

1 wasn't a chain that was missing, it was a watch, and
2 that you essentially got that watch back. I think you
3 said it was from the coroner's office; is that correct?

4 A Correct.

5 Q Okay. Could you describe that watch to us?

6 A Just a gold lady's watch. I haven't looked at
7 it in years.

8 Q Thin band? Thick band?

9 A I think thicker band, not like a man's
10 thickness, but maybe (indicating).

11 Q You're holding up your index finger and thumb?

12 A Say maybe half an inch or quarter inch.

13 Q Maybe quarter inch, half inch, somewhere in
14 that neighborhood?

15 A Yes, I haven't looked at it in years.

16 Q When you received it from the coroner's office,
17 was the watch intact? What I mean by intact, was the
18 band still connected to the actual time piece?

19 A From what I recall, yes.

20 Q And then Mr. Sanders asked you when looking
21 around the house after the police left, do you recall
22 that line of questioning?

23 A Yes.

24 Q Do you recall where or if you found your
25 mother's glasses at any point?

26 A Yes, I don't recall.

27 Q And as far as your mother's glasses, would she
28 be the type of person that would throw her glasses on

1 the floor or would she set them down on the table? What
2 would she do with her glasses when she took them off?

3 A Set them on the table.

4 Q She wouldn't just toss them on the floor that
5 you've ever seen?

6 A No, I can't see her doing that.

7 MR. THOMAS: Nothing further.

8 THE COURT: Mr. Sanders.

9 MR. SANDERS: No questions. Thank you, your
10 Honor.

11 THE COURT: May this witness be excused?

12 MR. SANDERS: I'd ask that he remain on call,
13 please.

14 THE COURT: That means you're subject to
15 recall, Mr. Kraemer. It has been determined,
16 nevertheless, that the attorneys are willing to allow
17 you to remain in the court, contrary to the witness
18 exclusion order, while you're on call as a witness.
19 I'll order that you not discuss your testimony with
20 any other witness in this case until the trial is
21 over. You may remain in the gallery.

22 Call your next witness.

23 MR. THOMAS: People would call Marta Kraemer.

24 THE BAILIFF: Remain standing. Raise your
25 right hand and face the clerk to be sworn.

26 THE CLERK: You do solemnly state that the
27 evidence you shall give in the matter pending before
28 this Court shall be the truth, the whole truth, and

1 nothing but the truth, so help you God?

2 THE WITNESS: Yes, I do.

3 THE CLERK: Thank you. Please be seated.

4 THE BAILIFF: Slide yourself forward. Speak
5 directly towards the microphone. Keep your voice up,
6 please. Please state your full name and spell it for
7 the record.

8 THE WITNESS: Marta Kraemer M-a-r-t-a
9 K-r-a-e-m-e-r.

10 THE COURT: Good morning, Ms. Kraemer.

11 THE WITNESS: Good morning.

12 THE COURT: Your witness.

13 MR. THOMAS: Thank you, your Honor.
14

15 **MARTA KRAEMER**, having been duly sworn,
16 testified as follows:

17 **DIRECT EXAMINATION**

18 BY MR. THOMAS:

19 Q I'm going to show you an exhibit I'm putting up
20 on the screen.

21 May I approach the witness?

22 THE COURT: You may.

23 BY MR. THOMAS:

24 Q I'm going to show you Exhibit 35. Do you
25 recognize the person depicted in this photograph?

26 A Yes, I do.

27 Q Who is that?

28 A That's Rita Cobb.

1 Q Okay. And who was Rita Cobb in relation to
2 you?

3 A My mother-in-law.

4 Q And as far as Rita was concerned, how long
5 prior to Rita's murder did you know Rita?

6 A Approximately four years.

7 Q And then as far as Rita was concerned, how did
8 you first meet Rita? Was there a person that you met
9 Rita through?

10 A Yes.

11 Q Who is that?

12 A Through Daryl.

13 Q Okay. And Daryl is your husband?

14 A Yes.

15 Q Back in 1985, specifically September of 1985,
16 were you and Daryl married at that point?

17 A No.

18 Q When was it that you actually got married?

19 A In 1990.

20 Q Going to the events of September 23rd of 1985,
21 prior to that day, when was the last time that you saw
22 Rita?

23 A Approximately a month.

24 Q Where did you see Rita that month prior?

25 A At her home.

26 Q And where was that home located if you can
27 recall?

28 A On Highway 18.

1 Q Okay. Let me give you an address and you can
2 tell me if that address is familiar. Is the address
3 located at the -- the residence located
4 at 35435 Highway 18 in Lucerne Valley, county of
5 San Bernardino?

6 A I can only speculate. I don't recall.

7 Q Okay. So you don't recall the exact address?

8 A No, I never lived there at the time.

9 Q I'm going to show you a photograph that's been
10 marked Exhibit 1.

11 May I approach?

12 THE COURT: You may.

13 BY MR. THOMAS:

14 Q Do you recognize what's depicted in Exhibit 1?

15 A Yes.

16 Q What is that?

17 A That's the residence.

18 Q That's Rita's residence?

19 A Yes.

20 Q Was there another separate residence from the
21 residence that we're looking at in Exhibit 1?

22 A Yes.

23 Q And where was that residence located on the
24 property?

25 A Behind this house.

26 Q I'm going to show you what's been marked
27 Exhibit 2, and if you can use the laser pointer just to
28 point out to the jury where that second residence is in

1 Exhibit 2.

2 You're pointing to a structure just located to
3 the right and behind the main residence that you've
4 described?

5 A That's correct.

6 Q That's on Exhibit 2. Did you ever become aware
7 of anyone else, prior to September 23rd of 1995 (sic),
8 living on this property in this back residence?

9 A Can you repeat the question?

10 Q Prior to September of 1985, did you ever become
11 aware of anyone else, besides Rita, living on that
12 property in that rear residence that you just pointed
13 out?

14 A I don't recall, no.

15 Q Fast forwarding to September 23rd of 1985, that
16 was the day that you found -- you and Daryl found Rita's
17 body inside the residence; is that correct?

18 A Yes.

19 Q Prior to going over to the residence, was there
20 anything that you did? Did you call her? Did you see
21 Daryl call her?

22 A We had tried calling her all weekend.

23 Q When you say we, you're talking about you --
24 yourself and Daryl?

25 A Yes.

26 Q Do you remember -- when you say all weekend,
27 are you including Friday, Saturday, Sunday or --

28 A I remember calling all weekend.

1 Q Do you recall how many times you called or
2 Daryl called?

3 A No, I don't remember the amount of times.

4 Q Somewhere in the neighborhood of two to five or
5 five to ten?

6 A I don't recall.

7 Q Before you arrived at Rita's residence on
8 September 23rd of 1985, did you stop anywhere or do you
9 recall stopping anywhere prior to going to the
10 residence?

11 A I don't recall. It's been a long time.

12 Q As far as how you got to the residence, do you
13 recall how you got to the -- to Rita's residence?

14 A Yes.

15 Q How was that?

16 A We drove in the Monte Carlo.

17 Q That's the Monte Carlo that you and Daryl
18 owned?

19 A Yes.

20 Q Do you recall where you parked the Monte Carlo
21 when you got to the residence?

22 A Yes. We pulled in right behind the Cadillac
23 that was parked in the garage.

24 Q I'm going to show you Exhibit 3. Is that the
25 Cadillac that you just referred to?

26 A Yes.

27 Q And that's the garage area that you just
28 referred to also?

1 A Yes, it is.

2 Q And when you pulled up in the Monte Carlo, did
3 you park it immediately behind there or how far behind
4 the Cadillac?

5 A Just a few feet behind to the -- the Cadillac.

6 Q Do you recall who was driving? Was it you or
7 was it Daryl?

8 A I don't recall.

9 Q And then once you pulled up, was that something
10 that -- strike that.

11 You've been over to Rita's house on several
12 occasions prior to September 23rd, 1985?

13 A Yes.

14 Q During those prior occasions, was it unusual
15 for the garage door to be up and the Cadillac parked
16 inside the garage?

17 A No, that wasn't unusual.

18 Q Was that an indication that Rita was home if
19 you saw that?

20 A That would be correct.

21 Q So at this point you pull up. I assume you and
22 Daryl both get out of the car?

23 A Yes.

24 Q What did you do at that point once you and
25 Daryl get out of the car?

26 A We proceeded to go into the house.

27 Q Do you recall how you got inside the house?

28 A We went -- I followed Daryl. He went in the

1 side door of the garage, inside the garage.

2 Q I'm going to show you a photograph that's been
3 marked Exhibit 4. Looking at Exhibit 4, there appears
4 to be a door in the center of the photograph of
5 Exhibit 4.

6 Do you see that?

7 A Yes, I do.

8 Q Is that the door that you were referring to
9 that you and Daryl went into?

10 A Yes, it is.

11 Q And then once you get inside the house, is
12 there anything that you notice that was unusual?

13 A The smell was terrible. I mean, it was awful.
14 It smelled like the septic system was totally backed up.
15 It was -- it was awful.

16 Q Besides the smell, was there anything else that
17 you noticed that was unusual?

18 A At that time, no.

19 Q Did you notice whether or not it was hot or
20 cold inside the house?

21 A Looking back or at the very -- thinking about
22 it at the time?

23 Q What you can remember today.

24 A It was warm.

25 Q Do you recall whether it was warmer inside the
26 house or outside the house?

27 A Inside the house, but the smell was very
28 gagging. It was overwhelming to where you couldn't

1 breathe.

2 Q So as far as you were concerned, that smell was
3 so overpowering that it prevented you from seeing or
4 observing any other things inside the house at that
5 point?

6 A Yes.

7 Q Did you notice whether or not the door in the
8 garage was locked or unlocked when you went in?

9 A No, I didn't.

10 Q Did you notice whether or not the windows or
11 any other doors to the inside of the residence were open
12 at any point?

13 A I noticed the drapes in the front was -- was
14 closed, which was unusual because the drapes in the
15 front was normally open.

16 Q Was that something that you noticed when you
17 pulled up to the residence or was that something that
18 you noticed once inside -- once you were inside the
19 residence?

20 A Once I was inside the residence.

21 Q That's when you noticed the drapes were pulled
22 shut?

23 A Yes.

24 Q That was unusual because they weren't normally
25 shut like that?

26 A That is correct.

27 Q Had you ever seen them shut like that?

28 A No.

1 Q So you walk in. Do you recall where you went
2 once you walked inside the residence?

3 A I walked towards the table because I believe I
4 had something in my hand.

5 Q Do you recall what you had in your hand?

6 A I believe I had a cigarette in my hand, and I
7 had a drink in my hand.

8 Q Do you recall where the table was inside the
9 residence?

10 A It was the dining room table right there when
11 you walk into the house.

12 Q I'm going to show you an exhibit. It's been
13 marked Exhibit 39.

14 May I approach the witness?

15 THE COURT: You may.

16 BY MR. THOMAS:

17 Q Do you recognize that exhibit or what it
18 appears to be?

19 A Yes, a diagram of the house.

20 Q Okay. That's the interior of Rita's house?

21 A Yes.

22 Q Do you notice on that diagram, Exhibit 39, the
23 garage area? Do you see where that is?

24 A Yes, I do.

25 Q And from there, you entered what appears to be
26 a door leading from the garage area to the interior of
27 the residence.

28 Do you see that?

1 A Yes.

2 Q Where was the table that you said you might
3 have set some stuff down?

4 A This being a desk, this would be the table by
5 the front windows.

6 Q You're indicating a circle that's about in the
7 center of the photograph, a little to the left of
8 center, that's at the bottom of the photograph; is that
9 correct?

10 A Yes.

11 Q Okay. I'm going to show you an exhibit that's
12 been marked Exhibit 25.

13 Do you recognize what's depicted in Exhibit 25?

14 (Whereupon Exhibit 25 was marked
15 for identification.)

16 THE WITNESS: Yes.

17 BY MR. THOMAS:

18 Q What does that exhibit show or depict?

19 A A drink and a pack of cigarettes.

20 Q On this table that you were just speaking to us
21 about?

22 A Yes.

23 Q The drink that's on the table, is that
24 something that you brought over to the residence?

25 A Very possibly.

26 Q Okay. But you don't independently recall
27 bringing that over?

28 A No, I --

1 Q Do you recall telling any of the detectives at
2 the scene that you brought that drink over?

3 A No.

4 Q And have you had an opportunity to review your
5 statements that you made back in 1985 to the detectives?

6 A Yes.

7 Q And back in 1985, your recollection of the
8 events were -- was more fresh in your memory than it is
9 today; right?

10 A Yes.

11 Q Do you remember seeing this in any of the
12 reports about a drink that you had brought over?

13 A Yes.

14 Q Even seeing that didn't refresh your
15 recollection as to bringing the drink over to the house?

16 A No, but the -- definitely the cigarettes.

17 Q What type of cigarettes did you smoke?

18 A Virginia Slims.

19 Q I'm going to show you a photograph that's been
20 marked Exhibit 26.

21 Would that have been the type of cigarettes
22 that you smoked back in September of 1985?

23 (Whereupon Exhibit 26 was marked
24 for identification.)

25 THE WITNESS: Yes.

26 BY MR. THOMAS:

27 Q Those were Virginia Slims lights?

28 A Yes.

1 Q And that was on the table that you just
2 described or earlier described?

3 A Yes.

4 Q I notice there's what appears to be a Slurpee
5 to the left of the pack of cigarettes?

6 A Yes.

7 Q Is that something that you would drink back in
8 September of 1985? Did you have Slurpees every now and
9 then?

10 A Yes.

11 Q Okay. Did Daryl smoke too?

12 A Yes.

13 Q Okay. Do you recall what he smoked back in
14 1985?

15 A I believe Marlboros.

16 Q Okay. Do you recall whether or not Rita
17 smoked?

18 A She did.

19 Q Do you recall what type of cigarettes she would
20 smoke?

21 A I don't recall.

22 Q When you entered the house, you said you went
23 to the table. You put some items down, which included
24 the pack of cigarettes; correct?

25 A Yes.

26 Q Do you recall telling the detective back in
27 September of 1985 that you were carrying a wax cup
28 containing a Slurpee that you had purchased at the local

1 convenience store and the cigarettes and lighter when
2 you entered the residence?

3 A I don't recall that, but I did read that in the
4 statement.

5 Q As far as Daryl was concerned, you said you
6 went to the table.

7 Did you see where Daryl went once you went to
8 the table?

9 A No.

10 Q At some point was there something that was said
11 by Daryl that caused you some concern?

12 A Yes.

13 Q Was that while you were in the general area of
14 that desk and that table?

15 A Yes.

16 Q What was said?

17 A Oh, my God. She's finally done it.

18 Q Do you recall telling the detective back when
19 you were interviewed in 1985 that Daryl stated quote
20 "Oh, my God. She's killed herself"?

21 A That would -- that sounds right.

22 Q And then once you heard this, what did you do?

23 A I immediately turned and went towards him.

24 Q Where was he at at this point when you went
25 towards him?

26 A He was in the hallway. It was only a matter of
27 seconds that all this occurred.

28 Q Putting Exhibit 39 back on the screen there,

1 where was Daryl at the time you met up with him after
2 you heard him say, oh, my God. She's finally done it or
3 she's killed herself?

4 A Right by the post going towards her room.

5 Q If you could use the laser pointer to point
6 that out.

7 A Right here by the wall.

8 Q You're pointing to the area that there's an A24
9 in that area.

10 Do you see that?

11 A Right.

12 Q Then there's what appears to be a door and
13 you're pointing to that general area as to where Daryl
14 was?

15 A Yes.

16 Q Is that correct?

17 A Yes.

18 Q What was Daryl's demeanor when you first made
19 contact with him at the doorway there?

20 A He was in a state of panic, hysteria.

21 Q Was he crying?

22 A He was screaming.

23 Q Okay. Do you recall any of the things he was
24 screaming?

25 A Oh, my God, why?

26 Q At this point did you know what was going on?

27 A No.

28 Q What did you do while he was screaming at this

1 point?

2 A I walked into the bedroom, and --

3 Q When you walked into the bedroom, what, if
4 anything, did you see?

5 A I remember -- this is really hard.

6 Q Take your time.

7 A I remember him saying that he thought she
8 killed herself. I'm sorry. I thought I could do this
9 real easily. It's not that easy.

10 Q Take your time.

11 A I remember her leg being propped up. Thank
12 you. I remember her teeth -- I thought I saw her teeth
13 on the pillow. I thought I saw part of her face, and I
14 just said, she didn't kill herself. Somebody's been
15 here.

16 Q And what caused you to say that? Was there
17 anything in particular that caused you to say that?

18 A I don't know. I think I blocked some things
19 out since then, but I just told him I knew somebody had
20 been there. Nobody could have done this to themselves.
21 Somebody has been here. She could not have killed
22 herself.

23 Q Did you notice whether or not Rita had any
24 clothing on?

25 A No. I could tell her body was twice the size
26 of her normal capacity because of the de- --

27 Q Would you characterize her body as being
28 somewhat bloated?

1 A Quite a bit bloated.

2 Q Okay.

3 A And you got to understand, the smell was still
4 totally overwhelming in the house. It was real hot, and
5 the odor in the house was still really overwhelming.

6 Q You described to us seeing some of the stuff.
7 Was there anything that you haven't already
8 mentioned that you remember observing when you walked
9 into the room?

10 A Such as?

11 Q Anything else. You described seeing some of
12 her, I guess, it would be her dentures on the bed?

13 A Yeah, I thought I saw her dentures on the
14 pillow. I saw her wedding ring over on the night stand.

15 Q I'm going to show you a photograph, and prior
16 to coming to court today, you were never shown any
17 photographs; correct?

18 A That's correct.

19 MR. THOMAS: May I approach?

20 THE COURT: You may.

21 BY MR. THOMAS:

22 Q I'm going to show you Exhibit 10. You
23 described seeing her wedding ring.

24 Is that what you saw that's depicted in
25 Exhibit 10?

26 A Yes, sir.

27 Q And that's the way that you saw the ring was
28 how it's depicted in Exhibit 10?

1 A Yes, sir.

2 Q Did you touch anything when you went into the
3 room at all?

4 A No, not when I first went into the room.

5 Q You just saw Rita, and she was on the bed?

6 A Yes, she was on the bed.

7 Q Okay. You described that you saw her dentures.
8 You described seeing a wedding ring.

9 Was there anything else that you saw that you
10 can remember?

11 A I remember later that I -- after I tried to
12 make the phone call and I was trying to get some air,
13 because I went in and tried to open the bedroom window
14 at one point, when I was coming out, I thought I saw her
15 purse on the bed.

16 Q Okay. So you -- you think you observed her
17 purse laying on the bed area?

18 A Yeah. When I was coming out, that was -- that
19 wasn't the first initial time that I had been in the
20 room.

21 Q Okay. So that was at a later point?

22 A A later point after -- after I -- already tried
23 to make phone calls.

24 Q So let's just focus in on the first time that
25 you go into the room. Did the room appear to be
26 ransacked --

27 A No.

28 Q -- in any way? As far as, did you notice any

1 clothing or anything around the room?

2 A No.

3 Q Do you recall as far as Rita was concerned, are
4 you familiar with how she hung her clothes and
5 specifically what type of hangers she would use?

6 A After we -- after a year and a half, after we
7 went through the room because that took us that long to
8 go through the room, it took us a year and a half, she
9 had metal coat hangers.

10 Q Those were the only types of coat hangers that
11 you remember observing a year and a half later?

12 A Yeah.

13 THE COURT: We're going to take our lunch
14 recess now, ladies and gentlemen. 1:30. You're
15 admonished that it is your duty not to converse among
16 yourselves or with anyone else about any matter
17 connected with this case nor form or express an
18 opinion on it until it's submitted to you.

19 Ms. Kraemer, I'll order you back at 1:30.

20 THE WITNESS: Yes, sir.

21 (Whereupon the lunch recess was taken.)
22
23
24
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28