

1 the residence?

2 A I believe we moved the car, after reviewing the
3 statement, moved the car down to the highway so they
4 could find out where the house was. We had a hard time
5 giving out an address at that time.

6 Q Okay. This is kind of a rural area. How would
7 you describe it?

8 A Rural area.

9 Q Okay. As far as the car, you're talking about
10 your Monte Carlo?

11 A Correct. I don't remember exactly doing that,
12 but reviewing a little bit of the statement, I guess
13 that's what we did.

14 Q And was it you that did it or was it Marta or
15 you don't remember?

16 A I really don't recall.

17 Q At some point the car's moved. Do people start
18 showing up at some point?

19 A At that point I believe the paramedics showed
20 up.

21 Q And then how long were you outside before the
22 paramedics showed up?

23 A I don't recall. Once that -- once they told us
24 to get out, don't touch anything else, get out of the
25 house, it didn't seem like it was very long after that.

26 Q Matter of minutes?

27 A Yes, from what I can recall.

28 Q When the paramedics show up, where's the dog at

1 this point?

2 A I don't recall.

3 Q As far as your mom's dog goes, if you know, was
4 it aggressive towards strangers?

5 A It would go out if somebody was pulling up or
6 trying to walk up. It would bark, which could be
7 intimidating.

8 Q But it would never attack somebody?

9 A No, never attacked anybody.

10 Q Okay. And as far as the clothing, your mom's
11 clothing was concerned, do you recall what type of
12 hangers she used to hang clothing?

13 A Metal hangers.

14 Q When you say metal hangers, you're talking
15 about wire hangers?

16 A Yeah, the wire hangers.

17 Q She didn't have those plastic hangers or
18 anything?

19 A Not that I recall. I almost recall nothing but
20 wire hangers.

21 Q Then approximately, you said, that it's -- you
22 already told us it's a rural area. Approximately how
23 far away was the closest neighbor to your mom's?

24 A Would have been the one right across
25 the highway.

26 Q So directly across the highway there's another
27 residence?

28 A Yes.

1 Q Do you recall who lived there?

2 A It was Don Stow (phonetic).

3 Q As far as that residence, was it also backed
4 away from highway 18?

5 A Not like my mother's was.

6 Q So your mom's was farther from the highway than
7 Don Stow's?

8 A Yes, it was the back of five acres, and his was
9 pretty much right on the highway.

10 Q So the paramedics showed up. Did you see where
11 they went or what they did?

12 A They went into the residence. They had to go
13 in and check to see if she could possibly be alive.

14 Q Did you go in with them at that point?

15 A No, I didn't.

16 Q Did you see Marta go in with them?

17 A I believe Marta started following them in, and
18 I believe I might have said to get out of the house.
19 Told us not to touch anything, not to go back in.

20 Q And then as far as your mom, you said that she
21 went to work. Do you know where she worked?

22 A Yes, she worked at Spring Valley Country Club.

23 Q That's Spring Valley Lake --

24 A Spring Valley Lake.

25 Q -- over here in Victorville? As far as your
26 mom's eye sight was concerned, did she have to wear
27 glasses or any type of prescription glasses or contacts?

28 A She wore glasses.

1 Q Okay. Is that something she had pretty much
2 every time that you would see her?

3 A Yes, pretty much all the time.

4 Q So if you went over to her house, she would
5 have her glasses on when she met with you?

6 A Yes, from what I can recall.

7 Q Then as far as her normal work hours at the
8 Spring Valley Lake Country Club or Golf Club, did she
9 have a normal work schedule that you knew of?

10 A I believe it was Monday through Friday 8:00 to
11 5:00, 8:00 to 4:00.

12 Q I'm going to ask; do you know that gentleman
13 seated next to the defense attorney, Mr. Sanders, in
14 this case?

15 A I know him now.

16 Q Back in 1985, did you know John Yablonsky?

17 A Not that I can recall.

18 Q Do you know of a person with the last name of
19 Yablonsky?

20 A Yes.

21 Q Who was that?

22 A That was his father.

23 Q That would be George Yablonsky?

24 A Yes.

25 Q And how did you know George?

26 A I've known George since when I first went to
27 Lucerne Valley, 1980 or 1981. Just knew him as a casual
28 relationship through living there.

1 Q So is it more of an acquaintance-type
2 relationship?

3 A It was an acquaintance. We drank together in
4 the bar. I believe we went to the Colorado River once.

5 MR. THOMAS: If I can have just a moment,
6 your Honor?

7 THE COURT: We'll take our morning recess,
8 ladies and gentlemen, 15 minutes. You're admonished
9 that it is your duty not to converse among yourselves
10 or with anyone else about any matter connected with
11 this case nor form or express an opinion on it until
12 it's submitted to you. 15 minutes.

13 (Whereupon a recess was taken.)

14 THE BAILIFF: Remain seated. Come to order.
15 Court is now in session.

16 THE COURT: Counsel approach.

17 (Whereupon the following proceedings were held at the
18 bench out of the hearing of the jury:)

19 THE COURT: Okay. Mr. Sanders.

20 MR. SANDERS: Yes, your Honor.

21 THE COURT: If you want to put something on
22 the record, tell me next time. I told Mr. Thomas in
23 this polite way that I need to have the cooperation of
24 not being rude to this jury. I'm not going to let you
25 or Mr. Thomas cause me to be rude to this jury. If
26 there's something you need to put on the record when
27 we're taking a break, say can we wait before we leave
28 in advance. Give me a heads up so I can tell the jury

1 something. I'm not going to leave them waiting.

2 MR. SANDERS: I'm going to object to the
3 opening statement and ask for a mistrial to be
4 declared on the grounds that Mr. Thomas referred to my
5 client's statement, which was not a statement against
6 interest, but may become a statement against interest
7 and has put me in a position that I have to put my
8 client on the stand.

9 THE COURT: Your client's statement is always
10 a statement against his interest.

11 MR. SANDERS: But it wasn't. It was like we
12 were talking about the other day when I wanted to put
13 in a guy's statement, and he said you want to put his
14 statement in.

15 THE COURT: Your client's a party to this
16 action. Anything he says is admissible against him.

17 MR. SANDERS: Yes, but the way that the DA
18 phrased it, I now have to put him on the stand because
19 of the manner in which he told the jury things.

20 THE COURT: Either he told the jury what your
21 client said or he didn't. If he told the jury your
22 client said something your client didn't say, that's
23 not grounds for a mistrial. That's grounds for you to
24 show he hasn't proven his case. If he told the jury
25 something your client said that your client did say,
26 then it's admissible. It's free game unless there's
27 an issue about admissibility, and I assume that you
28 wouldn't make a motion regarding violation of Miranda

1 at this point in the proceeding without having
2 mentioned it during our opportunity to have motions in
3 limine.

4 Am I wrong about that, the Miranda issue?

5 MR. SANDERS: No.

6 THE COURT: Mr. Sanders, whatever your client
7 said is totally fair game to reference by Mr. Thomas.
8 If he misquotes your client, then that's fodder for
9 you. If he quotes your client, that's what your
10 client has to deal with. If it happens that that
11 requires him to get on the witness stand, that's
12 something that happened long before you had an
13 opportunity to be involved. So your motion for a
14 mistrial is going to be denied.

15 MR. SANDERS: Thank you.

16 (Whereupon the following proceedings were held in open
17 court in the presence of the jury:)

18 THE COURT: Ladies and gentlemen, I'm sure
19 that you recall that I wear glasses and sometimes I
20 leave them in my chambers. I'm sure you recall that
21 we had on occasion during jury selection did things at
22 bench. When we can do something in a brief time, I'd
23 rather do that rather than excuse you and keep you
24 waiting in the hall.

25 Back on the record in the case of People of the
26 State of California versus John Henry Yablonsky, who is
27 here with David Sanders, his attorney. John Thomas is
28 here along with Detective Robert Alexander, and on the

1 witness stand is your first witness, Daryl Kraemer,
2 who's still under oath and still in direct examination.

3 You may continue, Mr. Thomas.

4 MR. THOMAS: Thank you, your Honor.

5 BY MR. THOMAS:

6 Q There was just a couple of questions I forgot
7 to ask you before the break.

8 Did you bring any items over? Did you or Marta
9 bring any items over to your mother's house?

10 A Not that I recall.

11 Q Do you recall some beer cans that were brought
12 over?

13 A I don't recall that.

14 Q I'm going to show you a photograph that's been
15 marked Exhibit 24.

16 Do you recall those beer cans that are depicted
17 in Exhibit 24?

18 (Whereupon Exhibit 24 was marked
19 for identification.)

20 THE WITNESS: No, I don't.

21 BY MR. THOMAS:

22 Q Do you ever recall talking with Detective McCoy
23 or any other detective and telling them that the 12-pack
24 of Coors beer belonged to you or was brought over by
25 you?

26 A I don't recall that.

27 Q Was Coors something that you would drink back
28 then in 1985?

1 A Yes.

2 Q So it may have been one of those situations
3 where you may have brought it over, but you don't
4 remember now?

5 A Yes, I don't recall that.

6 Q Do you recall if Marta brought anything over to
7 the residence?

8 A I don't recall.

9 Q Back in 1985, did you or Marta smoke?

10 A Yes.

11 Q What type of cigarettes did you smoke?

12 A Marlboro regulars.

13 Q What type of cigarettes did Marta smoke?

14 A I believe it was Virginia Slims.

15 Q Do you recall what type of cigarettes your mom
16 smoked if she smoked?

17 A Yeah, she smoked -- I don't recall. Something
18 like Virginia Slims, but I don't recall what it was.

19 Q Do you know if your mom smoked Benson Hedges?

20 A I don't recall what she was smoking at the
21 time.

22 Q Prior to going over to your mother's residence,
23 did you stop anywhere along the way?

24 A I believe it's Marta's recollection that we
25 stopped and she grabbed something to drink.

26 Q But I'm talking about your recollection. You
27 don't have --

28 A I don't recall stopping.

1 MR. THOMAS: Nothing further.

2 THE COURT: You may inquire, Mr. Sanders.

3 MR. SANDERS: Thank you, your Honor.

4 **CROSS-EXAMINATION**

5 BY MR. SANDERS:

6 Q Good morning, Mr. Kraemer.

7 A Good morning.

8 Q This date we're talking about, I believe you
9 said was the 23rd of September?

10 A Correct.

11 Q And that was in 1985?

12 A Yes.

13 Q All right. You had been trying to get ahold of
14 your mother for a couple of days; is that correct?

15 A Yes.

16 THE COURT: Mr. Sanders, will you pull that
17 microphone in front of you, please?

18 MR. SANDERS: Yes, sir. Is that better?

19 THE COURT: Sure. Can't be any worse.

20 BY MR. SANDERS:

21 Q I believe you said that you had not seen your
22 mother for four, five or six weeks, something like that?

23 A Approximately, yes.

24 Q All right.

25 THE BAILIFF: Try it now.

26 MR. SANDERS: Okay.

27 BY MR. SANDERS:

28 Q And my understanding was that you decided --

1 you made some phone calls to her home?

2 A Yes.

3 Q Do you remember the dates that you called her
4 that you were not able to get ahold of her?

5 A I believe it was that Saturday and that Sunday
6 and that Monday when I called her at work.

7 Q Okay. Was she supposed to have gone to work on
8 Sunday that week?

9 A No, her days off were Saturdays and Sundays.

10 Q So do you remember what time it was that you
11 tried -- started trying to call her on Saturday?

12 A I don't recall.

13 Q Could have been in the evening?

14 A I don't recall.

15 Q Okay. And you had not spoken to her before
16 that for four or five weeks?

17 A Yes.

18 Q All right. You indicated that she and you had
19 a good relationship most of the time; is that correct?

20 A Yes.

21 Q All right. I believe you had lived there at
22 that residence for a year or two earlier that decade;
23 correct?

24 A Yes.

25 Q Sometimes you guys would have arguments?

26 A Yes.

27 Q And I believe that the last time you had seen
28 her you and she had had a pretty good argument?

1 A Yes.

2 Q All right. So you'd stayed away a little
3 while, and now you were checking up on her and wanted to
4 talk to her again?

5 A Yes.

6 Q And I believe that you said that she had
7 contacted you at some point before the 20th?

8 A It's just something that stuck in my head. I
9 knew there was some kind of urgency that I call her that
10 weekend, and it's always stuck in my head that there was
11 an answering (sic) on my voice machine. I don't recall
12 how urgent it was, but from what I recall -- it stayed
13 with me all this time that she needed to talk to me;
14 that there was something bothering her or something.
15 She was worried about somebody, and that's what just
16 stayed in my head all these years. I believe there was
17 an urgency of why I wanted to get ahold of her that
18 weekend.

19 Q Do you remember how many days it was before
20 that weekend that you had gotten that call on your voice
21 mail -- on your telephone?

22 A I don't recall.

23 Q And she had -- was it a short message? Long
24 message?

25 A From what I'm thinking, it was a short message.

26 Q Just that she was having a problem or something
27 like that?

28 A Right.

1 Q No names were given?

2 A No.

3 Q You and Marta were together at that time; is
4 that correct?

5 A Yes.

6 Q The two of you got in the car and drove over,
7 and you believe you stopped along the way and Marta got
8 something to drink; is that correct?

9 A What I recall, I don't recall that.

10 Q Okay. And you didn't recall that box of Coors
11 beer; is that correct?

12 A No.

13 Q Okay. When the two of you drove, I understand
14 that your mother's house was a ways off of the road, a
15 hundred yards? Less?

16 A Probably more than that. It was back five
17 acres from the highway.

18 Q But you think it was maybe more than a hundred
19 yards to the house?

20 A Yeah. I would say more than a hundred yards.

21 Q And the driveway up to the house, was there
22 just one or was there a horseshoe, and it went out in
23 two places?

24 A It was a horseshoe drive.

25 Q It entered the road at two locations?

26 A Yes.

27 Q The top of the horseshoe would be in front of
28 the front porch?

1 A Yes.

2 Q So you were driving the Monte Carlo and you
3 pulled up behind her car; is that right?

4 A Yes.

5 Q And then you went into the house, and you
6 discovered what you discovered?

7 A Correct, yes.

8 Q I notice the prosecutor asked you a couple
9 questions about how your mother would use the heater and
10 the swamp cooler, and what she would do with windows and
11 things like that.

12 Are you fairly confident in the things you said
13 that she would have the drapes open every day when she
14 was there?

15 A Yes.

16 Q Okay. There never was a time she didn't do
17 that?

18 A Not when she was -- from what I can recall, she
19 always left them open.

20 Q Do you recall what the temperatures were back
21 then on the 23rd of September in Lucerne Valley?

22 A I recall that they were 75, 80 degrees outside.
23 It was just like summer just coming to an end.

24 Q What about at night?

25 A It wouldn't get -- it wouldn't get -- in my
26 opinion, it wouldn't get cool enough to turn on the
27 heater.

28 Q All right. Some people like the heater on when

1 other people wouldn't. Can you say for sure that your
2 mom wouldn't have turned on the heater?

3 A I don't believe she would turn on the heater
4 high.

5 Q Let me ask you this: Is it -- what was the
6 mechanism to turn the heat up?

7 A It was probably a dial.

8 Q And you turned it to a temperature?

9 A Yes.

10 Q If you wanted, you could set it at 70 or 80 or
11 85?

12 A Correct.

13 Q Do you remember what it was set on when you
14 came in the house?

15 A I don't recall what temperature it was set on,
16 no.

17 Q And you're not the one that turned it down; is
18 that correct?

19 A I don't believe -- it was Marta or I.

20 Q Okay. And did you open any of the windows?

21 A From what I -- I recall -- seems like what I
22 recall I tried to open windows.

23 Q All right. I understand that there are three
24 doors into the house; is that correct?

25 A The garage door, the front door, then there was
26 a sliding door.

27 Q Sliding glass door. Was that at the front or
28 the back?

1 A I know there was one on the side. I know when
2 you looked out towards the highway, you could see the
3 highway out there through like the sliding door, but at
4 this moment I can't recall if there was a sliding door
5 too, unless it was a big window.

6 Q Do you recall checking to see whether the front
7 door or the sliding door were locked when you were
8 there?

9 A From what all I can recall, is that all the
10 doors were unlocked.

11 Q Unlocked? I'm sorry. Were they locked or
12 unlocked?

13 A Unlocked.

14 Q Okay. Mr. Thomas asked you about what you
15 observed when you went into the house.

16 Do you have any recollection of seeing anything
17 that you thought was out of place?

18 A At that time, no. I don't recall seeing
19 anything that was out of place.

20 Q Your mother was a smoker; is that correct?

21 A Yes.

22 Q So it would not be unusual to have a pack of
23 cigarettes or ashtray or something like that?

24 A In the room?

25 Q Right.

26 A Yes, it wouldn't be unusual, no.

27 Q Okay. And when -- when you had lived there,
28 you said you noticed your mother always used the wire

1 hangers; is that correct?

2 A Yes.

3 Q Was she -- it was her habit when she would go
4 to bed -- was she the kind of person that liked to hang
5 her clothes up before she retired or would she put them
6 on the floor and put them away the next day?

7 A From what I can recall, I didn't see her hang
8 her clothes up every day. She dressed professionally to
9 go to work, and she took care of her clothes and hung
10 them up.

11 Q Did you notice any of her clothes on the floor
12 in the bedroom when you went in there?

13 A Not that I can recall.

14 Q Did your mother usually wear pajamas, if you
15 know?

16 A I don't recall.

17 Q Okay. Now, you spoke to the police and they
18 told you to go outside and wait; is that correct?

19 A That's correct.

20 Q You did that until they finished their work?

21 A Right.

22 Q Did you then go back into the house and look
23 around again?

24 A When they left?

25 Q Yes, when they were gone, maybe not that day
26 but --

27 A No, I stayed there in the house.

28 Q Okay. And you had more time and you were a

1 little bit more calm?

2 A Correct.

3 Q At that time did you try to take an inventory
4 to see if anything was missing?

5 A We looked around and nothing seemed -- appeared
6 to have been -- her ring was there, her purse was there.
7 Nothing appeared to be missing.

8 Q I think at some point you called the police and
9 told them that you found -- there was a gold chain that
10 was missing.

11 Do you remember that?

12 A After reviewing, I vaguely remember that.

13 Q When was it that you discovered that the gold
14 chain was missing?

15 A Well, I believe I thought it was a gold chain,
16 and we ended up discovering after this period of time
17 that that was not a gold chain; that it was a watch.

18 Q A watch that was missing?

19 A Yeah.

20 Q Okay. Did you call the police and let them
21 know there was a watch missing?

22 A Well, I believe from reading the statement that
23 it was a chain.

24 Q And you told the police it was a chain that was
25 missing; is that correct?

26 A Correct.

27 Q And then at a later time, after you talked to
28 the police, you determined it was not a chain?

1 A Right. I don't -- down the road a period of
2 time, we ended up finding something missing.

3 Q Okay. So it never was missing in the first
4 place or you found it at another time?

5 A We resolved that it -- the person that it came
6 from, that it wasn't a chain at all. It was a watch.

7 Q All right. So some person had given your
8 mother this watch?

9 A Right.

10 Q Was that Mr. Bidard (phonetic)?

11 A Yes.

12 Q So you spoke to Fred Bidard, and he told you it
13 wasn't a chain?

14 A I don't remember the conversation about it.
15 Yeah, the end result was that it was a watch that he had
16 given her.

17 Q All right. So when you told the detectives
18 that a chain was missing, that's what you are referring
19 to, and that Fred had given it to her, that's what
20 you're referring to?

21 A Right.

22 Q It wasn't a chain. It was a watch, and you
23 found the watch?

24 A Yes. The watch was returned to us from the
25 coroner. She was wearing it at the time.

26 Q And Fred was -- had been a boyfriend of hers at
27 sometime?

28 A Yes.

1 Q I assume that the police questioned you
2 diligently about her social contacts; is that correct?

3 A Yes.

4 Q And you were able to give them information
5 about people that she had dated or spent time with; is
6 that correct?

7 A Yes, the most that I can recall that day,
8 September 23rd.

9 Q The information you gave the police that day,
10 is that what you're saying?

11 A That's when they were talking to me the most
12 about who she, you know, was seeing from what I recall.

13 Q Did you tell the police that you didn't know
14 all the different people that she may have seen?

15 A Yes.

16 Q And you just told them about some of them that
17 you knew?

18 A Correct.

19 Q Okay. Who did you tell the police she had been
20 dating other than Mr. Bidard?

21 MR. THOMAS: Objection. Relevance.

22 THE COURT: Sustained.

23 BY MR. SANDERS:

24 Q You were asked by the district attorney about
25 some of the habits of your mother.

26 Do you know if she would sometimes invite
27 people to come over to her home?

28 A I'm sure she did.

1 Q So she wasn't a person that was just always
2 alone and no one ever came over?

3 A No.

4 Q She had -- she would sometimes invite
5 boyfriends and acquaintances to her house; is that
6 correct?

7 A Yes.

8 MR. THOMAS: Objection. Calls for
9 speculation.

10 THE COURT: If you know the answer, you can
11 answer.

12 THE WITNESS: If she had people come to visit
13 her?

14 BY MR. SANDERS:

15 Q Right.

16 A I'm sure -- I would say so, yes.

17 MR. THOMAS: Same objection. I don't think
18 it's been established that this witness knows for
19 sure.

20 THE COURT: And I don't know why you're
21 whispering, but I did hear what you said with great
22 difficulty.

23 MR. THOMAS: I'll speak up next time, your
24 Honor.

25 THE COURT: I'm going to sustain the
26 objection. Speculation.

27 BY MR. SANDERS:

28 Q Let me ask you: To your personal knowledge,

1 had you seen at times your mother bring friends over to
2 the house?

3 A Yes.

4 Q And on occasion those were boyfriends?

5 A The only boyfriend that I can even recall would
6 have been Mr. Bidard.

7 Q I think you told the police that to your
8 knowledge she had broken up with Mr. Bidard three months
9 prior to September?

10 A Yes, I don't recall the amount of -- three,
11 four months.

12 Q Was your mother someone that would seek social
13 interaction with men?

14 MR. THOMAS: Objection. Relevance.

15 THE COURT: Vague. Sustained.

16 BY MR. SANDERS:

17 Q In the six-month period preceding
18 September 1985, do you have knowledge that your mother
19 would seek social interaction with men?

20 A No -- I don't understand the question.

21 Q Did she like to date?

22 A Sure, she liked to date.

23 Q Okay. And she dated fairly often to your
24 knowledge?

25 A Not -- I don't know how often.

26 Q Would she, to your knowledge, sometimes date
27 people that she had not known for a long time?

28 A That could be possible.

1 MR. THOMAS: Objection. Calls for
2 speculation based on the witness's answer. Move to
3 strike. Do I need to speak up more? I'm sorry.

4 THE COURT: Good idea if you want me to hear
5 anything you say.

6 MR. THOMAS: I objected on the basis that the
7 witness is speculating. I moved to strike the answer
8 that the witness gave based on that.

9 THE COURT: Sustained.

10 MR. SANDERS: Excuse me just a moment, your
11 Honor?

12 BY MR. SANDERS:

13 Q After the police had left, did you take a
14 closer look in your mother's bedroom to determine if
15 there were items of property that were missing?

16 A Yes.

17 Q Did you notice whether or not there were items
18 of property that were in plain sight?

19 A Yes.

20 Q And some of those may have been -- have some
21 value?

22 A Yes.

23 Q You indicated you initially thought that
24 perhaps your mother had killed herself?

25 A Yes.

26 Q That was because you had noted that she was
27 lonely and despondent?

28 A Yes, and I worried about her, yes.

1 Q All right. The district attorney asked you if
2 you thought perhaps someone might still be in the house.

3 Do you remember that question?

4 A Yes.

5 Q At any time when you had your chance, did you
6 look through the house to see if you could find any
7 evidence that someone had come in the house?

8 A No -- no -- I don't -- no.

9 Q When -- when you went in initially and then
10 after you came back from Mr. Sullivan's and went in
11 again, did you move anything inside the house? Pick up
12 anything? Look at anything?

13 A The only thing that -- nothing other than
14 the -- was trying to open the window.

15 Q I think you said the dog was outside when you
16 came?

17 A Correct.

18 Q After you initially drove up behind the
19 Cadillac that was in the garage, I believe that you said
20 that you then went to Mr. Sullivan's; correct?

21 A Yes.

22 Q And to do that, you got back in your car and
23 backed it up a short distance; correct?

24 A Yes.

25 Q And then you drove around the top of the
26 horseshoe drive and out the other side?

27 A Yes.

28 Q For lack of a better term, I'm going to use the

1 side you initially came in as being the west drive and
2 the side you went out as the east drive.

3 Does that make sense to you?

4 A Yes.

5 Q When you came back from Mr. Sullivan's, did you
6 drive all the way up to the house again?

7 A Yes, from what I can recall, yes.

8 Q All right. And do you recall if you came in
9 the west drive again the second time?

10 A Actually, I don't recall which -- what I
11 believe is I backed out and went around the horseshoe,
12 went out and came back in the same way.

13 Q The same way you came in the first time?

14 A I would -- I would guess I came back in the
15 same way I went out.

16 Q I see. Okay.

17 A But I don't recall exactly.

18 Q When you came from your house -- where were you
19 living at the time?

20 A Phelan.

21 Q What is that a 30-, 45-minute drive?

22 A Hour drive, approximately.

23 Q So you came from the west and entered the west
24 driveway the first time?

25 A I guess you could call it the west. I'm
26 thinking the north driveway and south driveway towards
27 the mountains.

28 Q Let's do that then. The one you came in first

1 was the north driveway? The one you went down to see
2 Mr. Sullivan was the south driveway?

3 A Yes.

4 Q All right. And then Mr. Sullivan's house was
5 towards the south?

6 A Right.

7 Q So when you came back from his house, you went
8 to the closest driveway?

9 A That's what I'm thinking. I don't recall
10 exactly -- don't recall exactly. That's what I'm
11 thinking that I did.

12 Q Okay. Then the -- someone told you you should
13 go move your car or you thought you should go move your
14 car by the highway so they could find your house?

15 A I don't recall that. I guess that's what we
16 did. We moved the car down by the highway, so they'd
17 see where the residence was.

18 Q Did you put it by the north or south driveway?

19 A I don't recall.

20 Q All right. So the first people to get there
21 was the fire department?

22 A The paramedics.

23 Q Fire, paramedics. They came in one vehicle?

24 A What I can recall.

25 Q Did they drive all the way up to the house?

26 A From what I can recall, yes.

27 Q After that, police vehicles arrived; is that
28 correct?

1 A Correct.

2 Q And do you know how many of them drove to the
3 house?

4 A I don't recall.

5 Q I guess what I'm wanting to know is: Did you
6 ever notice that there was any distinctive tire prints
7 in the driveway, either one of them, that seemed odd or
8 didn't fit?

9 A At that time I was such an emotional wreck that
10 none of that came into -- I wasn't thinking of anything
11 like that at that moment.

12 Q Okay. Thank you. I believe you said that the
13 nearest neighbor was Mr. Stow and he lived across the
14 highway?

15 A Right.

16 Q So his house was pretty close to the highway,
17 maybe 150 yards from your mother's house?

18 A I'd say it's more than that.

19 Q 200 yards?

20 A At least 200 yards.

21 Q All right. Do you know if he was there that
22 day?

23 A I don't recall. I don't recall if he was there
24 that day.

25 Q You didn't go to his house because you're
26 better friends with Mr. Sullivan than with him?

27 A Correct.

28 Q Okay. And you said you never met my client

1 back in the '80s; correct?

2 A Not that I can recall.

3 Q You did know his father, Mr. Yablonsky?

4 A Yes.

5 Q The gentleman seated by -- behind me in the
6 Hawaiian shirt?

7 A Yes.

8 Q And apparently you guys were pretty good
9 friends; is that correct?

10 A I would consider us friends. We socialized
11 together.

12 Q Went to the river together?

13 A Went to the river once together, if I recall.

14 Q Okay. Sometimes you would go out and you said
15 you'd drink with Mr. Yablonsky?

16 A Yes.

17 Q Did your mom -- was she ever present when the
18 two of you were drinking?

19 A With Mr. Yablonsky?

20 Q Yes.

21 MR. THOMAS: Your Honor, vague as to which
22 Mr. Yablonsky we're talking about.

23 THE COURT: Would you move that microphone in
24 front of you, please? And I'll sustain the objection
25 as vague.

26 BY MR. SANDERS:

27 Q I'm referring to the elder Mr. Yablonsky.

28 Do you recall if when you and he were drinking

1 that your mother was there also?

2 A I would believe there's been occasions, yes.

3 Q Okay. A few occasions?

4 A I would say yes.

5 Q Okay. Now, this all happened a long time ago,
6 and have you had an opportunity -- have you been
7 provided with police reports to help you refresh your
8 recollection?

9 A Yes.

10 Q Okay.

11 A Just --

12 Q When were those reports provided to you?

13 A I believe it was Friday.

14 Q Did you get a chance to read them over the
15 weekend?

16 A Yes.

17 Q Was there things there that you had forgotten?

18 A Yeah -- well, yes.

19 Q Okay. And then did you have to discuss your
20 testimony with anyone prior to testifying?

21 A No, nobody other than with my wife.

22 Q You didn't have to have a conversation with
23 Detective Alexander?

24 A No.

25 Q Mr. Thomas?

26 A No.

27 Q About what questions were going to be asked?

28 A No.

1 MR. SANDERS: Okay. If I might have just a
2 minute, your Honor?

3 THE COURT: You might.

4 MR. SANDERS: Thank you, your Honor. No
5 further questions on cross-examination.

6 THE COURT: Redirect.

7 MR. THOMAS: Thank you, your Honor.

8 **REDIRECT EXAMINATION**

9 BY MR. THOMAS:

10 Q What years did you actually live with your mom
11 at her residence?

12 A I believe it was off and on between 1981, '82,
13 '83.

14 Q Then was it right around '83 that you stopped
15 living over there?

16 A I don't recall the exact date. She used to
17 work down below. I'd be there, watch the house, come up
18 to see her on weekends. I don't recall the specific
19 dates or years. Seems like it was in the early '80s.

20 Q In 1985 were you living with your mom at that
21 point?

22 A No.

23 Q If you had to estimate as to when you stopped
24 living with your mom at her residence, what year would
25 that be, if you had to estimate?

26 A Late '82, early '83.

27 Q On cross-examination Mr. Sanders asked you some
28 questions about a chain, and then you testified that it