

1 A Either whiskey or white lightning.

2 Q Do you recall telling the detective during your  
3 interview back in 1985 you saw Rita consuming Jim Beam  
4 bourbon?

5 A I don't necessarily remember Jim Beam, but I  
6 remember it was hard liquor.

7 Q When you say you don't necessarily remember  
8 Jim Beam, that's today?

9 A Exactly.

10 Q Back in 1985, three days after -- on this  
11 Monday when you were interviewed, that would have been  
12 something that you probably would have remembered?

13 A Probably.

14 Q Do you recall what time you left the residence?

15 A No, I don't. It was probably a couple hours  
16 later maybe.

17 Q As far as the alcohol consumption, were you and  
18 Cynthia drinking?

19 A No, not at all. I didn't drink then, neither  
20 did Cynthia.

21 Q As far as John Sullivan's residence, was there  
22 a name for that residence?

23 A Mini Springs Ranch.

24 Q Okay.

25 A It was a pistachio ranch.

26 Q Do you recall that evening whether or not you  
27 picked any pistachios?

28 A No, I don't recall.

1           Q     As far as when you would go over to John and  
2 Fran's place, was it uncommon for you to go out to pick  
3 pistachios?

4           A     That time of year, that's when the crop comes  
5 due. So it's very possible. In September is usually  
6 the -- the time.

7           Q     Okay. But you don't remember specifically  
8 picking pistachios that evening?

9           A     No, I don't.

10          Q     And then as far as Rita's condition, do you  
11 recall how much she had been drinking that evening?

12          A     She appeared to be fairly intoxicated. John  
13 and Pinky (phonetic) and Rita all three of them appeared  
14 to be fairly intoxicated.

15          Q     Do you recall telling the detectives that Rita  
16 appeared to be a little buzzed?

17          A     Yes.

18          Q     Then as far as -- you said you left a few hours  
19 later, do you recall telling the detectives that you and  
20 Cynthia left the residence at approximately, looks like  
21 9:45?

22          A     That sounds about right, yeah.

23          Q     Do you recall telling the detectives that you  
24 and Cynthia left, leaving Rita Cobb there consuming  
25 Jim Beam?

26          A     That's something I don't remember. I don't  
27 remember who left first or I don't know if we left or  
28 she left first. I'm not sure.

1 Q That would have been something that would have  
2 been fresh in your memory when you were interviewed by  
3 the detective back in --

4 A Yes. Probably, yes.

5 THE COURT: I know it's hard to adjust. You  
6 probably don't have a lot of experience as a witness.

7 THE WITNESS: No.

8 THE COURT: We have somebody writing down  
9 everything that's said. Even though you're  
10 anticipating what he's going to ask, you need to wait  
11 until the prosecutor finishes his question completely  
12 before you answer --

13 THE WITNESS: Okay.

14 THE COURT: -- so the record is clear when we  
15 look back at it. Okay?

16 THE WITNESS: Okay.

17 THE COURT: Thank you. Go ahead.

18 BY MR. THOMAS:

19 Q Who is Pinky?

20 A Pinky is my sister, Fran. That's a name she's  
21 had since she was a child.

22 Q All right. So as far as your memory today, you  
23 can't remember whether or not you left and then Rita  
24 left or Rita left and then you left?

25 A No, I can't.

26 Q Okay. Do you recall offering Rita a ride home?

27 A Yes, I do, because I offered -- yes.

28 Q Do you recall whether or not she accepted your

1 offer?

2 A Yes, she did not accept it.

3 MR. THOMAS: Nothing further.

4 THE COURT: Mr. Sanders.

5 MR. SANDERS: Thank you.

6 **CROSS-EXAMINATION**

7 BY MR. SANDERS:

8 Q Mr. Nash, I know it's been awhile --

9 A Yes, it has.

10 Q -- since that evening. Do you recall  
11 Joe Saunders being at that party?

12 A No, I do not.

13 Q If someone else said he was there at that  
14 party, you wouldn't have an argument with that? You  
15 just don't recall?

16 A Okay. If he was there, he was only there for a  
17 short time because I don't remember -- well, no, I  
18 don't.

19 Q Okay. Yesterday your sister said he was there,  
20 and I was wondering if you had remembered that?

21 A I don't remember him being there myself.

22 Q Okay. Do you remember Joe Saunders?

23 A Yes, I do.

24 Q Okay. So you came to the party and you're not  
25 sure what time; is that right?

26 A That's correct.

27 Q Okay. But you do distinctly remember that Rita  
28 was fairly intoxicated and you offered her a ride home?

1 A Yes, I did.

2 Q Because you didn't think it would be safe for  
3 her to drive?

4 A That's correct.

5 Q And I think the words that you used were that  
6 she seemed to be more intoxicated than usual?

7 A Yes.

8 Q And when you offered her a ride home, she said  
9 she didn't want a ride home; is that correct?

10 A That's correct.

11 Q Did she indicate to you she was going to go  
12 somewhere other than home?

13 MR. THOMAS: Objection. Calls for hearsay.

14 THE WITNESS: She said --

15 MR. SANDERS: May we approach, your Honor?

16 THE COURT: Sure.

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

19 MR. SANDERS: It does call for hearsay, your  
20 Honor; however, it's relevant, and I would ask that it  
21 be allowed to come in because --

22 THE COURT: Why is it relevant?

23 MR. SANDERS: Because the answer is she said  
24 to him, I'm going to a bar.

25 THE COURT: Keep your voice down.

26 MR. SANDERS: I'm going to go to a bar.

27 THE COURT: Just because she said she was  
28 going to a bar does that mean she was going to a bar?

1 We don't know.

2 MR. SANDERS: But it is relevant. It's some  
3 evidence. Doesn't have to be hundred percent.

4 THE COURT: Keep your voice down talking  
5 quietly. I don't see it as relevant. I don't see it  
6 as an exception to the hearsay rule; do you?

7 MR. SANDERS: Well, as I said in chambers,  
8 when you have a case that's 25 years old, you need to  
9 cut some slack to the rules of evidence.

10 THE COURT: Not if you don't have an indicia  
11 of reliability. You don't let in evidence that's  
12 unreliable. You can't talk while I'm talking.  
13 There's no evidence that it's reliable, first of all.  
14 It's hearsay. Hearsay is generally objectionable  
15 unless there's some other indicia of reliability. You  
16 don't know that she went to the bar.

17 MR. SANDERS: I don't, but I don't think you  
18 have to have corroboration to get in hearsay.

19 THE COURT: The rule is you don't get in  
20 hearsay.

21 MR. SANDERS: Yes.

22 THE COURT: So look for an exception. Look  
23 for something that is strong indicia of reliability.  
24 I don't see it. I don't see it as relevant.

25 MR. SANDERS: Okay. Thank you.

26 THE COURT: You don't have any other basis  
27 for determining that she went to a bar. In fact, the  
28 evidence would be that she was not seen in a bar that

1 night, and there were people that could testify  
2 that -- that what she said was not what happened.

3 MR. SANDERS: There were a couple of people  
4 that said they thought they remembered her in the bar.

5 THE COURT: Okay.

6 MR. SANDERS: Thank you.

7 THE COURT: Thank you.

8 (Whereupon the following proceedings were held in open  
9 court in the presence of the jury:)

10 THE COURT: I'm sustaining the objection. Go  
11 ahead. Ask another question.

12 BY MR. SANDERS:

13 Q So did you -- you offered her -- to take her  
14 home.

15 Was she in the process of getting ready to go  
16 home?

17 A I don't remember. I believe so.

18 Q Okay. And she declined your offer to drive her  
19 home?

20 A Yes.

21 Q Did you watch her as she left to go to her  
22 house?

23 A I don't remember that.

24 Q Was there some discussion between she and  
25 your -- it was your girlfriend?

26 A Correct.

27 Q Was there some discussion between the two of  
28 you that you should follow her home to make sure she got

1 home safe?

2 A I don't remember.

3 MR. SANDERS: All right. Thank you, sir. No  
4 further questions on cross.

5 THE COURT: Redirect.

6 **REDIRECT EXAMINATION**

7 BY MR. THOMAS:

8 Q Do you recall being interviewed by  
9 Detective Alexander and Detective Myler back in 2009?

10 A Yes, I do.

11 Q When they were asking you questions just like  
12 I'm asking you questions today, was your memory in 2009  
13 better than it was back in 1985?

14 A Not at all.

15 Q If there was something you told  
16 Detective Alexander in your interview in 2009 that you  
17 either didn't tell the detectives back in 1985 or you  
18 told something different to the detectives back in 1985,  
19 if you were to -- if I were to ask you which one would  
20 be more accurate, the interview you did with the  
21 detectives in 2009 or the interview that you did with  
22 the detectives back in 1985 --

23 A Well, it was fresher in my mind in '85.

24 Q Okay.

25 A But at the time I was being interviewed, I was  
26 kind of in shock too.

27 Q So as far as the details that you would have  
28 given the detective back in 1985, those would have been



1 more accurate details?

2 A Yes, I believe so.

3 MR. THOMAS: Nothing further.

4 THE COURT: Mr. Sanders.

5 **RECROSS-EXAMINATION**

6 BY MR. SANDERS:

7 Q Were you asked exactly the same questions in  
8 the interview in 1985 as you were asked in 1987 (sic)?

9 A I'm not sure.

10 Q So you don't know if the detectives back in  
11 1985 asked you all these specific questions that you  
12 answered in 1997?

13 A That's correct.

14 Q When the detectives asked you in 1997 about the  
15 party and things, you said you weren't just making  
16 things up when you answered their questions?

17 A '97 or 2007?

18 Q 2007.

19 A Okay.

20 Q When you answered those questions, you weren't  
21 just making things up?

22 A No.

23 Q You gave them answers based on the memory you  
24 had?

25 A On what I remember, correct.

26 Q Because they asked you different questions and  
27 more specific questions than you were asked in the first  
28 interview?

1           A     I believe so, yes.

2           MR. SANDERS: Thank you. Nothing further on  
3 cross.

4           THE COURT: Mr. Thomas.

5                           REDIRECT EXAMINATION.

6 BY MR. THOMAS:

7           Q     That interview was in 2009, not 2007; correct?

8           A     Yes, it was. It was March of 2009.

9           MR. THOMAS: Okay. Nothing further.

10          MR. SANDERS: Nothing further. Thank you  
11 your, Honor.

12          THE COURT: May this witness be excused?

13          MR. SANDERS: Yes, sir.

14          MR. THOMAS: Yes, your Honor.

15          THE COURT: Mr. Nash, thank you for being  
16 with us, sir. You're excused.

17          Call your next witness, Mr. Thomas.

18          MR. THOMAS: People call John Sullivan.

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

21          THE CLERK: You do solemnly state that the  
22 evidence you shall give in the matter pending before  
23 this Court shall be the truth, the whole truth, and  
24 nothing but the truth, so help you God?

25          THE WITNESS: I do.

26          THE CLERK: Thank you. Please be seated.

27          THE BAILIFF: Please state your full name and  
28 spell it for the record.

1 THE WITNESS: Now?

2 THE COURT: Yes.

3 THE WITNESS: John Sullivan.

4 THE BAILIFF: Spell that for the record,  
5 please, sir.

6 THE WITNESS: What else?

7 THE BAILIFF: Spell your name for the record,  
8 please.

9 THE WITNESS: John Martin Sullivan.

10 THE BAILIFF: Spell it for the record,  
11 please.

12 THE WITNESS: S-u-l-l-i-v-a-n.

13 THE COURT: John is J-o-h-n?

14 THE WITNESS: Yes.

15 THE COURT: Good morning, Mr. Sullivan.  
16 Mr. Thomas, your witness.

17 MR. THOMAS: Thank you, your Honor.

18

19 **JOHN SULLIVAN**, having been duly sworn,

20 testified as follows:

21 **DIRECT EXAMINATION**

22 BY MR. THOMAS:

23 Q Mr. Sullivan, do you have a problem hearing?

24 A Well, I do.

25 Q Okay. I'll try to keep my voice up that way  
26 you can hear the questions. If you don't hear the  
27 questions, if you can just say, I didn't hear what you  
28 said.

1 A Okay.

2 Q Where were you living back in September of  
3 1985?

4 A Lucerne Valley at Mini Springs Ranch.

5 Q Do you recall the address?

6 A Not exactly. It was Highway 18. I'm sorry  
7 it's too long back.

8 Q As far as the address, it was off of Highway 18  
9 itself; right?

10 A Yes.

11 Q I'm going to show you a photograph.

12 May I approach the witness?

13 THE COURT: You may.

14 BY MR. THOMAS:

15 Q Marked Exhibit 35, do you recognize the person  
16 depicted in that photograph?

17 A I'm assuming that's Rita Cobb.

18 Q Okay. And how did you know Rita?

19 A Well, I originally met her through a friend of  
20 hers, Art Bishop, that happened to be at the El Cantero  
21 (phonetic), which was just a little further up  
22 Highway 18.

23 Q Prior to you learning about Rita's death, how  
24 long before that had you known her?

25 A About six years. '79 was when I first met her.

26 Q And then were you familiar with where Rita was  
27 living back in 1985?

28 A In 1985, yes.

1 Q Where was she living?

2 A It was down from Mini Springs Ranch  
3 approximately a mile. It happened to be next door to a  
4 place called Geetam. I don't know if you recall that.

5 Q What's that place?

6 A It was an Ashram.

7 Q How do you spell that?

8 A A-s-h-r-a-m.

9 Q How do you spell the other word you said?

10 A Which one?

11 Q The --

12 THE COURT: The name of the ashram.

13 THE WITNESS: The name of the ashram, it was  
14 Geetam Rajneesh.

15 THE COURT: You said Geetam. How do you  
16 spell that?

17 THE WITNESS: I believe G-e-e-t-a-m.

18 THE COURT: Thank you.

19 BY MR. THOMAS:

20 Q And so Rita's residence was right off of  
21 Highway 18 also?

22 A Yes.

23 Q It was about a mile down from where the ranch  
24 was that you lived on?

25 A Right.

26 Q The ranch that you lived on, were there  
27 pistachios on there?

28 A Yes.

1 Q At some point in the year were you picking  
2 pistachios?

3 A They were still young trees at the time, but as  
4 they were developing, yes. Of course, that part of the  
5 project was generally from Labor Day to October.

6 Q Okay. So pretty much the whole month of  
7 September you'd be picking pistachios?

8 A Right.

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

11 Do you recognize the residence that's depicted  
12 in Exhibit 1?

13 A Yeah, I'm assuming that's Rita's house.

14 Q Okay. Does it look like Rita's house in  
15 Exhibit 1?

16 A It looks like kind of a miss. I never saw it  
17 like that.

18 Q But it looks like Rita's house?

19 A Yeah.

20 Q I'm going to show you another photograph that's  
21 been marked Exhibit 3.

22 A That looks more like it.

23 Q Looking at Exhibit 3, do you recognize what's  
24 depicted in Exhibit 3?

25 A It looks like her car.

26 Q Okay. That would be a Cadillac?

27 A Yes.

28 Q At some point you learned that Rita had been

1 murdered; is that correct?

2 A That is correct.

3 Q Do you recall what day that was?

4 A I remember it being a Monday when I heard.

5 Q Do you recall being interviewed by the police  
6 or the detective the same day that you learned about  
7 Rita's murder?

8 A It wasn't that day, but sometime shortly after.

9 Q And then as far as the day that you learned,  
10 you said it was a Monday?

11 A It was a Monday.

12 Q When was the last time that you saw Rita prior  
13 to that Monday?

14 A That Friday before.

15 Q Okay. And do you recall where you saw Rita?

16 A Yes. She came up to Mini Springs, up to the  
17 ranch.

18 Q When she came up, who else was up there?

19 A Well, at the time; Fran, who became,  
20 Fran Sullivan; her brother, Bruce; his girlfriend,  
21 Cynthia.

22 Q Was that all the people that was up there?

23 A Yes.

24 Q Do you recall how Rita got to your house?

25 A She drove up.

26 Q And I'm assuming she drove up in the Cadillac  
27 that you pointed out in Exhibit 3?

28 A Yes, that was her only vehicle.

1 Q Do you recall what time it was that Rita  
2 arrived at your house?

3 A It was after 8:00, I believe, in the evening,  
4 somewhere around 8:00.

5 Q You were interviewed close to the time that you  
6 learned of Rita's murder; correct?

7 A It was sometime later that week, yes.

8 Q At the time that you were interviewed by the  
9 detective, was your memory more clear as to what  
10 happened on that Friday as to times and everything else  
11 than it is today when you're testifying in court?

12 A Oh, I still have memories of that. She came  
13 over, just as she often would, to socialize or ask me to  
14 help her with something at the house. On this  
15 particular occasion, it wasn't that. She came up and  
16 had a bottle of bourbon with her. It wasn't a full  
17 bottle.

18 Q Let me stop you right there.

19 As far as going back to the time, do you recall  
20 telling the detectives that back in 1985 that Rita came  
21 over to your house at approximately 6:00 in the evening?

22 A Was it 6:00? I thought it was -- I didn't know  
23 it was that early.

24 Q Would looking at the police report refresh your  
25 recollection?

26 A Well, it might, but --

27 THE COURT: Why don't you show it to him and  
28 then ask if it refreshes his recollection.



1 THE WITNESS: I know it was dark when she  
2 arrived.

3 BY MR. THOMAS:

4 Q I'm going to ask you to read that bottom  
5 paragraph to yourself, not out loud.

6 Have you had a chance to read it?

7 A Yeah, 1800 hours. That would be 6:00 military  
8 standard time, but I don't recall having gone to bed  
9 before she left.

10 Q That's something that you told the detectives  
11 back then?

12 A I don't recall that.

13 Q So you said she came over. She had a bottle of  
14 bourbon with her?

15 A Correct.

16 Q Do you recall what type of bourbon?

17 A I'm going to say Jack -- I'm not sure but might  
18 have been Jack Daniels.

19 Q But you're not sure on that?

20 A No, I'm not, might have been a Canadian  
21 whiskey.

22 Q Do you recall how long Rita was over at your  
23 place that evening?

24 A She was there for a couple, few hours. I'd say  
25 at least two, two and a half.

26 Q Do you recall approximately what time she left  
27 your residence?

28 A Well, I'm still thinking it was around 8:00 she

1 arrived. I'd say she probably left around 10:00, 10:30.

2 Q And do you recall whether or not she left in  
3 her vehicle or somebody else's vehicle?

4 A Well, she did leave in hers, but because she  
5 had been drinking, Bruce who was over, he and Cynthia  
6 were about to head home. He suggested that he would  
7 drive her down to her house, and then Cynthia would  
8 follow them.

9 Q So you heard Bruce suggest this to Rita?

10 A Oh, yeah.

11 Q Did you actually see them leave?

12 A I did.

13 Q Okay. Did they leave together? Do you recall  
14 how they left?

15 A They all left together. Cynthia followed  
16 Bruce.

17 Q And where was Bruce?

18 A Well, he was driving Rita's car.

19 Q Okay. Is that something that you recall  
20 telling the detective back in 1985?

21 A I'm sure I did.

22 Q Had you had a chance to read the police report  
23 prior to coming to court from 1985?

24 A Robert Alexander gave me papers last Friday,  
25 but on those papers that I read, not all of the  
26 statements were actually accurate. The paper said she  
27 had come over, like, on Saturday, and I know it wasn't  
28 Saturday. It was the Friday before.

1 Q As far as the papers are concerned, I'm going  
2 to have you look at your statement. You've already read  
3 the bottom portion of that, and, counsel, it's Page 46.  
4 If you could read the top two paragraphs to yourself,  
5 and it's Page 65, counsel, and if you could point out to  
6 us where the statement says Saturday?

7 A Okay.

8 Q Then if you can read that paragraph again that  
9 you read before on the bottom of Page 64.

10 A I don't know where they got that I went to bed  
11 because I was still awake.

12 Q As far as the report is concerned, the report  
13 says you said it occurred on Friday night; correct?

14 A Her coming over?

15 Q Yeah.

16 A Yes.

17 Q You were incorrect as far as the report saying  
18 Saturday?

19 A I don't know where they got that. I never  
20 mentioned that she was over on a Saturday.

21 Q You had another report of an interview that you  
22 did with Detective Alexander and Detective Myler in 2009  
23 sometime?

24 A Yeah, it was about two years ago.

25 Q Okay. Could that have been the report that you  
26 were referring to where it said Friday or Saturday?

27 A Right.

28 Q But as far as the 1985 report, it's accurate as

1 far as the Friday night?

2 A Right.

3 Q Then you've had a chance to read the entire  
4 statement.

5 As far as the statement that you made in 1985,  
6 it sounds like the only thing that you're disagreeing  
7 with at this point is that the statement says you went  
8 to bed and Rita left after you went to bed at around  
9 10:30 that evening?

10 A Right.

11 Q So your testimony though today is that the way  
12 you remember it is Rita left with Bruce and with Cynthia  
13 and you hadn't gone to bed yet at that point?

14 A I imagine it was shortly afterwards.

15 Q Okay. Had you been drinking that night too?

16 A I had a couple beers.

17 MR. THOMAS: Okay. Nothing further at this  
18 point.

19 THE COURT: Cross.

20 MR. SANDERS: Thank you, your Honor.

21 **CROSS-EXAMINATION**

22 BY MR. SANDERS:

23 Q I believe that you said you first met Ms. Cobb  
24 in 1979; is that correct?

25 A That's correct.

26 Q And I didn't understand, did you say you met  
27 her at El Cantero?

28 A El Cantero.