK: But you just don't have the wherewithal to get it off from the beginning and you think it's a game that we played while walking out that we've talked to the others and coming back to you.

MR: I know it's not a game, Ok.

RK: Absolutely, there's a man dead.

MR: Yeah, an old friend of mine. I know you don't believe me with that, but--

RK: Final, final. Is there anything else you want to tell us that you haven't told us before. Or anything you want to change. Anything you want to correct about the death of Dick? And if you do, if you want to change it and you want to come up, put all the cards on the table, I'll take off my coat and we'll sit here for another 2 hours as long as it's truth. If it's truth we'll do it, if it's rhetoric, we leave. I leave, can't speak for him.

TL: I'll fall asleep.

RK: We've not been to bed for 2 days so therefore our homework is done.

MR: Ok. I'm sure it is.

RK: We allow you, as a man,

MR: Uh hum.

RK: As a human being, the opportunity to say anything you want to us, provided it's true. (Inaudible)

MR: All right, uhm,

RK: I'm willing to forget everything that was said before provided we start with truth now.

MR: Ok. Where do you want me to start?

RK: What you know about Dick's death.

MR: I - thank you - I don't know what Crossy said or anything else. That's true. But I didn't see Dick murdered, all right? Um,

RK: Go on.

MR: Three days, I think it, oh God, I don't even know where to start with you to make you believe me now.

TL: Tell us what you know about his death.

MR: I know that Crossy was bragging about it.

TL: Ok. He was bragging about it.

MR: Yeah.

TL: To whom? We already know that, but tell me, what do you know?

MR: To everybody including me.

RK: What did he say?

MR: He told me he had killed the sucker. Now. He told me that he killed the guy.

RK: Did he tell you how he killed him?

MR: He started to go into it a few times.

TL: He did go into it didn't he?

MR: Yah.

TL: Ok. Come on, right now.

MR: Ok. He told me he smashed him, Ok.

RK: Smashed him with what?

MR: Well, since everybody said a baseball bat--

RK: No.

TL: No, no, no.

MR: Look it, Ok, I'm sorry, all right, I'm trying.

RK: Come on, answer. Look if I tell you baseball bat in one sentence, you take 6 minutes of rhetoric to justify, alibi, the baseball bat--

MR: Ok. Fine.

RK: You want me to tell you about the plastic covers or the rope or whatever else you want me to tell you about?

MR: No, you--

RK: Or the boat? Or the motor?

MR: No.

RK: And then we go through another 15 minutes of rhetoric to back it up?

MR: All right

RK: Either now we get the story, or it's over.

MR: Ok.

RK: What do you know--

MR: I'm telling

RK: Now.

TL: Then what did you do? You are in this. Don't try to talk yourself out of it. You are in it. Tell us the degree that you are in it, don't lie to us because we know a great deal about it.

MR: All right. All right.

TL: Do it.

RK: Very simple. Come on.

MR: It's not that simple. Ok? I appreciate you guys want to go home or whatever, but--

RK: No. I don't want to go home. Come on, Mark.

MR: O.K. How can...what, how can I, look it. All right no rhetoric. All right?

RK: Were you there when he was killed.

MR: No. And if you want to try to--

RK: Fine. That's simple. No.

RK: Did you help transport the body?

MR: No. I didn't help transport the body.

RK: Did you rip him off after he was dead?

MR: No. I did not, all right.

TL: Did you go into his business or his home after he was dead?

MR: Once, yes.

TL: Ok.

MR: All right.

TL: And which place was that?

MR: That was the house.

TL: And what did you do in the house? Did you collect the debts that were owed you?

MR: Started to.

TL: Ok. What did you do?

MR: Um, I went through the house for anything I could, Ok?

TL: And what did you find? In the closet of the bedroom next to ....his bedroom.

MR: No. Yeah, but I didn't touch that. Ok?

TL: What was that?

RK: What is that?

MR: He had a bunch of marijuana sitting there.

TL: Ok.

MR: Ok. And I didn't touch it cause I don't like the stuff, all right.

RK: Ok. What did you do.

MR: Well, Ok. I'm sorry.

TL: The other bedroom. Not the marijuana bedroom. The other bedroom. What did you do?

MR: I looked around, Ok?

TL: For anything you could find.

MR: Yea.

TL: So what did you find?

MR: We found, I'm not delaying this, all right. I'm just trying to think so I don't lie to you and so I don't, all right, no more rhetoric. Um--

RK: We found?

MR: I found. I, I know I'm hedging it, no, just go on. O.K. you are going to catch me in lies if I don't tell you the truth now and I'm trying to think of what was there, Ok, verbatim.

RK: Ok. Excellent.

MR: All right.

RK: Tell me what was there. Tell me what you took. What did you take?

MR: Well, there was tons of stuff, there, it was all the marijuana--

RK: What did you take?

MR: We took 2 more guns...

TL: Which ones?

MR: Couple 38's if I remember correctly. I didn't even look much.

TL: How about the fucking .44 magnum that you gave to Gary yesterday. Did you take that one?

MR: Yeah, of course.

TL: Not the one that you sold to him 3 weeks ago but the one you gave to him yesterday.

MR: All right.

TL: Was it that one.

MR: No. Ok.

TL: You just said yes a second ago.

MR: Yeah, I know that, but I'm not, listen.

TL: (inaudible)

MR: Don't try to get me crossed up Ok?

TL: You're doing just fine.

RK: Who? Me or him? You want me to sit down?

TL: No, it's all right.

MR: OK. I'm not trying to get you crossed up, I mean, like don't get me crossed up. OK? yeah. All right? I mean.

TL: Come on. What I just told you. Doesn't that let you know how much I know about you?

MR: Sure.

TL: How much I know about this incident?

MR: Sure. OK.

TL: Don't lie to me. Don't lie to me.

MR: OK. But do you know. Yes, all right. Fine.

TL: OK. When.

MR: All right. Now listen. Don't run out on me. OK, I won't, I'm not trying to lie.

TL: Well, you're lying to me. Do you have some sort of a problem that makes you unable to tell the truth? Fear?

MR: Yeah, fear OK.

TL: It's a chronic problem with you.

MR: No.

TL: And it's not fear. The problem is you're fucked up.

MR: No.

TL: And you are a killer and you are a thief...

MR: No, now wait a minute guys--

TL: And we got you pal. We got you.

MR: OK. Fine.

TL: We had you when we brought you in here.

MR: All right, fine.

TL: Now we got you twice as good because you have been lying to us for 3 hours.

MR: I have not.

TL: Now what you can do, you stand up and we are going to put you in this other room for a while.

RK: Ted, I want to see you.

MR: Listen to me just for a minute.

TL: You can talk to him. I got nothing else to say to you for now.

MR: Oh, my God. This is why they tell you don't talk to the police, isn't it.

RK: Mark, why does it take 2-1/2 hours with you to get to where we are now when you could have gotten there in the first sentence, first paragraph, because we shadow-box with you, you shadow-box with us, we know.

MR: OK.

RK: We allow you the opportunity if you want to tell us. If you don't, fine. After we have shadow-boxed with each and feel each out for 1-1/2 to 2 hours and we are still back to the same square one, then there suddenly isn't any need to do this anymore.

MR: OK. All right. yeah, I understand.

RK: So where we are now is we are at the final sentence of a report of a conversation or whatever you want to call it and we are willing to listen if it's true, if it's rhetoric, if it's bullshit we are not going to listen to it because there is no need to anymore.

MR: OK.

RK: There is 2 other people involved, there are a number of other people on the outside involved and if you don't want to come up with it and lay it out on the table and say " Hey, this is the way it is, I'm sorry what I did before, uh, I didn't kill him, I wasn't involved in the murder, but I had knowlege thereof and--"

MR: OK.

RK: ...for whatever reasons. So--

MR: All right. Can I--

RK: That's where we are.

MR: All right.

RK: Go ahead, we've got about five minutes, literally, I gotta go.

MR: Yeah, you're gonna go, O.K.

RK: More important things to do.

MR: Than listen to bullshit.

MR: All right. All right OK. Let me start. Can I start at least from the first square and not have you walk out on me.

RK: I don't know what you're going to talk about.

MR: OK.

RK: You said a little while ago that you knew, Mark, Dick was dead.

MR: Uh huh.

RK: So the conversation you had with Duncan is all bullshit. Agreed?

MR: Um, hum.

RK: Did you know before you talked to Duncan that Mark, I mean Dick, was dead?

MR: I--

RK: Come on, that's easy. You talked to Duncan yesterday.

MR: I--ok. Look it--

RK: You knew he was dead because you had been in his house. True or not true. Yes or no?

MR: I had been in his house.

RK: So you knew he was dead. Did you know he was dead?

MR: I hoped he wasn't.

RK: Did you know he was?

MR: By seeing something? O.K., look don't run out on me. I'm, I'm just asking.

RK: I'm just asking you -- did you know he was dead?

MR: No, all right?

RK: Did you know he was put in the Bay?

MR: No. Not at that time.

RK: At what time? Before you talked to Duncan? I'm not going to sit here and ask a thousand questions for you to say yes or no.

MR: (inaudible)

RK: Tell me what you know.

MR: Oh--will you shut the door.

RK: (inaudible)

MR: Shit--I'm not saying shit because you got me, I'm saying shit because I can't believe how deep I got myself into this.

RK: Sure. Look at me for a minute.

MR: All right.

RK: Just look at me. We have to make a value judgment as whether or not you think I'm bullshitting you or not.

MR: Uh huh.

RK: You do that, OK, cause I'm going to tell you a couple a things.

MR: I'm in deep, I know it. OK.

RK: Number 1, not about you, but about me, I've been in this business 19 years, born and raised in this county and been working homicides for a number of years, I've seen a hundred guys in positions like you. Most of them have gone probably to prison or somewhere else. OK.

MR: Uh huh.

RK: When they get to the point where you are right now, they also get to this point where they have to make a value judgment on which is most important, CYA - covering your ass, your whole life style is going to be before you, your parents, your sister, your wife,

MR: Wife--

RK: ...family, the whole bit. You got 2 other guys here that are charged.

MR: Uh huh.

RK: You got at least 2 other people that work with you--

MR: Uh huh.

RK: ... you've got Dick, his friends, we've got police officers, evidence, all that other crap.

MR: Uh huh.

RK: Now you can think that I'm bullshitting you and that I'm trying to get you to say something that you don't want to say.

MR: Uh huh.

RK: You can believe whatever you want to believe. I found out over the years that the easiest, most efficient and probably the most compassionate way is to tell the truth.

MR: Uh huh.

RK: I can sit here and I can try to lie to you and I can try to bullshit you and that becomes a game that we play.

MR: Uh huh.

RK: Because of the fact that somebody has been killed, the body has been recovered and the investigation is done, we are now into this final stage. Statements being made by the other guys, good, bad or indifferent, compare up with your statements. They compare up with the evidence. They compare up with everything that we know. Statements by the people that used to work for you, that still work for you.

MR: Uh huh.

RK: People, all this background bullshit--

END WK4 SIDE TWO

WK5 SIDE ONE HAS UNRELATED SAN RAFAEL POLICE DEPARTMENT PRE-EMPLOYMENT  
POLYGRAPH EXAMINATION

WK5 SIDE TWO

TL: They were willing to work for virtually nothing on our house and you started jacking up Crossy because you discovered because you're a very astute individual. You discovered that he has an intense hatred for sexual perverts and homosexuals, and you started playing on that sensitivity and jacking him up telling about the Dick Baldwin.

RK: Is this all true?

TL: Right, so far.

MR: For the most part.

MR: Look it wasn't... Well, all right you're not going...

TL: Let me run this one by you. Let me run this one by you. You became so upset with Dick Baldwin and you became so desperately in need of money that you put Crossy up to kill him. And, you discussed on July 5th, the day of the total eclipse, to kill him, Dick Baldwin. And, you told Crossy that you would do all kinds of things for him - to help buy his car, you discussed \$5,000 in cash.

RK: Is that true?

TL: Then you made him believe that you were going to take care of him totally, and then you went over to Dick Baldwin's shop, and you left Andrew at Dick Baldwin's house so that you would not to deal with alarms. And, you told Crossy that you would give him a signal, a sign, when you wanted him to clobber Dick Baldwin. Put his lights out and kill him. And, you gave him that sign.

RK: Hold on a second.

TL: Back of a head.

RK: Hold on a second. You and I, I thought were having--

MR: I thought we were. OK.

RK: Yeah.

MR: Do you know this--

RK: Let me, let me just ask you.

MR: Now you're going to believe him.

RK: Let me just ask you. I'm asking you, man-to-man, face-to-face. Is any of that true?

MR: Parts of it, I'm sure... Yes, parts of it are true. All right. Parts of it are true.

TL: Are they?

MR: Yes. All right. I told these boys they could move in with me if they helped me with the house. All right. Everybody knows that. I made that promise to number of people.

RK: You were in financial difficulty.

MR: Yeah. Now if I were in that big of financial difficulty and everybody knew it, then how in the hell am I suppose to give this guy \$5,000?

RK: Wait a second, wait a second, wait a second, wait second.

RK: Remember what we said at the beginning. There's all sorts of physical evidence.

MR: OK, but I've been trying now. I've been, I've been really shooting straight with you.

RK: We've been trying.

MR: All right.

RK: Here we are.

MR: I'm trying. OK. And--

RK: Countermand what the man just said.

MR: How. How, you know, how, how do I, how do I tell you and make you believe. What... He, he believes Crossy now because he thinks Crossy is so screwed up that anything he says is the truth.

RK: Wait a minute. Wait a minute. It's not a matter of believing anyone. We have physical evidence. We have facts. We have a number of things, statements. We have a number of things to work with as far as this investigation is concerned. Did you set it up?

MR: No. Please believe me. I did not--I know you don't, but I didn't set it up.

RK: You're, you're assuming something. I haven't even said anything.

MR: OK. All right.

RK: You didn't set it up?

MR: No. Not, I realize now that I probably... I realize now that the statements that I have made beforehand were probably the cause. All right.

RK: Cause of what?

MR: Of Dick's death.

RK: What statements?

MR: The day we went over there to try to fix the house up. All right. Some of what he just said was true. Dick said some really bizarre things. All right. Very bizarre things about being a Nazi and raping women and half a dozen of other things. OK. Dick had his shortcomings. I, you know...

RK: Was Dick a homosexual?

MR: I believe he was.

RK: OK. You don't know it for certain.

MR: I don't know it for certain but...

RK: Is he bisexual?

MR: He may have been. He may have been. I know he's dated. I've seen him with girls.

RK: OK.

MR: I've never seen him with a boy that way, but I know he's got feminine friends. Uhm, you know, I'm... OK. Uhm, I had tried to calm things down that day by saying look it, he's just that way, you know. He's been--only way I'm going to get my money out of this guy, is if we're cool and we go through this thing and do it all straight, OK. Yes, it is true that I had promised the boys money and stuff like that. But it's not like, you know, I mean, \$5 an hour isn't bad money for these kids. Anyway. Uhm, uhm, oh God please don't leave. I am trying to be straight. OK. I know you guys now don't believe me. Uhm, I am not the mastermind of this. OK. I appreciate that you think I am though.

RK: Wait a minute. Let's clarify that. I've been sitting here. He comes in and says something. You're assuming that I'm believing what he says. You were telling me what Crossy told you.

MR: All right.

RK: Do you want to go back to that?

MR: Well, O.K., there's nothing really to change. Maybe I should start earlier.

RK: I'm not saying change. He said he went out on the boat, and the boat motor was stolen.

MR: No. He said it had fallen over the side.

RK: How did he get back?

MR: There are two motors.

RK: Ok.

MR: OK. There's a big motor on it. Now there a little hunk of shit motor was underneath the back gunwale of the boat.

RK: OK.

MR: Is a little trolling motor. I haven't even looked at it. OK. I didn't know if it ran or not. He told me that when he was coming back that he tried putting it on and it fell off. Hey, I, I... That was, you know, that was the day.

RK: He didn't tell you that he tied it to the body?

MR: No. I never knew what weighed the body down. OK. I didn't, again.. I

RK: You had to be checking the newspapers when he told you this to see if the body was ever found.

MR: Sure.

RK: Did you read it in the papers?

MR: I was scared to death.

RK: That he was found?

MR: No, I did not. OK. You know. I'm--

RK: What was inside the safe?

MR: Not much. A little box.

RK: How much?

MR: There was no money.

RK: There was no money?

MR: No. There were pink slips to cars and registrations and stuff like that. You know, there was uh... I don't mean to be vague. There were pink slips, insurance policies, ah, there were all sorts of stuff like that.

RK: What color was the safe?

MR: It was old and it was all painted different colors, like uh...

RK: There was no cash...

MR: Tanish or whatever.

RK: There was no cash in there?

MR: Not, no, no, not that I remember. Nothing. I mean, no.

RK: Was there any jewelry in there?

MR: No there was not.

RK: Was there any guns in there?

MR: No there was not.

RK: What happened to the pink slips that were in there?

MR: When I realized that Dick was really dead and that Crossy really did apparently do it, I burned everything that I could lay my hands on that would of tied me in with it. OK. I know that probably makes me... Obviously, I'm part of it now.

RK: What would you think if... Obviously, you're a part of it now. Why would you think it would tie you into the murder if he did it?

MR: Because, just the way it has tied me in. OK. Who introduced them? Who, who was there all the time. What am I suppose to do? I mean, somebody, a friend of mine was killed by a kid that works for me. How am I not tied in? He, when I find out about it, he's apparently used my truck and my boat to do it. How am I not tied in? I'm up on a murder rap right now because I'm tied in.

RK: Let me ask you this. How long as had uh, he had that safe?

MR: Who, Dick? I have no idea. First time I ever saw it was there.

RK: He never spoke of having a safe?

MR: No, No. That's right.

RK: You don't know where get got it?

MR: No. I have no idea where he got it from. I have no... Look it, I didn't--

RK: Where did the rope come from that he wrapped the body with?

MR: Probably off the boat. I haven't had it that long. You know, I don't know.

RK: Is a rope missing off your boat?

MR: I can't tell you honestly because I didn't know how many ropes were on it. There were a bunch of ropes on it. There were a lot of ropes and things on it, O.K.?

RK: How about uh, uh, duct tape. Where did that come from?

MR: I've got so much duct tape everywhere, you can't believe it. I mean I--

RK: He never, he never told you where it came from?

MR: He never mentioned duct tape. Maybe he did, all right, but I, I don't remember. OK, look it--you have, please understand all last week I thought he was just using Dick's not being there as bullshit. OK. I, I thought he was stringing me on. I didn't believe it.

RK: How did you get into Dick's house when you went over?

MR: That's when I started believing him. I walked around the side of the house, Crossy was coming back. OK. And, the door was wide open. It hadn't been open before. OK.

RK: Which door?

MR: The back door.

RK: The one by the kitchen window?

MR: Yeah. OK.

RK: So that would be the day after?

MR: No. It was two or three days later. OK.

RK: And the door was standing open?

MR: Yeah.

RK: His alarm wasn't on obviously.

MR: Obviously. OK. And, that's when I started questioning him. All right. Uhm, at that point I did not try, as your friend tried to state to make back the debts. All right. I still didn't believe him. OK. I didn't want to believe Dick was dead. God. Is that going to make me out... OK. Uhm, I'm not smart enough to be some mastermind. OK. I'm not smart enough to be this leader astray of small boys. If I was that smart, I wouldn't be here. OK. I didn't even think at that point. I still thought that...at that point, let's face it, I'd come to the realization that Dick was really dead. And, I put (inaudible). I looked around and considered what I couldn't do and what I could do. I gathered all the stereo equipment in the hall way. I looked through, I looked through the house. Uhm--

RK: What did you use to break into the closet?

MR: The door was off the closet. The third day I went in. OK. The third day when I went in there, the door was off. When Dick was alive, and I walked through the house, that closet was sealed. All right?

RK: It seems to me then that Crossy had to tell you that he broke into the closet, found the safe, and told you to come on over, I guess huh?

MR: It didn't happen quite that way. OK. Crossy...

RK: How did it happened?

MR: Crossy wasn't in the house when I walked in to it.

RK: OK.

MR: When I walked through the house, I told him to stay out. I told Crossy to stay out of the house. At that point I wanted, I wanted anything to respond to that Dick was alive. I don't know. And, you know as well as I do, he was dead by then. OK, I'm just saying, OK?

RK: Crossy tell you that he broke into the closet?

MR: No.

RK: Andrew?

MR: It was opened. OK.

RK: Yeah, but I mean have they told you that they've broken into it, either one or both?

MR: Not at that point, no.

RK: And they told you later?

MR: Uhm, actually no. They never told me they broke into the closet. OK. I don't... I know Crossy had already gone through the house, but I'd, I... No.

RK: Had they told you he or Andrew that there was a safe there?

MR: No. OK. I know you don't believe me, but... I'm sorry to keep saying that. I'm just scared. Uhm, no. When I got there, the box, the big metal box, was, I think I remember, so not--don't lie to you. Uhm, the box wasn't hidden. The box wasn't in there (inaudible) there. There wasn't anything in the closet.

RK: Where was the safe?

MR: It was sitting on the hallway.

RK: OK. How did you transport it back to your house? What vehicles did you use?

MR: None at that point. OK. I loaded my tools onto the truck at that point, and I was so scared. And so... And this is what I love, this is the mastermind, right. This is the man who thought it all out. It was done, but I realize that he'd

really killed Dick and I wanted to get out. And, I didn't know what to do so I told him I wanted to leave now. I left all the stereo stuff there. I left everything else there. OK. And, I, you know, then we left. We fixed the fence and then we left.

RK: All three of you in the truck?

MR: Yes. We left. OK. I, I didn't take any stereo stuff out of there or anything else. And, that's, when it, when it started getting scary. He started getting little, he started ranting and raving then about that I didn't need to be scared because he would kill anybody that got near us. And I just, I just, I just was in total fear. All right.

MR: Uhm... You see now I'm seeing what I have... Now I realize what I have to fight. I to fight the thing of me being a mastermind. All right. If I... The only thing I could tell that if I was a mastermind, I would of made sure that I got some money out of it. All right. I don't have anything out of it. There's a reason for that. I didn't see it coming.

RK: Didn't see what coming?

MR: I, I didn't plan it. I didn't... It wasn't one of those things that I had a choice about.

RK: You're talking about Dick's death, the murder.

MR: Yeah. I didn't know of Dick until it was a fact.

RK: You didn't plant the seeds the minds of Crossy or Andrew?

MR: Not deliberately. All right. I did say things.

RK: Did you talk to them July 5th at that full moon eclipse and--

MR: I don't know why the full moon ellipse has anything to do with it?

RK: Probably only because it is a significant date in time that people can recall.

MR: OK. I think. I probably did tell them I was mad at this guy or that, you know, I was fed up with people owing me money--everybody. Ok.

RK: Do you recall telling them that?

MR: Yeah. I do recall.

RK: Do you recall telling them that you wanted him dead?

MR: No.

RK: Or that he should be wasted?

MR: No. I recall telling them that I was sick and tired of being led around; and I was sick and tired of excuses; and I was sick and tired of people telling me that they give me one thing or telling me, you know, wait this and that and the other thing. OK.

RK: Crossy tell you how many times he hit Dick?

MR: No. All right. He started to go into a few times, but I didn't--

RK: Did he tell you what he did to him?

MR: ...shut up.

RK: You told him to shut up?

MR: Yeah.

RK: Did you tell... Did he tell you what he did with the baseball bat?

MR: It was in... I think it was in the back of the truck. I'm presuming he threw it away.

RK: Where did he get the baseball bat?

MR: That I don't know. I don't play baseball or anything. You know. I appreciate he's undoubtedly told something --you guys a story or something but, you know, you won't find any baseball equipment around my house (inaudible) you know.

RK: Did he say he put the baseball bat in the truck?

MR: No. I'm just figuring it out.

RK: Did he, he say that he uh took Dick's car?

MR: That he... Uhm. He was talking about something like that. I'm trying to remember the exact thing. He mentioned... You have to understand that he went on and I showed him--things like that, ya know, but... Oh, my God.

RK: Be candid with me if you can and tell me what he said he did with Dick's car.

MR: I must face it. You must know.

RK: I know he said a number of things to you, but...

MR: Yeah. Uhm.

RK: He must of mentioned to you what he said he did with it.

MR: He drove it to the East Bay.

RK: He drove it to the East Bay?

MR: Yeah.

RK: What did he do with it over there?

MR: Stashed it on the street.

RK: You don't know where though?

MR: I'm sure I do.

RK: Where's that?

MR: I'm, I'm trying. OK.

RK: Sure.

MR: Uhm. The train station.

RK: I didn't hear.

MR: You know, the train station.

RK: The train station over Richmond?

MR: Yeah. Over there somewhere. OK.

RK: Train station as opposed to the BART station?

MR: I believe so. Uhm.

RK: Why did he do that?

END WK5 SIDE TWO

WK6 SIDE ONE

MR: I'm, I'm, I'm realizing...

RK: This is after it happened though.

MR: Yeah, but I'm realizing now. You don't understand.

RK: Sure I do.

MR: I just pray, ya know.

RK: Sure.

MR: I set a--I set a friend up, and I, oh my God (inaudible) Jesus.

RK: So then essentially Mark or, ah, Crossy would have taken the car and put it over at the train station to make it look like, in his mind, that uh Dick and the car were gone.

MR: He's right, you know. He's right. I mean, you know how you talk with people about things, and it's not anything you take seriously?

RK: Uh hum.

MR: It's nothing like... It's not like you and I sitting here planning out somebody's murder.

RK: Sure.

MR: Somebody... You're, you're talking about somebody you're mad at. Yeah. You say something along the lines and somebody says, well yeah, right, now. Stupid jerk, (inaudible) you know.

RK: And then they go and feed on it like you say.

MR: And I'm going to look like a mastermind because their stupid little punk kids. And I'm going to take the fall for it. Oh my God.

RK: Well, let's see what happens.

MR: All right.

RK: (Inaudible)

MR: OK. I will continue.

RK: OK.

MR: If you want me to.

RK: OK, sure. Be back in a minute--go to the john and maybe get us a cup of coffee or something. See, I didn't walk out.

MR: Thanks.

RK: Coffee's being made.

MR: All right.

RK: Oooh.

MR: Yeah, I know.

RK: Will you listen to me for a minute?

MR: Uh huh.

RK: OK. I want you to listen carefully.

MR: I'm listening very carefully.

RK: I'm going to say a couple of things.

MR: OK.

RK: When I'm through, I want you to respond--

MR: Um, hum.

RK: ...with the truth and once the response starts to be a lie--

MR: Um, hum.

RK: ...or possible lie--

MR: Um, hum.

RK: ...that I know is a lie, I'm going to leave.

MR: OK.

RK: And when I leave, we're not going to talk anymore, forever.

MR: All right.

RK: OK? It's critically important. Everything else we said today obviously has been important.

MR: Um, hum.

RK: This whole contact is important.

MR: Uh huh.

RK: But as things unravel, and they always have a way of doing that--

MR: Yes, of course.

RK: There's a series of things that I know that you know--

MR: Uh huh.

RK: ...that I know.

MR: Ok.

RK: And if it unravels into any sort of bullshit or lie, I leave.

MR: All right.

RK: Guaranteed.

MR: Uh huh.

RK: Promise you man-to-man. Talk about a coaster--

MR: Um, hum.

RK: ...and the wheels--

MR: Um, hum.

RK: ...and the burning of the coaster. The burning of the bat.

MR: Um, hum.

RK: Also, the safe and the dumpster.

MR: Um, hum.

RK: You know about all of those things, and I want you to tell me about them.

MR: Ok.

RK: And the minute or second it starts to be bullshit because I've spent all my time with you and you with me, I leave.

MR: All right.

RK: You know about all of those things. It's on you.

MR: Ok. I didn't know where the safe was at first, O.K.? in the dumpster, all right. I don't see that means too much whether or not I knew where it was put, all right but the...Jesus Christ.

RK: No shit, Jesus Christ. You know. Now tell me. Now.

MR: I'm trying to, but you see if I--

RK: Say it. You were there. Say it.

MR: I was there when the little cart thing got burned, Ok? Ah, and as I mentioned before, I burned anything that I thought, like paperwork or anything like that, Ok, I and if you walk out on me right now--

RK: I'm going to. Because Mark you are not up front with me.

MR: I'm trying to be.

RK: I've put my whole being into this with you.

MR: I can't tell you something just to hold you here that I didn't see, all right? I'm sorry.

RK: Were you there when these things were done? The burning of the coaster.

MR: I was there when the coaster got taken apart and burnt.

RK: Where was that?

MR: At my home.

RK: What about the baseball bat?

MR: It was probably burnt at the same time. And, don't leave me.

RK: Not probably. Do you know that the bat was burnt at the same time?

MR: I have to to say yes, I take it, to keep you here.

RK: If that's the only reason, that's dumb.

MR: I know it is, but you see you're telling me you're going to leave me if I don't say yes.

RK: Well, there is no sense in staying if we're not to the truth. For Christ sakes Mark we've been talking since 10:20 this morning. It's now 1:48 in the afternoon.

MR: I know. I'm trying to--

RK: All of these things are involved in a murder of a human being, and you sit there, and only as I uncover certain things will you tell me about them. It's ridiculous to sit here any longer.

MR: No. I'm just trying (inaudible)

RK: Ridiculous.

MR: No, it's not. But you're not... The problem is you're now about to walk out on me because I won't admit to something that somebody else has said and I just, I can't (inaudible). You know. You're, you're telling me I can't...

RK: Somebody else said, you said that you burnt all of these things related to this murder but--

MR: I didn't realize right and left, that if--

RK: Why did you burn those things?

MR: Because I was scared.

RK: Scared of what?

MR: Scared of being arrested for murder charge, and I was scared of, I was scared of getting hurt. I was scared of...

RK: Because 17 year old kid who works for you and employed by you is responsible for the murder, that you allegedly say he told you about?

MR: I. Yeah.

RK: Do you see the picture?

MR: Uh hum.

RK: Your best friend or one of your closer friends is dead. You're in his house, and you're ripping him off.

MR: I'd. No, I didn't rip him off.

RK: You went into the man's house after you knew he was dead and went in there and you removed some items. You were with, ... Did you or didn't you? The whole picture is...

MR: Bad, I know.

RK: Bad, hell. It's about as worst as you can get. That's a grave robber. At minimum it's a grave robber. You had knowledge of a goddamn murder by some 17 year old kid, of a friend--a person who is supposedly a friend of yours, and you don't even have wherewithal to notify his family let alone the authorities.

MR: Because I...

RK: No, it's because you were protecting yourself, Mark, I'm through.

MR: No. Please listen to me. Just a minute.

RK: Nothing more to say Mark.

MR: I'm not lying to you. Would you just stay?

MR: Oh you fuckers. I didn't do it. I didn't do it. God, I believe...

RK: I just went over to get a hold of Ted on the other side. I wanted to let you know that Ted won't be coming back.

MR: And you won't be coming back and nobody will be coming back.

RK: And, and I'm going to go ahead and uh conclude also because there is apparently nowhere else to go with this. There's no need to carry on any further discussions. There's just too many things that are still open ended, and--

MR: Why, why am I being the one that's not being believed. I mean, I don't understand why it is that I'm suppose to... Why is it, I'm--

RK: Well, I don't think it's too difficult to understand that when we started at 10:20 this morning and now its 2:00 o'clock straight up, 2:00 p.m., that it's too difficult to understand what we've told you regarding truth and honesty as opposed to rhetoric and bullshit and deceit and half truth and if something this important and serious in your life, the death of your friend can't be discussed in a minimum of time with the maximum of honesty and truth then it's ridiculous to sit here and try to explain to you. You're an intelligent adult human being.

MR: Then what can I do? I mean, I'm, I'm sitting here trying to discuss it intelligently with you. You don't feel I'm telling you all the truth and--

RK: Until you can discuss with us your participation and the death of your friend, then there is nowhere else we could go, unfortunately.

MR: You're asking me to, you're asking me to tell you things that I didn't participate in totally, OK. Or at all. You're talking about, you want me to admit to something, and you're going to walk out on me and give up on me if I don't--

RK: I don't want you to admit to anything that isn't true. I don't want you to admit to anything that you didn't have any part of. But, because of physical evidence, statements, in the other investigative steps that have been taken in this investigation, there is no reason to believe that you are telling us the entire truth regarding this incident. So, therefore, there is no sense in talking any longer.

MR: OK, but... How... OK. As in... All right... If I am a mastermind or if I'm intelligent human being trying talk to you--

RK: I've never said that.

MR: All right, but your friend alluded to it, all right? I realize now that's what I'm going to be made out as, all right. I realize that. When I go into a court of law, I'm going to be made out as this perverted mastermind who got young boys to do what he wanted them to do. If that's the case they're building against me, fine. But, I can't--

RK: There's two things to realize. Those are things that you're saying, Detective Lindquist is saying, and we don't make anything. We simply tell the court and show the court fact and truth. They make the determination.

MR: How can I get you to at least... Look it--

RK: Believe you.

MR: Yeah.

RK: The only way I can get you to believe me or you to believe, or you to believe me. Excuse me. The only way that can happen is for you to tell us, in a logical sense, your involvement. It is illogical, illogical to believe to any common reasoning person, the incident as you've related to us.

MR: It is illogical to believe that I'm scared of somebody who has apparently committed a murder? OK, you want to laugh, but...you know.

RK: I'm not laughing. I smiled at your response because of your self-described relationship with this young man that you have working for you.

MR: Great.

RK: You have an arsenal in your home.

MR: I don't have. I have a few guns, Ok.

RK: You were enumerating a number of weapons. You said, and I have a lot more. You know, it's illogical when taken in the entire frame work that you've described it to believe that you been anything other than half truth and less candid with us.

MR: Could I remind you that best, my friend, not my best friend, but a friend was Dick Baldwin had an arsenal in his home and it didn't do him any good.

RK: And when you found out beyond a shadow of a doubt yesterday from Duncan that he was dead, what did you do? You ended up this morning going to the dumps with your truck full of merchandise that may tie you to the murder. That is illogical to believe that you are doing anything other than--

MR: Protecting myself.

RK: Manipulating. Protecting yourself?

MR: Come on. Now really.

RK: Protecting yourself? Now wait a second. If a person came to you and told you that they had murdered your friend when it became obvious, beyond a shadow of a doubt, whether it was the third day, the fifth day, or particularly yesterday when now you know the police and are there investigating a murder and a body has been found--

MR: I know what you're saying.

RK: Instead of--

MR: I know what you're saying.

RK: Doing the adult mature thing.

MR: I've had it, Ok? Yeah, your right. Your right. All right. OK. Your absolutely right.

RK: OK. So I'm absolutely right. Square it for me.

MR: Ah, square it for you--what can I tell you--

RK: Where did you find your key?

TL: I just wanted to tell you to keep the door shut because we are moving somebody by.

RK: Ok. Do you expect a person with a reasonable amount of intelligence to believe you that when a 17 year old employee of yours told you that they had murdered your friend, that you, as a mature allegedly adult, speak with him and discussed this and then get all of these vibes, impressions, suspicions, the use of your truck, the use of your boat, and that you live in total and complete fear of this person. You know, build an alibi if you will; build a defense if you will.

MR: I'm not--I'm not trying to build an alibi.

RK: From 10:30 this morning we told you, sit and tell us the truth, sit and tell us the whole story. You never tell us about any of these things until you know that we know about them and then you want to rationalize it.

MR: I'm trying to (inaudible) and I think...

RK: Why don't you tell me about all of them?

MR: I don't know how many there are, OK.

RK: I believe that.

MR: Well, OK (inaudible) truth. (Inaudible) how am I suppose to know every little detail in this case. I, I know you don't believe me but...I don't know all the details of it, Ok?

RK: Obviously. I'm not asking you for every detail of the case. I'm asking you for every detail that you're aware of.

MR: OK. I am trying to tell you. I know you don't feel that I have been totally truthful. I haven't...

RK: Still don't.

MR: OK. I think we were getting somewhere about an hour ago, and I, we weren't able to finish. But, OK.

RK: Well, an hour ago, half hour, whatever it was in time, you were telling me what someone told you.

MR: Uh huh.

RK: Ok.

MR: Ok.

RK: But then all of a sudden at the key points, "you don't want to recall, you can't recall, or I put it out of my mind."

MR: No.

RK: That doesn't seem...

MR: I am telling you the truth. If somebody looks at you and tells you that, or looked at me in this case, oh yeah I bopped him over the head. I didn't believe it for days. OK? I didn't believe it.

RK: You didn't believe it until you were arrested today, obviously.

MR: I didn't believe it until I heard about it yesterday. OK.

RK: OK. Then why didn't you do the thing that was proper? Sheer panic, that's your response.

MR: Uh hum.

RK: OK. So there is nothing else I can say.

MR: No, it, that..

RK: That's why they have a jury. A jury of 12 people so that I don't have a preconceived idea, you don't, the judge, the attorneys, and they say we take this and we look at it and we make a value judgment on the facts of the case.

MR: I, all right, if, my point is, that if I'm going to take the fall.. I want at least you and a few others to understand. I'm going to try to present this to a jury obviously. Or, I won't but whoever will, I'm not trying to build a defense. I'm, I'm trying to get you to listen to me. OK? So that you understand what I'm trying to say. I didn't... Crossy has

told me all sorts of stories before, OK. All right? And that I tried to hide all of this stuff and you have obviously reasons to believe it. Obviously, I've lied to you on several accounts. So my word is shit right now. OK. You have to understand, I can't... I'll try. I'm, I am trying because I know how important this is to me right now to tell you what the truth is. All right.

RK: Where were you Tuesday night that he was murdered? A week ago Tuesday, where were you?

MR: I had a meeting with some of the kids from Novato.

RK: Where?

MR: In my house. From about 6:00 to about 8:00 or 9:00.

RK: Who were the kids?

MR: One's name is Mike; one's name is John.

RK: Last names.

MR: The phone numbers are in my file right in my dresser.

RK: You don't know the last names.

MR: I'm sorry.

END WK6 SIDE ONE

RK: But you don't know what he did with any of these?

MR: Uhm, yeah. The wallet--

RK: What.

MR: Yeah and you know, obviously. I know you know. All right. I'm not trying to cover.

RK: You got to tell me.

MR: God, you're not going to believe it. All right. I, I had his license for three days. OK. I had his license.

RK: You got it from Crossy? Uh?

MR: Oh my God. That's when I believed. Oh my God. I've known for three days.

RK: You got his license three days ago?

MR: Yeah. I've known for three days.

RK: From who?

MR: From Crossy.

RK: At your house?

MR: That's when I started to believe it.

RK: At your house?

MR: I don't remember when he handed it to me. Yes, it must have been at my house.

RK: What did he say?

MR: It's funny, I told him to stop fucking around that I didn't want to hear about it. And I said something along the lines that "stop fucking around, shut up, somebody's going to believe you or whatever. I don't want to hear it." And he said "I'll prove it."

RK: Said I'll prove it and then he gave you his license. The victim's license.

MR: He ran out to the truck and came back with his license, and checkbook.

RK: Checkbook and the license.

MR: Yeah.

RK: What did you do with them?

MR: You're going to think it sounds melodramatic, and I know you are not going to believe me but I went into the other room and first threw up because I realized that Dick had to be dead. All right.

RK: Then what did you do?

MR: I told him to get out of my house. He started going on about how I was involved in it and everything. How I, you know, helped. And I realized that I was in trouble, and I should of called you guys right then and there.

RK: How did you dispose of or what did you do with his license and checkbook?

MR: I debated after I spoke with Duncan yesterday. I thought about coming down and getting it in the house but I didn't, and I destroyed it.

RK: How?

MR: I burned it.

RK: Where?

MR: At my house.

RK: Where at your house?

MR: In the fireplace.

RK: Both the checkbook and the license?

MR: Yeah.

RK: Is your wife aware of that?

MR: No. My wife isn't aware of any of this. I...

RK: Where did you buy the jewelry for her?

MR: What?

RK: Where did you buy the jewelry for her?

MR: Uhm, Wards.

RK: OK. Let me check and see. See if I'm coming back, and I'll let you know.

MR: All right.

RK: 2:20, should be no more than a few minutes.

END WK6 SIDE TWO

UNRELATED CONVERSATION BETWEEN WALT KOSTA AND WITNESS ON A DIFFERENT INVESTIGATION

# Transcripts

MUNICIPAL COURT OF CALIFORNIA, COUNTY OF MARIN  
CENTRAL JUDICIAL DISTRICT

HON. GARY W. THOMAS

DEPARTMENT 2

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

NO. C 56137

MARK RICHARDS,

Defendant.

FILED

AUG 31 1982

PETER MEYER  
MARIN COUNTY CLERK

CLERK

REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING

DATED: TUESDAY, AUGUST 24, 1982

WEDNESDAY, August 25, 1982

Received a copy this 31 day

of August 19 82

R. Halder

Received a copy this \_\_\_\_\_ day

of \_\_\_\_\_ 19 \_\_\_\_\_

APPEARANCES:

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District Attorney

BY: EDWARD BERBERIAN,

Assistant District Attorney

For the Defendant:

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404 San Anselmo Avenue

San Anselmo, Ca.

Reported by:

Astrid R. Carter

CSR # 2782

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I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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ELLEN BALDWIN	15			
DAN HULETT	19	25		
RICHARD ARLIO WALLER	30	42		
	35			
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WILLIAM PETER ROBLES	43	47		
THOMAS DAVIDSON MILLS	59	64		
ANDREW CAMPBELL	67	89		
BERNARD HEALEY	128	134		
SAMUEL BAIN PAUL	136	140	143	143
			144	
RAUL R. ARTIGA	145	150		

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E X H I B I T S

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1 TUESDAY, AUGUST 24, 1982

2 THE COURT: We have the case of People vs. Mark Richards.

3 MR. SHAPIRO: Ready, your Honor.

4 THE COURT: Mark Richards, is that your true name?

5 THE DEFENDANT: Yes.

6 THE COURT: The record should reflect the defendant is  
7 personally present with counsel.

8 Are both sides ready to proceed?

9 MR. BERBERIAN: Yes, your Honor. People are ready.

10 MR. SHAPIRO: We are ready.

11 THE COURT: Do you wish to call your first witness?

12 MR. BERBERIAN: I call Dr. Harold Hilliard Brazil.

13 HAROLD HILLIARD BRAZIL,  
14 called as a witness by the People, after being first duly  
15 sworn to tell the truth, the whole truth and nothing but the  
16 truth, testified as follows:

17 THE CLERK: Will you please state your full name and  
18 address, and spell your last name.

19 THE WITNESS: Harold Hilliard Brazil, B-r-a-z-i-l.

20 THE CLERK: And your address, please?

21 THE WITNESS: 555 Pierce Street, Albany, California.

22 THE CLERK: Thank you.

23 MR. SHAPIRO: For purposes of the preliminary hearing,  
24 I would stipulate to Dr. Brazil's qualifications as a  
25 pathologist.

26 MR. BERBERIAN: We are prepared to accept that stipulation,  
27 as a forensic pathologist.

28 MR. SHAPIRO: As a forensic pathologist.

DIRECT EXAMINATION

BY MR. BERBERIAN:

Q. Doctor, I would like to direct your attention back to on or about the 14th of July 1982. Did you have occasion to perform an autopsy at the mortuary?

A. Yes, I did.

Q. And, the name on the deceased what what?

A. Richard Alexander Baldwin.

Q. For purposes of the preliminary hearing, is there a stipulation that the body that was autopsied was that of Richard Alexander Baldwin?

MR. SHAPIRO: Yes.

MR. BERBERIAN: Q. Now, Doctor, what time did you commence your autopsy?

THE WITNESS: A. The autopsy commenced approximately 11:30.

Q. And at the completion of the autopsy, had you determined, based upon your findings, what the cause of death would have been?

A. Yes, I had.

Q. And what was the cause of death, based upon your findings?

A. The cause of death was stab wounds to the heart, multiple stab wounds to the heart, and in addition a fracture of the left side of the skull.

Q Now, the body of the deceased, would you describe its condition when you first saw it?

A. The body was wrapped in plastic tarp, the tarp being tied around the neck and ankles, with a heavy rope, and

1 in addition, a grey-colored metal repair-tape crossed around  
2 the neck and the ankles.

3 The body was fully clothed. The external aspects of  
4 the body showed signs of considerable water emergence and  
5 post-mortem putrefaction.

6 Q. Could you describe the clothing that the body had on at  
7 this time?

8 A. My records show that there were pants on and a white  
9 T-shirt. The pants were polyester, blue-colored, carrying  
10 a bone pattern. It was a brown belt, brown socks and black  
11 leather shoes.

12 Q. You indicated in your opinion that the cause of death  
13 centered on wounds to the heart and also a fracture of the  
14 skull; is that correct?

15 A. That is correct.

16 Q. I have a series of photographs I ask to be marked at this  
17 time, your Honor.

18 THE COURT: Do you want to show those to Mr. Shapiro.

19 MR. SHAPIRO: I have seen those photographs, your Honor.

20 MR. BERBERIAN: There will be seven photographs I ask  
21 to be marked.

22 THE CLERK: People's 1 through 7, all marked for  
23 identification.

24 (People's Exhibits 1 through seven, photographs,  
25 marked for identification.)

26 MR. BERBERIAN: Q. Doctor, I am going to show you what  
27 has been marked as People's 1 and 2, two color photographs.  
28 First I will show you People's 1.

1           Could you describe what that shows, please?

2       A. People's 1 shows the interior, the left interior aspect  
3       of the head which includes a large stellate rough-edged  
4       laceration. That is exposing the underlying bone and  
5       skeletal muscle of the head, showing some hemorrhage on that  
6       skeletal muscle.

7           It also shows considerable putrefaction of the head and  
8       shoulder.

9       Q. What do you mean by putrefaction?

10      A. The decay process, the reddening of the skin, the  
11      sloughiness of the skin, slippage that occurs after death.

12      Q. In addition, would you look at the photograph that is  
13      marked People's 2 and tell us what that is.

14      A. This photograph shows the interior aspect of the skull,  
15      the upper half of the skull, having been removed by myself.  
16      This shows multiple fracture lines and a depressed skull  
17      fracture on the left side, the temporal side of the skull.

18      Q. That would show the interior of the wounds that would  
19      have been inflicted to the outside of the skull?

20      A. That is correct.

21      Q. Now, the two photographs that you have examined here in  
22      Court, are those an accurate depiction of what you observed  
23      when you performed your autopsy?

24      A. Yes, they are.

25      Q. I now show you photographs marked Numbers three through  
26      seven and ask you to look at those, if you would, please.

27      A. This photograph, No. 3, shows the anterior, the front side  
28      of the body from the right angle or the right front of the body.

1 showing two stab wounds, in the mid-chest area. These stab  
2 wounds have probes which I placed in them. The probes are  
3 directed upwards and posteriorly, that is towards the back  
4 of the body, passing into --

5 MR. SHAPIRO: Would you go a little slower. I am trying  
6 to make some notes.

7 THE WITNESS: Certainly.

8 A. This photograph, No. 3, shows the right front aspect of the  
9 body. This aspect of the body shows two sharp-edged lacerations  
10 which are in the lower mid-chest area, the lacerations and  
11 stab wounds that have probes in them.

12 The probes I placed into these stab wounds, they show  
13 a vector which extends into the body directed towards the heart.

14 MR. SHAPIRO: You said earlier the direction of the  
15 probes.

16 THE WITNESS: The vector's direction; the vector, I am  
17 using that.

18 MR. SHAPIRO: When you testified and I asked you to stop,  
19 you said that the probes showed upwards.

20 THE WITNESS: Posteriorly towards the back.

21 MR. BERBERIAN: Q. Now, could you go on to photograph  
22 marked People's 4 and describe what that shows.

23 A. Photograph No. 4 is a close-up of the same wounds. This  
24 photograph also includes a ruler for the purpose of identifying  
25 how large these wounds are.

26 Q. What are the sizes of the wounds that you observed?

27 A. The larger wound was two centimeters, two, three quarters  
28 of an inch long by eight millimeters wide. That is about

1 a third of an inch. The smaller wound is approximately one  
2 centimeter, one centimeter wide.

3 Q. Doctor, would you go on to the next photograph, please,  
4 People's 5.

5 A. 5 is a picture of the chest wall, after the skin has  
6 been removed. It is a picture of the lower half of the  
7 chest wall. It shows stab wounds extending through the  
8 chest wall. The chest wall is composed of skeletal muscle  
9 and bone and cartilage of the chest cage proper. This  
10 photograph also includes a ruler and probes which extend  
11 through the stab wounds and the chest wall.

12 Q. What was the purpose of using probes?

13 A. The probes are to identify the tract that a weapon has  
14 made in passage through the skin and into the interior of the  
15 body.

16 Q. Would you go on to photograph No. 6, Doctor.

17 A. 6 is a photo of the body after the chest cage has  
18 been removed, which then reveals the heart and lungs.  
19 The heart has been flipped up, that is flipped up like this,  
20 feeling the posterior back side of the heart, and this  
21 photograph shows two stab wounds into the back side of the  
22 heart.

23 Q. Doctor, based on those -- well, the photographs that  
24 you just examined, People's 3 through 7, are they an accurate  
25 depiction of what you were observing at the time you performed  
26 the autopsy?

A. Yes, it is.

27 Q. Now, based upon your findings at that autopsy, what type of  
28 an instrument would it be consistent with inflicting those  
wounds?

1 A. This would be a sharp-edged and sharp-type instrument,  
2 long, relatively long as opposed to the width which would be  
3 relatively narrow.

4 Q. Would it be consistent with such an item as a knife, or a  
5 carpenter's chisel, something of this nature?

6 A Yes, it would.

7 Q. Would it be consistent with a screw-driver?

8 A. A screw-driver also could cause that type of wounds.

9 Q. Now, with regard to the fracture to the skull, what  
10 type of an instrument would have inflicted such a fracture?

11 A. This would be a blunt-surfaced, blunt-type instrument.

12 Q. Would a baseball bat be the type of an instrument; would  
13 it be consistent with inflicting that type of a wound?

14 A. Yes, it would.

15 Q. Doctor, did you notice, during the time that you performed  
16 the autopsy, the condition of the T-shirt that the deceased  
17 was wearing? A. Yes, I did.

18 Q. Could you describe it for us, its condition?

19 A. The T-shirt was wet, had some dirt on it. It also had  
20 multiple tears on the front side of the T-shirt. I could not  
21 identify any large tears on the back side.

22 MR. BERBERIAN: I have no additional questions at this  
23 time.

24 CROSS EXAMINATION

25 BY MR. SHAPIRO:

26 Q. Doctor, how many fractures did you notice in the skull?

27 Let me withdraw that and say: Could you tell from your  
28 observations how many times the skull had in fact been hit?

1 A. Well, the pattern of damage was consistent with one blow;  
2 certainly, a subsequent blow into that same identical area.  
3 I can not -- it was a comminuted skull fracture, causing a  
4 depression of a larger, approximately five by five centimeters  
5 which is about that size, pressed down into the surface of  
6 the brain. That fragment of bone itself had multiple pieces,  
7 almost as in a jigsaw pattern, and then the peripheral bone,  
8 which is relatively intact, showed many, many fine lines  
9 of fracturing going away from the major depressed area.

10 Q. Well, would that be sufficient to cause unconsciousness?

11 A. Yes.

12 Q. Would it generally cause unconsciousness?

13 A. Generally, it would.

14 Q. Were you able to tell from your observations of the blow  
15 the position of that part of the head, or how it was actually  
16 hit?

17 What I am trying to say, Doctor, was the blow on the left  
18 side?

19 A. The blow was on the left side.

20 Q. And, was it in the center of the head or near the area?

21 A. Just posterior to the area approximately where my fingers  
22 are at now; well, the opposite side.

23 Q. Was it on top of the head, or in the back?

24 A. Side.

25 Q. On the side? A. Yes.

26 Q. Now, I take it -- let me ask you this: Was there brain  
27 damage that you observed as a result of this blow, or could  
28 you tell?

1 A. The brain had considerable putrefaction. It was in a  
2 semi-solid state. The dura mater, the membrane that cover  
3 the brain was intact.

4 Q. Now, returning to the wounds that you observed, how  
5 far apart were they?

6 A. One wound was centered in the body at a point, five  
7 centimeters which is about two inches below the level  
8 of the nipple, the nipple-line.

9 Q. The mid-line?

10 A. No, five centimeters below, inferior to the middle-line.  
11 If you draw a line directly to the nipple, five centimeters  
12 in the center of the body. The other wound was just to the  
13 left of the mid-line, and it was 2.5 centimeters inferior  
14 to the previously described wound.

15 Q. The probes, did they appear to go straight in, or did they  
16 -- from the probes, were you able to tell the angle that the  
17 weapon was inserted?

18 A. Yes, I was. Both probes were between sixty and seventy-  
19 five degrees angled upwards, and at the same time they  
20 had a deviation from the center of the body towards the body's  
21 left side by approximately five to ten degrees.

22 Q. Could you, Doctor, draw us on the blackboard a sketch,  
23 showing the body and the angles of the probes, to both the  
24 frontal and side-views?

25 A. Sure. The frontal view, first, chin, shoulders, legs.  
26 This is the umbilicus, nipple here, and here is the breast  
27 bone, into the breast bone. The wound is approximately here.  
28 Another is here. They are angled -- let's see, like so

1 and like so. This is the five to ten degree angle towards  
2 the left.

3 If you look at the other side here, the body, and there  
4 is the face here and neck, here is the nipples, the probes  
5 are going in like so and like so.

6 Q. May I have that marked, your Honor, as an exhibit.

7 MR. BERBERIAN: I have no objection to that.

8 THE COURT: That may be marked as Defendant's A for  
9 identification.

10 THE CLERK: Defendant's A for identification.

11 (Whereupon, Defendant's Exhibit A, a diagram, was  
12 marked for identification.)

13 MR. SHAPIRO: Q. In the removal of the chest cage, did  
14 you notice whether there were any fractured ribs?

15 THE WITNESS: A. One rib was partially cut by the  
16 instrument going through, but fractured in the sense of a  
17 blunt fracture, no.

18 Q. Did you observe any other apparent stab wounds which  
19 did not reach the heart?

20 A. There were three actual cuts on the surface of the heart;  
21 two actually entered into the chambers of the heart, one  
22 actually going into the second chamber of the heart. There  
23 was a third cut on the surface of the heart, which did not  
24 completely penetrate the wall.

25 Q. That appeared to be a stab wound?

26 A. There were only two entrance wounds on the body.

27 Presumably, the instrument caused more than one point of  
28 damage on its entry through the skin and ribcage.

1 Q. Did you notice any stab wounds in any other part of the  
2 body besides the chest?

3 A. No; I could not determine that. The face showed  
4 considerable post mortem change and there were areas where  
5 the skin was falling apart, where there was a suspicion  
6 of damage. This is on the area of the face, around the  
7 eyes, but I could not document any definite traumatic  
8 wounds, post mortem at the time, traumatic wounds.

9 Q. Were you in a position to tell how long before July 14th  
10 at 11:30 the facial wound had been inflicted?

11 A. No, I couldn't. The body had shown a fair amount of  
12 putrefaction, but, of course, as you realize, the degree of  
13 putrefaction depends on the temperature of the water, which  
14 I was not aware of where the body was initially found, or  
15 initially dumped, and certainly the fact that the body was  
16 encased in plastic tended to retard the degree of changes  
17 that you might expect on the surface, the skin surface.

18 Q. Were you able to tell the body weight prior to death,  
19 or, do you have any estimate as to that?

20 A. I estimated the body weight as between 165 and 180 pounds.

21 Q. And size, height?

22 A. Height was approximately 5 feet ten inches.

23 Q. Were there any tests made to see whether or not there  
24 was any drug or alcohol in the bloodstream?

25 A. Tests for alcohol were done by the laboratory, employed  
26 by the Solano coroner's office. They are part of the  
27 autopsy report.

28 Q. Do you remember whether or not there was any alcohol found?

1 A. There was a low- level of alcohol. The part, as I recall  
2 the laboratory was not entirely certain is if some of that  
3 alcohol was resultant from post mortem bacterial growth.  
4 Q. Have you retained your original notes taken at the time  
5 of the autopsy as well as your report?  
6 A. My notes were translated into the report very shortly  
7 after the autopsy.  
8 Q. My question was, have you retained the original notes.  
9 A. No.  
10 Q. And were the pictures you saw, 1 through 7, were they  
11 taken at the time of the autopsy?  
12 A. Yes, they were.  
13 Q. Were you present when they were taken?  
14 A. I was present when all of these photographs were taken.  
15 Q. Were other pictures taken?  
16 A. I took some photographs myself and also had a person  
17 at the autopsy that took photographs for my own file.  
18 Q. Would this show substantially the same things?  
19 A. Almost identical.  
20 Q. The photos which you took are in your possession?  
21 A. Yes, they are.  
22 Q. Doctor, at 555 Pierce Street, is that your office or your  
23 home? A. That is my office.  
24 Q. You have a private practice?  
25 A. Private practice; that is correct.  
26 Q. Is that in Vallejo?  
27 A. Albany.  
28 MR. SHAPIRO: I have no further questions.

1 REDIRECT EXAMINATION

2 BY MR. BERBERIAN:

3 Q. Doctor, did you take a blood sample of the deceased that  
4 you have preserved? A. Yes.

5 Q. Would you describe from where in the body you took it?

6 A. This was taken from the right, as I believe, chest cavity.

7 MR. BERBERIAN: Mr. Shapiro, for purposes of the  
8 preliminary hearing, I have an exhibit present. Do you wish  
9 to open it?

10 MR. SHAPIRO: Which exhibit?

11 MR. BERBERIAN: The blood sample that was taken. Do you  
12 stipulate he drew a sample?

13 MR. SHAPIRO: You drew a sample?

14 THE WITNESS: Yes, I did.

15 MR. SHAPIRO: And you delivered it to some law enforcement?

16 THE WITNESS: I delivered it to the county coroner for  
17 Solano County.

18 MR. SHAPIRO: I am satisfied.

19 MR. BERBERIAN: I have no additional questions.

20 RECROSS EXAMINATION

21 BY MR. SHAPIRO:

22 Q. You didn't run any tests on the blood yourself?

23 A. I did not run any tests myself personally; no, I did not.

24 Q. Did the lab?

25 A. The laboratory, employed by that county, performed all the  
26 chemical tests.

27 Q. Is there a report from the laboratory included?

28 A. It is attached to the official report of autopsy by the

1 county coroner.

2 MR. SHAPIRO: I have no further questions.

3 MR. BERBERIAN: No additional questions.

4 THE COURT: You may step down; you are excused.

5 MR. BERBERIAN: I ask that the photographs marked People's  
6 1 through 7 be moved into evidence.

7 THE COURT: They may be so received.

8 THE CLERK: Exhibits 1 through 7 in evidence.

9 (Whereupon, People's Exhibits Nos. 1 through 7,

10 a group of photographs were admitted in evidence.)

11 MR. BERBERIAN: I call Ellen Baldwin.

12 MR. SHAPIRO: So there is no misunderstanding, can we  
13 have an order excluding witnesses, if there are any present  
14 in the courtroom.

15 THE COURT: Any witnesses summoned to testify in the  
16 case of People vs. Richards, you are to remain outside  
17 of the courtroom, subject to call.

18 MR. BERBERIAN: I ask, your Honor, that Mr. Lindquist  
19 be allowed to remain as the investigating officer.

20 THE COURT: Any objection?

21 MR. SHAPIRO: No.

22 THE COURT: Then you may remain.

23 ELLEN BALDWIN,

24 called as a witness by the People, after being first duly  
25 sworn to tell the truth, the whole truth and nothing but  
26 the truth, testified as follows:

27 THE CLERK: Will you please state your full name and  
28 address and spell your last name.

1 THE WITNESS: B-a-l-d-w-i-n, Ellen Baldwin, B-a-l-d-w-i-n.  
2 My address is 60 Galleon Way, San Rafael 94903.

3 THE CLERK: Would you please spell the street.

4 THE WITNESS: G-a-l-l-e-o-n.

5 DIRECT EXAMINATION

6 BY MR. BERBERIAN:

7 Q. Mrs. Baldwin, what is your occupation?

8 A. I am a real estate broker.

9 Q. And, did you have a son by the name of Richard Baldwin?

10 A. Yes.

11 Q. Where did your son, Richard Baldwin, live?

12 A. At 18 Benicia Meadows in San Rafael.

13 Q. May I ask you to please speak up.

14 A. Sorry, 18 Benicia Meadows in San Rafael.

15 Q. At some point in July of 1982, did you have occasion to  
16 contact the Marin County Sheriff's Department?

17 A. Yes, I did.

18 Q. When was that, if you can recall?

19 A. I have my calendar here. Let me look at the dates.

20 Q. You are producing something from your purse. What is that?

21 A. It is a calendar, a little calendar that I keep in my  
22 purse, noticing different things on it. I believe it was  
23 the 12th; could have been the 13th of July.

24 Q. Of 1982? A. Yes.

25 Q. Why did you contact the Sheriff's Department?

26 A. Well, because it was unusual for my son to be out of  
27 contact with me for such a long period of time.

28 Q. When had you last contact with your son, Richard Baldwin

1 prior to the 12th or 13th of July?

2 A. To the best of my recollection, it was June 30th.

3 Q. And was that a personal meeting or a telephone conversation?

4 A. He came and had dinner with me at my home.

5 Q. Were there any times set, any plans to see your son the

6 day you called the Sheriff's Department?

7 A. There were no plans as such.

8 Q. Would it be unusual for your son to stay out of contact

9 with you for a period of time in excess of a day or two?

10 A. Totally unusual; yes.

11 Q. Would you describe the relationship that you had with

12 your son; was it a distant relationship or a close

13 relationship?

14 A. We had an extremely close relationship; always have had.

15 Q. Do you know an individual by the name of Tom Mills?

16 A. Yes, I do.

17 Q. Is he a friend of your son's, Richard Baldwin?

18 A. Yes.

19 Q. Do you know how long Mr. Mills and Mr. Baldwin had been

20 friends?

21 A. My guess is probably eight to nine years; I don't

22 specifically know that. They have been friends a long time.

23 Q Did you at some point give permission to the Sheriff's

24 Department to enter your son's residence?

25 A. I requested them to do that.

26 Q. And when was that; do you remember?

27 A. I think that it was the morning of July 14th. It was the

28 night after I had reported him missing.

1 Q. Did your son have a business?

2 A. Yes, he did.

3 Q. What was the name of his business?

4 A. The Classic Car Shop.

5 Q. And, what was the location of that business?

6 A. 36 Front Street in San Rafael.

7 Q. Did you request that the police check that particular

8 location as well?

9 A. Yes, I did.

10 Q. Do you know when that occurred, or when you gave permission

11 for that to occur?

12 A. It would have been the same time that I asked them to

13 break into the house and search the house. I asked them

14 to do both things at the same time.

15 Q. At some point, you were informed that your son was

16 deceased; is that correct?

17 A. That is correct.

18 Q. Did you give permission to the police after that point

19 in time, to enter into and do whatever investigation may

20 be needed to do at either the Benicia address or the Front

21 Street address?

22 A. Yes, I did. I gave them that permission.

23 Q. In fact, did you give that permission to them in writing?

24 A. I did; yes.

25 MR. BERBERIAN: If I could have just a moment There is

26 a document which I want to look at.

27 I have a document ~~maskato~~ to be marked as People's next in

28 order, and I show that to Mr. Shapiro.

1 MR. SHAPIRO: Yes.

2 MR. BERBERIAN: I have a Matthew's T.V. and Stereo City  
3 credit application, and I ask it be marked as People's next  
4 in order.

5 THE CLERK: People's Exhibit No. 8, marked for identifica-  
6 tion.

7 (Whereupon, People's Exhibit No. 8,  
8 a credit application was marked for identification.)

9 MR. BERBERIAN: Q. I am going to show you an exhibit  
10 marked People's No. 8 and at the bottom there appears to be  
11 a signature of the name Richard Baldwin; do you see that  
12 at the bottom of the application for credit?

13 THE WITNESS: A. Yes, I do.

14 Q. Do you recognize that signature to be your son's, Richard  
15 Baldin's signature?

16 A. That is not his signature.

17 Q. That would not be his handwriting?

18 A. No, that is not his handwriting.

19 MR. BERBERIAN: I have no additional questions.

20 MR. SHAPIRO: I have no questions.

21 THE COURT: You may step down; you are excused.

22 Call your next witness.

23 MR. BERBERIAN: I call Mr. Dan Hulett.

24 DAN HULETT,

25 called as a witness by the People, after being first duly  
26 sworn to tell the truth, the whole truth and nothing but the  
27 truth, testified as follows:

28 THE CLERK: Please state your full name, address and  
spell your last name.

1 THE WITNESS: Dan Hulett, H-u-l-e-t-t; I work for  
2 the San Rafael Police Department.

3 THE CLERK: Thank you.

4 DIRECT EXAMINATION

5 BY MR. BERBERIAN:

6 Q. Mr. NHulett, what is your assignment with that agency?

7 A. I am a detective.

8 Q. And, I would like to direct your attention back to on  
9 or about the 15th day of July 1982. What assignments were  
10 you given?

11 A. To assist in the evidence collection of, or investigation  
12 or search for evidence at the building at 36 Front Street  
13 in San Rafael.

14 Q. And, what were you asked to do with regard to that  
15 particular structure?

16 A. I was asked to look through the crime scene and pick  
17 up various items of evidence that may be related to this  
18 incident.

19 Q. And with regard to that particular scene, among the  
20 items you were asked to check for indication of blood;  
21 is that not correct?

22 A. That is correct.

23 Q. Did you see such indication in your examination?

24 A. Yes, I did.

25 Q. Could you describe what you saw with regard to potential  
26 blood stains, or blood marks?

27 A. Well, the first obvious points of observation were behind  
28 a Rolls Royce, the rear of the Rolls Royce, between their

1 vehicle and a red MG that was on the floor of the garage;  
2 a lagre pool of what appeared to be blood, dried.

3 Q. Was there anything on top of that particular substance?

4 A. Yes, it was completely covered by saw dust, some sort  
5 of wooden residue. It appeared to be wood chips, sort of  
6 a mixture.

7 Q. Where else did you find an indication of blood stains or  
8 blood marks?

9 A. There was another pool of blood ten feet away from this  
10 location, near a maroon Porsche still on the floor.

11 Q Any other locations where you saw that?

12 A. Well, there was small blood smears or stains in numerous  
13 parts of the garage.

14 Q. What about with regard to the bumpers of any of the  
15 vehicles that were in the garage?

16 A. Yes; there was some blood stain on a bumper of the  
17 Rolls Royce.

18 Q. And, any other rooms in the main work area that you  
19 checked for blood marks?

20 A. There was a small bathroom in this large warehouse garage  
21 that contained blood smears on the sink.

22 Q. What about the coverings of any other vehicles -- first of  
23 all, were the vehicles in the garage covered in any fashion?

24 A. Yes. The Rolls Royce had a cover that completely enclosed  
25 it.

26 Q. Any indication of blood on any of that item?

27 A. Yes. There was a stain; I believe it was the right rear  
28 area of it.

1 Q. How many vehicles were in the garage, by the way, if you  
2 can recall?

3 A. They were in various states of repair or construction.  
4 It was at least five. Some of these vehicles were just  
5 frames only and being built.

6 Q. With regard to the area that you referred to in your  
7 testimony, where the bloodmarks and bloodstains, or what  
8 appeared to be bloodstains were found, did you engage in some  
9 type of collection in regard to physical evidence?

10 A. Yes, I did.

11 Q. Could you describe what you did, please?

12 A. I worked with Officer Ray Maynard of the Sheriff's  
13 Department. We worked as a team. Essentially what happened  
14 was, Officer Maynard would collect or pick up, do the actual  
15 picking up of the evidence and I would package it and  
16 prepare it for storage at our Police Department.

17 Q. Did you bring some of those items with you to Court today?

18 A. Yes, I did.

19 Q. I ask he be given permission to leave the witness stand  
20 to retrieve those items.

21 THE COURT: Yes.

22 THE WITNESS: This should be the extent of the items.

23 MR. BERBERIAN: Q. Let me show those to Mr. Shapiro.

24 MR. SHAPIRO: That is all right.

25 MR. BERBERIAN: Q. There are three envelopes that I ask  
26 to be marked as People's next in order. Pardon me, there  
27 are four envelopes.

28 THE CLERK: 9, 10, 11 and 12 all marked for identification.

1 (Whereupon People's Nos. 9, 10, 11 and 12, four  
2 envelopes, were marked for identification.)

3 MR. BERBERIAN: I am going to return those four exhibits  
4 and ask you to look at one marked No. 9, and tell us what  
5 that is.

6 THE WITNESS: A. Item No. 9 is an envelope which contains  
7 several of the blood samples that I collected from the shop.

8 Q. Would you open that envelope, please, and describe the  
9 contents.

10 A. I have seven paper bindles containing blood scrapings,  
11 dried blood scrapings caught from inside, the interior  
12 of the shop.

13 Q. Where from the interior of the shop would those particular  
14 scrapings be found?

15 A. Each of the individual envelopes of bindles are marked  
16 No. 3 through No. 6. There were four samples taken at  
17 various points, random points in the blood pool to the rear  
18 of the Rolls Royce. All of the samples that were taken  
19 were taken from that pool

20 Q. What are the numbers again?

21 A. 3 through 6.

22 Q. It would have been from the pool near the rear of the  
23 Rolls Royce?

A. Correct.

24 Q. Are any of the samples in that particular evidence envelope  
25 other than Exhibit 9 than those particular ones?

26 A. Yes. I believe Item No. 13 and Item No. 14. I will  
27 take Item No. 13 first. It is a sample of dried blood found  
28 on the concrete floor next to the maroon Porsche.

1 Q. When you are using No. 9 at this point, that is within  
2 the Evidence Envelope 9; that is your own evidence number  
3 that is on that envelope? A. Yes.  
4 Q. Any other blood samples within the evidence envelope  
5 marked People's 9?  
6 A. Yes. Item No. 14; that is a blood sample of dried blood  
7 taken from a smaller pool in the same area near the rear of  
8 the maroon Porsche.  
9 Q. Any other blood samples in the envelope marked People's 9?  
10 A. Yes. There is a swabbing that was collected from the  
11 sink in the bathroom.  
12 Q. What is your number that is attached to that particular  
13 swabbing?  
14 A. That would be Item No. 15.  
15 Q. Any other items in the envelope on People's 9?  
16 A. No; that is it.  
17 Q. Would you return those items to the envelope marked  
18 People's 9, please.  
19 People's 10, would you describe, please, what that  
20 exhibit contains?  
21 A. This is an envelope containing an item of evidence that  
22 I marked No. 8, collected from the same building.  
23 Q. What would that be?  
24 A. That is a black and yellow screw-driver.  
25 Q. Any indication of swab on that item?  
26 A. What I believed to be blood.  
27 Q. Anything else in that particular envelope, People's 10  
28 other than that? A. No.

1 Q. Would you describe the contents of People's 11, please.

2 A. It is an open-end wrench with the brand name Bonny, and  
3 it also appears to have a blood stain on it.

4 Q. Anything in that particular evidence envelope other than  
5 the item you just described?

6 A. No.

7 Q. Would you then turn to Exhibit marked People's 12.

8 A. People's 12?

9 Q. Yes. Could you tell us what is in that envelope, please?

10 A. It says that it contains a blood sample from Mark Richards.

11 Q. Would you set that aside at this time.

12 Now, you have one large item remaining in front of you,  
13 which we should have marked at this time as People's 13.

14 I show that to Mr. Shapiro.

15 MR. SHAPIRO: I have seen it.

16 THE CLERK: People's No. 13, marked for identification.

17 (Whereupon, People's Exhibit No. 13 was marked for  
18 identification; cloth of cover.)

19 MR. BERBERIAN: Q. Looking at Exhibit marked No. 13,  
20 could you tell us what is contained in that particular wrapping?

21 THE WITNESS: A. It is the cloth of a cover that was on  
22 the Rolls Royce.

23 Q. Why was that particular item seized?

24 A. Because there was what appeared to be a blood stain on  
25 the right rear corner on that, on the outside surface of the  
26 cloth.

27 MR. BERBERIAN: I have no additional questions at this  
28 time.

1 MR. SHAPIRO: I have no questions of Officer Hulett.

2 Excuse me, I have a question.

3 CROSS EXAMINATION

4 BY MR. SHAPIRO:

5 Q. Officer, you say you went into the 36 Front Street  
6 building on what day?

7 A. 7/15 of '82.

8 Q. What time during that day?

9 A. When I first arrived it was 11:30 in the morning.

10 Q. Were there lights on? Did you have illumination inside  
11 the business?

12 A. As I remember, the lights were off.

13 Q. Were they turned on in order to do this gathering of  
14 blood samples?

15 A. That is correct.

16 MR. SHAPIRO: Excuse me one moment. May I ask counsel,  
17 are you going to have a diagram?

18 MR. BERBERIAN: We have no plans to introduce a diagram.

19 MR. SHAPIRO: Officer Hulett, I wonder if you could,  
20 would you give us a sketch of 36 Front Street.

21 THE WITNESS: Would you like me to label it?

22 MR. SHAPIRO: Could you give us general dimensions. I am  
23 not asking for anything accurate, just approximate dimensions.

24 A. Well, it is approximately 50 feet by a hundred feet,  
25 from memory.

26 Q. And the two rectangles that you put in, what are they  
27 called?

28 A. Let me give you a little bit of background. 36 Front

1 Street is a building that is retained, a building that has  
2 three separate areas and access can not be gained into these  
3 areas except through these sidedoors. This area is directly  
4 in the middle. 36 Front Street, where I conducted the  
5 investigation is in the middle of this large building and  
6 its only entrance way is a large baydoor that leads into a  
7 parking area. So, concerning this rectangle in the center,  
8 which is the Classic Car Shop, within that rectangle there  
9 is a small square enclosure. It looks like a temporary  
10 office. It was definitely not in a finished condition,  
11 single-story high, whereas the interior of this car shop  
12 was two stories high.

13 Q. Do you want to mark that, officer, for identification.  
14 And what's above that?

15 A. Above is the office. Well, like I explained, it is a  
16 single story office leaving a large area above it. It had  
17 numerous items of mechanics, mechanics stored above. I did  
18 not go through it.

19 Q. The other enclosed area, what is that?

20 A. A very small bathroom with a sink and a toilet, and  
21 a bookshelf.

22 Q. Just mark that BR, bathroom, something like that.

23 Now, as you walked into that shop on the 15th of July  
24 at 11:30, did you see cars parked there?

25 A. Yes.

26 Q. Where was the Rolls Royce?

27 A. The Rolls Royce was in this position here.

28 Q. And, can you put, show which way it is facing. Can you

1 mark the pool of blood that you noticed there?

2 Did you see that right away when you walked in, past the  
3 Rolls Royce?

4 A. Well, I was not the first person in there. It was pointed  
5 out to me.

6 Q. It was fairly visible, obvious?

7 A. That is correct.

8 Q. Now, the maroon Porsche.

9 A. The maroon Porsche?

10 Q. Was there a pool of blood near the maroon Porsche?

11 A. Yes, it was similar to this.

12 THE COURT: For the benefit of order of the transcript,  
13 why don't we have that Rolls Royce marked R, and the Porsche  
14 marked P. Have that circled with regard to the pool of blood.  
15 That can be B1, the Rolls Royce, and B2, the Porsche.

16 MR. SHAPIRO: Q. Just to help put this thing in a  
17 framework, could you give us an idea as to the seize of B1. Was  
18 it the same width, or did it cover as much area of the width  
19 as the Rolls Royce?

20 THE WITNESS: A. Approximately.

21 Q. B2 was somewhat smaller?

22 A B2, the puddle that we found was, yes, considerably smaller.  
23 It was half as large. However, there was a smear about a  
24 foot and a half wide that traveled to the rear of the Porsche  
25 in a winding pattern, but it was not a thick pool. It was  
26 smearing on the pavement in that part of the pool.

27 Q. And the distance between B1 and B2, about twenty, thirty  
28 feet?

1 A. I would not say that far. I would say it was closer to  
2 fifteen.

3 Q. Fifteen? Now, the other places where you found blood; the  
4 sink that was in the bathroom, I take it?

5 A. Correct.

6 Q. You picked up, did you pick up the black and yellow  
7 screw-driver?

8 A. Like I said, we worked as a team through the whole  
9 investigation, and Officer Maynard picked up the pieces and  
10 I would package it.

11 Q. Do you know where he picked up the screw-driver?

12 A. Yes; it was within the puddle, right near the edge of  
13 the pool of blood.

14 Q. And, the wrench?

15 A. In the same area, about a foot away.

16 MR. BERBERIAN: Your Honor, I think the record should  
17 reflect he is referring to the pool marked B1.

18 MR. SHAPIRO: Yes.

19 Q. Now, the blood that was on the cover which is No. 13,  
20 Exhibit No. 13, was that on the right rear of the cover?

21 A. It would be on the right rear corner of the Rolls Royce,  
22 of the cover of the Rolls Royce in this area here.

23 Q. That is in the right rear of the Rolls Royce?

24 A. That is correct.

25 Q. Was the floor, except for those two puddles of blood,  
26 fairly clean? Did it have grease all over the floor?  
27 What was its condition?

28 A. I would describe it more as dirty with different

1. types of liquids on the floor.

2. Q. But B1 and B2 stood out?

3. A. Well, most of it, mostly because they were covered with  
4. soil and you could see the outskirts of this soil, the  
5. definite color.

6. MR. SHAPIRO: I have no further questions.

7. Could that also be marked for preservation as Defendant's  
8. B?

9. THE CLERK: Defendant's Exhibit B, a diagram.

10. (Whereupon Defendant's Exhibit B was marked for  
11. identification, a diagram.)

12. THE COURT: Any other questions?

13. MR. BERBERIAN: No, your Honor.

14. THE COURT: You may step down; you are excused.

15. MR. BERBERIAN: I call Richard Arlo Waller.

16. RICHARD ARLO WALLER,

17. called by the People, after being first duly sworn to tell  
18. the truth, the whole truth and nothing but the truth,  
19. testified as follows:

20. THE CLERK: Please state your full name and address  
21. and spell your last name.

22. THE WITNESS: Richard Arlo Waller, 75075 Sonoma Highway,  
23. Santa Rosa. The last name is W-a-l-l-e-r.

24. THE CLERK: And your middle name.

25. THE WITNESS: A-r-l-o.

26. THE CLERK: Thank you.

27. DIRECT EXAMINATION

28. BY MR. BERBERIAN:

1 Q. Mr. Waller, what is your occupation?

2 A. I am employed as a criminalist for the California  
3 facility or the Justice Criminal Laboratory located in  
4 Santa Rosa.

5 Q. And, for purposes of the preliminary hearing, is there  
6 a stipulation as to this man's qualifications as a criminalist?

7 MR. SHAPIRO: I think I would like to go into his  
8 qualifications in the various aspects of his profession.

9 MR. BERBERIAN: Q. Would you describe, please, Mr. Waller,  
10 what a criminalist is.

11 THE WITNESS: A. A criminalist is a scientist who  
12 performs various types of analysis on physical evidence as  
13 that evidence relates to criminal matters.

14 Q. And with regard to that particular occupation, can you  
15 describe your training, please, and qualifications.

16 A. I attended the University of California in Berkeley.  
17 Then San Francisco State College, San Francisco from where  
18 I received a bachelor's degree in chemistry, minor in  
19 biology. I continued on at San Francisco State College  
20 approximately two more years. I received teaching credentials  
21 authorizing me to teach in the State of California.

22 I taught for approximately a year. Then I entered the  
23 Military Service and was assigned to the United States Army  
24 Criminal Investigation Laboratory located at Fort Gordon,  
25 Georgia. At the laboratory, I underwent initial training  
26 in various aspects of criminalistics, began working as a  
27 criminalist in that laboratory until my duty was up with  
28 the United States Military and I was reassigned to the

1 United States Army Criminal Investigation Laboratory in the  
2 Far East located outside of Tokyo, Japan.

3 I worked at that laboratory and for a short period of  
4 time then at the laboratory of Lang Bian, in Vietnam until  
5 my duty was up in the U.S. Military and subsequent I was  
6 hired by the California Department of Justice.

7 Q. How long have you worked for the Department of Justice,  
8 State of California?

9 A. Approximately ten years.

10 Q. And, what have you been assigned during those particular  
11 ten years to do?

12 A. Various aspects in the field of criminalistics.

13 Q. Specifically, I direct your attention to the analysis  
14 of suspected blood samples or blood stains. What has been  
15 your training with identifying those particular materials  
16 as blood stains and also typing those particular materials?

17 A. My initial training was in the Military Service as far  
18 as specifically analyzing or typing blood stains. Since  
19 coming with the Department of Justice, I have taken  
20 specialized courses in the characterization of physiological  
21 fluids which include blood stain analysis. The course  
22 included a course taught by Mr. Bryan Colford of the then  
23 Scotland Yard Metropolitan Police Laboratory in England.  
24 This took place at the University of California, Berkeley.  
25 I have taken advanced blood grouping courses, one taken  
26 in Riverside, California, and this was through the California  
27 Department of Justice, and I believe through Stanislaus or  
28 Sacramento State College.

1 I taught basic and advanced blood groupings to various  
2 criminalists throughout the State in various courses.

3 Q. Is there a type of training you had as far as blood  
4 grouping is concerned?

5 A. What training?

6 Q. What do you mean by that when you say blood grouping?  
7 What are you referring to?

8 A. Well, different physiological fluids have different  
9 genetic markers in them, and these genetic markers can be  
10 designated as a particular type to indicate, or to distinguish  
11 one person from another.

12 For example, in the ABO blood group system, which most  
13 people are familiar with, there are four basic types.  
14 Some people are type A; some type B; some type O; some type  
15 AB. These are genetic markers within that person's blood  
16 which can be used to distinguish one person from another  
17 by analysis of a blood stain or blood.

18 Q. In addition to the ABO type system, are there other blood  
19 type systems that you have been trained in?

20 A. Yes.

21 Q. Could you describe those, please.

22 A. There are a number of other ones including -- and I just  
23 use shorthand instead of using the entire word, the entire  
24 name of the system. I will just use the shorthand version.

25 One is known as PGM, which is an enzyme found in blood  
26 stains; EAD is another enzyme; EAP another enzyme; these  
27 are all blood grouping systems. ADA is another enzyme and  
28 AK is another enzyme.

1 Q. Approximately how many samples of blood have you  
2 analyzed to determine some type of blood typing system to  
3 try to place some type of label on a specimen of blood?

4 A. Actual samples?

5 Q. Uh-huh.

6 A. Thousands; in the thousands.

7 Q. Any questions of voire dire?

8 VOIRE DIRE

9 BY MR. SHAPIRO:

10 Q. Does that include the thousands, excuse me, when  
11 was the enzyme technique of blood analysis developed; to  
12 your knowledge.

13 A. As far as forensic --

14 Q. Yes.

15 A. -- purposes are concerned, I first became acquainted  
16 with them in the early seventies, 1972, 1973.

17 Q. And since that time, have you had training in this enzyme  
18 analysis technique?

19 A. Yes, I have.

20 Q. Exactly, from the Scotland Yard man?

21 A. That is correct.

22 Q. How much analysis have you done with either PGM or ESD  
23 or the other enzyme analysis?

24 A. Individually?

25 Q. Yes. I mean blood samples, how many have you analyzed  
26 for the enzyme content?

27 A. In the thousands.

28 MR. SHAPIRO: I have no further questions.

1. THE COURT: Well, have you ever qualified in any of  
2 the courts in this State as an expert with regard to your  
3 analysis of blood stains involving these genetic markers  
4 or the enzyme typing system?  
5 A. Yes, I have, your Honor  
6 Q. Where is that?  
7 A. Marin County, this county, Sonoma, Napa County, Mendocino  
8 County, Lake County, Sacramento and others.  
9 Q. How many times would you say you so testified as an  
10 expert?  
11 A. I don't know the exact number, your Honor, but I really  
12 don't know the exact number.  
13 Q. Give us your best estimate.  
14 A. Fifty or a hundred times.  
15 Q. THE COURT: Any other questions with regard to that?  
16 MR. BERBERIAN: Not to the qualifications.  
17 MR. SHAPIRO: No.  
18 THE COURT: Then I accept him as an expert with regard to  
19 his testimony in that field.  
20 MR. BERBERIAN: Thank you.  
21 I have two additional items that I ask be marked at this  
22 time; People's 12 has been previously marked, and that is  
23 labeled a blood sample of Mark Richards and I believe for  
24 purposes of the preliminary hearing, there is a stipulation  
25 that it would be a blood sample of Mark Richards.  
26 THE COURT: Mr. Shapiro: Do you so stipulate?  
27 MR. SHAPIRO: I stipulate for this purpose.  
28 MR. BERBERIAN: I ask to have a plastic bag containing

1 what appears to be a paper bag marked.

2 THE CLERK: People's Exhibit No. 14, for identification.

3 (Whereupon People's Exhibit No. 14 was marked for  
4 identification, a plastic bag.)

5 MR. BERBERIAN: And then, a white envelope marked as  
6 People's 15.

7 THE CLERK: Exhibit No. 15, marked for identification.

8 (Whereupon People's Exhibit No. 15 was marked for  
9 identification, a white envelope.)

10 MR. BERBERIAN: For purposes of the preliminary hearing,  
11 People's No. 14 contains a known blood sample taken from the  
12 deceased, Mr. Baldwin.

13 MR. SHAPIRO: Yes.

14 MR. BERBERIAN: I believe there is a stipulation.

15 MR. SHAPIRO: For purposes of the preliminary hearing  
16 and the testimony of Dr. Brazil that No. 14 represents  
17 a blood sample taken from the deceased.

18 MR. BERBERIAN: People's No. 15 would be a known blood  
19 sample from Crossan Hoover.

20 MR. SHAPIRO: I will stipulate to that.

21 CONTINUATION OF DIRECT EXAMINATION

22 BY MR. BERBERIAN:

23 Q. Mr. Waller, I am going to show you what has been marked  
24 as People's Exhibit No. 15, No. 14 and No. 12. Do you  
25 recognize those three items?

26 A. Yes, I do.

27 Q. What were you asked to do with regard to those three items?

28 A. To type the blood samples.

1 Q. And, did you, in fact, do that with each of those three  
2 items?

3 A. Yes, I did.

4 Q. With regard to the Item No. 12, the sample of Mark  
5 Richards, would you please describe the typing system that  
6 you used and the results of your typing?

7 A. I typed this particular blood sample in all of the  
8 systems that I mentioned earlier.

9 Q. What were the results of those typings?

10 A. The sample was found to be ABO group.

11 MR. SHAPIRO: I didn't hear you.

12 THE WITNESS: This sample was found to be ABO group,  
13 type A; PGM type 1 plus one; EAP group, type A; ESD group,  
14 type 1; ADA group, type 1 and AK group, type 1.

15 MR. BERBERIAN: Q. Exhibit No. 14, the sample of blood  
16 from the deceased, Richard Baldwin, what type systems did  
17 you use in typing that blood, and what were the results?

18 A. Again, the same series of systems that I used on the  
19 previous sample, and this blood sample was found to be ABO  
20 group, type B; PGM, 1 plus 1+; EAP type B; ESD, type 1 and I  
21 also ran ADA and an AK and as of this point, the results  
22 are inconclusive on those two systems.

23 Q. What do you mean by that?

24 A. I did not get a result that is readable so I could be  
25 able to determine a particular type.

26 Q. What was the condition of that particular blood sample?

27 A. Poor.

28 Q. With regard to People's Exhibit No. 15, that is the known  
blood sample of Crossan Hoover's blood. What were the type

1. systems that you used and the results in regard to typing  
2. that sample of blood?

3. A. Again, I used the same systems that I had used on the  
4. other two blood samples and this blood was found to be ABO  
5. group, type O; PGM type, 1 plus 1 plus; EAP type, BA.

6. MR. SHAPIRO: B?

7. THE WITNESS: B as in boy; BA; ESD type, 1; ADA type, 1,  
8. and AK type, 21.

9. MR. BERBERIAN: Q. Now, did you then engage in the  
10. typing of samples of blood stains submitted to you by  
11. the San Rafael Police Department with regard to the case  
12. involving Mark Richards?

13. A. Yes, I did.

14. Q. And, specifically, let me direct your attention to the  
15. items that are before you and we will begin with the envelope  
16. marked People's 9. Do you recognize that particular item?

17. A. Yes, I do.

18. Q. How is it that you recognize it?

19. A. It has on it, as the other envelopes that you have showed  
20. me, other laboratory case numbers, exhibit numbers, dates and  
21. my initials.

22. Q. And, what did you do with regard to the contents of that  
23. particular envelope?

24. A. I opened up each of the items and then proceeded to  
25. No. 1, to determine if there was blood in the items; No. 2,  
26. to determine the origin or species or origin of that blood,  
27. and then to type the blood that was present.

28. Q. Would you then open the exhibit marked People's 9 and tell

1. us whether you recognize the contents.

2. A. Yes, I do.

3. Q. And, what did you do with regard to each of the items

4. that you removed from the envelope?

5. A. Just what I just said a few minutes ago.

6. Q. Would you take the first item that you have in front of

7. you and there should be a San Rafael number assigned to that

8. item; do you see that?

9. A. I see an item number; yes.

10. Q. What is that number that you look at?

11. A. Three.

12. Q. And, could you tell us your findings in regard to that

13. number?

14. A. I found this to contain blood of human origin of the

15. following type: ABO type; b; PGM type, 1 plus 1 plus;

16. EAP type; B; ESD type was inconclusive; ADA type; 1 and

17. AK type, 1.

18. Q. The next item that you examined from that exhibit?

19. MR. SHAPIRO: Mr. Waller, you are reading from your report?

20. THE WITNESS: Yes, I am.

21. Q. Can you tell me what page of your report you are looking

22. at?

23. A. I will have to show it to you. The pages are not yet

24. numbered.

25. THE COURT: Well, I am going to take a fifteen minute

26. recess and you can examine this report. Then we proceed.

27. (Recess until 11:25.)

28. THE COURT: People vs. Richards. We have the defendant

1 present with counsel; Mr. Berberian representing the People.

2 The witness has resumed the stand.

3 MR. BERBERIAN: May I proceed, your Honor?

4 THE COURT: Yes.

5 MR. BERBERIAN: Q. Mr. Waller, you just spoke about the  
6 analysis of the Exhibit that was People's No. 9 that was  
7 marked 3, using the San Rafael evidence number.

8 The next item that you come to, what is the San Rafael  
9 number?

10 THE WITNESS: Four.

11 Q. And would you tell the results, please, or your analysis  
12 on that item?

13 A. Again, human blood; ABO group, type B; PBM type, 1 plus  
14 1 plus; EAP type, B; ESD type, 1; ADA type, 1; and AK type, 1.

15 Q. The next item, the San Rafael number is what?

16 A. The San Rafael number is 5.

17 Q. And your findings?

18 A. The same results as with item 4.

19 Q. The next item number, the San Rafael number?

20 A. The San Rafael number is 6, and the results are human  
21 blood; ABO type, BB; PGM type, 1 plus 1 plus; EAP type, B;  
22 ESD type, inconclusive; ADA type, 1 and AK type 1.

23 Q. The next item in that particular exhibit, the San Rafael  
24 number?

25 A. The number is 13.

26 Q. Your findings?

27 A. Human blood; ABO type, B; PGM type, 1 plus 1 plus;  
28 EAP type, B; EAS type, ESD type, 1; ADA type, 1 and AK type, 1.

1 Q. The next item of that exhibit, San Rafael number?  
2 A. San Rafael number 14, and the same results were obtained  
3 as with 13.  
4 Q. Any additional items of that envelope?  
5 A. Yes, sir.  
6 Q. What is the San Rafael number?  
7 A. San Rafael number is 15.  
8 Q. What is the result?  
9 A. Negative; no result.  
10 Q. Any additional items in that envelope?  
11 A. No, sir.  
12 Q. Would you return then all the individual exhibits into  
13 that one envelope.  
14 In addition to your examination of that item, I would like  
15 to point to several other items that are in front of you  
16 and ask if you examined those as well, and I will make  
17 reference specifically to People's 10, 11 and 13.  
18 With regard to People's 10, did you examine that item?  
19 A. Yes, I did.  
20 Q. What type of testing did you do with regard to that item?  
21 A. I examined it for the presence of blood trace evidence.  
22 Q. And what was the result of your examination?  
23 A. Inconclusive; no reactions.  
24 Q. And I believe it is Item No. 11?  
25 A. Yes, sir.  
26 Q. Did you examine that?  
27 A. Yes, I did.  
28 Q. And, the results of your examination?

1 A. I found human blood of ABO group, type B; PGM type,  
2 1 plus 1 plus; EAP type, B; ESD inconclusive; ADA type, 1;  
3 AK type, 1.

4 Q. The item marked People's 13, did you examine that?

5 A. Yes, I did.

6 Q. The results of your examination?

7 A. I found human blood; ABO group, type B; PGM type, 1 plus  
8 1 plus; EAP type, B; ESD type, 1; ADA type, 1; and AK type, 1.

9 Q. As part of your training, have you been involved in the  
10 training and study of the percentage of the population that  
11 would possess blood types?

12 A. Yes, sir.

13 Q. Would you describe your training in that area, please.

14 A. This training would include examination of the publications  
15 involved in population distribution for various blood group  
16 types and also our own results as far as typing known blood  
17 samples, blood samples from blood banks and correlating the  
18 results obtained.

19 Q. With regard to the blood sample that you examined, that  
20 is marked People's 14, that is the known blood sample of  
21 Richard Baldwin. Would you have an opinion as to what  
22 percentage of the population would possess that blood type,  
23 not just the ABO type, but the ABO typing in conjunction  
24 with all the enzyme typing that you did.

25 A. Yes; that combination of blood group systems or genetic  
26 markers would be expected to be found in approximately one to  
27 three percent of the population.

28 MR. BERBERIAN: I have no additional questions at this time.

1 THE COURT: Mr. Shapiro.

2 CROSS EXAMINATION

3 BY MR. SHAPIRO:

4 Q. What is the mathematical likelihood that a person whose  
5 blood tested was that of item 12, that is the test of Mr.  
6 Richard's blood type ABO group, type B; PGM type, 1 plus 1 plus;  
7 EAP, ADA etc. and AK type 1; is there any possibility that  
8 any of that blood that you tested was this blood?

9 A. No, sir, not based upon the results.

10 Q. Now, the screw-driver that was Exhibit 10, Item 10  
11 which is the screw-driver which bore the San Rafael No. 8,  
12 you said the test was inconclusive with no reactions.

13 A. That is correct.

14 Q. Does that mean that there was no blood or that you just  
15 weren't able to raise enough of it to identify it?

16 A. What that means is, I found only the -- at the end of  
17 this particular screw-driver there was a small amount of  
18 red material that gave a positive; presumptive test for  
19 blood, microscopically it looked somewhat like blood.

20 The next step in the analysis would be to determine  
21 whether or not it was human blood or not. Human blood or  
22 what have you. All tests beyond what I just mentioned were  
23 negative, so I could draw no conclusion.

24 Q. You made a fairly extensive report of all the testing  
25 that you did and the steps you took; didn't you?

26 A. I have not as yet written a report which I have on my  
27 notes.

28 Q. And, you brought those notes with you today for purposes

1 of testifying?

2 A. That is correct, sir.

3 MR. SHAPIRO: I have no further questions.

4 MR. BERBERIAN: No additional questions.

5 THE COURT: You may step down; you are excused.

6 THE WITNESS: Thank you, your Honor.

7 MR. SHAPIRO: Do you work out of the Santa Rosa lab?

8 THE WITNESS: Yes, I do.

9 MR. BERBERIAN: We call Willy Robles.

10 WILLIAM PETER ROBLES,

11 called as a witness by the People, after being first duly  
12 sworn to tell the truth, the whole truth and nothing but the  
13 truth, testified as follows:

14 THE CLERK: Please state your full name and address, and  
15 spell your last name.

16 THE WITNESS: William Peter Robles, R-o-b-l-e-s,  
17 94 Sequoia Glen, Novato 94947.

18 THE CLERK: Thank you.

19 DIRECT EXAMINATION

20 BY MR. BERBERIAN:

21 Q. Mr. Robles, you are now with the United States Navy; is  
22 that correct?

23 A. Yes, sir.

24 Q. I would like to direct your attention back to the period  
25 of May through July of 1982. Were you residing in Marin  
26 County during that period of time?

27 A. Yes, sir.

28 Q. Do you know an individual by the name of Mark Richards?

1 A. Yes, sir.

2 Q. Do you see that individual in Court today?

3 A. Yes, sir.

4 Q. Would you point to the individual. Describe what he

5 is wearing in court today.

6 A. White shirt, light brown pants, mustache, long sideburns.

7 Q. How long have you known Mr. Richards?

8 A. About ten months.

9 Q. Have you at any time worked for Mr. Richards?

10 A. Yes, sir.

11 Q. What type of work have you done for Mr. Richards?

12 A. Construction.

13 Q. Do you recall when that would have been that you

14 would have worked for Mr. Richards in his construction business?

15 A. November of '81 to July or June of 1982.

16 Q. 1982? A. Yes, sir.

17 Q. What type of work did you do for him in his construction

18 business?

19 A. Laboring, picking up wood and hammering, hammering nails.

20 Q. Specifically, I will direct your attention back to

21 on or about June or the middle of June 1982.

22 Did you receive some type of pay from Mr. Richards for your

23 work?

24 A. Yes. I got paid; yes.

25 Q. How did he pay you? A. By check.

26 Q. Were you able to negotiate and cash that check?

27 A. No, sir.

28 Q. What happened to it?

1 A. It bounced. He told me it would be good on a certain day.  
2 That was the 7th of June. It would be good and it wasn't.  
3 So, when the check bounced, I gave it to the San Rafael Police  
4 Department.  
5 Q. Was that the 7th of June or 7th of July?  
6 A. 7th of July.  
7 Q. Now, how much was the check for; do you recall?  
8 A. \$135 or -- \$85, excuse me, \$185.  
9 Q. Now, do you know an individual by the name of Crossan  
10 Hoover?  
11 A. Yes.  
12 Q. How long have you known that person?  
13 A. A couple, two or three years, three, four years.  
14 Q. With regard to when you were working for Mr. Richards,  
15 did you have contact with Crossan Hoover in connection with  
16 the job?  
17 A. Yes. I got Crossan the job. Mark asked me, he needed  
18 some more help. So, I got some of my friends.  
19 Q. When you say Crossan, you refer to Crossan Hoover?  
20 A. Yes.  
21 Q. Do you know an individual by the name of Andrew Campbell?  
22 A. Yes.  
23 Q. Did this person at any time work for Mr. Richards; to your  
24 knowledge?  
25 A. Yes, Crossan Hoover got him to work with him when we needed  
26 more help.  
27 Q. The same type of general labor work; correct?  
28 A. Yes.

1 Q. Did you know an individual by the name of Richard or  
2 Dick Baldwin?  
3 A. Yes.  
4 Q. How is it that you knew him?  
5 A. Me and Mark did a job at Dick's house, building a garage  
6 in the backyard.  
7 Q. Do you know when that was?  
8 A. Around January, February of '82.  
9 Q. Did you ever have a conversation with Mr. Richards in  
10 regard to Dick Baldwin during May of 1982?  
11 A. Yes.  
12 Q. Approximately when in May of 1982?  
13 A. I think it was the early part.  
14 Q. And, do you recall the subject matter of that conversation?  
15 A. The killing of Dick Baldwin.  
16 Q. Specifically, what did Mark Richards say to you in  
17 regard to the killing of Dick Baldwin?  
18 A. He asked me if I would help him kill Dick for Dick  
19 had a lot of stuff to sell and we would sell the stuff and  
20 I was buying a car from Mark, a '76 white Porsche, and in  
21 lieu of helping him kill him, he would just give me the car,  
22 pay it off.  
23 Q. Did he offer you anything other than a car?  
24 A. No; just the car would be the pay-off.  
25 Q. Did he indicate to you why he wanted to kill Richard  
26 Baldwin?  
27 A. That he is going broke and needed money fast, and that  
28 was one of the easiest ways. He told me that Dick didn't

1 believe in banks and kept all his money with him at home  
2 and that he had lots of cars in the backyard with lots of  
3 money. He would sell all those and make money; the Rolls  
4 Royce in the garage.

5 Q. Did you talk to Mr. Richards on more than one occasion  
6 when he mentioned that he would like you to help him kill  
7 Mr. Baldwin?

8 A. Yes; about in the latter part of May; yes, if I was  
9 still interested at that point. I said, "I am still thinking  
10 about it."

11 Q. Did he ask you specifically that second time that he  
12 talked to you? Did he say anything more specific to you  
13 than what you just testified?

14 A. No; just mainly the same thing.

15 Q. After this second conversation, did you have any additional  
16 conversations with him about killing Mr. Baldwin?

17 A. No.

18 MR. BERBERIAN: I have no additional questions.

19 THE COURT: Mr. Shapiro.

20 CROSS EXAMINATION

21 BY MR. SHAPIRO:

22 Q. Mr. Robles, when did you sign up for the Navy?

23 A. The 27th of June. I went down and checked it out.

24 Q. And, did you actually enlist on that day, or is that  
25 just the day --

26 A. That is the day I enlisted on the 29th of June.

27 Q. And, when did you quit working for Mr. Richards?

28 A. On the 27th of June.

1 Q. Had you been working full-time up to that time?  
2 A. It was supposed to be full-time, but I never really got  
3 forty hours a week.  
4 Q. Now, was anyone else present when these conversations  
5 you recited took place?  
6 A. About the killing of Dick Baldwin?  
7 Q. Yes.  
8 A. Pete Neal.  
9 Q. Pete Neal? A. Yes.  
10 Q. And where did they take place?  
11 A. Once at Mark's house and I believe the other time was  
12 in the truck.  
13 Q. Pete Neal was there both times?  
14 A. Yes.  
15 Q. Did Pete Neal work for Mark also?  
16 A. On one occasion.  
17 Q. I beg your pardon?  
18 A. On one occasion he did.  
19 Q. Was that the occasion you were all three in the truck  
20 together? A. Yes.  
21 Q. ~~And~~How did it happen that you were at Mark's house?  
22 A. I was living there at the time.  
23 Q. How long had you lived at Mark's house?  
24 A. About the beginning of January of '82 until the end,  
25 and then again around May for about two months, April and  
26 May.  
27 Q. This was while you were living there at Mark's house?  
28 A. Yes.

1 Q. That he said this to you? A. Yes.

2 Q. Where was it in Mark's house; remember?

3 A. I think it was in the livingroom.

4 Q. Was his wife there?

5 A. She wasn't hearing it. I am not sure if she was there.

6 I can't remember.

7 Q. Were there any other people there?

8 A. Yes; Crossy was there, Crossan Hoover and John Stapp,

9 Tony Camarado, but they didn't hear the conversation

10 that went on.

11 Q. What were you doing at Mark's house with all those

12 people?

13 A. We were having a meeting.

14 Q. What kind of a meeting?

15 A. About the Pendragon stuff.

16 Q. What's all this about the Pendragon stuff?

17 A. It started out as a vigilante group like guardian angels

18 and then it went on a couple of steps further to where it

19 was going to be a take-over.

20 Q. A take-over? A. Yes.

21 Q. And, what did you do about the vigilante group? Did you

22 go out in a parade?

23 A. No. We just marked out strategic spots on maps, marked

24 out where food supplies were, gas station supplies, food

25 supplies, police stations being strategic points.

26 Q. Did you do this for a period of time, once a week,

27 once a month?

28 A. We had a schedule once or twice a week, but we only did it

1 about once a week.

2 Q. You got together, and all you did was mark maps; is that  
3 true? A. Uh-huh.

4 Q. Did you ever go out and do any field work?

5 A. Yes.

6 Q. Marking or anything like that?

7 A. We went out and surveyed Angel Island. We went to San  
8 Francisco. It was on base, I can't remember; U.S. Base,  
9 they have all the maps there on the base. We went there  
10 and checked the stuff out there.

11 Q. Where they have the maps? A. Uh-huh.

12 Q. Did you have books that you were looking at or plans?

13 A. Mark was putting together books of different sorts.

14 Q. Was there something you were actually going to do to  
15 take over the country?

16 A. That is what it sounded like, just Marin County.

17 Q. Just Marin County? And when had you started these plans,  
18 Mr. Robles?

19 A. About a month after I met Mark. He introduced me to it.

20 Q. So, that would be now just about a year ago?

21 A. No -- yeah, eight months, January, about eight months ago.

22 Q. For seven or eight months or so, maybe more, you and  
23 these other people were all planning a revolution; right?

24 A. Take over Marin County; right; yes.

25 Q. And did you really believe it; didn't you, Mr. Robles?

26 A. Yes, sir.

27 Q. And tell me, during any of this time, did you ever go to  
28 a policeman and say, "Hey, these guys are going to take over

1 the county and make a revolution."

2 A. No. The people that Mark was talking to, specifically,  
3 he said if any information got leaked out they would be  
4 taken care of too.

5 Q. So, when you say the people that Mark was talking to,  
6 did he tell you that there were other people who would take  
7 care of those who leaked out information?

8 A. Yes.

9 Q. Were you really frightened?

10 A. No.

11 Q. You didn't believe that; did you? A. No.

12 Q. So, that isn't why you didn't went to the police; is it?

13 A. No.

14 Q. Was there some reason why you didn't go to the police  
15 when they threatened the security of our county?

16 A. I didn't see no reason to at that point.

17 Q. Did you think it was against the law to plan a revolution  
18 and try to overthrow the government of Marin County?

19 A. I know it is against the law to do it.

20 Q. But, you didn't think it was against the law to plan it?

21 A. I really wasn't sure.

22 Q. Did you ever ask anybody whether it was against the law  
23 to plan this kind of revolution? A. No.

24 Q. Did you have weapons that you were going to use to take  
25 over the County?

26 A. Mark said there were weapons being surplussed out of  
27 Fresno, but I never seen any.

28 Q. You never saw any weapons?

1 A. No; just the weapons he had himself.

2 Q. I beg your pardon?

3 A. Just the weapons he had himself.

4 Q. But, were there some new kind of weapons that you talked

5 about?

6 A. He simply said he had somebody that, somebody else that

7 was involved building lasers and he had plans for the machine

8 guns.

9 Q. He had plans for laser guns and plans for machine guns

10 that were cheap to build? Did he tell you, or did anybody

11 else tell you that Baldwin had to be killed because he

12 was leaking information?

13 A. No.

14 Q. Did you tell anybody that Baldwin had to be killed

15 because he was leaking information?

16 A. No.

17 Q. When you had these meetings every week, did everybody

18 talk and participate in making plans?

19 A. Yes; everybody.

20 Q. What were you to do, Mr. Robles?

21 A. Start Angel Island. I was going to be out there, taking

22 care of the island, making sure it didn't get burnt down,

23 get vandalized.

24 Q. What plans did you have to go in there and take over

25 Angel Island?

26 A. Never had that figured out.

27 Q. Never got that far?

28 A. No; I quit.

1 Q. There was some kind of books that you were reading to  
2 show you how this was going to happen?  
3 A. How it was going to happen?  
4 Q. Was there a set of books or notebooks?  
5 A. No. He had a set of books of uniforms people would wear,  
6 what the different people in charge in different areas, what  
7 their responsibility was.  
8 Q. And, did you have a separate booklet for your responsibili-  
9 ties; something or other of Angel Island?  
10 A. Yes. That was kept at Mark's house.  
11 Q. That was kept at Mark's house?  
12 A. Yes.  
13 Q. Every week, when you got together, you got that out  
14 and that was your book?  
15 A. Yes.  
16 Q. Yes? A. Yes.  
17 Q. Now, when Mark talked to you in early May about killing  
18 Robles, I mean killing Baldwin, did you go to the police  
19 and tell them that?  
20 A. No.  
21 Q. Did you think that if it were true it was against the  
22 law to kill somebody?  
23 A. I knew it was against the law to kill somebody.  
24 Q. You never went to the police; did you?  
25 A. No; I didn't think anybody would have the balls to kill  
26 friends.  
27 Q. Were they friends? A. Yes.  
28 Q. So, you really didn't believe he was going to kill him?

1 A. I wasn't really sure.

2 Q. But you weren't sure enough to go to the police?

3 A. Right. I wasn't sure enough to go to the police.

4 Q. And, did you tell them that it was wrong to do that;

5 Mark?

6 A. No.

7 Q. You told them that you were still thinking about it when

8 he asked you the second time?

9 A. Right; right.

10 Q. Were you in the area on July 6th, around this area?

11 A. July 6th -- yes, I was there.

12 Q. When did you leave the area to go to active duty?

13 A. On the 27th.

14 Q. The 27th of July? A. July 27th.

15 Q. Did you see Mark at any time after you left his employment?

16 A. Yes; on the 2nd of July, when I was buying a car from him

17 and I gave him the car back and collected the check for the

18 car at Montecito Shopping Center in San Rafael.

19 Q. Had you made arrangements to meet him there on July the

20 2nd? A. Yes, by telephone.

21 Q. How much was the check he gave you?

22 A. \$500 and he wrote me a check for \$500. The \$185, my

23 paycheck and \$135 for my brother.

24 Q. Was your brother also working for him? A. Yes.

25 Q. You said that you knew Mr. Baldwin. Had you ever been

26 to his house?

27 A. Yes.

28 Q. Had you ever done any work for Mr. Baldwin other than

1 through Mark; ever worked for him independently on your own?  
2 A. No. I have been left at his house to do the job on the  
3 garage on my own.  
4 Q. But you always had been paid by Mark; you weren't paid  
5 by both?  
6 A. I was supposed to get -- I was giving my services for  
7 a four-wheel drive set up for another car that Dick was  
8 going to give me. Instead of money he was going to give me  
9 that car.  
10 Q. Let me get this straight; the work that you did at the  
11 garage, your labor was going to be traded by Baldwin for  
12 a four-wheel drive set-up that he had? A. Yes.  
13 Q. A dune buggy?  
14 A. No; it is a turtle anker he had.  
15 Q. To use that ankerage?  
16 A. The wheels, you know, drive shaft and stuff.  
17 Q. Was that the January time when you were working for  
18 Mr. Baldwin? A. Yes.  
19 Q. Did he give the landcruiser set up?  
20 A. No. I sold the car and he said forget it. He said,  
21 "Okay, I owe you a favor. If you ever need anything to  
22 have done mechanically, I will do it." No, he did not come  
23 up with anything.  
24 Q. Were you also getting paid by Mark when you were out there  
25 at Baldwin's house?  
26 A. No, it was free services.  
27 Q. Free services that Baldwin was going to pay? A. Yes.  
28 Q. Did you ever go back to Mr. Baldwin and asked him for

1 either money or anything?

2 A. I went on to his house once and asked him about the car

3 that I was buying from Mark, if he could fix the passenger

4 seat and he said that I ought to bring it down some time.

5 I never got it home to him.

6 Q. How long had you known Hoover?

7 A. About four years, three, two, three years.

8 Q. Were you pretty close friends?

9 A. No; just acquaintances from other friends. We live in the

10 same area.

11 Q. I beg your pardon?

12 A. We live in the same area; Novato.

13 Q. How about Neal?

14 A. Yes; for six years.

15 Q. Are you close friends?

16 A. Yes.

17 Q. The second time, when Mr. Richards asked you, "Are you

18 still interested?" and you said you were still thinking

19 about it, that was in mid-May; is that right?

20 A. Yes.

21 Q. You were still working for him; right? A. Yes.

22 Q. Now, were you living with your parents at that time?

23 A. In May I lived with Mark.

24 Q. In May you were living with Mark and in May while you

25 were living with Mark, did you have any occasion to go to the

26 police and tell them about the second time?

27 A. No; I didn't.

28 Q. You didn't believe it?

1 A. I really wasn't sure; didn't know what to do.

2 Q. You didn't know what to do? Did you ask anybody what to do?

3 A. No.

4 Q. Had Mark ever injured anybody in your presence?

5 A. No.

6 Q. Did he ever hit anybody? Did you ever see him hit anybody?

7 A. He threw his wife once.

8 Q. What?

9 A. He threw his wife once when he was drunk, or his wife's

10 sister.

11 Q. His wife's sister?

12 A. He just threw her on the bed roughly.

13 Q. Other than that, you never saw him? A. No.

14 Q. Now, do you know something about buying and selling cars;

15 don't you? A. Yes.

16 Q. Did you question Mark as to how he was going to sell

17 those cars, Baldwin's cars?

18 A. He said that the Rolls Royce and the Mercedes was a nice

19 car, the cars in the garage. He was going to get to the

20 dealer and get what he could. It was in good condition and

21 the cars he had in the backyard were '32 through '34 engine B,

22 in nice shape, collector's cars that could be sold off cheap.

23 Q. Do you know to whom those cars were registered?

24 A. No.

25 Q. Did Mark talk to you about the registration of those cars?

26 A. Well, he said that Dick had all the pink slips to all the

27 cars. He would take those and forge the signature.

28 Q. Did you tell Dick? A. No.

1 Q. You knew where Dick lived; did you, all the time?  
2 A. Yes.  
3 Q. And all the time this is going on, that you worked for  
4 Mark, Dick lived in the same house? A. Yes.  
5 Q. And he had his shop in the same location on 36 Front Street?  
6 A. Yes.  
7 Q. And you knew where that was?  
8 A. Yes.  
9 Q. And, did you go down and warn Dick about this threat having  
10 been made? A. No.  
11 Q. Did you know any member of Dick's family? Did you know  
12 his mother?  
13 A. Never met anyone.  
14 Q. Never met anyone? Did you know any of the people who  
15 had shops around Dick, Chimney Sweep or any other people?  
16 A. As you are looking out the store to the left, I brought  
17 a door there to be fixed at one time in January, on January  
18 5th I think it was. It was during the flood. I took a door  
19 there to be straightened. I had a piece that was cracked  
20 fixed.  
21 MR. SHAPIRO: I have no other questions of this witness.  
22 MR. BERBERIAN: No additional questions.  
23 THE COURT: You may step down; you are excused.  
24 We will recess for lunch until 1:30.  
25 (Lunch recess from 12 to 1:30.)  
26 THE COURT: The case of People vs. Richards. We have  
27 the defendant present with counsel; Mr. Berberian representing  
28 the people. Call your next witness.

1 MR. BERBERIAN: We call Tom Mills.

2 THOMAS DAVIDSON MILLS,

3 called as a witness by the People, after being first duly  
4 sworn to tell the truth, the whole truth and nothing but  
5 the truth, testified as follows:

6 THE CLERK: Please state your full name, your address  
7 and spell your last name.

8 THE WITNESS: Thomas Davidson Mills, M-i-l-l-s. I live  
9 at 78 Novato Street, Apartment No. 3 in San Rafael.

10 THE CLERK: Thank you.

11 DIRECT EXAMINATION

12 BY MR. BERBERIAN:

13 Q. Mr. Mills, do you know an individual, or did you know an  
14 individual by the name of Richard Baldwin?

15 A. Yes; I did.

16 Q. How long had you known Mr. Baldwin?

17 A. Nine years.

18 Q. And, during that period of time, what residential address  
19 did you know to be Mr. Baldwin's?

20 A. The first part of the time I knew him, in the beginning,  
21 the first few years he lived at 120 Miramar in San Rafael,  
22 and then he resided later at 13 Venetia Way in Santa Venetia.

23 Q. And directing your attention specifically back to on or  
24 about the 6th of July, 1982, where did you know him to reside?

25 A. 13 Venetia Way in Santa Venetia, which is part of San  
26 Rafael.

27 Q. On or about that date of July the 6th, did you have  
28 occasion to meet with Mr. Baldwin? A. Yes, I did.

1 Q. Now, was this a personal meeting that you had with him?

2 A. No; it was business.

3 Q. And, was this a face-to-face encounter as opposed to  
4 a conversation over the telephone?

5 A. Yes; it was a face-to-face encounter at his home.

6 Q. Now, how can you be sure as to the date of this meeting?

7 A. I keep a daily log of my activities in order to keep  
8 track of what I have done and how much time I have spent  
9 doing it in order to keep track of what I need to do the  
10 next day.

11 Q. What time did you meet with Mr. Baldwin?

12 A. I arrived at his house at approximately 11 o'clock;  
13 a little bit afterwards.

14 Q. This is at 13 Venetia Way, on Tuesday the 6th; and how  
15 did you get there?

16 A. By my own transportation. I had a car.

17 Q. What type of car do you have?

18 A. I own a Volkswagen Sedan, but I was driving a green  
19 Currier pick-up truck.

20 Q. And, when you got there, could you tell us what was  
21 happening when you arrived?

22 A. Dick was at home and had probably been up for half an  
23 hour or an hour; I'd say. He was just pottering around the  
24 house, I don't know, taking care of some errand when I  
25 walked in. He didn't have anything specific. We just did  
26 what we had to discuss.

27 Q. How was he dressed on that particular occasion?

28 A. I don't remember exactly, but I believe he had on long

1 pants and they were dark. He had on black shoes, white socks  
2 and maybe a white T-shirt, but I can't be absolutely sure.

3 Q. And, how long were you there before someone else arrived?

4 A. I was there for approximately half an hour to 45 minutes  
5 before someone else arrived.

6 Q. And, did someone else arrive?

7 A. Yes. Someone else arrived.

8 Q. Who was that?

9 A. There was three males arrived, of which he had business  
10 with, apparently.

11 Q. Do you see any of those individuals in Court today?

12 A. Yes, I do.

13 Q. Could you point to one of the individuals that you would  
14 have seen on that occasion?

15 A. He was introduced to me as Mark Richards. He is sitting  
16 over there.

17 Q. Can you describe what he is wearing in Court today?

18 A. He is wearing a white long-sleeved shirt, and I can't  
19 really see his pants or shoes.

20 MR. BERBERIAN: The record should reflect he is referring  
21 to the defendant in this proceeding.

22 THE COURT: Yes.

23 MR. BERBERIAN: Q. Now, did you have an appointment  
24 at any time to see Mr. Baldwin after the 6th of July?

25 THE WITNESS: A. Yes, I did. I had an appointment to  
26 see him on Wednesday morning, the 7th, the next day.

27 Q. And, where were you to talk to him, or were you to  
28 actually meet him at some place?

1 A. I was to phone him in the morning at 9:30 to make sure  
2 that he was awakened, up and around and starting his day  
3 and to meet with him about 10 o'clock.  
4 Q. And, did you, in fact, attempt to call him the following  
5 morning at about 9:30?  
6 A. I did call him at his house; actually earlier than that,  
7 at 9 o'clock, and there was no answer at that time.  
8 Q. Did you follow up on that particular telephone call to  
9 try to reach Mr. Baldwin?  
10 A. I did not call. I left my house at 9:30 and arrived at  
11 his house at 10 o'clock.  
12 Q. What did you do when you arrived at the house?  
13 A. I knocked on his front door.  
14 Q. Was there any response?  
15 A. There was no response.  
16 Q. What else did you do, if anything?  
17 A. I didn't go into the backyard or anything. I figured  
18 that he might not have heard the telephone, because he might  
19 have been working outside in the back of his house and he  
20 was doing some construction work there, and I believe his  
21 own stationwagon was there, which I thought was unusual for  
22 him not being home.  
23 The security system, I also noticed, was not on.  
24 Q. Could you describe this particular security system; if  
25 you recall?  
26 A. I am not familiar with the details of it. Inside, I  
27 know it has a panel by his garage, which is visible from the  
28 front of the house, that has four red buttons on it, and a

1 key log. When you activate it one of the lights comes on  
2 and none of the lights were on. So, I knew the system was  
3 inactivated, and he was not home, which I thought was  
4 unusual since it was usually his practice to always activate  
5 the security system when he wasn't at home.

6 Q. Did you try to contact him on any additional occasions  
7 on that day?

8 A. Yes. I called his shop also and drove by his shop, which  
9 is on Front Street in San Rafael, and there was no sign of  
10 him being there.

11 Q. Did you actually go out and get up to the shop door or  
12 anything of that nature?

13 A. I didn't need to. There usually is a lock on it, or  
14 I can tell if one of his vehicles he is driving is out front  
15 and on that day the door to the shop was not open and none  
16 of his vehicles that he usually drives, that he usually  
17 was using for transportation were out front. So I just kept  
18 going assuming he was not there.

19 Q. Now, other than Mark Richards, who you identified as the  
20 arriving 45 minutes or so after you did on the 6th of July,  
21 did you know the other individuals that were with Mr. Richards?

22 A. No; I did not know them personally.

23 Q. Could you describe them?

24 A. Two young white males with dark hair. That is about all  
25 I really remember of them.

26 Q. Approximately what age; as best you can recall?

27 A. They appeared to be around 16 or 17 and 18 to me.

28 MR. BERBERIAN: I have no additional questions at this  
time.

CROSS EXAMINATION

BY MR. SHAPIRO:

Q. Mr. Mills, when you arrived at the house, did you go inside?

A. Yes.

Q. And, you were with somebody, were you?

A. Yes. I was in the company of a four-year old child.

Q. And you and your youngster went in the house and talked to Mr. Baldwin for a period of time?

A. Yes.

Q. Then, the three young men arrived. Can you tell us what happened after they arrived?

A. Well, we had -- Dick and I had gone out to the back of his house and he was showing me the parts of what looked to be like a foundation that he was laying to do some extension work on his garage and he was talking about that and discussing what his daily activities were going to be for that day, because we were trying to arrange another meeting for the next day, or later on in the afternoon of Tuesday, and when these gentlemen showed up he went back in the house and opened the front door for them. I can't remember whether they came through the house or through the sidegate.

Q. Did he indicate that they were also doing some work on his house?

A. Yes.

Q. The three young men that Mr. Baldwin had let in and the two males, were they all together for a period of time, all of you?

A. Yes.

Q. About how long?

1 A. I would say about 20 minutes.

2 Q. Would that make it pretty close to 12 o'clock or

3 thereabouts?

4 A. Yes. It was approaching 12 o'clock rapidly at that point.

5 Q How did the session break up? Who left first?

6 A. I left first.

7 Q. When you left, what were Mr. Baldwin and the other

8 three doing?

9 A. At this time they were out in front of the house and

10 were looking at two automobiles that Mr. Baldwin had parked

11 in his driveway there.

12 Q. The following morning, you drove by the shop on Front

13 Street and what time was that?

14 A. I left the house after 9 o'clock, but before 9:30. So

15 it must have been maybe 10, a quarter after nine in the

16 morning, and I did not stop at his shop. You can see it

17 from the street, and it did not appear to me as though he

18 were there, and I wouldn't have expected him to be there that

19 early; so, I did not stop at the shop.

20 Q. You noticed that the door was down?

21 A. The door was down.

22 Q. The locks were on there?

23 A. It appeared as though the locks were there. I couldn't

24 see them clearly, but the big thing I always go by there,

25 if one of the cars he is driving isn't there, he was home.

26 Q. You couldn't tell if there were any lights on?

27 A. No.

28 Q. Now, earlier you had driven by his house; is that right?

1 A. I drove by his house after I drove by his shop, because  
2 I live in the same neighborhood.

3 Q. And, when you drove by the house it was closed; the door  
4 was closed; the front door?

5 A. Yes.

6 Q. Did you try to see if it was locked?

7 A. Yes, I did.

8 Q. And, it was locked?

9 A. It was locked.

10 Q. Any other time on that day that you drove by the shop?

11 A. I may have driven by there only because I would use  
12 Front Street as a point to get from somewhere on Francisco  
13 to my house, but not specifically to look for him.

14 Q. So, you didn't have any occasion to observe whether the  
15 door was still locked?

16 A. No, not really.

17 Q. You are pretty sure you were driving the green pick-up,  
18 not the yellow Volkswagen?

19 A. Which day?

20 Q. On Tuesday.

21 A. On Tuesday I was driving the green pick-up.

22 MR. SHAPIRO: I have no further questions.

23 MR. BERBERIAN: No additional questions.

24 THE COURT: You may step down; you are excused.

25 MR. BERBERIAN: We call Andrew Campbell.

26 ANDREW CAMPBELL,  
27 called as a witness by the People, after being first duly  
28 sworn to tell the truth, the whole truth and nothing else but

1 the truth, testified as follows:

2 THE CLERK: Please state your full name, your address  
3 and spell your last name.

4 THE WITNESS: Andrew Campbell, C-a-m-p-b-e-l-l, 1090  
5 Cambridge Street, Novato.

6 THE CLERK: Thank you.

7 DIRECT EXAMINATION

8 BY MR. BERBERIAN:

9 Q. Mr. Campbell, do you know an individual by the name of  
10 Mark Richards? A. Yes, sir.

11 Q. Do you see that person in Court today?

12 A. Yes, sir.

13 Q. Could you point to that individual and describe what  
14 he is wearing in Court today?

15 A. He is sitting right over there, wearing a white shirt.

16 MR. BERBERIAN: I would like the record to reflect he  
17 is referring to Mr. Richards who is in Court today.

18 THE COURT: Yes.

19 MR. BERBERIAN: Q. Mr. Campbell, do you know an  
20 individual by the name of Richard or Dick Baldwin?

21 THE WITNESS: Yes, I did.

22 Q. And did you at some point, now referring to Mr. Richards,  
23 did you at some point work for Mr. Richards? A. Yes, sir.

24 Q. What type of work did you do for him?

25 A. Construction work in his business.

26 Q. And, specifically with regard to Mr. Richard Baldwin,  
27 did you do any work or, pardon me, with Dick Baldwin; did you  
28 do any work with Mr. Richards for that particular individual?

1 A. Yes, sir.

2 Q. And, what type of work did you do for Mr. Richards  
3 when you were working for him?

4 A. In general, building. In terms of Mr. Baldwin, we were  
5 adding on to his garage.

6 Q. And, I would like to direct your attention back to  
7 July of this year.

8 MR. SHAPIRO: I would like to ask the Court to ask Mr.  
9 Berberian not to mention any dates, because the witness'  
10 recollection as to dates and times is exceedingly critical.

11 MR. BERBERIAN: Q. I think I can ask him questions.  
12 If there is an objectionable question, I am sure counsel  
13 will raise it.

14 THE COURT: Pose your next question.

15 MR. BERBERIAN: Q. I would like to direct your attention  
16 back to on or about the period of time following the 4th of  
17 July of this year, and specifically, I will direct your  
18 attention back to a period of time when you were working for  
19 Mr. Richards at Mr. Baldwin's residence.

20 Do you recall the day when there was an individual there  
21 by the name of Tom?

22 THE WITNESS: A. Yes.

23 Q. Now, keeping that date in mind, had you had, prior to that  
24 time, discussions with Mr. Richards in regard to killing  
25 Mr. Baldwin? A. Yes, sir.

26 Q. How long before that particular time, the day that you were  
27 working at Mr. Baldwin's house, the day that Tom was there,  
28 had you had discussions with Mr. Richards about killing

1 Mr. Baldwin?

2 A. I can't give you an exact date. It is probably three weeks.

3 MR. SHAPIRO: I am sorry; I didn't hear you.

4 THE WITNESS: I assume three weeks.

5 MR. SHAPIRO: Three weeks?

6 THE WITNESS: Three weeks to a month when I first heard  
7 about it.

8 MR. BERBERIAN: Q. In what manner did the discussion  
9 of killing Mr. Baldwin come up?

10 MR. SHAPIRO: Could we have a time and place and who  
11 was present?

12 THE COURT: Mr. Berberian.

13 MR. BERBERIAN: Well, your Honor, I will rephrase the  
14 question.

15 Q. With regard to the first occasion that you can remember,  
16 where a discussion came up in regard to killing Mr. Baldwin,  
17 do you know where this took place?

18 THE WITNESS: A. I can't say exactly. I remember --  
19 the best I can do, it was in Mark's house, Mr. Richard's house.

20 Q. Did this conversation come up, the subject come up  
21 on more than one occasion?

22 A. Yes, sir.

23 Q. Do you know how many times the subject came up in your  
24 conversations?

A. Several, sir.

25 Q. Specifically, again using the date following the 4th of  
26 July, the date that you were working at Mr. Baldwin's house  
27 when Tom was present, was there an occasion when you were  
28 with Mr. Richards where he spoke to you in detail about the

1     killing of Mr. Baldwin?

2     A.   Yes, sir.

3     Q.   How long before that particular date in July did that

4     occur?

5     A.   I guess it would be like the 1st of July is when these

6     plans were starting to get pretty cemented.

7     Q.   I am sorry, I didn't hear.

8     A.   About the 1st of July is when he started to mention

9     they wanted to do it, and the times and the process and

10    everything.

11    Q.   Well, around the 1st of July, where did this discussion

12    take place you just referred to in your testimony?

13    A.   I couldn't tell you exactly. It is either in his house

14    or in the car going to and from work.

15    Q.   On this first occasion, when he was getting rather

16    specific, as you said, about it, who was present?

17    A.   Mark, Crossy Hoover and I.

18    Q.   And by Mark you are referring to Mark Richards?

19    A.   Yes, sir.

20    Q.   What specifically on this first occasion, as best you

21    can recall, did Mr. Richards say about his plan to kill

22    Mr. Baldwin?

23    A.   He just was referring to that Mr. Baldwin owed him

24    money and that he thought of trying it once before, killing

25    Mr. Baldwin, to receive money, and the plan from there --

26       MR. SHAPIRO: Could that answer be read back, your Honor?

27       THE COURT: How old are you?

28       THE WITNESS: Seventeen.

1 (Record read.)

2 MR. BERBERIAN: Q. Did Mr. Richards tell you his plan  
3 how this killing would occur?

4 THE WITNESS: A. Yes, sir.

5 Q. What did he say about how it would occur?

6 A. The plan was that he wanted to get to Mr. Baldwin's  
7 residence, to get Mr. Baldwin's residence and his shop both  
8 unlocked and the alarm turned off and that none of us would  
9 stay at the house to keep the house open, and the other two  
10 would get down to the shop and talk to Mr. Baldwin, try to  
11 lure him to the back of the shop, out of sight of anybody  
12 looking in, and then pick up any heavy object they could find  
13 and strike him.

14 Q. How many times did he tell you about this specific plan  
15 which you just testify to?

16 A. Several. I couldn't give you an exact number.

17 Q. Who did he want to do the particular parts of that plan?

18 A. In the beginning he didn't really care. Then Crossy  
19 turned out to be the more favorable one.

20 Q. Did you hear him tell Crossy at any time what he wanted  
21 Crossy to do?

22 A. Yes, sir.

23 Q. What did he tell Crossy that he wanted him to do?

24 A. He said that there was plenty of tools, or whatever,  
25 that they could use in the shop to strike Mr. Baldwin in  
26 the head, and that Mark would be talking to Mr. Baldwin and  
27 try to keep him from looking at Crossy while Crossy could  
28 look around the shop and find something to strike Mr. Baldwin.

1 with and hit him. He would scratch his head.

2 Q. What did Mr. Richards tell you that you would do in  
3 regard to that?

4 A. I would stay at the house and keep working and keep  
5 myself in sight of the neighbors, etc. and after a while,  
6 if I wanted to save time, go into the house and look around  
7 and see if I could find anything that would be of use  
8 or of value to come back to sell at a later date.

9 Q. Now, the day that you were working at Mr. Baldwin's  
10 residence, the day that Tom was there, the individual by  
11 the name of Tom, how did you go to the Baldwin residence on  
12 that day?

13 A. Mark drove us over there in the blue truck, Crossy and I.

14 Q. Do you know when you got there?

15 A. I am pretty sure it was between twenty to ten; it  
16 was supposed to be ten and we arrived there fifteen, twenty  
17 minutes early.

18 Q. Who was there when you arrived?

19 A. Tom was visiting Mr. Baldwin with his son, and Mr.  
20 Baldwin, that was it.

21 Q. When you say his son, who are you referring to?

22 A. I assumed Tom's son was the younger boy there, five, six,  
23 seven years old that was with Tom.

24 Q. Now, in discussing the method of how the killing was  
25 going to occur, had Mr. Richards at any time indicated to you  
26 whether you would be paid in any fashion for that?

27 A. He was going to give Crossy \$5000 for killing him and  
28 I was to receive \$2000 for staying around the house and etc.,

1 and then we would split everything three ways; whatever  
2 money he could get out of it.

3 Q. What type of things was Mr. Richards talking about when  
4 he said he would split things?

5 A. He said Mr. Baldwin owned many cars. He could sell  
6 those; that he had \$50,000 worth of machinery and tools and  
7 stuff at the shop that he could sell and at one time he was  
8 even thinking of trying to sell his house.

9 Q. Now, going back to after you arrived on that day when  
10 Tom was present, what type of work were you to do that day  
11 at the residence?

12 A. We were going to enlarge the garage. So Mr. Baldwin  
13 would have more room to work, etc. at his house, laying a  
14 foundation and building the frame of it.

15 Q. Did you at some point, after you arrived, leave the  
16 residence of Mr. Baldwin?

17 A. Yes; we went to lunch at 12:30, about, and we left  
18 when Tom was still at the house.

19 Q. Who did you leave with?

20 A. Mark, Crossy and I left together for lunch in the blue truck.

21 Q. Where did you have lunch on that day?

22 A. Dillers in San Rafael.

23 Q. And, were there, or was there a further discussion with  
24 Mr. Richards during that lunch as to what was going to happen  
25 that day?

26 A. Yes. He went over the general plan again and thought that  
27 it was good and bad that Tom was there; that we could say  
28 the last person we saw with Mr. Baldwin was Tom. It was also

1 a problem that Tom was also there and went to lunch also.  
2 He said to hope by the time we got back Tom had left.  
3 Q. Did you discuss what you would do if Tom was not there  
4 when you got back?  
5 A. Then he would talk to Mr. Baldwin and see if he had any  
6 dates to be anywhere, like he is going to his parents' house  
7 or bills or anything he could check up on to see if he would  
8 be missed immediately, and he just talked to Mr. Baldwin.  
9 He kept using the phrase "calming him down" to see if Mr.  
10 Baldwin had a plan for the week.  
11 Q. What was going to occur if Mr. Richards found that  
12 Mr. Baldwin did not have any plans for the week?  
13 A. That we would do some work, and that Mr. Richards would  
14 talk to Mr. Baldwin while Crossy and I were to work outside,  
15 and then after a while, he was going to bring up the point  
16 that Mr. Baldwin had some of Mark's tools down at the shop  
17 that he would like to get back and for Mark and Crossy to go  
18 down and look at some of the cars Mr. Baldwin had in the  
19 shop, because they were both interested in it.  
20 Q. And, what would you be doing during this period of time?  
21 A. Just stay at the house and work, to be visible to neighbors  
22 and if I had time to go down and look around inside the house  
23 for anything I could find.  
24 Q. Now, specifically, did Mr. Richards discuss how Mr. Hoover  
25 would kill Mr. Baldwin?  
26 A. Yes; he just -- well, he said he didn't give a specific  
27 weapon, but he said there was enough heavy instruments down  
28 in Mr. Baldwin's shop, tires, etc. that Crossy could find

1 and pick up and strike Mr. Baldwin with, to kill him.

2 Q. Did he discuss with you, either on that occasion or during  
3 lunch at one of the prior discussions why such a weapon should  
4 be used as opposed to a gun or a knife?

5 A. He just said a gun made a lot of noise and had bullets  
6 which were traceable, and a knife wouldn't kill him instantly  
7 and that would be the easiest, quickest way to kill him.

8 Q. Was this individual by the name of Tom present when you  
9 returned?

10 A. No, sir. As we were coming down the road, Tom was just  
11 leaving

12 Q. When you got back to the residence, what did you do?

13 A. Crossy and I started working in the backyard, getting  
14 ready to, or building a foundation so he could lay the  
15 cement. I was laying the rebar crossways, building a frame  
16 and Crossy was talking to Mr. Baldwin inside the house.

17 THE COURT: Miss Grove, are you representing this witness?

18 MISS GROVE: Yes, your Honor.

19 THE COURT: Then the record should reflect that Miss Grove  
20 from the Public Defender's Office is here. Otherwise I  
21 would have advised Mr. Mills with regards to certain rights  
22 that he has, but I assume that will be the case. I think  
23 the record should so reflect.

24 MISS GROVE: That is correct.

25 THE COURT: Do you want to proceed, Mr. Berberian.

26 MR. BERBERIAN: Now, your Honor, when you referred to  
27 Mr. Mills, you were referring to Mr. Campbell in your remarks  
28 just now, your Honor?

1 THE COURT: Excuse me; you are representing Mr. Campbell  
2 who is here on the stand?

3 MISS GROVE: Yes, I am, your Honor.

4 THE COURT: Yes.

5 MR. BERBERIAN: Q. At some point, after you arrived  
6 back from your lunch, did you notice anyone to leave the  
7 Baldwin residence?

8 THE WITNESS: A. When we were coming down we saw Tom  
9 leaving in his car.

10 Q. After you were back you said you were working at the  
11 residence for a period of time. Did Mr. Richards leave?

12 A. No, sir.

13 Q. Did Mr. Baldwin leave?

A. No, sir.

14 Q. What happened then that afternoon?

15 A. Mark was in talking to Mr. Baldwin for a while. Crossy  
16 and I were working and then, I guess, after about twenty  
17 minutes, Crossy and I were working we came in the house  
18 because it was hot and we started talking to Mr. Baldwin  
19 and he showed us some of his cars he had around the house,  
20 etc., and he made us some cookies and we sat down and talked  
21 and had some drinks of water with the cookies, and then Mark  
22 said he would like to go down to the shop and see Mr. Baldwin's  
23 cars.

24 Q. By Mark you are referring to Mr. Richards again?

25 A. Yes, sir, and I would rather, I was supposed to say,  
26 which I did, that I would rather stay around the house and  
27 work and get the job done with, because I had no great  
28 knowledge of cars, and Crossy was interested in them.

1 So they could go down to the shop with Mr. Baldwin.  
2 Q. Who told you you should say that?  
3 A. Mr. Richards.  
4 Q. What happened then?  
5 A. Mr. Richards and Crossy and Mr. Baldwin got in the blue  
6 truck and went down to Mr. Baldwin's shop and I stayed at  
7 the house and worked up on the roof.  
8 Q. How long were Mr. Baldwin and Mr. Richards and Mr. Hoover  
9 gone?  
10 A. I can't give you an exact time. I estimate two hours.  
11 Q. Did any of those individuals return to the Baldwin re-  
12 sidence?  
13 A. Yes, sir.  
14 Q. Hoover returned? Who returned?  
15 A. Mark, Mr. Richards and Crossy.  
16 Q. What were you doing when Mr. Richards and Mr. Hoover  
17 returned?  
18 A. I just came out from the bathroom. I heard the truck  
19 drive up. I walked out to the back window to the gate to  
20 meet them.  
21 MR. SHAPIRO: I didn't hear.  
22 THE WITNESS: I just came out from the bathroom. I was  
23 in his bathroom. I walked up to the back of the house to  
24 meet them at the gate.  
25 MR. BERBERIAN: Q. Did you speak to Mr. Richards at the  
26 time? A. Yes, sir.  
27 Q. What did you ask him?  
28 A. I asked him if they committed the murder.

1 Q. What did he say to you?

2 A. He said yes. He didn't want to talk about it; that it

3 was bloody and gross and that he wanted to get as much of the

4 stuff out of the house that he could.

5 Q. What happened then?

6 A. He told Crossy and I to go up on the roof and keep

7 working for neighbor's sake or anybody watching. He was

8 going to look around the house to see if he could find

9 anything of value in the house and he asked me if I had

10 found anything. I pointed out all there is are clothes

11 and a gun in Mr. Baldwin's bedroom and I went by his bed.

12 Then I proceeded to go up on the roof and worked with Crossy.

13 Q. Where did Mr. Richards go, that you can tell?

14 A. He was just walking down the hallway towards the

15 bedrooms and the den and I walked outside.

16 Q. Did you at some point come back into the residence?

17 A. Yes. I was up there on the roof approximately ten,

18 fifteen minutes, and I wanted to see what Mark was doing.

19 So, I came back down and went into the house and at that

20 time he was in the library, I guess, of Mr. Baldwin's house

21 at a closet that was locked.

22 Q. What was Mr. Richards doing?

23 A. Seeing if there was any alarm system to the closet;

24 how you could open it up.

25 Q. Did he open it up? A. Yes, sir.

26 Q. How did he do that?

27 A. With a crow bar.

28 Q. What happened then?

1 A. He opened up the closet and I was still there at the time  
2 and the closet was loaded with marijuana and guns and  
3 ammunition.  
4 Q. Anything else in the closet that you recall?  
5 A. A large safe that was on the floor and a small metal box  
6 that was on the shelf and a wooden box that didn't have a lock,  
7 a small jar that was also on the shelf.  
8 Q. Anything taken out of the closet?  
9 A. Yes; everything, just about everything, the large safe,  
10 all the ammunition, all the pot, the guns, the wooden box  
11 and the small metal box.  
12 Q. Any money in the closet?  
13 A. Yes; \$2000.  
14 Q. Where was that?  
15 A. On the shelf in between the metal box and the wooden box.  
16 Q. How was this money packaged, if it was, in any fashion?  
17 A. It was rolled up in a roll surrounded by a rubber band.  
18 Q. Who found the money?  
19 A. I did.  
20 Q. What did you do with it?  
21 A. I grabbed it and put it in my pocket.  
22 Q. At some point, did you give it to someone?  
23 A. Yes; I gave it to Richards, Mark Richards.  
24 Q. When was that?  
25 A. When we were leaving the house and we were back to  
26 San Rafael and we were talking about what was going on  
27 I pulled out my pocket and gave it to Mr. Richards.  
28 Q. Did you look at the type of bills that were there that

1 made up the \$2000?

2 A. Yes, sir. It was hundreds, fifties and twenties.

3 Q. Now, do you recall being present with Mr. Richards and

4 Mr. Hoover at the time that a boat of some fashion was

5 purchased? A. Yes.

6 Q. Do you recall the location where you went with these

7 individuals to purchase that boat?

8 A. I couldn't give you an exact address. I am pretty sure

9 it was in Strawberry.

10 Q. Now, was this in the day or in the nithgtime?

11 A. It was in the late evening, late evening.

12 Q. And, do you know who -- well, did one of the three of

13 you, either Mr. Hoover or Mr. Richards or yourself talk to

14 an individual at that location that you believe was in the

15 Strawberry area?

16 A. Yes; Mark did the talking to the person about the boat.

17 Q. Can you describe what happened when you arrived at this

18 residence place?

19 A. We got out of the truck. The man was already outside.

20 Mark introduced himself as the person who called on the

21 phone. He showed us the boat, talked about how it worked.

22 Mark was saying that we wanted to use it for fishing, etc.

23 during the summer, and he liked to purchase it, you know,

24 and check how it ran; stuff like that.

25 Q. What type of a boat was it, if you can recall?

26 A. I think it was a 14 foot light cabin cruiser. I guess

27 that's what you would call it.

28 Q. Did it have an inboard or outboard motor, or do you recall?

1 A. It had an outboard motor, I assume. It was on the  
2 outside.

3 Q. Now, did you talk to this man that was selling the boat?

4 A. In casual conversation when he asked if we liked fishing  
5 and if we would take good care of the boat.

6 Q. Did you see Mr. Richards pay for the boat in any fashion?

7 A. I didn't see him. He did that inside the house.

8 Q. What type of a vehicle did you arrive at the residence  
9 outside?

10 A. In the blue truck.

11 Q. Were you towing anything at the time you arrived?

12 A. No, sir.

13 Q. How did you get to, how did you get the boat away  
14 from the residence?

15 A. It came with a trailer.

16 Q. The boat that was purchased? A. Yes.

17 Q. How was it attached to the truck that you arrived in?

18 A. The man also gave us a knob, whatever you call it,  
19 to connect it to the bumper of the truck.

20 Q. And this knob that you are referring to, this came  
21 from the person who sold the boat? A. Yes.

22 Q. Had Mr. Richards discussed with you at any time how the  
23 body of Mr. Baldwin was going to be disposed of?

24 A. Yes. He wanted to put it in the ocean.

25 Q. After the boat was purchased, did you go to a location  
26 where the body of Mr. Baldwin was?

27 A. After the boat was purchased, we took the boat down to  
28 Loch Lomond and put it in the water, parked the trailer and

1 then went back to pick up the body.

2 Q. Before you got to Loch Lomond, did you have any problems  
3 with the lights or the lighting on the boat or trailer?

4 A. Yes. We didn't have the wires to connect it up from  
5 the truck, so we had to just turn on the ship's light  
6 with the boat side.

7 Q. The trailer itself, you couldn't hook up the light to  
8 the trailer?

9 A. We didn't have an electric system to wire to the truck  
10 lights.

11 Q. When you were referring to Loch Lomond, are you referring  
12 to a location in San Rafael, or do you know the exact location?

13 A. I can't tell you the exact location.

14 Q. When you first went there, after the boat was purchased,  
15 who was with you.

16 A. First we went to the place where the boat was.

17 Q. Uh-huh.

18 A. Just Crossy, Mark and I.

19 Q. From the place where you bought to boat to Loch Lomond,  
20 did the three of you go to that location in Loch Lomond?

21 A. Yes, sir.

22 Q. What happened when you arrived?

23 A. We got there. We were putting the boat in the water and  
24 the security guard, whoever, came up and asked what we were  
25 doing and Mark said we wanted to get out get an early start  
26 fishing. So, we were going out at night to sleep out there.  
27 We paid the launching fee, put the boat in the water, tied  
28 it to the dock.

1 Q. How did you know this was a security guard?  
2 A. He was in uniform.  
3 Q. Who did he talk to, the security guard?  
4 A Mr. Richards.  
5 Q. Do you recall him, referring to the security guard, doing  
6 anything other than talking to Mr. Richards?  
7 A. He wrote down the license of the truck and asked to check  
8 the boat.  
9 Q. What happened after he did that?  
10 A. He made sure we paid the launching fee and said, "Have a  
11 good time," and got back in his car and drove away.  
12 MR. SHAPIRO: He came back?  
13 THE WITNESS: He drove it back to the other side of the  
14 snack bar, whatever it is, and parked.  
15 MR. BERBERIAN: Q. What happened after he drove away  
16 on that location?  
17 A. We launched the boat, tied it to the dock, pulled the  
18 trailer to the side, left it there and went back to San Rafael.  
19 Q. Did you go back then to pick up the body at that point?  
20 A. We were going to. That was the plan, and when we got  
21 there Mr. Duncan's lights were on across from Mr. Baldwin's  
22 shop and Mark didn't want to get the body. He thought Mr.  
23 Duncan would recognize him. So we drove around the block  
24 a couple times, waiting for Mr. Duncan to leave.  
25 Q. At some point, did you stop at the shop?  
26 A. We drove by in front of it. We didn't stop until we  
27 actually went there and picked up the body.  
28 Q. You proceeded then to pick up the body, or did you pick up

1 the body at a later point?

2 A After the boat was in the water that night, we went the  
3 same night. We went to pick up the body.

4 Q. Where did you pick up the body from?

5 A. Underneath the car in Mr. Baldwin's shop.

6 Q. Do you remember which car it was underneath?

7 A. An old -- I think it was an old Rolls Royce; it was an  
8 older style car.

9 Q. Did you go into the shop yourself at that point?

10 A. Yes, sir.

11 Q. What happened after you went in the shop?

12 A. We went in and Mark told Crossy and I to wrap the body  
13 up in plastic and tape it, to seal it up and that he would  
14 go, he was gathering weights that we could use to sink the  
15 body in the ocean, and he went out and drove the truck to the  
16 door and put the body back in the truck.

17 Q. What happened?

18 A. That is what happened.

19 Q. How did you get the body from where it was to the truck.

20 A. There was a creeper inside Mr. Baldwin's shop and we  
21 layed the body on that and he rolled it down.

22 Q. What is a creeper?

23 A. A mechanic's sled, whatever you call it. You roll it,  
24 and it is on the ground.

25 Q. What happened after you put the body of Mr. Baldwin  
26 on that creeper?

27 A. We pushed it down to the side of the antique car. Mark  
28 left, got in the truck, went back to the door, opened it up,

1 backed the bed of the truck and pulled the door down as low  
2 it would go.

3 Then we put the body on the truck, wrapped it up in a  
4 white car cover and plastic.

5 Q. What happened then?

6 A. We picked up the weights that Mark had assembled and  
7 threw those in the back of the truck, got out, pulled the  
8 truck out, and Mark got out and locked up the shop, and I  
9 got in the back-bed of the truck and the other two in the cab  
10 and we went back to Loch Lomond.

11 Q. When you got back to Loch Lomond, what happened at that  
12 point?

13 A. We pulled up and we were backing the truck towards the  
14 water, and the security guard came back again to see if we  
15 had a key to the bathroom.

16 Q. Where was the body?

17 A. In the back of the truck.

18 Q. Did you have any weapons with you at that time?

19 A. Everybody had a gun.

20 Q. What part of the truck did the security guard approach?

21 A. As I can remember, he pulled to the front of the truck  
22 and got out and was talking to Mark on the lefthand side  
23 corner panel.

24 Q. What happened then?

25 A. Crossy and I were sitting, talking in the back of the  
26 truck, real nervous. Mark was real polite to the man and  
27 he just got back in his car and left. Mark told me to go  
28 look and see if he was watching us. So I ran around the corner

1 to see what he was doing and he was just doing some paper  
2 work in his car and Crossy and Mark wheeled the body. We  
3 all pulled it out of the truck and Crossy and Mark wheeled it  
4 down the ramp and put it in the boat, still on the creeper.

5 Q. Then what happened?

6 A. Crossy got in the truck and parked the truck and I grabbed  
7 the weights out of the bed, put it in the boat. Crossy  
8 parked the truck and came back, and when I got in the boat  
9 and tried to start the engine, it took a couple of tries.  
10 Then we started the engine and went up in the Bay.

11 Q. What happened after you left the dock area and went out  
12 into the Bay?

13 A. We went out on San Pablo Bay, I believe it is. I am  
14 guessing, and we got maybe two, three hundred yards away  
15 from the eel channel where the boats come out, and the  
16 engine died and Mark fixed it, and we went a little further  
17 and then the engine died again, and Mark fixed it. We went  
18 farther and we decided to dump the body out because we  
19 couldn't trust the engine of the boat. So Mark picked up  
20 the body and put it in the water and I put up the crate  
21 with the weights that was tied to the body and threw him  
22 over the side.

23 Q. What happened?

24 A. The cord snapped and the weights sunk to the bottom and  
25 the body floated aside the boat.

26 Q. Then what occurred?

27 A. Everyone was really nervous, and worried and we had to  
28 hold the body next to the boat so it wouldn't float out.

1 We were trying to think of a way to make the body sink and  
2 as we were doing this, we got drifting with the tide. Then,  
3 eventually Mark remembered we had another motor on the boat.  
4 We picked up that motor and used the rope from the anker  
5 and retied it to the body and sunk the body.

6 MR. BERBERIAN: Your Honor, we have an outboard motor  
7 that is here that I ask the Court to allow the witness to  
8 leave the witness stand to examine.

9 Mr. Shapiro can come and examine it, if he wishes. It  
10 can be marked at the recess.

11 THE COURT: Yes. Did you want to take a look at that?

12 MR. SHAPIRO: No.

13 MR. BERBERIAN: Maybe Officer Lindquist could take it  
14 up.

15 THE COURT: That can stay on that crate there.

16 MR. BERBERIAN: Q. Mr. Campbell, do you want to take a  
17 look at the motor, the cover? Mr. Campbell, could you examine  
18 that from where you are sitting?

19 THE WITNESS: A. Yes, sir.

20 Q. Do you recognize that motor?

21 A. Yes.

22 Q. Is that the motor that was used to tie around the body  
23 of Mr. Baldwin?

24 A. I never got a clear view of it, but I know that that  
25 is the rope. It didn't look that big, because I cut that.  
26 I know that is the rope, because I cut that.

27 Q. How was the motor that you used tied to the body?

28 A. With the rope from one of the ankers, the rope that Mark

1 was pulling the motor boat when Mark was pulling the  
2 Trolling motor from the back of the boat across while  
3 holding the body to the side of the boat so it wouldn't  
4 float away, and I was untying the anker so we could use the  
5 rope to tie around the body and the motor.

6 Q. What happened then?

7 A. We let it go, and the body sank.

8 Q. Then what happened?

9 A. Mark fixed the engine to our boat, got it to running  
10 again, and then we turned and headed towards Loch Lomond  
11 and stopped one or two more times before we got back to the  
12 dock.

13 Q. A number of days after this particular incident, the  
14 disposing of the body that you just talked about, did you  
15 go with Mr. Richards to Matthew's T.V. and Stereo City in  
16 Daly City? A. Yes, sir.

17 Q. How is it that you happened to go with Mr. Richards to  
18 that particular location?

19 A. We tried another T.V. store and they insisted on shipping  
20 and setting up the equipment and Mark just remembered that  
21 Matthews had easy financing, etc., so we headed up there.

22 Q. What were you intending to purchase; if anything, if  
23 you went to Matthews T.V. and Stereo?

24 A. He wanted to buy almost everything he had; a large  
25 screen projector, movie camera, car stereo, stereo for the  
26 house, Fidelity cassette recorder, portable.

27 Q. What name was Mr. Richards going to use to purchase these  
28 items? A. He was using Mr. Baldwin's.