

ORIGINAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
HONORABLE BRUCE R. THOMPSON, JUDGE

UNITED STATES OF AMERICA,
Plaintiff,
vs.
PHILLIP CRAIG GARRIDO,
Defendant.

RECEIVED
AND FILED
MAY 13 11 34 AM '77
BY *Carol A. Fitter*
CAROL A. FITTER, CLERK
DEPUTY
Cr. No. R-76-88-BRT

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME I

Pages 1 - 120

APPEARANCES:

For the Plaintiff: LEALAND LUTFY, Esq.,
Assistant United States Attorney,
300 Booth Street,
Reno, Nevada 89509

For the Defendant: WILLARD VAN HAZEL, Esq.,
Assistant Federal Public Defender,
300 Booth Street,
Reno, Nevada 89509

ALLAN D. BUNNELL,
Official Reporter.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>Plaintiff's Witnesses</u>	<u>Volume</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
ADAMS, Gerald R.	II	160	164		
CALLAWAY, Katherine Gayle	I	3	31	83	
CARLON, Carolyn Jean	II	139			
CONRAD, Clifford Dean	II	121	132		
DOUGHERTY, Forrest Susan	I	105	108		
EMERY, William James	I	110	117	119	120
SODERBLOM, Erick Carl	I	87			
WADE, David Lonn	I	103			
WISE, Nevada J.	II	143	153	158 160	158
<u>Plaintiff's Rebuttal Witnesses</u>					
GEROW, Lynn B.	II	274	285	293	293
PETERMAN, Albert F.	II	300	302		
<u>Defendant's Witnesses</u>					
GARRIDO, Phillip Craig	II	199	214		
KUHN, Charles Phillip	II	226	251	268	273
SHEPPARD, Gregory Lyle	II	194	198		

<u>1</u>	<u>Exhibits</u>	<u>Description</u>	<u>Volume</u>	<u>Page</u>
2	1	A belt	II	147
3	2	A pair of scissors	II	149
4	3	A lock and broken hasp	II	149
5	4	A key	II	150
6	11-A, 11-B,			
7	11-D, 11-D	Hair Samplings	I	96
8	12	A pair of handcuffs	II	152
9	13	A group of keys	I	103
10	15-A	A jacket	I	100
11	15-D	A shirt	I	102
12	16	A piece of tape with hair	I	97
13	17	A sample of the pubic hairs of the defendant	II	131
14	19	A roll of tape	II	153
15	21	A copy of a Search Warrant	II	150
16	22	A copy of a report entitled "Narcotic and Dangerous Drug Submission Form"	II	156
17				
18	23	A copy of a report entitled "Narcotic and Dangerous Drug Submission Form" dated November 23, 1976	II	158
19				
20	24, 25, 26	Mounted slide specimens of known and questioned hairs	II	183
21				
22				
23				
24				
25				

1 Reno, Nevada, Wednesday, February 9, 1977, 1:30 o'clock p. m.

2 ---o0o---

3 THE COURT: Case of U. S. against Phillip Craig Garrido.

4 The clerk will call the roll of the jurors.

5 (Clerk calls roll of jurors.)

6 THE CLERK: All present, your Honor.

7 THE COURT: The clerk will swear the jury to try the
8 case.

9 (Clerk swears jury.)

10 THE COURT: The clerk will read the indictment to the
11 jury and state the plea of the defendant.

12 (Clerk reads indictment.)

13 THE COURT: You may make your opening statement, Mr.
14 Lutfy.

15 (Mr. Lutfy makes open statement on behalf of the
16 plaintiff.)

17 THE COURT: Mr. Van Hazel, do you wish to make an open-
18 ing statement at this time or do you wish to reserve it?

19 MR. VAN HAZEL: No, your Honor, I would reserve the
20 privilege.

21 THE COURT: All right. You may call your first witness.

22 MR. LUTFY: Katherine Callaway.

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

KATHERINE GAYLE CALLAWAY,

produced as a witness on behalf of the plaintiff, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LUTFY:

Q. Would you please state your name and spell your last.

A. Katherine Gayle Callaway, C-a-l-l-a-w-a-y.

Q. Where do you live -- Is it Miss Callaway or Mrs.?

A. Miss.

Q. Where do you live?

A. In Tahoe City, South Lake Tahoe, California.

Q. How long have you lived there?

A. Four years.

Q. Directing your attention to November the 22nd of 1976, on that day did you have occasion to have a discussion with a David Wade? On that morning.

A. Yes, sir. He is my boy friend, and we had planned to have dinner together that night. I fixed --

Q. I am sorry.

A. I fixed dinner at my house, and I was planning to take it over to his house.

Q. And after that initial discussion with Mr. Wade that day, did you have occasion to have another discussion with Mr. Wade later that day?

1 A. Yes. He called me approximately twenty minutes
2 before I left the house to ask me if I would stop and pick
3 up some coffee for him at the store, because he was out.

4 Q. And do you remember approximately what time this
5 was?

6 A. I think he called me about a quarter to 7:00. I
7 left my house approximately quarter after 7:00, 20 after
8 7:00 p. m.

9 Q. And where did you go from your house?

10 A. I drove to Ink's Al Tahoe Market, which is on
11 Highway 50, on my way to pick -- purchase coffee he asked me
12 to get and some oil and some rice for the rest of my dinner.

13 Q. And did you in fact go into Ink's and purchase
14 these items?

15 A. Yes, I did.

16 Q. And after purchasing them, what did you do?

17 A. I went -- I took my purchase and I went out and
18 got in my car. I started up my car, started to back out of
19 the parking space that was right in front of the market.
20 I was looking over my right-hand shoulder as I was backing
21 out, and I heard a tap, and I didn't know where it came
22 from. I heard another tap and it was to my passenger window.

23 Q. What did you do?

24 A. I rolled down the window and a young man was
25 standing there. And he asked me if -- asked me which way I

1 was going. He said, "Excuse me, I didn't mean to frighten
2 you, but which way are you going?"

3 I said, "Towards Stateline."

4 He said, "Would you mind giving me a ride? It is really
5 cold out, my car isn't used to this weather, I can't seem to
6 get it started. Would you mind giving me a ride just a
7 little ways down the street so I can get my friends to come
8 back and help me start it?"

9 Q. What did you say to that?

10 A. I had my whole front seat full of prepared food
11 that I was taking to my boy friend's, the whole bottom floor
12 and the front seat. And I looked at the food and I said,
13 "Well, if you don't mind holding it in your lap, I guess I
14 can give you a ride."

15 Q. And what did he do after you said that?

16 A. He said, "Okay." And he got in my car and held
17 my salad I had prepared on his lap, and maybe the bread and
18 vegetables and some other things.

19 Q. I ask you to look around the court, Miss Callaway,
20 and tell me whether or not that young man who got in your
21 car that evening is here in court?

22 A. Yes, he is.

23 Q. Will you please describe the clothing that he has on
24 right now?

25 A. He is sitting right over there and he has on a

1 gray suit and a brown tie and a striped shirt, and he has
2 his hair --

3 MR. LUTFY: Your Honor, may the record -- I am sorry.

4 THE WITNESS: He has his hair pulled back in a ponytail.

5 MR. LUTFY: May the record reflect that the witness has
6 identified the defendant?

7 THE COURT: Yes.

8 BY MR. LUTFY:

9 Q After the defendant got in your car with you, what
10 did you then do?

11 A Then we proceeded towards Stateline.

12 Q Now, when you say Stateline, is that a state line?

13 A Stateline, Nevada. We were in California. I live
14 in California, my boy friend lives in California.

15 We proceeded towards Stateline, in that direction. We
16 got to --

17 In the meantime I don't think I even glanced at him
18 once or twice while he was in my car. I did not speak to
19 him. He tried to engage me -- I did not say anything more
20 than, "Where are you going" or "How far down," and he said,
21 "A little ways."

22 And he tried to engage me in conversation as far as
23 "Do you work here", "Do you live here," "Do you ski," typical
24 conervation, which I did not respond to more than yes or no,
25 because I just didn't feel like engaging in conversation with

1 someone I didn't know.

2 And we got to Ski Run Boulevard, which is a main boulev-
3 vard that goes up to Heavenly Valley in California. And I
4 said, "This is where I am going to turn."

5 And he said, "Well, I am just going a little ways
6 farther up the street, up Ski Run."

7 I said, "What is the name of the street?"

8 And he said, "Well, I don't know, because I am new here;
9 but I know I would know the name of the street if I saw it."

10 And so I went up a little farther, and I got to Birch
11 Street where I was going to turn to my boy friend's street,
12 and I said, "This is where I'm going to turn."

13 And he said, "Well, I am just going to that street right
14 down there right by the Slalom Inn Motel."

15 He indicated -- he read the sign the Slalom Inn Motel.
16 I think it was two blocks further.

17 And I said, "Well, I think I can give you a ride down
18 that far."

19 Because how the street is arranged, my boy friend's
20 street went this way, and this street he would have turned
21 on would have come back at an angle like this and I wouldn't
22 have been too far from my boy friend's.

23 So I turned and I said, "Okay, where?"

24 And he said -- he indicated towards the end of the
25 street. He said, "You see the set of duplexes there with

1 the yellow porch light on?"

2 And I said, "Those?"

3 And he said, "It's right on the other side of those."

4 Q. Have you -- I am sorry. Have you ever been in
5 this area before? Have you ever driven in this area?

6 A. Yes, sir.

7 Q. Do you know whether or not this area is in
8 California or not?

9 A. Oh, yes.

10 Q. Is it?

11 A. Definitely.

12 Q. What happened after that?

13 A. Then I pulled over. I didn't pull completely off
14 the road, I pulled onto the shoulder. And I stopped the
15 car. I went to say, "Here you go," and I looked and there
16 was an empty lot there.

17 And at the same time I turned to look at him, he reached
18 over and grabbed my key and turned it off, and my key was
19 locked so he couldn't get it off. And then he grabbed me,
20 he grabbed my neck and put pressure on it, he grabbed my
21 hands, and, like I said before, I am not exactly sure the
22 order it happened, it happened so fast. He had my hands
23 behind me keeping the pressure on my neck, forcing my neck
24 down as far as he could around the steering wheel, and he
25 said, "All I want is a piece of ass. If you do everything I

1 say, you won't get hurt. I'm serious."

2 And I kept saying, "Okay." And I was trying to keep
3 calm. I said, "Okay. Okay."

4 And I tried to put my head up, and he kept pushing it
5 down, forcing it down. "Keep your head down." He wanted
6 me out of sight.

7 And I said, "You are not going to hurt me, are you?"

8 And he said, "Not if you do everything I say. You
9 won't get hurt."

10 And so I said, "Okay."

11 And he says, "All right."

12 And he brought some handcuffs out, and I don't know
13 where from.

14 Q Do you own handcuffs?

15 A No, I don't.

16 Q Did you have any handcuffs in your car?

17 A No.

18 Q Continue, please.

19 A He handcuffed my hands, and he says, "Okay, now
20 we are going to change places."

21 And he lifted me -- I have a console in the middle of
22 my car. My car is very small. And I don't know how he did
23 it, but he lifted me under him and he went over the top
24 keeping my head down. He was like on top of me forcing me
25 down, and he got in the passenger's seat, and he had my head

1 down and my hands handcuffed.

2 And he said, "All right, I am going to strap your head
3 down so you can't raise your head up until we get out of
4 town" or get out of, you know, this area. And he threatened
5 to -- I thought it was a leather belt, but I didn't see it.
6 He put it around the back of my neck, under my knees, forcing
7 my face down as far as he could in between my knees so that
8 I couldn't see. He wanted to make sure I couldn't see,
9 couldn't move my head.

10 And then after he had my hands handcuffed, then he
11 threw a coat completely over my whole body and took off
12 driving.

13 Q What happened after this? After the coat was off
14 your body, what then happened?

15 A Then he started driving my car. And I tried to
16 keep a sense of direction, but I was terrified. He must
17 have taken a couple of turns, I am sure, to confuse me.

18 What else do you want to know?

19 Q Where did you go once you started driving? Did
20 he continue to drive or did he stop at any time?

21 A I asked him -- I asked him if we were going to go
22 very far, and he said yes.

23 I said, "Well, can you give me an approximate time we
24 are going to be back," because I was on my way to my boy
25 friend's, there is a hot meal in the car, he was expecting me

1 in ten minutes.

2 I said, "A couple of hours?"

3 And he said, "Maybe I will bring you back tomorrow."

4 And then I really got scared, and I said, "Well, you
5 know, where are we going?"

6 And he said, "Far away. I've got a shed. I've got it
7 all prepared."

8 I said, "Did you notice I don't have any gas in my car?
9 You are not going to go very far."

10 And he said, "Don't worry, I've got it all planned. I
11 know where there is a gas station I can stop at where the
12 attendant works -- a self-service station."

13 So we drove for approximately ten minutes, and before
14 we got to the gas station he pulled off the road, and he
15 said, "Okay, I am going to have to tape your mouth and
16 blindfold you, because I don't want you to try and cry for
17 help when I stop for gas."

18 And I talked him out of the blindfold, because he
19 wanted to use tissue and tape and I wear contacts. And I
20 told him that I couldn't stand it, I just couldn't stand
21 tissue on my eyes with contacts.

22 And he said, "Can you take the contacts out?"

23 And I said, "If you will release my hands, I can."

24 And he wouldn't do that.

25 And so my head is still strapped and everything, and

1 he tilted my head a little bit, turned my head a little bit
2 and put the tape across my mouth and put the coat over me.

3 Q. Were you still in the front seat?

4 A. I was still in the front seat completely bound.

5 And we stopped for gas, and he pulled in and he stopped
6 the car, and he said, "Okay, I am going to leave this door
7 open and I am going to be right here, I am going to be able
8 to hear you. If you try and cry for help, if you try and
9 reach anybody, I am going to jump in the car and jam it and
10 then I will hurt you."

11 And he tried to put gas in the car and he couldn't, and
12 I guess he is not familiar with the unleaded tanks and the
13 nozzles, and he tried to put regular in my car and it wouldn't
14 fit.

15 So he jumped back in the car, and he said, "What's
16 wrong with your car? You didn't tell me. What is wrong
17 with your car? How come it doesn't work? How come I can't
18 put gas in it?"

19 And he got really upset and really nervous, I had tape
20 over my mouth, I couldn't say a word, and I was trying to
21 say, "Um, um," you know, because I was terrified that he
22 was going to take off and really try and hurt me, because
23 I fixed my car so he couldn't put gas in it or something.

24 So he said, "You're trying to tell me something; right?"

25 And I tried to shake my head. And he said, "Okay, I am

1 going to take the tape off a little tiny bit. If you try
2 to scream, you are going to get hurt."

3 And he took just a little tiny corner of it and I
4 managed to say, "Unleaded."

5 Put the gas in the car, and he secured my mouth and
6 put the gas in my car and then we took off.

7 We pulled over approximately five or ten minutes later.
8 He released my neck from the strap, and he kept my hands
9 cuffed. He unloosened them a little, because they were
10 extremely unbearably tight. He unloosened them a little,
11 he took the strap off, he lifted me between the console
12 into the back seat, threw a coat over my head -- I was in
13 the back seat -- threw a coat over my head and drove me to
14 Reno.

15 Q. How long do you estimate that you were driving in
16 the automobile after-- How long were you driving from the
17 point where he first handcuffed you to the gasoline station?

18 A. Approximately ten -- no more than ten, fifteen
19 minutes.

20 Q. And after you got the gasoline, how long did you
21 then drive until he next stopped after that?

22 A. Oh, gosh. It didn't seem but five minutes. It
23 didn't seem that long. When I was lying on the back seat
24 he had the coat over my head at such an angle that I could
25 see about this much, and I could see out the back window a

1 little bit, and I could watch the terrain, and I saw a house
2 go by that is past Zephyr Cove, I think, that I recognized.
3 It is an unusual house with a round window out of brick or
4 stone and white. And I tried to watch the terrain. I knew
5 we were going in that direction, but I thought when we
6 made -- I was watching for the turns, the actual turning to
7 the right or left off the road. And I thought when we made
8 the left turn we were making the North Shore turn instead of
9 the Carson City turn, which we were making, which would have
10 made him going awfully fast, unless I was so terrified I
11 didn't realize it at the time.

12 Q. Did you remain in the back seat of the car until
13 the next time that you stopped?

14 A. Yes.

15 Q. And in what position were you at this time when
16 you were in the back seat?

17 A. I was laying on my hands cuffed facing the back
18 of the seat and my head was behind the driver's seat with
19 my face to the back.

20 Q. Did you have any discussions at this time when
21 your mouth was no longer taped with the defendant?

22 A. Yes, I did. I tried to engage him in some normal
23 conversation to try and figure out what kind of a person
24 had abducted me and how -- what was, you know, going on
25 through his mind, how best to cope with the situation that

1 I was in to get myself out of it alive.

2 Q And what -- can you remember any of the conversation
3 that you had during this time?

4 A Yes. He told me that if I had, you know, that --
5 I asked him, "Why me?"

6 And he said, "Well, it wasn't you intentionally; could
7 have been anybody. Could have been North Shore, it could
8 have been South Shore. It just happened that you happened
9 to be attractive, and that is a fault in this case in your
10 case, you know, at this time."

11 And I asked him just what aspect of this rape, or what-
12 ever it was, that he got off on, and he said that he didn't
13 get off on pain; it was just a fantasy that he had to live
14 out, and he had fantasies; and he had a very heavy sexual
15 life with his wife, he was very happy, but it was just some-
16 thing that he had to do; and that his wife was the only one
17 that knew where he was at and what he was doing; and that
18 if any one of his friends had known what he was doing right
19 now, they wouldn't believe it, or had seen him, they
20 wouldn't believe it, you know, that he was capable of doing
21 that.

22 Q Then you said you drove for a period of time. Did
23 you stop at some point after driving for that 45 minutes or
24 so?

25 A No.

1 Q. After you left the gasoline station, you drove --

2 A. He stopped at the stop light in Carson.

3 Q. Excuse me?

4 A. We stopped at a stop light in Carson. I could see
5 the billboards.

6 Q. And after you continued, at some point did he
7 finally stop the automobile?

8 A. Yes, he did.

9 Q. What happened at that point?

10 A. He said, "Okay, we're here."

11 And he got out and I was still in the back seat, and
12 he came and got back in the car and said, you know, he
13 started cussing and said, "I lost the key. I can't get in."

14 He said, "I knew I heard it drop at the Lake. I should
15 have picked it up. I lost the key."

16 And then he wanted, you know, he said, "I am going to
17 have to pry it open. I'm going to have to get a crowbar
18 and pry it open."

19 Q. Did you know where you were at that point? Were
20 you able to see?

21 A. I knew I was in Reno, because, like I said, I
22 did have a view out my back window that he did not know I
23 had; just a very, you know, laying in the back seat, and I
24 knew I was in Reno, I don't know my way around that well,
25 I didn't know where I was at.

1 Q So after he got back in the car and complained
2 about not having the key, what then happened?

3 A Then he said, "I'm going to have to go get -- I'm
4 going to have to go to my car" or "a car to get a crowbar
5 to pry open the lock."

6 And we drove, it seemed like on a dirt road -- I am not
7 sure -- for about five, ten minutes, and then he went to --
8 I heard him getting into a car. And he came back and he
9 said, "Do you have a crowbar in your trunk?"

10 And I said, "Yes, I do."

11 And I told him where the key was and let him get it.

12 And when I was laying there I was wondering, why did I
13 do that, he could bash me over the head with it. But then
14 he could have had a weapon at any time. And I thought that
15 one of the other jurors earlier asked me at the hearing,
16 had asked me why did I show him where my crowbar was, and
17 it was because I did not know, really, what state of mind
18 the person was in; and if he didn't get to live out his
19 fantasy or whatever, I didn't even want to know what would
20 happen to me; you know, I just -- I don't know.

21 Q So after you told him where this bar was in your
22 car, what then happened?

23 A Then he took it and he drove me back to wherever
24 it was, a shed. He kept calling it a shed. And he took
25 about ten minutes and he pried open the lock. And at the

1 time there was a rock-and-roll band -- I thought we were
2 out behind a discotheque -- there was a rock-and-roll band
3 playing so loud that it nullified the noise almost of his
4 prying off the lock.

5 Q. Did he eventually get the lock off?

6 A. Yes.

7 Q. Where were you when he was doing this banging of
8 the lock?

9 A. In the back seat of the car.

10 Q. In the same position?

11 A. In the same position.

12 Q. And then at some point did he come back for you?

13 A. Yes. He came back and pulled me out of the car,
14 lifted me out of the car and told me he was going to have
15 to blindfold me, or whatever.

16 And I said, "I will just keep my eyes closed" or "Put a
17 coat over my head or something."

18 Q. Were you still handcuffed at this point?

19 A. Yes, I was still handcuffed.

20 And he led me in --

21 MR. VAN HAZEL: Your Honor, I am going to object to the
22 continuing testimony on the basis that I believe it is
23 irrelevant to the offense charged.

24 The necessary elements, as outlined by the Government's
25 opening statement, is an unlawful seizure and a kidnapping,

1 coupled with interstate commerce, which would, in this case,
2 according to the testimony was consummated when she got to
3 that gas station.

4 THE COURT: What do you have to say about that?

5 MR. LUTFY: Your Honor, I believe we are dealing here,
6 at least partly, in a state-of-mine aspect, whether there
7 was a willfulness and knowingly on the part of the defendant.
8 I believe that some of the events or all of the events that
9 took place in the shed bear on that willfulness and knowingly
10 aspect of the defendant.

11 But I am willing, if your Honor wishes, to hold this
12 witness in rebuttal, if necessary, and cease the questioning
13 at this point, if you feel it would be procedurally more
14 correct that way.

15 THE COURT: The objection is overruled.

16 BY MR. LUTFY:

17 Q What happened when you got inside the shed, Miss
18 Callaway?

19 A Do you want me to go into the rape?

20 MR. VAN HAZEL: Your Honor, I object to the characteriza-
21 tion "rape." I believe rape is something that the jury will
22 conclude in this case, whether it occurred or did not occur.
23 That is a legal and factual conclusion.

24 THE COURT: She can call it what she wants. It doesn't
25 mean it is legally that.

1 MR. VAN HAZEL: Very well, your Honor.

2 THE WITNESS: He led me in, he led me into the shed,
3 he called it.

4 BY MR. LUTFY:

5 Q Would you describe it as you went inside, what it
6 looked like?

7 A I didn't see it until I was in the farthest --
8 until I was completely back into the area where there was
9 a mattress, there was a red, old satin, holey, old sheet
10 on the mattress on the floor; there was an old filthy fur-type
11 blanket on top of that; there were red, yellow, blue stage
12 lights set up on the mattress; there was a projector, there
13 was a stack this high (indicating) of pornographic magazines,
14 there was a brand-new aluminum garbage can with water in it,
15 with a heater on the water -- on the garbage can -- there
16 was an aluminum stepladder, there was a pair of scissors.

17 I can remember a lot of things, I had a lot of time to
18 look.

19 Q And what happened once you got in there? Did you
20 keep the handcuffs on all the time that you were in there?

21 A No. He released me as soon as -- well, he went
22 back -- he said, "Okay, I am going to go back out and move
23 your car around to the side." And I was handcuffed still.
24 He said, "When I come back in, I will release you."

25 Q Did he in fact leave the shed at this point?

1 Q Why didn't you run out of the shed and get away?

2 A Because at that time I just -- I hadn't even
3 thought about the fact that he had pried open the door. I
4 didn't know the size of the room I was in. The whole room
5 was carpeted; and to my immediate visibility there was a
6 wall of Visqueen in front of me. I didn't know where I was,
7 I didn't know whether I was out in the middle of the desert,
8 I didn't, you know, I didn't know if he was standing there
9 or if he was going to move the car into the visibility of
10 where I would run out. I had no idea of anything going on.

11 Q Did he eventually come back in after?

12 A He came back in, he released my handcuffs.

13 Q Do you know what he did with those handcuffs?

14 A I think he set them on the stepladder, I'm not
15 sure. I think he set them on the stepladder.

16 Q Then what happened?

17 A And then he came in and he told me to get undressed.

18 I had to urinate. He made me urinate in a little half
19 of a kerosene lantern-type of thing, little half of it; made
20 me get completely undressed. And it was freezing in there,
21 and I was completely naked until the time the officers came.

22 And do you want me to keep going?

23 Q Yes, please.

24 A Well, he --

25 Q Did he in fact have sexual intercourse with you?

1 A. Oh, yes. He took off his clothes and --

2 Q. How many times, would you estimate?

3 A. It was constant. It was constant. He ejaculated --
4 the sexual intercourse as far as the ejaculation was constant.
5 He ejaculated maybe three times, twice inside of me, once on
6 top; but the sexual intercourse activity was constant.

7 Q. How long would you estimate, if you can, did this
8 take place, these sexual activities?

9 A. Approximately five and a half hours. He had a
10 radio on in there. He had a radio on and I would hear the
11 Reno station say, "This is Reno." And I would hear them
12 say the time. I heard them say 12:00 something, then I heard
13 them say two twenty something right before the officer came,
14 2:38 or something like that.

15 Q. After this sexual activity, at some point along
16 the line did somebody come to the shed?

17 A. Uh-huh. Someone came at one time. I don't know
18 what time it was, someone came and banged on the door and he
19 got up, put on his jeans and his boots, I think; and he
20 walked out and he came back in and he was kind of giggling,
21 and I said, "Who was that?"

22 And he said, "Oh, that was just the guy next door. He
23 just kind of has an idea of what I am doing in here, ha-ha."
24 And then that was it, "Ha-ha."

25 Q. Did he say that he discussed this with that man?

1 A. No. He just said, "He kind of knows what I am
2 doing in here."

3 I don't remember if he said that he discussed it with
4 him or not.

5 Q. After that person had knocked, did somebody else
6 ever come to that door?

7 A. Not until the officer did.

8 Q. All right. Would you describe the circumstances
9 under which that occurred?

10 A. Well, someone banged on the door. Like the last
11 time I heard the time announced, it was 2:00 -- I thought
12 they said 2:38, but I am not sure. It was after 2:00. And
13 someone came and banged very loudly on the door, and he got
14 up, and he got up naked and answered the door, I think.
15 And then he came back and put on his clothes.

16 Q. Could you see from where you were, could you see
17 the door?

18 A. No.

19 Q. Why not?

20 A. Because, like I said, every wall was carpeted in
21 the whole place. In front of me there was a space of about
22 six feet of which the mattress and everything was stepwise.
23 In front of me was a complete wall of Visqueen, the insula-
24 tion plastic that you can't see through.

25 Q. Was the door on the other side of that plastic?

1 A. Oh, I would say about fifteen feet on the other
2 side in between two more walls of carpet that I didn't know
3 were there, and boxes that I didn't know until I ventured
4 outside to see.

5 He came back in and he said, "I think it is the heat.
6 Are you going to maintain, are you going to be good?"

7 And I said, "Yeah, okay, I'll be good."

8 Because I thought it possibly could be a setup and I
9 could be hurt worse.

10 But when he went back out, I decided I had to take a
11 chance and find out, you know. So I fought myself through
12 the Visqueen, and I didn't know what was in front of me.
13 I fought my way through the carpet and peeked around the
14 last layer, and I saw the bottom half of, it looked like an
15 officer to me, and I started screaming, "Help. Help." And
16 no one moved --

17 Q. What did you have on at that time?

18 A. Pardon?

19 Q. What did you have on at that time?

20 A. Nothing. And no one moved, so I ran -- and the
21 officer just -- no one moved, no one made a move to do any-
22 thing, and I ran out. I think I took a couple of steps
23 further, you know, and I saw it was an officer. And he
24 didn't make a move to run, and the officer didn't make a
25 move to do anything, and they both looked at me like I was

1 insane. So I ran out and I saw the officer's car, and then
2 I knew it was an officer, and I knew he would help me. But
3 no one was moving to do anything, and I just stood out
4 there in the freezing cold, you know, while the officer
5 questioned to know what was going on.

6 And he said, "This is my girl friend, we are just in
7 here having a good time."

8 Q What did you say to that?

9 A I said, "No, I am not."

10 And the officer said, "Whose car is this?"

11 And I said, "It's mine."

12 And he said, "Did you drive it here?"

13 And I said, "No, I didn't."

14 And he asked him, the abductor, for his driver's license.

15 He said, "I don't have one, because I didn't drive the
16 car, she drove it."

17 And I said, "No, I didn't, he drove it."

18 And then the officer told me to go back in and put my
19 clothes on.

20 And I went back in completely out of his sight, went
21 back in to get my clothes on.

22 He left, the abductor followed me completely back in
23 out of his sight, and I was terrified he was going to take
24 me as a hostage, and I was trying to put on my clothes as
25 fast as I can. The abductor was begging me not to tell on

1 him, please don't tell on him, think of the embarrassment it
2 would cause him, you know, "Oh, please don't tell on me."

3 And I got so scared I ran back out with half my clothes
4 still on. I mean, I had one shoe on, one sock on, you know,
5 my coat on, no blouse. I ran back out to get away from
6 him, and I stopped and they told me to sit in the car till
7 the other officers arrived.

8 And then they questioned me as to how did I get here
9 against my will.

10 And I said I was handcuffed. And they saw the marks
11 on my wrists, and then they did finally arrest him and asked
12 me to sign papers.

13 Q Did anybody take any clippings or cuttings of
14 your hair during that time?

15 A Yes.

16 Q One of the officers?

17 A At the police station.

18 Q And after this occurred, after being out in the
19 automobile with the officers, did you have occasion to go
20 to a hospital or a medical center or something like this?

21 A Yes. Yes, I was taken to the hospital first.

22 MR. LUTFY: Your Honor, these have been previously
23 marked Government's proposed Exhibit No. 1.

24 BY MR. LUTFY:

25 Q Can you tell me, Miss Callaway, whether or not

1 this item is yours?

2 A. No. No, it isn't.

3 Q. Did you have that item in your automobile on the
4 evening of November 22nd, 1976?

5 A. No, I didn't.

6 Q. Do you have any remembrance at all of what the
7 handcuffs that were placed on you looked like?

8 A. I never had an occasion to see too many pair of
9 handcuffs, but they looked like a regulation pair of hand-
10 cuffs to me.

11 Q. I ask you to look at Government's proposed Exhibit
12 No. 12 and tell me whether or not these are similar to the
13 handcuffs that were placed on you on November 22nd?

14 A. Yes, very similar. They look like them.

15 Q. Did you give permission to the Reno Police Depart-
16 ment or any Police Department to go into your automobile
17 and search it for any items that were there?

18 A. Yes, I did.

19 Q. Did you, on November the 22nd, have a, what I am
20 going to call a tire iron, or something to use to help raise
21 up and lower, if you get a flat tire and want to change a
22 flat tire?

23 A. Yes, I did.

24 Q. When you went to the -- was it a hospital or a
25 medical center?

1 A. Washoe Medical Center.

2 Q. Washoe Medical. At that time did they take samples
3 of pubic hair from you?

4 A. Yes. I don't know if they did or the police did.

5 Q. But somebody did?

6 A. Yes. They did, possibly.

7 Q. I ask you to look at Government's proposed Exhibit
8 14-A. Tell me if you can recognize that item.

9 A. Yes, it is my shoe.

10 Q. And was this a shoe that you were wearing on this
11 night of November 22nd?

12 A. Yes, it was.

13 Q. I ask you to look at Government's proposed Exhibit
14 14-B. Tell me if you can recognize that item.

15 A. Yes. Those are my Levi's.

16 Q. Those are the Levi's you were wearing on the night
17 of November 22nd?

18 A. Yes.

19 Q. I ask you to look at Government's proposed Exhibit
20 14-C. Tell me if you recognize that item.

21 A. Yes, that is one of my socks.

22 Q. And when is the last time that you saw these items
23 prior to right now?

24 A. When I wore them to the hospital.

25 Q. And were they taken from you at that time at the

1 hospital?

2 A. Yes, they were.

3 Q. I ask you to look at Government's proposed Exhibit
4 No. 5. Tell me if you can identify that item.

5 A. Yes. That is the beer batter that I was going to
6 deep-fry some vegetables in for the dinner I was taking to
7 my boyfriend's.

8 Q. Where was that?

9 A. In my car on the front seat on the floorboard.

10 Q. This was on the evening of November 22?

11 A. Yes, it was.

12 Q. Is that one of the items of food that you mentioned
13 that you were bringing from your house to your boyfriend's
14 house?

15 A. Yes, it is. It is also the batter that is on my
16 clothes that was spilled all over them.

17 Q. Was this spilled all over your clothes when you
18 were in the automobile?

19 A. When he was moving me between the seats.

20 Q. Did you see -- did you see whether or not any of
21 that batter spilled on him --

22 A. No, I didn't.

23 Q. -- during this time?

24 A. No.

25 Q. Your testimony was that the defendant drove your

1 vehicle this evening after the handcuffs were placed on you?

2 A. Yes.

3 Q. Did you ever recover your keys for that vehicle?

4 A. They were given back to me in my car, I think.

5 Q. Do you have those keys with you?

6 A. I don't remember. Yes, they are in my purse out-
7 side. My boyfriend has my purse.

8 MR. LUTFY: May I have one moment to get those, your
9 Honor?

10 THE COURT: What do you need those for?

11 MR. LUTFY: I would like to get that key, because we
12 have another witness -- it has been marked and will be
13 identified as an item taken from the defendant, and is
14 marked by a police officer on the case.

15 THE COURT: All right.

16 MR. LUTFY: Thank you.

17 (Pause.)

18 BY MR. LUTFY:

19 Q. Do you have that key with you?

20 Is this the key for your ignition?

21 A. Yes.

22 Q. Will you take it off?

23 Where did you receive this key back? Who did you get
24 this key from, Miss Callaway?

25 A. I really don't remember. I don't remember if I

1 walked out of the police station with it or if I got it back
2 with my car. I think I got it back with my car.

3 Q Is this the only key that you have for your car?

4 A Yes. My sister has a key, but she would have had
5 it in her possession at all times.

6 Q Miss Callaway, I ask you to look at Government's
7 proposed Exhibit No. 19 and tell me whether or not that tape
8 is yours?

9 A No.

10 Q Did you ever own that tape?

11 A No.

12 Q Did you have that in your car on November 22nd of
13 1976?

14 A No, I didn't.

15 MR. LUTFY: No further questions, your Honor.

16 THE COURT: You may cross-examine.

17 CROSS-EXAMINATION

18 BY MR. VAN HAZEL:

19 Q Miss Callaway, at any time on the night of the
20 22nd of November, in the early-morning hours, which you have
21 described in your testimony, which would be the morning of
22 the 23rd, did the defendant ever threaten you with a weapon
23 or display a weapon?

24 A No. The only weapon -- well, he never displayed a
25 weapon. He said that he would not hurt me unless I attempted

1 to get him caught, or whatever, for his own protection, and
2 then he would just bash my head so he would knock me out,
3 you know. The only weapon, it probably couldn't even be
4 considered a weapon, but I was considering it as a weapon at
5 the time, was a pair of scissors.

6 Q All right. Now, was the pair of scissors involved
7 while you were in the State of California?

8 A No, it wasn't.

9 Q Was it involved when you just got over the border
10 at the gas station?

11 A Not that I know of. I didn't see them until I was
12 inside of where he had me, when he cut my pubic hairs with
13 it.

14 Q Inside the shed that you were talking about?

15 A All right. Did the defendant ever say, while he
16 was in the State of California, that he had a weapon with
17 him?

18 A No.

19 Q Did he ever simulate a weapon? And if you don't
20 know what I mean by the word "simulate," I will explain it.

21 A You mean pretend?

22 Q Like going in a bank robbery and saying, "I've
23 got a gun here, give me your money."

24 A No. He is six foot four; he didn't really have to
25 do a whole lot.

1 Q You are about five foot one?

2 A I am five foot five.

3 Q Five five. About 110 pounds?

4 A 105.

5 Q 105 pounds.

6 When the defendant, Mr. Garrido, came up to you in the
7 shopping center, he was on the passenger's side?

8 A No. He came up on my side.

9 Q That would be the driver's side?

10 A Driver's side.

11 Q I understood you on your direct testimony to say
12 the passenger's side.

13 A I am sorry. I was looking over my right shoulder
14 when I heard the tap on the driver's side.

15 Q And you rolled down the window in response to his
16 knocking?

17 A Uh-huh. Yes, I did.

18 Q Did he lean over and talk to you through that
19 window?

20 A No. He stood.

21 Q Stood?

22 A Uh-huh.

23 Q Did you smell any liquor on his breath at that time?

24 A No, I didn't.

25 Q Was the defendant peculiarly dressed or anything

1 else at that time?

2 A. No. He was dressed very nicely. He had on a denim
3 jacket and denim matching pants, it looked like; he had his
4 hair pulled back, looked very neat, and he had on a brown
5 sweater.

6 Q. Are you describing a ponytail?

7 A. Yes.

8 Q. All right. Was the defendant, Mr. Garrido, carrying
9 anything that you can remember at that point in time?

10 A. He was carrying a paper bag that was wrapped around,
11 it appeared to be a bottle, a Seven-Up bottle, a bottle that
12 he had purchased in the store.

13 Q. Purchased in what store?

14 A. In the store that I was in.

15 Q. Now, how do you know that?

16 A. Because -- now, I can't be -- I can't testify I
17 actually saw him, but as I was walking I was walking in the
18 back of the store to gather these items real fast, because
19 I was late for my boyfriend's, and it seemed like I glanced
20 down an aisle and seen him full face standing there for just
21 a second.

22 Q. You think you might have seen him in the store?

23 A. Yes, just because of the attire he was wearing;
24 the matching, you know, jacket and the pants.

25 Q. Now, you have given a number of statements to the

1 Reno Police Department on the night that Mr. Garrido was
2 arrested, you have given a statement to the Washoe County
3 Grand Jury, and you have given a statement to the FBI,
4 probably Mr. Ricks, who is sitting here at the table. Do
5 you remember giving those statements on the different
6 occasions?

7 A. Oh, yes.

8 Q. All right. Did you ever state in any of those
9 three statements that you had seen Mr. Garrido in the store?

10 A. I think they asked me and I said I wasn't sure.

11 Q. Now, when you were in the store, how were you
12 dressed?

13 A. I had on the Levi's you saw, I had on the shoes
14 and socks, I had on a black and blue triped T-shirt with
15 hood, and I had on a green and blue ski jacket.

16 Q. All right.

17 Do we have those?

18 We apparently do not have the blouse in the courtroom.
19 Could you describe it in a little more detail? Is it cotton
20 material or nylon?

21 A. Yes, it was a T-shirt-type material, T-shirt top,
22 dark blue and dark black and possibly one other color of
23 blue, very thin striped, and the neck came like this, and
24 it had a hood, long sleeves, no cuffs.

25 Q. Now, at the time you were in the store, was it

1 warm in the store?

2 A. I was in there maybe not even five minutes. I was
3 in a hurry, I ran in and ran right back out, didn't even
4 take my jacket off.

5 Q. You did not take your jacket off?

6 A. No.

7 Q. Was your jacket zipped while you were in the store?

8 A. I don't remember.

9 Q. Were you wearing a brassiere that night?

10 A. No.

11 Q. The defendant did not remove it from you?

12 A. No. He did not remove any of my clothes. He
13 asked me to remove all of them when he had me locked in the
14 warehouse.

15 Q. When he got in the car, did he make any suggestive
16 moves or suggestive conversation? By that I mean of a sexual
17 overtone. Now, I am talking about before you got to the
18 place you stopped. You said he tried to engage you in con-
19 versation. Was there anything of a suggestive character?

20 A. No, none whatsoever.

21 Q. It was more or less the chit-chat of two strangers?

22 A. Uh-huh.

23 Q. And you were kind of noncommittal because he was a
24 stranger?

25 A. Yes. I answered, like, "Maybe", "Yes", "No." I

1 talked maybe sideways and probably seemed very cold to him,
2 because I just don't talk to strangers. I am a dealer, a
3 21 dealer, and I see millions of people a day, and I just
4 don't engage in conversation with strangers.

5 Q When you got up into this area near to where your
6 boyfriend lives-- Let me ask you a question:

7 Had you told him at that point in time, in connection
8 with the food he was holding in his lap, that you were going
9 to your boyfriend's and that he would be expecting you, and
10 that that food was for dinner with him?

11 A No. But he asked me, after he handcuffed me and
12 strapped me, "Are you expected anywhere?"

13 And I said, "Well, I am expected at my boyfriend's for
14 dinner, that is where I was going."

15 He said, "Is anyone going to miss you tomorrow?"

16 And I said, "Well, I have to get my son off for school
17 at 7:00 in the morning and I have to get to work at 9:00."

18 He said, "Well, if you are real good, I will try and
19 have you back by dawn."

20 Q Let's pick up on that conversation. I had asked
21 you whether anything was said before the defendant allegedly
22 grabbed you and tried to abduct you about people expecting
23 you and knowing you were due at a certain place. Nothing
24 had been said at that time?

25 A No.

1 Q It was only after he had grabbed you, physically
2 restrained you, put on the handcuffs, that that came up?

3 A That he asked me. He said --

4 Q He asked you?

5 A He said, "Are you expected anywhere? Is anyone
6 going to miss you soon?"

7 Q And did you respond to the effect that your boy-
8 friend was expecting you any minute?

9 A Yes.

10 Q You just talked to him?

11 A Uh-huh. I said I was on my way with dinner. I had
12 a Crockpot, I was taking it over there, and I was on my way.

13 Q Did you mention to him that he would probably be
14 calling the police shortly?

15 A I don't know if I mentioned it. I am sure it was
16 very obvious; you know, that I was expected somewhere, I was
17 going to be missing in maybe 15 or 20 minutes and my boyfriend
18 would start calling pretty soon.

19 Q So that was clear to the defendant before he even
20 took you into Nevada?

21 A Uh-huh.

22 Q That there was somebody waiting for you?

23 A Uh-huh.

24 Q At any moment?

25 A Uh-huh.

1 Q Now, when you got to this area where you stopped,
2 you did not notice until you stopped that it was an empty
3 lot?

4 A That is true.

5 Q But you did observe some duplexes?

6 A Yes.

7 Q And at least one of those duplexes was occupied
8 or there was a light on outside?

9 A There was a porch light on on the outside of the
10 building. I don't know if it was a porch light, if there was
11 a door there; it was a yellow light on the outside on the
12 street of the building. On the streets in Tahoe there are
13 no streetlights to --

14 Q No streetlights in the area to illuminate it?

15 A Yeah; right.

16 Q For my sake and for the sake of the jury, is this
17 a residential area?

18 A It is a very short street. It is a very short
19 street intersecting two major streets that cuts across, and
20 we were almost at the end of it going on to another major
21 street, but it was not well illuminated. It was residential.

22 Q Were there any people about at the time that this
23 happened?

24 A No.

25 Q No pedestrians or people standing in their yards?

1 A. No, none. He obviously wouldn't have done it, if
2 there were.

3 Q. Well, I will just ask you whether you saw people.

4 A. Okay.

5 Q. Let's leave the conclusions, whether he would have
6 done it or not --

7 A. Okay.

8 Q. -- for the jury.

9 Did you try and sound your horn?

10 A. No, I didn't have time.

11 Q. Or scream?

12 A. No.

13 Q. Did he have his hand over your mouth at the time
14 he first grabbed you?

15 A. No. He grabbed my feet and he grabbed my neck and
16 then he grabbed my hands, grabbed my neck and pushed it down.

17 Q. All right. He is sitting on the passenger side of
18 you?

19 A. Uh-huh.

20 Q. And you were in the driver's seat, and it is a
21 small Ford Pinto?

22 A. Right.

23 Q. '70, '71?

24 A. '75.

25 Q. And those are bucket seats?

1 A. Right.

2 Q. And there is a console between them?

3 A. Uh-huh.

4 Q. With what, an emergency brake?

5 A. Uh-huh.

6 Q. And a transmission?

7 A. Right.

8 Q. Is that an automatic transmission?

9 A. No, four-speed transmission.

10 Q. Four-speed transmission. Now, when you got to
11 this area you stopped, you put it in neutral?

12 A. I don't know if I put it in neutral or just stepped
13 in on the clutch.

14 Q. All right. You might have had it ready to go as
15 soon as he got out of the car?

16 A. I just pulled over, not even all the way off the
17 road, to let him out. I pulled up on the brakes, stepped
18 on the clutch, I might have put it in neutral, I don't know,
19 turned to say, you know, goodbye. And as I did it --

20 Q. Excuse me. You go rather fast and I can't keep
21 up with all the questions.

22 A. All right.

23 Q. Would you say you set the brake and by that --

24 A. No, I didn't set the brake.

25 Q. You didn't set the emergency brake?

1 A. No.

2 Q. You just had your foot on the floor brake?

3 A. On the floor brake; right.

4 Q. All right. Then you started to say?

5 A. And then I turned to him to say goodbye, or, you
6 know, indicate, you know, this is it, and I saw there was
7 an empty lot, and then my second thought was, well, maybe
8 he meant the house across the street. But I didn't even
9 have time to even say, oh, is it over here, or whatever,
10 when he had reached over -- he lunged at me and went for the
11 key and then --

12 Q. All right. Now, one hand was on the ignition key
13 to turn off the motor; is that correct?

14 A. Uh-huh.

15 Q. Was this any kind of incline that you were on? Was
16 it a level street or was --

17 A. Level street.

18 Q. Level street. And you probably don't know which
19 hand, but he reached with one hand and turned the key and at
20 the same time simultaneously grabbed the --

21 A. I thought he was going to try and hug me. I
22 thought he was going to try and grab me and kiss me; one
23 hand went for the keys and one hand went for my neck, and
24 then he got me and just started grabbing, I don't know.

25 Q. What had happened to the salad? Didn't he have

1 the salad on his lap?

2 A. Yes. Yes, he turned around and he sat it on the
3 back seat, and I thought he was just going to set it back
4 there to --

5 Q. To get out of the car?

6 A. Yeah.

7 Q. All right. And where was the beer batter at this
8 time?

9 A. It was on the floor.

10 Q. Between his legs and --

11 A. And the Crockpot was on the floor, also. And I had
12 a bagful of vegetables and bread, which he might possibly
13 have been holding, also, I am not sure.

14 Q. All right. Now, when he grabbed for you, did he
15 turn the ignition off or did the car stall or did it jerk
16 forward?

17 A. He turned the car off.

18 Q. Turned the car off.

19 A. He tried to get the keys out, but you have to
20 unlock it from the other side to get them out.

21 Q. There is a safety release --

22 A. Right.

23 Q. -- so that you can't pull it out while you are
24 driving?

25 A. Right.

1 Q Does the key for the ignition, is that the same one
2 as for the trunk?

3 A No.

4 Q Takes a different key for the trunk?

5 A Yes.

6 Q Now, when he forced you down, initially you were
7 sitting there and the steering wheel is out in front of you,
8 did he try and pull you over?

9 A Repeat that.

10 Q All right. It probably wasn't that clear.

11 You were sitting in the driver's seat, you have a steer-
12 ing wheel right in front of you, you had described him forcing
13 you down --

14 A Pushed me down to the side.

15 Q Toward him?

16 A Toward him.

17 Q Pulled him towards you.

18 A Towards him. As far as he could, you know, it was
19 kind of hard in that small cramped quarters.

20 Q All right. Your head was down, you couldn't see --

21 A That's right.

22 Q -- what was going on?

23 A Well, I kept trying to push it up, saying, "Wait a
24 minute." Because I didn't understand what was going on.

25 I thought he was kidding, it happened so fast. You know, I

1 have never been assaulted or attacked before or anything.

2 Q All right.

3 A And I didn't -- I was waiting at any second for a
4 weapon to be brought out, and I didn't make any fast defen-
5 sive moves because of that, you know, because I was just taken
6 by surprise by the whole situation.

7 Q Now, if your head was down, was that when he got
8 out the cuffs from wherever he got them, you didn't see where
9 he removed the cuffs from?

10 A No.

11 Q Was the first time you knew there were handcuffs
12 when you felt one go on your wrist?

13 A Yes.

14 Q Were your arms behind your back at that time?

15 A He had grabbed them both.

16 Q They were behind your back?

17 A Yes.

18 Q Your face was down?

19 A He was trying to keep my head down.

20 Q Is it fair to say, then, that you never saw the
21 handcuffs at that time?

22 A Yes. That is fair.

23 Q When was the first time you saw the handcuffs?

24 A When he took them off of me.

25 Q That would be much later in the shed?

1 A. Yes.

2 Q. Did you see them at that time? I mean --

3 A. I did.

4 Q. -- your hands were behind your back and he removed
5 them?

6 A. Yes, I saw them when he took them off and set them
7 down. He told me he was going to have to handcuff me, though,
8 when he did it. He said, "I am going to have to handcuff you
9 so you don't try and get away."

10 Then he said, "I am going to have to strap your head
11 down to your knees so that you don't try and raise up and
12 try to attract anyone's attention."

13 Q. All right. And then he covered you with a coat or
14 a blanket?

15 A. Like I said, I don't know. I thought -- I thought
16 it was a heavier coat, but no one seemed to be able to come
17 up with that piece of item. He put something completely
18 over me.

19 Q. Well, let me ask you, first of all: Did you have
20 a blanket, any kind of car blanket or anything in the car?

21 A. No, I didn't. I had my ski jacket on.

22 Q. And when he got in the vehicle all you saw was the
23 paper bag containing a bottle that you later discovered to
24 be Seven-Up?

25 A. That's true.

1 Q So he didn't have a blanket with him when he got
2 in the car?

3 A No, no.

4 Q Was he wearing a coat when you saw him?

5 A He was wearing the denim suit coat. It was a
6 suit-style coat.

7 Q Did you see him remove the coat or was he not wear-
8 ing the coat later on? Was that the coat that covered you?

9 A He was not wearing it when he moved me into the
10 back seat. I don't know if he took it off then. That is
11 possibly what he had over me, but he was not wearing it when
12 he drove me to Reno. Because when he put me in the back seat
13 he folded it very nicely and put it on the front seat. But
14 then he had something over my head, and I know I saw him
15 fold it. I know I saw him lay it down. Maybe then he
16 decided I shouldn't see and he put it over my head.

17 Q And the police or no one has ever showed you
18 what that might have been?

19 A No. They said they couldn't find it. They have no
20 idea; possibly it was just his own coat.

21 Q Now, was it in California that he explained what
22 the purpose was for grabbing you?

23 A Uh-huh.

24 Q And he put it rather crudely in terms --

25 A Yes.

1 Q -- "I want a piece of ass"?

2 A Yes.

3 Q Did he say anything more while he was in California
4 in explanation of that?

5 A I asked him how long we would be gone, because
6 I wanted to know, a couple of hours or something, and he
7 said, "We will be gone a long time," you know.

8 And I said, "Well, you know, an hour, two hours?"

9 He said, "No, maybe you'll be back tomorrow."

10 Q Now, I take it that you were in fear at this time
11 and you were acting in such a way not to antagonize him; is
12 that correct?

13 A I was completely passive. I was trying to deal
14 with the whole situation as logically as I could without
15 allowing terror to take over completely.

16 I do have a son and that makes you think twice.

17 Q All right. Now, what were the things that put you
18 in fear, purely his statements or the way he grabbed you?

19 A The fact of being bound, my hands handcuffed, my
20 head strapped to my knees and being at the complete mercy
21 of someone I had no idea, you know, what they were going to
22 do with me or what was going on in their minds at the time.
23 You know, I -- that is it.

24 I could go on and on, but I was just going to answer
25 questions.

1 Q Now, I believe you stated at one point he said if
2 you tried to do something -- this may have been shortly
3 before the gas station -- if you tried to do anything, that
4 he would use a certain amount of force to overcome you?

5 A Uh-huh.

6 Q Did he say he would kill you or did he say he would
7 not kill you?

8 A He said he would knock me in the head and knock me
9 out.

10 Q Did he ever state to you, "Don't worry, I will not
11 kill you, I will just use the amount of force that is neces-
12 sary"?

13 A He said he wouldn't hurt me, but someone that is
14 that determined --

15 Q But specifically, did he ever say --

16 A No.

17 Q Did he ever say to you, "I will not kill you, I
18 will just use whatever force I need to"?

19 A That is true; he said, "I am not going to hurt you
20 unless you try and -- for my own protection, then I will
21 hurt you."

22 Q Did you ever suggest to him that if he had sex on
23 his mind, and that is what he wanted, that perhaps you could
24 get the whole thing over right then and there?

25 A Yes, I did.

1 Q And what did he say?

2 A He said, "You might as well get that out of your
3 mind; you are going with me, you have got no choice, I have
4 got it all planned, so you are not going now, I am just not
5 going to let you go now, so you might just as well not ask
6 again."

7 Q Was this while you were still in California?

8 A Yes. That is when I asked him, couldn't we just
9 pull over to the side of the road and get it over with,
10 because, you know, every girl has to think about rape sometime.

11 Q And he was insistent you had to go somewhere and
12 that he would be bringing you back sometime the next day?

13 A Yes.

14 Q And he did say he would be bringing you back?

15 A Yes.

16 Q And you took that to be back up to the Tahoe area?

17 A I asked him if he was going to give me gas money
18 so I could get back. You know, I asked him questions like
19 that. I asked him --

20 Q What did he say in answer to that?

21 A He said, "Don't worry, don't worry." That is all
22 he would say, "Don't worry about it."

23 And I asked him if he was going to take me back where
24 he had taken me from or take me back to the market, and he
25 said, "I'll let you off in the general vicinity."

1 Q The general vicinity of the market where you were
2 going, the next morning?

3 A He just said the general vicinity. I don't know
4 if it was from where he handcuffed me or from the market or
5 where.

6 Q I understand. How far is it -- do you have any
7 idea of the mileage between the place, the market and where
8 he handcuffed you?

9 A Oh, a mile and a half, two miles.

10 Q All right. And you have been out to that scene
11 since that time with the FBI --

12 A Yes.

13 Q -- recognized the spot where the abduction occurred?

14 A Yes.

15 Q And know that to be in California?

16 A Yes.

17 Q Now, when the defendant talked about a sexual
18 fantasy or that he couldn't help himself, and that although
19 he had a nice wife, this was just something he had to do,
20 where did that conversation occur, in California or Nevada or
21 aren't you sure?

22 A We didn't have -- it must have been in Nevada,
23 because the whole conversation -- it didn't take long to get
24 from where I was abducted to across the state line; and most
25 of that conversation had to do with, "Where are you taking me?"

1 How long am I going to be gone?"

2 And I am sure it was in Nevada. Most of the conversation
3 took place after he had put me in the back seat. And he told
4 me I had a long ride ahead of me and I tried to engage him
5 in conversation, you know, to try and figure out what kind of
6 person had abducted me and what state of mind he was in; like
7 I said, how to best deal with it. And I tried to talk to
8 him on more of a peer-type basis, not to -- I didn't know
9 if anything I said would snap him over any type of borderline,
10 because I didn't know what type of person he was, and --

11 Q. What do you mean, "peer type"?

12 A. Peer; you know, the same age group, type of person,
13 you know, tried to talk him as a friend. And I asked him,
14 what aspect, you know, he got off on in doing this to young
15 ladies, and he said that it was just fantasies that he had
16 to live out; that, you know, he couldn't help himself almost,
17 but he had to do it, and that he had a completely happy life
18 with his wife, they had a very happy sexual life, he was
19 completely satisfied there, but he had to do this, and his
20 wife knew and understood.

21 Q. Did he mention what his wife did for a living?

22 A. He said she was a dealer. I asked him why he told
23 me that if he didn't want me to do anything about, you know,
24 him. He also told me his name was Bill, and then he slipped
25 up later on and he said my wife said Phil the other day, but

1 I continued to call him Bill so he wouldn't have any idea
2 and think that I knew his real name.

3 And he mentioned that his wife was a 21 dealer. When
4 I mentioned that I was a 21 dealer, he kind of chuckled and
5 said the reason was my wife was a 21 dealer, also.

6 And I said, "Oh, then you are from Reno?"

7 And he said, "Well, just because I told you that, she
8 could be from Las Vegas or anywhere, you know. It doesn't
9 necessarily mean we are from the area. I am just up here --"

10 He wasn't from the area, he was just up here doing a
11 few things; no one even knew his real identity, where he was
12 at right now, and he would be gone in a week, anyway, so it
13 didn't really matter.

14 Q You say nobody knew his identity or where he was.
15 I thought on direct testimony you said something about his
16 wife knew?

17 A His wife was the only one. But I was indicating
18 that people that he associated with in his work or his
19 friends -- he indicated to me he was a complete transient
20 in the area, totally.

21 Q Now, actually there were only two times that con-
22 versation could have taken place, because for a while you had
23 tape on your mouth?

24 A That's right.

25 Q So for an interval --

1 A. For approximately ten minutes.

2 Q. Excuse me. There was that interval there before
3 you got to where he put the tape on --

4 A. Uh-huh.

5 Q. -- which was before you got to the gas station?

6 A. Yes.

7 Q. Do you know where the gas station is?

8 A. Yes.

9 Q. And that is in the State of Nevada?

10 A. Yes.

11 Q. So we have got that time span where he taped you
12 and then when he removed the tape, which was sometime --
13 other than that short period when he was asking about the
14 gas -- that was on the other side of the gas station; right?

15 A. That's right. But both times we were in Nevada.
16 He taped my mouth in Nevada and he took the tape off in
17 Nevada.

18 Q. Now, how did you know when you crossed over into
19 Nevada if you couldn't see?

20 A. Because when you go through Stateline there is a
21 lot of noise, there is a lot of lights, there is a lot of
22 noise. I had my head down and I had a coat over me or some-
23 thing over my head, but you have to -- there is two or three
24 stoplights right in the middle of the casinos, that you are
25 inevitably going to get stopped at one of time, and it was

1 very loud. Like I say, when he told me he knew a place where
2 he could stop and get gas where there wouldn't be an atten-
3 dant, I automatically thought about gas stations around the
4 area that are self service that would be open that late at
5 night, you know, at 7:30, 8:00 o'clock at night. In Nevada
6 there is only one or two that is closed, in California there
7 are several; and, you know, I tried to keep aware, you know,
8 even though I couldn't see.

9 Q I understand. Did you say anything in response --
10 when he talked about his sex fantasy, did you say anything
11 about fantasies yourself or anything like that?

12 A I completely went along with everything. I said,
13 "Oh, yes. Oh, I like that, too." You know, I tried to
14 completely stay on good terms with him, you know, like, "Oh,
15 that is really what --" You know, "I'm all for what you're
16 doing," you know.

17 Q And this was part of that passive role --

18 A That was --

19 Q -- to keep from --

20 A That was it.

21 Q -- antagonizing him or appearing that you were
22 antagonizing him?

23 In that conversation, then, did you say you often
24 wondered what it would be like to be raped, or something
25 like that?

1 A. Every girl thinks about that; yes.

2 Q. But did you say that to the defendant, Mr. Garrido?

3 A. Oh, yes.

4 Q. Did you say in that context that it would be nice
5 or something?

6 A. I said, "If everything you are telling me is true,
7 that you are not going to hurt me, that all you want to do
8 is give me pleasure and just make me feel good, even though
9 you have abducted me, you know, under force, if this is all
10 true, then I guess it is not going to be so bad."

11 Q. Now, as you came down, did you recognize Carson
12 City? Were you able to at all?

13 A. Yes, I was.

14 Q. Coming down that hill, did he talk about anything
15 other than his sex fantasy? Did he refer to religion, for
16 instance?

17 A. Yes. He talked about Jesus. He said he was going
18 to turn himself over to Jesus next year.

19 Q. Now, going through the whole evening, did he say
20 any other things that were revealing as to who he might be
21 or what he did?

22 A. I don't know if he indicated then if he was a
23 musician or not, but he kept saying, "Someday I'm going to
24 let you know who I am. Someday I just might come back and
25 tell you who I am."

1 As if -- I thought maybe he was somebody famous or
2 something.

3 Q Did he make any statements when you were at the
4 shed about their having power or current failures that
5 would affect amplifiers of a band?

6 A Uh-huh. Yes, he did.

7 Q Would you tell us what he said?

8 A That is probably where I got the assumption -- he
9 said they were using the warehouse for practicing, and that
10 they had been overloading the electrical outlets, and that
11 they were probably going to be evicted pretty soon because
12 they were using too much electricity.

13 Q All right. Let's pin down some of those things.
14 He used the words he was going to be evicted, which sounds
15 like he was renting that shed.

16 A He was, wasn't he?

17 Q But this is what he told you that night?

18 A No. No. He told me this in the warehouse.

19 Q That is what I mean.

20 A He told me he had been renting it for a couple of
21 weeks preparing it.

22 Q And he also said they, meaning he and somebody
23 else, used it to practice, did you say?

24 A A band, I think. And I -- like I said, when I was
25 in there the whole time, at most for about three hours solid,

1 there was a loud, loud band. He said it was a band practicing.
2 No one has been able to come up with the band practicing
3 there, but he said it was a band practicing. At one time
4 when we left to go get the tire iron, we came back -- I
5 asked him something about the band, and he said, "Oh, did
6 you think that is the same band? Didn't you recognize the
7 other band we heard the first time we were here?"

8 It was like he was trying to confuse me. You know,
9 "That was over on the other side. Didn't you recognize that
10 as being over there?"

11 And I said, "No."

12 You know, it was a rock-and-roll band. I thought we
13 were out behind a discotheque.

14 Q Now, was there something that made you quite sure
15 that those were live bands as opposed to somebody just playing
16 a phonograph?

17 A He told me they were practicing, and they stopped
18 and they started periodically as if they were practicing.
19 That is why --

20 Q That is something you heard?

21 A -- I was almost positive it was a live band prac-
22 ticing. And it was also playing when we drove up, which
23 means he didn't have time to go turn on anything.

24 Q So there were people that you were aware of in that
25 area?

1 A. I thought there was.

2 Q. Where the shed was?

3 A. But I also thought they were his people that he --
4 in his band, his friends; and if, you know, in my terrified
5 state of mind, I just figured -- I figured -- I really
6 thought I was in a little office part of a huge warehouse
7 where these people were practicing; and that if I tried to
8 run all of these people were his friends anyway.

9 Q. Did he indicate at any time that there were other
10 people involved? I mean, his friends were involved in this?

11 A. I don't know. It seems I got the impression that
12 they knew he was there. Especially the first one that banged
13 on the door and knew he was in there for some purposes. He
14 didn't say exactly what. He said, "He kind of knows what we
15 are doing in here."

16 Q. That was the person that came along and knocked?

17 A. That banged on the door, yes, the first time.

18 Q. Now, when you got to the shed originally you rec-
19 ognized it as being in the Reno area; am I correct?

20 I understood on direct, although you are not familiar
21 with Reno, you knew you were in the Reno area?

22 A. I know the Reno area; but, like I said, the only
23 place I have been to Reno is Park Lane Mall, before this
24 time. And I guess we turned off before, way before we even
25 entered town. And I had no idea where we were at. I heard

1 airplanes going over very loudly, so I gathered we were out
2 by the airport somewhere.

3 Q And you were able --

4 A And then --

5 Q -- to observe traffic lights or anything else?

6 A No, none.

7 Q Well, at one point I understood you to say you did
8 not run because you thought you might be in a desert. Was
9 there anything that made you think you might be in a desert?

10 A Yes. He indicated that we were way out in the
11 middle of nowhere and there was no one around.

12 Q Now, at the time he couldn't open the shed, he
13 didn't have a key, I believe --

14 A Uh-huh.

15 Q -- and he had to get some object to open it, did
16 he say he was going to his house?

17 A For what? Oh, to get a crowbar?

18 Q Or whatever.

19 A Something to pry it open with. It seems to me he
20 said he was going to his car.

21 Q His car?

22 A Or a car. I think he said, "I am going to have to
23 go to my car" or "a car."

24 Q Did he drive somewhere from the shed?

25 A Yes.

1 Q Some distance?

2 A Yes. It seemed like he drove on a dirt road.

3 Q All right. Now, when he got to this place,
4 were you able to sit up and observe?

5 A No. I was laying in the back handcuffed, and I
6 was laying on my side. I looked out the window and I could
7 see a white building with a whole bunch of windows on this
8 side, a whole bunch of them, a white building. That is all
9 I saw. It didn't seem like a residential area at all. The
10 building just didn't look like a house. I don't know, it
11 looked -- it was ugly, from what I could see of it.

12 Q Now, was the purpose of going to his house merely
13 to get a way of getting entry to the shed, because he --

14 A Yes.

15 Q -- didn't have a key?

16 A To get something to pry it open.

17 Q Did he ever discuss going, or did you discuss with
18 him going to get drugs of any kind?

19 A No.

20 Q There was no discussion in the car coming down
21 about marijuana or hashish?

22 A Yes. At one time in the car I said, "I wish I had
23 a joint."

24 And he said, "Oh, well, I've got lots of it at the
25 place where I am taking you to."

1 And when we did get there, he did have drugs in there.

2 Q What kind of drugs?

3 A He had some hash in a glass vial, square container;
4 he had some marijuana in a small baggie, and that is what I
5 saw, paraphernalia; a roach clip, a pipe, things like that.

6 Q A roach clip and a pipe?

7 A Uh-huh.

8 THE COURT: We will take a recess now. We will be in
9 recess for fifteen minutes.

10 Just a minute. I haven't advised you of this, but you
11 shouldn't discuss this case with anyone or permit anybody
12 to discuss it with you. Your information regarding the case
13 should come strictly from what you hear here in the courtroom.

14 You should not form in your own minds, or express to
15 anyone, any opinion regarding the guilt or innocence of the
16 defendant until you have heard all the evidence.

17 It is only possible to produce, and listen to, one
18 witness at a time; and the last witness who testifies may
19 conceivably give you information which would have an important
20 bearing on your final decision.

21 So don't form or express any opinion regarding the
22 merits of the case or the guilt or innocence of the defen-
23 dant until you have heard all the evidence and the case is
24 finally submitted to you for your consideration.

25 During the trial, please, when you come to court, please

1 don't hang around in the hallway where you might suffer
2 embarrassment talking to prospective witnesses. We have a
3 jury room for your convenience. I hope it is convenient.
4 And during recesses, please remain in the jury room as much
5 as possible.

6 And during the trial don't read any newspaper accounts
7 or listen to any radio or television broadcasts about the
8 trial.

9 We will be in recess for fifteen minutes.

10 (Short recess.)

11 THE COURT: You may proceed, Mr. Van Hazel.

12 MR. VAN HAZEL: Thank you, your Honor.

13 BY MR. VAN HAZEL:

14 Q Miss Callaway, to refresh your recollection, I think
15 I had just asked you a question about hash, hashish and
16 marijuana, and you said something about a joint at the time
17 we took our recess. You had mentioned on the trip down that
18 you said you would like a joint --

19 A Yes.

20 Q -- to relax.

21 A Yes, I did.

22 Q And a joint, just for the jury, perhaps, and me,
23 is what?

24 A It is a marijuana cigarette. I had indicated, I
25 said, "Gee, I sure wish I had a joint right now," meaning it

1 sarcastically to relax my nerves, like the situation I am
2 in, and he said, "Oh, well, I've got some of this, you know,
3 some stuff back at the shed that will just blow your head
4 away," indicating how good his dope was, his drugs were.

5 Q. And did he have some at the shed?

6 A. Yes, he did.

7 Q. And did he use some of it?

8 A. Yes, he did.

9 Q. What did he use?

10 A. The hash and the marijuana.

11 Q. All right. And hash and marijuana aren't the same?

12 A. No.

13 Q. Is the hash stronger than the marijuana?

14 A. I can't answer that honestly. I don't know.

15 Q. All right. Did you try any that night?

16 A. Yes, I did.

17 Q. What did you try?

18 A. The hash.

19 Q. And how strong a reaction did it have on you?

20 Can you describe it?

21 A. Very strong. It intensified all my paranoid feel-
22 ings extremely, and I didn't smoke any more, because I
23 wanted to be in full -- you know, I just wanted to be fully
24 competent and fully aware, fully alert, because of the
25 situation I was in. It intensified everything.

1 He had also asked me to drink -- he had some cheap wine,
2 and he kept insisting that I take a few drinks because I
3 was shaking so terribly. You know, he kept saying, "You are
4 in here, you are locked in, you are not going anywhere, you
5 might as well relax."

6 And he kept trying to get me to drink something.

7 I drank approximately not even half a glass of the
8 wine, I don't think, and I didn't drink any more.

9 Q Was he drinking then?

10 A Yes. He got almost to the point of intoxication.
11 He got giggly and saying, "Oh, I hardly ever drink," and
12 how he was feeling very loaded from the wine.

13 Q Now, do you smoke hash?

14 MR. LUTFY: Objection, your Honor.

15 MR. VAN HAZEL: No, the question was how did you --
16 All right. Let me straighten it out.

17 BY MR. VAN HAZEL:

18 Q How did you have hash that night?

19 A I didn't; it was his.

20 Q Oh, all right, but the question is, how did you --

21 A Recognize it?

22 Q No. How did you utilize it? Do you smoke it or
23 do you put a tablet in or do you smoke it?

24 A Oh, smoke it.

25 Q You smoke it?

1 A. In a pipe.

2 Q. In a pipe. Not in papers?

3 A. No.

4 Q. So it was not like a joint?

5 A. He didn't have any papers at the time.

6 Q. Excuse me?

7 A. He didn't have any papers at the time.

8 Q. Did he have papers later?

9 A. Yes. He went out to get the papers. He said he
10 was going to his friend's to get papers, indicating, I don't
11 know whether he meant the band or the guy that had come by
12 and banged on the door. He indicated that he had friends
13 close by and he was going to go get some papers.

14 And I assumed, that is how I figured the guys in the
15 rock-and-roll band were his friends, because he was going to
16 go and get some papers from them.

17 Q. Now, I understand that he left you then to get
18 papers at some point that evening?

19 A. Yes, he did.

20 Q. How long was he gone for?

21 A. Just a few minutes.

22 Q. Did he put the handcuffs back on you?

23 A. No.

24 Q. Did he secure you or tie you in any other way?

25 A. No, he didn't.

1 Q Did he gag you?

2 A No. He told me that the door would be in full
3 view of where he was at, if I tried to get out.

4 Q All right. So it was under that restraint --

5 A Yes.

6 Q -- that you remained in there without any other
7 restraint on you?

8 A Uh-huh.

9 Q And he was gone -- did he come back with anything
10 besides the papers for the hash?

11 A I don't remember. As far as I know, he just came
12 back with the papers.

13 Q Was there any discussion about bringing back
14 some copies of Playgirl?

15 A No.

16 Q None that you recall?

17 A No. No, he had a stack of magazines, like this,
18 of pornographic magazines I didn't even look at. I couldn't
19 tell you the titles of them, but I did see the naked pictures
20 on the front.

21 Q Now, when you described the defendant getting
22 giggly from the wine, was he also using -- I guess you told
23 me he was using both hash and marijuana?

24 A No. I don't remember.

25 Q Did he use the pipe that you described?

1 A. He used a pipe; yes.

2 Q. All right. And what is a roach clip, so we know?

3 A. A roach clip is a little clip to hold onto the end
4 of a joint, the marijuana cigarette, when it gets too small
5 for your fingers, and it was hanging on the wall.

6 Q. So he didn't utilize the roach clip that night?
7 At least you didn't see him use it.

8 A. I don't know.

9 Q. Do you recall him ever smoking a joint that night?

10 A. I think he smoked a cigarette. I am not sure.

11 Q. Just an ordinary, regular --

12 A. Yes.

13 Q. -- cigarette?

14 A. Uh-huh.

15 Q. Okay.

16 A. But I don't know.

17 Q. Did you smell anything in the car?

18 A. No.

19 Q. Did the defendant, to your knowledge, take anything
20 in the car in terms of a narcotic or --

21 A. Not that I saw.

22 Q. -- or hallucinogen?

23 A. Not that I saw.

24 Q. Did he discuss acid?

25 A. No, not at all.

1 Q Never mentioned the word LSD?

2 A Oh, I think he might have said that he had taken
3 it before or experienced with it, and asked me if I had.

4 Q What did you say?

5 A I said yes.

6 Q And did he indicate he had any --

7 A I said "Yes" to everything.

8 Q Beg pardon?

9 A I said "Yes" to everything. "Oh, yes, I have done
10 this. Oh, yes, I have done that."

11 Q Now, did he indicate he had any LSD with him?

12 A No.

13 Q That night, and I am talking about November 22.

14 A No. He only indicated that he had hash and mari-
15 juana with him.

16 Q Did you observe him taking anything, whether it
17 appeared to be a lifesaver or anything else?

18 A Wine, Seven-Up. That was it.

19 Q And Seven-Up. Did he say why he drank the Seven-Up
20 with the wine?

21 A He drank it afterwards. He said he didn't usually
22 drink wine, he wasn't used to drinking wine.

23 Q Did he ever --

24 A And I asked him for the Seven-Up.

25 Q You asked for the Seven-Up?

1 A. Because he kept asking me -- I didn't want to
2 drink wine, and I was very thirsty. And after, you know, a
3 couple or three hours I asked him if there was any water or
4 anything I could drink, and he said he had some Seven-Up,
5 which is what he had bought at the store.

6 Q. Did he have to take it out of the bag?

7 A. Yes.

8 Q. Did he say anything about -- did he say anything
9 about being very thirsty when he took acid or LSD, dropped
10 it and drinking Seven-Up with it?

11 A. No.

12 Q. Now, when you were at the shed, did you ever see
13 a small jar with perhaps red powder or red vial in it?

14 A. The only vial I saw was the glass, square vial
15 with the hash in it. That was the only vial I saw.

16 Q. Now, you mentioned when you first got to the shed
17 you told him you had to go to the bathroom, and apparently
18 there was no facility in the shed to go to the bathroom.
19 Did he suggest you go outside?

20 A. No, he didn't.

21 Q. And you didn't suggest you go outside?

22 A. No.

23 Q. Now, I believe at one point in time-- Well, it was
24 after the police got there, and I believe you had already
25 come out and started to tell the officer what went on. Did

1 you scream anything when you first saw the officer?

2 A. "Help. Help me. Help me."

3 Q. Did you scream anything like you had been raped?

4 A. No.

5 Q. Or that he was a criminal?

6 A. No.

7 Q. Did you say it when you got out to the officer --

8 I am talking about now before you went back in to get

9 dressed that first time.

10 A. No, I didn't say anything.

11 Q. And the officer sent you back in to put on some
12 clothes, to get attired, and also sent Mr. Garrido in to put
13 on some more clothes?

14 A. I don't know --

15 Q. Well, Mr. Garrido went back --

16 A. I don't know why he sent him back in, but he let
17 him back in.

18 Q. All right. Mr. Garrido was back in the shed with
19 you --

20 A. Yes.

21 Q. -- and the officer was still in the front of the
22 shed --

23 A. Right.

24 Q. -- is that correct? The two of you were alone.

25 At that time I understood you to use the words, that the

1 defendant, Mr. Garrido, asked you to maintain. I don't know
2 what that means. Was that his expression or yours?

3 A. That was -- I really -- I don't remember. He
4 asked -- I don't know if he asked me, "Are you going to
5 maintain" or "Are you going to be good" or "Are you going
6 to be quiet" or -- he came back in and he said, "I think it
7 is the police. Are you going to be good" or "quiet"?

8 Q. What does "maintain" mean to you? Does it mean
9 anything?

10 A. Be cool; you know, just don't do anything rash
11 and don't do anything, you know, that you would regret.
12 Regret.

13 Q. Is it an expression that you are familiar with?

14 A. Yes.

15 Q. And that you might use yourself?

16 A. Yes.

17 Q. And you described him at that time, that point in
18 time, as pleading with you over and over again?

19 A. Yes.

20 Q. Did he make any threats at that time that if you
21 talked, he would get even with you, or his friends would get
22 even with you?

23 A. No. He told me he was going to fight me. He said
24 I would never win, he was going to fight me in court, you
25 know.

1 Q You discussed court at that point?

2 A Well, he was. I said, "Okay. Okay. Let me out
3 of here." All I said was, "Okay. Okay," trying to get my
4 clothes on and get out as fast as I could, and he scared me
5 so bad I didn't even get my clothes on.

6 Q All right. Now, when he scared you, what did he
7 do to scare you?

8 A Just the fact that he was in there out of the
9 officer's sight. It was he and I by myself; you know, *
10 he could have done anything to me at the time. His life was
11 in jeopardy at that time; he knew he was caught, you know.

12 Q Well, at that time there had been no discussion
13 of rape or any other problem?

14 A No. But he knew he was going to -- unless he could
15 convince me not to tell on him, which he was trying to do.

16 Q When you got back out there you were partially
17 robbed, and the officer noticed the marks on your wrist,
18 which substantiated your account of having handcuffs or
19 something on your wrists. Did you at first indicate that
20 you just wanted to go home?

21 A Yes, I did. I was very confused. I was almost --
22 I was very confused, I was very frightened, I was almost in
23 a state of unbelief of the whole situation because of the
24 officer's reaction and because of Mr. Garrido's reaction
25 when I first cried for help; you know, that there was no

1 immediate response and no immediate reaction. And I just, you
2 know, I thought maybe that he had told him something different.
3 And when I went out there he said -- he said -- Mr. Garrido
4 was standing there looking at me very pitifully and sorrow-
5 fully looking, and the officer was questioning me. And all
6 I would say was yes and no, as far as, "Did you drive this
7 car? Is it your car? Did he drive it?"

8 And all I could say was "Yes. No. Yes. No."

9 And I think the officer realized how terrified I was.
10 When he took a step sideways I was right beside him, you
11 know; when he took a step this way, I was right beside him.
12 And I didn't want to be near Mr. Garrido at all.

13 And finally I just, you know -- the questioning was
14 going back and forth getting nowhere. I said, "Just let him
15 go home or just let me go home. I just want to get out of
16 here." You know, because my nerves were shot.

17 Q. You said something to the effect then like it had
18 been a long night and I just want to go home and take him
19 home?

20 A. It had been a long ordeal, a horrible ordeal, and I
21 wanted to -- either him to take me -- I wanted to get away
22 from there right now, away from that person. I wanted the
23 officer to take me, I wanted him to let me go in my car or
24 something.

25 At the point when the officer came, at that point I was

1 almost at the snapping point. I was almost at the point of
2 thinking of picking up those scissors and trying to kill him.
3 It was a very traumatic thing; you know, it was very hard on
4 me. I mean, it was really such a crude way of trying to
5 protect yourself, you know. And since it was the only thing
6 within my reach -- and I was at the point of I couldn't take
7 it any longer. No matter if he was --

8 THE COURT: Just wait until you get a question.

9 THE WITNESS: Pardon?

10 THE COURT: Just wait until you get a question.

11 THE WITNESS: Okay.

12 BY MR. VAN HAZEL:

13 Q I want to clarify one point for myself and maybe
14 for the jury.

15 When a person came and knocked on the door -- I am talk-
16 ing about the occurrence that happened sometime before the
17 police came, before the police knocked on the door -- you
18 described an incident where somebody knocked on the door.
19 Did Mr. Garrido get up and leave you and --

20 A Yes.

21 Q -- did you see where he went or did that Visqueen
22 you speak of block your view of where he went?

23 A My view was completely blocked at all times.

24 Q Now, did you hear any voices at that point in time?

25 A I can't honestly say I did. It seems like I did,

1 but I can't honestly remember.

2 Q Did you hear a voice different than Mr. Garrido?

3 A It seems like I heard some mumbling, or that he was
4 conversing with someone. Not necessarily that I heard the
5 other person's voice.

6 Q But you didn't recognize a different voice and you
7 did not distinguish any words?

8 A No.

9 Q All right. Now, when Mr. Garrido comes back to
10 you, did he state that he had a conversation, or was it his
11 manner that suggested this person knew what was going on?

12 A He was kind of laughing or smiling when he came
13 back in, and I said, "Who was that?"

14 And he said, "Oh, that was just the guy next door."

15 Q All right. He did say that he had talked to that
16 person?

17 A No. He just said he kind of -- I said, "Well,
18 what did he want?"

19 He said, "Well, he kind of knows what we are doing in
20 here."

21 Q But he didn't say that the person knew what was
22 going on in there?

23 A No. He said, "He kind of knows" or kind of has an
24 idea. He didn't say he knows, that I can remember, that I
25 can honestly say I remember.

1 Q Now, on your direct testimony, I believe it was,
2 you state that when you assisted the defendant find a
3 crowbar to open the shed, you kind of asked yourself what
4 were you doing, or at least in the course of testifying before
5 the Grand Jury, one of the Grand Jurors asked you why you
6 helped him locate something to pry off the door thing, and
7 you said something about you didn't know the state of mind
8 of the defendant.

9 A Uh-huh.

10 Q What --

11 A He was -- he told me this was a fantasy and he was
12 very intent on living it out. Obviously he had handcuffed
13 somebody, he had gone through all the trouble of renting
14 the place, setting it up, and that --

15 Q Can you tell us anything more about his state of
16 mind while you were in the car, that you observed? I mean,
17 did he seem to be a very compulsive person that night?

18 A That night?

19 Q Well, that is the only time you ever met him?

20 A But, where?

21 Q Anywhere from the time he first laid his hands on
22 you.

23 A In the car he seemed very nervous, very uptight,
24 very apt to do anything rational because he was so nervous
25 and scared at any time. Later, in the warehouse, he was a lot

1 more calmer, but he would get very distant looks, like he was
2 just kind of spaced off. And all of a sudden he would come
3 back to me, you know, now what am I -- I just said no -- I
4 had no faith in the fact that he was going to bring me back
5 like he said he was.

6 Q While he was driving down -- I realize you were in
7 the back -- but was there ever any maneuvers of the car that
8 suggested that maybe he wasn't doing too good a job of driving
9 the car? Any kind of erratic driving, I guess is what I am
10 asking you, or anything like hitting the shoulder or anything
11 else?

12 A No. No, the road is very wide, anyway, between
13 here and --

14 Q Did you notice any change in his speech pattern as
15 he drove down, anything to suggest that he might have taken
16 a drug or been under the influence? You speak of being
17 spaced out later at the shed. Was there anything that changed
18 in the man's mood or voice pattern?

19 A No, not when we were driving the car. In the car,
20 you know, I always thought he was -- you know, I had every
21 hope to believe everything he was telling me, because he
22 seemed like a very normal person. But he was just doing all
23 these very strange things, you know, kidnapping someone with
24 intent to take them somewhere to rape them. But he seemed
25 like he knew, he was in full -- full competence; he knew what

1 he was doing, knew exactly how he was going to do it.

2 Q When he got to that gas station he was confounded
3 by the fact that he couldn't get the gas nozzle into your
4 gas tank because you have unleaded gas, takes only unleaded
5 gas?

6 A That is true.

7 Q And he couldn't get the nozzle in and he became
8 agitated?

9 A He became real nervous.

10 Q Did he use any profanity?

11 A No. He just started yelling at me, accusing me of
12 not telling him how come my car didn't take gas, why wouldn't
13 my car take that gas, and I had done it on purpose so he
14 couldn't put gas in the car, and I had done something on
15 purpose

16 Q Going back to the time when he first seized you,
17 did you adopt almost immediately that stance of being passive
18 and saying that you liked everything he wanted to do, as a
19 protective device?

20 A Yes, I did.

21 Q So almost from the outset when he said that he was
22 going to take you someplace for the purpose of having sex
23 with you, did you indicate that that was what you would like
24 to do?

25 A No, I didn't want to go anywhere. I wanted to pull

1 over in the bushes. I wanted it over and done as fast as I
2 could, you know. But when I realized that he had plans of
3 taking me somewhere, to somewhere that he had all fixed up,
4 that was far away, and I wasn't coming back, I had to cope
5 with the situation.

6 Q. I understand. What I am trying to get to is what
7 you might have conveyed to the defendant in words -- and I
8 understand your reason for doing it, but I am just trying --
9 when he suggested having sex, you suggested maybe you could
10 do it right there in the bushes or something, so he would
11 release you and you could get to your boyfriend's and get
12 help?

13 A. That is true; yes.

14 Q. Did you otherwise indicate that you liked it? I
15 mean, you liked this idea he was proposing to you as a way
16 of placating him or appeasing him?

17 Do you understand the question?

18 A. Did I go along with him --

19 Q. Yes.

20 A. -- in order to protect myself?

21 Q. To protect yourself, but lead him to believe you
22 thought this was a neat idea, too?

23 A. Yes. Oh, yes.

24 Q. And this occurred before he took you into Nevada?

25 A. No, this is afterwards. This is when I was laying

1 in the back seat.

2 Q When you suggested that you just go into the bushes,
3 was this when you were still --

4 A This was in California.

5 Q -- in California?

6 A Yes.

7 Q And you indicated that you would like to do it,
8 if he wouldn't hurt you and he would release you; is that
9 right?

10 A I told him I would do anything he wanted, if he
11 would not hurt me. And then I asked him where we were going.
12 I figured that we were going off on some dark road. And I
13 just wanted to get it over with, like I said.

14 And then afterwards, when we were on our way down, after
15 the gas station and everything, when I was laying in the
16 back seat and we engaged in a more in-depth conversation,
17 and I --

18 Q I don't want to go into that right now --

19 A Okay, but that is what you asked me.

20 THE COURT: Let her answer the question.

21 MR. VAN HAZEL: Okay.

22 THE WITNESS: That is what you asked me, isn't it, how
23 did --

24 THE COURT: That is what he asked you. You go right
25 ahead.

1 THE WITNESS: When did I tell him I enjoyed it all and
2 wanted to do it was on the way to Nevada, when he had me
3 handcuffed in the back seat.

4 BY MR. VAN HAZEL:

5 Q My question is: Did it occur before you got into
6 Nevada, while you were going to Nevada from California? That
7 is all I am asking you. I am not trying to confuse you, I
8 am just trying to find out --

9 THE COURT: She answered the question, Mr. Van Hazel.

10 THE WITNESS: I didn't know I was going to Nevada. I
11 had no idea. Until I recognized crossing, hearing the
12 casinos and going across the state line, I had no idea where
13 I was going at all.

14 BY MR. VAN HAZEL:

15 Q Did you gain the impression that the defendant
16 believed you when you resorted to this ruse? Did he act
17 nice towards you?

18 A Yes. Oh, yes, I am sure that is what made him act
19 so nicely towards me throughout the whole thing, is because
20 of my attitude for my own protection.

21 Q Thank you very much.

22 A He said --

23 Q Go ahead, finish your answer. I didn't mean to
24 interrupt you.

25 A He said I was the only one who had ever made him

1 feel bad about what he was doing.

2 Q I am sorry, what was that?

3 A He said that I made him feel bad about what he was
4 doing. I believed that he felt sorry for me, he really felt
5 bad.

6 MR. VAN HAZEL: Thank you very much.

7 THE COURT: Redirect examination.

8 REDIRECT EXAMINATION

9 BY MR. LUTFY:

10 Q Miss Callaway, you mentioned some scissors in the
11 shed. Did you bring those scissors to the shed?

12 A No, I didn't.

13 Q When was the first time you saw them?

14 A When he brought them out to cut my pubic hairs.

15 MR. VAN HAZEL: Your Honor, I object to that answer and
16 move it be stricken. There was nothing elicited on cross-
17 examination about the scissors.

18 MR. LUTFY: There certainly was.

19 THE COURT: It was covered on cross-examination. The
20 objection is overruled.

21 MR. VAN HAZEL: Your Honor, I would just, for the
22 record, I did not go into the scissors. She volunteered
23 that response during cross-examination, but I never inquired
24 about the scissors.

25 THE COURT: The objection is on the record. It is

1 overruled.

2 MR. VAN HAZEL: Thank you.

3 BY MR. LUTFY:

4 Q When the police officer was there for the first
5 time in the shed, and you went out to him, you said during
6 cross-examination that you didn't say anything to the police
7 officer immediately. Why didn't you?

8 A Not pertaining to the rape; just cried, "Help."

9 Q And then --

10 A I peeked out from behind the wall of carpet, that
11 vinyl wall that was obstructing the rear of the -- the view
12 into the rear, and I peeked out. And, as I said, I could
13 only see a portion of him. It looked to me like he was a
14 police officer and I started screaming, "Help, help, help me."

15 And no one made a move, so I went out a little further,
16 and I was standing there naked and everybody looked at me,
17 so I ran out a little farther to see, because -- to really
18 see if this was an officer. And I saw his car, and then I
19 realized it was, and I still couldn't understand why the
20 defendant hadn't made a move to run or the officer hadn't
21 made a move to do anything.

22 Q You mentioned on cross-examination that there was
23 some discussion after the police officer got there and you
24 went back inside the shed to get dressed and the defendant
25 came back inside, there was some discussion about court.

1 What was that discussion?

2 A. He told me that he would fight me all the way in
3 court.

4 Q. Is that all he said?

5 A. And that I would never win.

6 Q. You also testified on cross that, I believe you
7 said in the warehouse at some point he had a distant look.

8 A. Uh-huh.

9 Q. Did he get this distant look before or after he
10 started drinking this wine?

11 A. Oh, after. After he got much more aggressive,
12 much more meaner, more aggressive afterwards.

13 Q. I don't know -- did you testify -- did he do any-
14 thing, take any of this hash or marijuana himself while he
15 was in the shed with you?

16 A. Oh, yes, he smoked it, too.

17 Q. Did he have this distant look before or after he
18 took this marijuana or hashish?

19 A. The distant look came more and more towards the
20 end, before the officer came. Really, towards what -- they
21 started about an hour, hour and a half before the officer
22 came.

23 Q. And had he been smoking hashish --

24 A. Yes.

25 Q. -- before that?

1 A. Yes.

2 Q. When you started taking the passive role, that
3 you took when you were in the vehicle, did you take that
4 passive role before or after he put the handcuffs on you?

5 A. Before. Completely before, throughout the whole
6 thing.

7 Q. I am talking about the handcuffs. You said when
8 he first grabbed you in the vehicle he put the handcuffs on
9 you.

10 A. Uh-huh.

11 Q. At what point did you become passive or taking --

12 A. The moment he grabbed my neck and turned off my
13 key and told me he wanted a piece of ass. It took me a
14 minute to realize what was happening. I was kind of shocked
15 at the whole situation; but what can I say, sure.

16 MR. LUTFY: No further questions. Thank you.

17 MR. VAN HAZEL: No recross, your Honor.

18 THE COURT: You are excused.

19 I have to make an inquiry. Do you want her to remain
20 under subpoena, counsel?

21 Just a minute, young lady.

22 MR. VAN HAZEL: May I have just a moment to confer with
23 my client?

24 THE COURT: Yes.

25 (Discussion off the record.)

1 MR. VAN HAZEL: Your Honor, she may be excused.

2 MR. LUTFY: Yes, your Honor.

3 THE COURT: All right, you are permanently excused.

4 Now, we have the key to your automobile. Did you drive
5 down here?

6 THE WITNESS: Yes.

7 THE COURT: Counsel, you call as your next witness the
8 person that is going to identify this key, if you will have
9 one, and then we will return the key to Miss Callaway.

10 MR. LUTFY: Thank you, your Honor.

11 Erick Soderblom.

12 ERICK CARL SODERBLOM,
13 produced as a witness on behalf of the plaintiff, and having
14 been first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. LUTFY:

17 Q Would you please state your full name and spell your
18 last.

19 A Erick Carl Soderblom, S-o-d-e-r-b-l-o-m.

20 Q Where do you live, Mr. Soderblom?

21 A City of Reno, Nevada.

22 Q What do you do for a living?

23 A I am employed by the City of Reno as a police officer.

24 Q How long have you been a police officer?

25 A Four years.

1 Q What are your basic duties as a police officer?

2 A Crime prevention, taking and making initial investi-
3 gations on crime reports.

4 Q Were you working as a police officer on the early
5 morning hours of November the 23rd, 1976?

6 A Yes, sir, I was.

7 Q Did you have occasion at that time to respond to a
8 call which you had heard over the police radio?

9 A Yes, sir, I did.

10 Q Where did you go?

11 A 3245 Mill Street, Mill Street Warehouse.

12 Q When you got there, what did you observe?

13 A On my arrival I observed Officer Conrad and Officer
14 Bradshaw of the Reno Police Department engaged in conversation
15 with a male subject and a female subject.

16 Q And I ask you to look around the courtroom and tell
17 me whether or not that male subject you saw is here today?

18 A Yes, sir, he is.

19 Q Would you please point to him and describe his
20 clothing?

21 A Yes, sir. It is the man sitting at the defense
22 table with the gray suit, blue and white shirt.

23 MR. LUTFY: Your Honor, may the record reflect the
24 witness has identified the defendant?

25 THE COURT: Yes.

1 BY MR. LUTFY:

2 Q What did you do upon arriving there, Officer?

3 A I went over to the female subject, who was later
4 identified as Miss Callaway, and began speaking with her to
5 ascertain what the problem was at the warehouse.

6 Q And did you have a conversation with her?

7 A Yes, sir, I did.

8 Q As a result of that conversation, what did you do?

9 A Miss Callaway had told me that she was the victim
10 of a rape and kidnap --

11 MR. VAN HAZEL: Your Honor, it is unresponsive. He was
12 asked what he did and --

13 THE COURT: The answer is stricken and the jury is
14 instructed to disregard it.

15 BY MR. LUTFY:

16 Q Did you have a conversation with Miss Callaway?

17 A Yes, sir, I did.

18 Q Did you, during the course of this conversation,
19 or thereafter, make any observations about Miss Callaway's
20 person?

21 A Yes, sir, I did.

22 Q What were those observations?

23 A Miss Callaway appeared to have some sort of a red
24 mark or abrasion about her wrists.

25 Q And did you look at this red mark or abrasion?

1 A. Yes, sir, I did.

2 Q. And had you ever -- Did you make a determination in
3 your own mind as to what this red mark or abrasion was?

4 A. The marks or abrasions had the appearance of having
5 been made by a handcuff.

6 Q. Are you familiar with the mark or abrasion that is
7 made by handcuffs?

8 A. Yes, sir, I am.

9 Q. How many times would you estimate that you had seen
10 these marks or abrasions?

11 A. Roughly six times a day for four years.

12 Q. Can you tell us what that mark or abrasion would
13 look like or did look like on Miss Callaway?

14 A. Yes, sir. It is a red line that joins on each side
15 of the wrist in a circular pattern, two lines parallel and
16 adjoining a second or a third singular line much in this
17 shape.

18 Q. Did you observe that kind of mark on Miss Callaway's
19 wrists?

20 A. Yes, sir, I did.

21 Q. Did you make any other observations of Miss Calla-
22 way?

23 A. She appeared to be upset.

24 Q. Where did you hold this conversation with Miss
25 Callaway?

1 A. This occurred right in front of the warehouse in
2 Officer Conrad's police unit.

3 Q. Did you make any observations of the defendant dur-
4 ing this time?

5 A. Yes, sir. He appeared to be quite calm.

6 Q. Was the area light or was it dark, where you were
7 making these observations?

8 A. It was quite illuminated, both with the vehicles'
9 lights and with the area lighting.

10 Q. Did you ever have occasion to take any clippings
11 from Miss Callaway's hair?

12 A. Yes, sir, in the police station.

13 Q. This was after --

14 A. After the initial investigation had occurred, when
15 Miss Callaway was at the Reno Police Station being interviewed
16 by Officer Carlon, I had occasion to take a sampling of Miss
17 Callaway's hair.

18 Q. What did you do with the samplings of Miss Callaway's
19 hair?

20 A. Each sample was taken separately and bagged and
21 tagged separately and then placed into evidence.

22 Q. I am going to ask you to look at an envelope that
23 has not been marked, the larger envelope itself, which has a
24 card on it. Tell me whether or not you can recognize this
25 card that is on this envelope.

1 A. Yes, sir, I can. This is an evidence tag.

2 Q. And who prepared that card?

3 A. I did, sir.

4 Q. When did you prepare that?

5 A. On November the 23rd of 1976.

6 Q. What was that card to tell you? What was --

7 A. On the card it indicates basic information with
8 regards to a case being investigated. It has my name, into
9 what locker the envelope itself was placed, the date it was
10 placed and the case number. And down here we have where
11 the items placed in evidence were obtained, or from whom; and
12 down here a description of those items, and down here a
13 description of the crimes involved.

14 Q. Can you give us a description, as you wrote it on
15 that card, of the items contained in the envelope?

16 A. The labeling is, "Four hair samples, one piece of
17 white paper with tape and hair-like particles."

18 Q. And who took these four hair samples?

19 A. These four samples were originally cut from Miss
20 Callaway's hair by Officer Carlon. I was present when this
21 was done, it was done at my direction, and I accepted them
22 and bagged them.

23 Q. You accepted these hair samples and bagged them?

24 A. Yes, sir.

25 Q. And what is the other item that is listed on that

1 card?

2 A. One piece of white paper and tape with hair-like
3 particles.

4 Q. And where did that come from?

5 A. That article came from the left jacket pocket of
6 Mr. Garrido's coat.

7 Q. How do you know it came from there?

8 A. I obtained this piece of paper and tape with the
9 hair particles -- at the time of booking, all the items were
10 takn from Mr. Garrido to be placed in evidence.

11 Q. I ask you to open up that envelope, please. Would
12 you take out the contents?

13 Looking at the larger item, do you recognize that?

14 A. Yes, sir. It contains a piece of --

15 MR. LUTFY: That is Government's proposed Exhibit No.
16 16, your Honor.

17 THE WITNESS: -- paper with tape.

18 BY MR. LUTFY:

19 Q. Would you take the item out?

20 How can you recognize that item, Officer?

21 A. Well, I wrapped each of the items that I placed
22 in this particular envelope, first in a police continuation
23 report; and then as I put this item into evidence, I had
24 marked it with my initials.

25 Q. Is that the item that you took from Mr. Garrido?

1 A. Yes, sir. It has my initials on it.

2 Q. Would you put it back in the envelope, please?

3 I ask you to look at the other envelopes, Government's
4 proposed Exhibit 11-A, B, C and D. Would you state with 11-A.
5 Can you tell me what that item is, please?

6 A. It is an envelope labeled "Front of head," inside
7 of which is a piece of paper, initialed by myself; and each
8 of these pieces of paper contain hair-like particles.

9 Q. Where did these hair-like particles come from?

10 A. This particular sampling came from the front of
11 the head.

12 Q. And is this from Miss Callaway's head?

13 A. Yes, sir, it is.

14 Q. This was the sample that was taken in your presence?

15 A. Yes, sir.

16 Q. And you put it in the envelope?

17 A. Yes, sir.

18 Q. And it was put in evidence at the Police Department?

19 A. Yes, sir.

20 Q. And looking at Government's proposed Exhibit 11-B,
21 tell me what that is.

22 A. It is an envelope labeled, "Right of head."

23 Q. And did you take hair from the right of Miss Calla-
24 way's head?

25 A. Yes, sir, I did.

1 Q. And is that also marked with your initials?

2 A. Yes, sir, it is.

3 Q. Was that also placed in evidence?

4 A. Yes, sir, it was.

5 Q. Would you look at Government's 11-C. Can you tell
6 me what that item is?

7 A. It is an envelope marked, "Right temple."

8 Q. And does that contain the hair taken from Miss
9 Callaway's right temple?

10 A. Yes, sir, it does.

11 Q. How can you recognize it, sir?

12 A. Again it is a piece of paper with my initials,
13 and the paper is labeled "Right temple."

14 Q. Looking at Government's Exhibit 11-D, what is that?

15 A. Left temple.

16 Q. Does that also contain the same?

17 A. Once again, a piece of paper with my initials, and
18 inside marked "Left temple."

19 Q. And that was again taken at your direction, in
20 your presence?

21 A. Yes, sir. Yes, sir.

22 Q. And you put that into evidence?

23 A. Yes, sir.

24 Q. I ask you to look at Government's proposed Exhibit
25 16-A and ask you if you can identify it.

1 A Yes, sir. There is nothing in this particular
2 envelope, but it is marked "Hair from silver-colored tape."

3 Q Did you in fact put hair from silver-colored tape
4 in that particular envelope?

5 A Well, no, sir, not from there. I placed into
6 evidence a piece of tape, silver-colored tape, to which was
7 adhering a piece of Kleenex and some hair-like particles.

8 MR. LUTFY: The Government would move for the admission
9 of Government's Exhibits 11, A, B, C and D, and Government's
10 Exhibit 16.

11 MR. VAN HAZEL: No objection, your Honor.

12 THE COURT: 11-A, B, C and D are received in evidence.
13 (Hair samplings were received and marked Exhibits
14 Nos. 11-A, B, C and D in evidence.)

15 MR. LUTFY: And Government's Exhibit 16, your Honor,
16 which is the tape with the hair on it.

17 THE COURT: I don't know where the tape came from. Maybe
18 you do.

19 MR. VAN HAZEL: Your Honor, I would object to that at
20 this point. The only testimony, I believe, on the tape so
21 far was by Miss Callaway.

22 THE COURT: I don't even recall any testimony about it
23 at all, Mr. Van Hazel, so --

24 MR. LUTFY: I believe the witness testified he took it
25 from the defendant's pocket.

1 THE COURT: He said there was a piece of tape. Is that --
2 MR. LUTFY: I will ask some further questions on that.
3 THE COURT: 16-A, is that what he calls paper with hairs?
4 MR. VAN HAZEL: All I have is a hair, silver, tape.
5 MR. LUTFY: If your Honor please, if you will look at
6 the card, I took --
7 THE COURT: I know. Have him tell us what 16-A is again.
8 MR. LUTFY: 16-A is a blank envelope that does not have
9 anything in it. I am talking about Government's 16.
10 THE COURT: All right, 16.
11 BY MR. LUTFY:
12 Q. Can you identify that?
13 A. Yes, sir.
14 Q. What is it?
15 A. It is a piece of paper, which is attached some
16 silver tape, which had, at the time I booked it, hair-like
17 particles adhering to the gum surface of the tape.
18 Q. Where did you get that tape?
19 A. This particular item I took from Mr. Garrido at the
20 time of booking from his left jacket pocket.
21 Q. Thank you.
22 THE COURT: It is received in evidence.
23 (A piece of tape with hair was received and marked
24 Exhibit No. 16 in evidence.)
25

1 BY MR. LUTFY:

2 Q I ask you to look at Government's proposed Exhibit
3 No. 20 and ask you whether you can recognize that item.

4 A Yes, sir, I can.

5 Q How can you recognize it?

6 A This particular key has the case number and my
7 initials.

8 Q And what was the occasion for which you put your
9 initials on that item?

10 A This key was taken from Mr. Garrido at the time of
11 booking from his left pants pocket.

12 Q Were you there when that key was taken from his
13 left pants pocket?

14 A I took it from his pocket.

15 Q You took it from his pocket?

16 A Yes, sir.

17 Q What did you do with that key?

18 A This key was to be placed in evidence. It was
19 marked with the case number and with my initials.

20 MR. LUTFY: Thank you. Your Honor, the Government would
21 move for the admission of Exhibit 20.

22 MR. VAN HAZEL: Your Honor, I would object. I don't
23 understand how -- Is this the key that --

24 MR. LUTFY: The ignition key.

25 MR. VAN HAZEL: The key Miss Callaway brought to court?

1 THE COURT: That is right.

2 MR. LUTFY: That is correct.

3 THE COURT: Do you know how Miss Callaway got it?

4 THE WITNESS: My understanding, sir, was the key was
5 used to open her car. And apparently the key was released
6 with the vehicle at the time of the conclusion of the ID
7 people completing the investigation.

8 MR. VAN HAZEL: I would object then on the basis, your
9 Honor, the proper chain of custody hasn't been established.
10 It wasn't booked in evidence, as it was supposed to be.

11 THE COURT: Do you recognize the case number and your
12 initials that you put on the key?

13 THE WITNESS: Yes, sir, I do.

14 THE COURT: All right. The key can be exhibited to the
15 jury and returned to Miss Callaway.

16 (Mr. Lutfy exhibits key to the jury.)

17 BY MR. LUTFY:

18 Q Officer, I ask you to look at Government's proposed
19 Exhibit 15-A and tell me if you can identify that item.

20 A Yes, sir, I can.

21 Q How can you identify it?

22 A My initials and case number are here on the collar.

23 Q And what was the occasion for which you put your
24 initials and case number on that?

25 A I received this item from Mr. Garrido at the time

1 of booking.

2 Q And what did you do with that item?

3 A This item was placed into evidence.

4 MR. LUTFY: Your Honor, the Government would move for
5 the admission of Government's Exhibit 15-A.

6 MR. VAN HAZEL: May I see it?

7 No objection.

8 THE COURT: 15-A is admitted.

9 (A jacket was received and marked Exhibit No. 15-A
10 in evidence.)

11 BY MR. LUTFY:

12 Q I ask you to look at Government's Exhibit 15-B
13 and 15-C. Tell me if you can identify those items.

14 A Yes, sir, I can.

15 Q How can you identify them?

16 A With my initials and the case number in the lining.

17 Q Is it in the lining of both 15-B and 15-C?

18 A Yes, sir.

19 Q What was the occasion on which you put your
20 initials on them?

21 A These initials were placed on the boots at the time
22 I booked Mr. Garrido, when his clothing was taken from him.

23 MR. LUTFY: Your Honor, the Government would move for
24 the admission of Government's Exhibits 15-B and C.

25 MR. VAN HAZEL: Your Honor, the only objection I will

1 make is whether there is going to be some offer to link this
2 up to the case. There was no testimony --

3 THE COURT: We don't need his boots in evidence just
4 because they are his boots. Are you going to use them for
5 some other purpose?

6 MR. LUTFY: At this point I don't know whether I am or
7 not, your Honor.

8 THE COURT: You can take them back until you make up
9 your mind.

10 MR. LUTFY: All right, your Honor.

11 BY MR. LUTFY:

12 Q. I ask you to look at Government's proposed Exhibit
13 15-D. Tell me if you can identify that item.

14 A. Yes, sir, I can.

15 Q. How can you identify that?

16 A. My name and case number is on the tag on the inside
17 of the shirt.

18 Q. And what was the occasion you put your name and
19 case number on that item?

20 A. I received this item from Mr. Garrido at the time
21 of booking.

22 MR. LUTFY: Your Honor, we will be tying that shirt
23 up with a later witness relative to other items. We would
24 move for the admission of 15-D.

25 MR. VAN HAZEL: I would have no objection as long as

1 the Government stipulates or represents to the Court and
2 defendant it will be tied in with some type of evidence.

3 MR. LUTFY: It will.

4 THE COURT: Didn't you just hear him? Were you listen-
5 ing?

6 MR. VAN HAZEL: Yes.

7 THE COURT: Received in evidence.

8 (A shirt was received and marked Exhibit No. 15-D
9 in evidence.)

10 BY MR. LUTFY:

11 Q I ask you to look at Government's proposed
12 Exhibit 13. Tell me if you can identify that item.

13 A Yes, sir, I can.

14 Q How can you identify it?

15 A My initials and case number are engraved in the
16 metal holding the keys.

17 Q When did you put your initials in there?

18 A This is after booking Mr. Garrido, when I placed
19 his property into evidence.

20 Q What was the purpose for putting that item into
21 evidence?

22 A At the time Mr. Garrido was initially stopped he
23 was pat-frisked. This group of keys was hanging over the
24 edge of his pocket, attached to which was a handcuff key.
25 I took the key to facilitate removing my set of handcuffs.

1 MR. LUTFY: Your Honor, the Government would move for
2 the admission of Government's Exhibit No. 13.

3 MR. VAN HAZEL: No objection.

4 THE COURT: Exhibit 13 is received in evidence.

5 (A group of keys was received and marked Exhibit
6 No. 13 in evidence.)

7 MR. LUTFY: No further questions of this witness, your
8 Honor, at this time.

9 THE COURT: You may cross-examine.

10 MR. VAN HAZEL: No cross-examination, your Honor.

11 THE COURT: You are excused, Mr. Soderblom.

12 MR. LUTFY: If your Honor please, we may wish to call
13 Mr. Soderblom later in the trial.

14 THE COURT: You will be excused until the U. S. Attor-
15 ney's Office excuses you.

16 MR. LUTFY: David Wade.

17 DAVID LONN WADE,
18 produced as a witness on behalf of the plaintiff, and having
19 been first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. LUTFY:

22 Q. Would you state your full name, please, and spell
23 your last.

24 A. David Lonon Wade, W-a-d-e.

25 Q. Where do you live, Mr. Wade?

1 A. South Lake Tahoe, California.

2 Q. Mr. Wade, do you know Katherine Callaway?

3 A. Yes, I do.

4 Q. And what relationship, if any, do you have with Miss
5 Callaway?

6 A. She is my girlfriend.

7 Q. Directing your attention to November the 22nd of
8 1976, did you during the daytime have occasion to speak to
9 Miss Callaway?

10 A. Yes, I did.

11 Q. What was the purpose of that discussion?

12 A. To find out when she was going to come over with
13 my dinner.

14 Q. Were there plans for her to come over with your
15 dinner?

16 A. Yes, there was.

17 Q. And later that day, did you have occasion to speak
18 to Miss Callaway again?

19 A. Yes, I did.

20 Q. What was the occasion for speaking to her again at
21 that time?

22 A. I asked her to stop at the market and pick up some
23 coffee for me.

24 Q. Do you remember when you made this call or had this
25 conversation?

1 A. Sevenish, before 7:00.

2 Q. Did you have that conversation in person with her?

3 A. Yes, sir, I did.

4 Q. By in person, I mean her in front of you.

5 A. No, on the phone.

6 Q. Did she call you or did you call her?

7 A. I called her.

8 Q. And was there an arrangement for what time Miss
9 Callaway was to be at your place?

10 A. About 7:00, she was supposed to be there.

11 Q. After this second conversation when you called her
12 for the coffee, during November 22nd did you ever again speak
13 to Miss Callaway that day or that evening?

14 A. No, I didn't.

15 MR. LUTFY: No further questions.

16 MR. VAN HAZEL: No examination, your Honor.

17 THE COURT: You are excused.

18 MR. LUTFY: Forrest Dougherty.

19 FORREST SUSAN DOUGHERTY,
20 produced as a witness on behalf of the plaintiff, and having
21 been first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. LUTFY:

24 Q. Would you state your full name, please, and spell
25 your last.

1 A. It is Forrest Susan Dougherty, D-o-u-g-h-e-r-t-y.

2 Q. Is it Miss or Mrs.?

3 A. Mrs.

4 Q. Mrs. Dougherty, do you know an individual named
5 Katherine Callaway?

6 A. Yes, I do.

7 Q. Directing your attention to November the 22nd, 1976,
8 where were you at approximately 8:00 p. m.?

9 A. At Rojo's.

10 Q. What is Rojo's?

11 A. It is a bar.

12 Q. And how long had you been at Rojo's?

13 A. About five or ten minutes.

14 Q. Were you there alone?

15 A. No, I was with two friends.

16 Q. And did you at some point leave Rojo's?

17 A. Yes.

18 Q. And upon leaving, what, if anything, did you
19 observe?

20 A. As we were walking towards the car to get in, I
21 saw Katie pulling out of a parking space.

22 Q. By "Katie," who are you referring to?

23 A. Katherine Callaway. And I saw her pulling out of
24 a parking spot in front of Ink's.

25 Q. Is Rojo's in some proximity to Ink's?

1 A. It is about two doors away.

2 Q. What did you observe?

3 A. I observed her pulling out of a parking space and
4 backing out from it, and I saw her in the car and another
5 person, a man, in the car.

6 Q. Did you recognize this man?

7 A. No.

8 Q. Was he a stranger to you?

9 A. Yes.

10 Q. Can you tell us what, if anything, you observed
11 about this man?

12 A. I observed the fact that he appeared to have very
13 short hair, because his ears were showing; and I was trying
14 to figure out who it was, and I didn't know any of her
15 friends that had hair that short.

16 Q. And this was 8:00 o'clock in the evening or some-
17 thing around that?

18 A. Around there.

19 Q. Was it light out?

20 A. No.

21 Q. How far were you, would you estimate, from the
22 point where you were where Miss Callaway's car was?

23 A. About a hundred feet. Around that.

24 Q. Did you observe in which direction Miss Callaway's
25 car went when she pulled out of where she was?

1 do you recall?

2 A. I guess that was his name. I was interviewed by
3 an FBI Agent; yes.

4 Q. Do you have any recollection of making this statement
5 to him, and I quote:

6 "Then I saw a white male with very dark short
7 hair, may have had some curl to it, and his ears
8 were visible. He did not seem to be too old in age.
9 He was sitting by the passenger door."

10 A. I don't recall saying that his hair had a curl to
11 it. I don't recall that. But I did say the other things;
12 yes.

13 Q. That it was very dark, the hair was very dark?

14 A. I could have.

15 Q. Do you recollect the statement about age?

16 A. Uh-huh.

17 Q. Is that a correct statement, then?

18 A. Yes.

19 Q. And the person you observed was sitting on the
20 passenger's side?

21 A. Right.

22 Q. Now, you did not observe anyone come up to Kathie's
23 car and knock on the window?

24 A. No, huh-uh.

25 MR. VAN HAZEL: Nothing further.

1 MR. LUTFY: No further questions, your Honor.

2 THE COURT: You are excused.

3 MR. LUTFY: William Emery.

4 WILLIAM JAMES EMERY,
5 produced as a witness on behalf of the plaintiff, and having
6 been first duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. LUTFY:

9 Q. Would you please state your full name and spell
10 your last.

11 A. William James Emery, E-m-e-r-y.

12 Q. Where do you live, Mr. Emery?

13 A. I live at 1212 Johnson Street, Carson City, Nevada.

14 Q. On November the 22nd of 1976, where did you live at
15 that time?

16 A. I was living in a storage shed down on Mill Street.

17 Q. And did that shed have a number?

18 A. Yes. It was 3252, I think. I am not sure of the
19 exact number.

20 Q. Did your shed have a number?

21 A. Oh, yes. Mine was No. 36.

22 Q. Did you know an individual who lived in, or was
23 using, Shed No. 39 at that time?

24 A. Yes, I did.

25 Q. I ask you to look around the court and tell me

-110-

1 me whether or not that individual is here in the courtroom?

2 A. Yes, he is. He is sitting over there.

3 Q. Would you describe the clothing of that individual
4 for the record, please?

5 A. Gray suit with a checkered shirt, brown tie.

6 MR. LUTFY: Your Honor, may the record reflect the wit-
7 ness has identified the defendant?

8 THE COURT: It may.

9 MR. LUTFY: Thank you.

10 BY MR. LUTFY:

11 Q. When did you first meet the defendant?

12 A. I met him approximately two weeks after I had
13 moved into the storage unit.

14 Q. And did you become friendly with the defendant?

15 A. Yes, I did.

16 Q. Did the defendant ever make any requests of you?

17 A. Yes, he did. Because I was staying in the storage
18 unit, he asked if I would watch his shed and make sure that
19 nobody broke in or anything, because he played music, and he
20 gave me specific signs of the vehicles that were allowed in
21 front of his storage shed.

22 Q. What were you to do if you saw something wrong with
23 the storage shed?

24 A. He gave me a phone number and I was to call him.

25 Q. Did you ever attempt to use that phone number?

-111-

1 A. Yes. At one time I did try and get ahold of him,
2 but there wasn't any answer.

3 Q. I am sorry. Was there an answer at that phone
4 number?

5 A. No, there wasn't any.

6 Q. Directing your attention to the night of November
7 22nd, early morning of November 23rd, where were you at that
8 period of time?

9 A. I was just getting off from driving a taxi for
10 Whittlesea.

11 Q. What time did you get off?

12 A. I got off at 10:00 o'clock.

13 Q. At 10:00 o'clock -- we are talking now of November
14 22nd or 23rd?

15 A. The 22nd is when I got off.

16 Q. And what time after getting off did you arrive
17 home to the shed?

18 A. I stayed in town for awhile, and I got home at
19 approximately 12:15 the 23rd.

20 Q. What did you do upon arriving home at 12:15?

21 A. Well, I got out of the taxi and I looked down the
22 two rows of storage sheds, and there was a vehicle parked
23 in front of the gentleman's storage shed.

24 Q. By "the gentleman," you are referring to the
25 defendant?

1 A. Yes.

2 Q. Did you recognize this vehicle?

3 A. No, I didn't recognize it.

4 Q. Had you ever seen it before?

5 A. No, sir.

6 Q. What, if anything, did you do as a result of seeing
7 this vehicle?

8 A. Well, I walked up and looked at it and it had
9 out-of-state plates.

10 Q. Do you remember what kind of plates they were?

11 A. Yes, they were from California.

12 Q. Do you remember by any chance what kind of vehicle
13 it was?

14 A. Yes. It was a blue Ford Pinto.

15 Q. After observing this Pinto, what, if anything,
16 did you do?

17 A. Well, I went back to my storage unit and lifted
18 up the door about three feet and went in and changed clothes.
19 I let my dogs out to run around, too.

20 Q. And how far is your unit from the defendant's unit,
21 in feet, if you know?

22 A. Thirty feet.

23 Q. And is there anything -- when you are outside your
24 shed looking towards the defendant's shed, is there anything
25 that would block your view of the shed?

1 A No.

2 Q Are all of the sheds flush or all in the same --

3 A Yes, they are.

4 Q -- line? After going inside and changing your
5 clothes, what did you do, sir?

6 A Well, then I went on out of the shed and went over
7 to his shed. I figured he was there, so I went over and I
8 knocked.

9 Q On the door?

10 A On the tin door, yes. I knocked twice.

11 Q Could you tell me how these tin doors open to the
12 shed?

13 A They open from the bottom and they roll up like a
14 garage door.

15 Q And in response to your knock, did anybody come
16 to the door?

17 A The first time, no; the second time, no.

18 Q You say the second time?

19 A Yes. Well, you know, it is a shed, and he did have
20 acoustics in there for music, so I knocked twice to make
21 sure.

22 Q Was there any response?

23 A No, no response.

24 Q What did you do after knocking on the shed and not
25 getting a response?

1 A. Well, I was disturbed that there wasn't any
2 response, and it has that --

3 Q. Why were you disturbed?

4 A. Because he told me to watch and, you know, it was
5 a vehicle that he didn't say was okay to be there. He only
6 said for his two vehicles and his drummer's motorcycle, it
7 was all right for them to be there, otherwise to call him and
8 let him know.

9 Q. So what did you do, if anything?

10 A. Well, I sat outside for a while by my shed and
11 let the dogs play, to see if somebody would come out. And I
12 sat for quite a while, maybe an hour, and nobody came out
13 and there wasn't any noise. But the hasp was down, so I
14 knew somebody was in there.

15 Q. What hasp, sir?

16 A. The hasp that locks the tin door.

17 Q. On which shed?

18 A. On No. 39, the defendant's.

19 Q. What then did you do, sir?

20 A. Okay. Well, then I went in and got a piece of
21 paper and pencil and wrote down the license plate number and
22 took his phone number that he had gave me, and rode my
23 bicycle up to the service station and called his house.

24 Q. Did you get any response when you made that call?

25 A. No, I didn't.

1 Q What did you do after that?

2 A Well, since I had called him before, and I had no
3 response from that number, I wasn't sure of it. So his
4 house is three blocks up from where I called, so I rode my
5 bicycle up there, and I knocked on the door twice, and all
6 there was was a dog in there; there was no answer.

7 Q What did you do after that?

8 A Then I turned around and went back to the storage
9 shed and said I am trying to get ahold of him in reference
10 to the strange car being out in front.

11 Q I am sorry, sir. You said you tried to get ahold
12 of him. To whom did you say that?

13 A Me. I was just talking to myself, feeling good
14 that I at least tried.

15 And I went back to my storage shed and I went inside.
16 I went inside the shed and just had a little fun, but no
17 music or anything, and then went to bed.

18 Q Did you at any time that evening speak to the
19 defendant?

20 A No.

21 Q Did you at any time that evening see the defendant?

22 A No, I didn't.

23 MR. LUTFY: No further questions.
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CROSS-EXAMINATION

BY MR. VAN HAZEL:

Q. Mr. Emery, your shed is 30 feet away from Mr. Garrido's shed?

A. Yes.

Q. And you lived in your shed?

A. Yes, I did.

Q. Could you hear, on prior occasions, Mr. Garrido practicing in his shed?

A. Yes.

Q. Do you have any knowledge of whether there were other rock bands in that area?

A. Yes, there were.

Q. Now, on the night in question, November 22, 1976, you were dropped off by a fellow cab driver about 12:15 a.m.?

A. Yes.

Q. Did you hear a band playing at that time?

A. No.

Q. Did you hear a band rehearsing at any time that evening? Or that morning, I should say; correction?

A. No.

Q. Did you hear a radio being played?

A. No.

Q. When you were outside Mr. Garrido's shed, did you

1 hear any sounds?

2 A. No.

3 Q. You did not hear a radio on inside Mr. Garrido's
4 shed?

5 A. No.

6 Q. You mentioned that Mr. Garrido's house is about
7 three blocks away from the shed?

8 A. From where I called; yes.

9 Q. From where you called?

10 A. Yes.

11 Q. Are there paved streets in that area?

12 A. Yes. It was right at the corner of Mill and
13 Terminal Way. The Standard Station is where I called. His
14 house is approximately three blocks up Mill Street.

15 Q. If you were to take a direct route from that shed
16 to his house, would you have traveled on paved roads all the
17 way?

18 A. Yes.

19 Q. No dirt road?

20 A. No.

21 Q. That night was there anyone else occupying those
22 sheds, to your knowledge?

23 A. No.

24 Q. Let's take within a five-minute range from Mr.
25 Garrido's shed. If Mr. Garrido was to walk out and try and

1 find some grass -- and you know what I mean by "grass,"
2 marijuana?

3 A. Yes.

4 Q. Was there anyplace within about a five-minute's
5 walk that you were aware of that was occupied?

6 A. What do you mean by that? I don't understand.

7 Q. Well, were there houses right within, a very close
8 distance of those sheds, or were you only person living in
9 proximity to them?

10 A. I was the only one living in the shed area or any
11 residence. There was a house way over on Mill Street.

12 Q. You did not give Mr. Garrido any grass on that night?

13 A. No, I didn't.

14 Q. Have you on other occasions?

15 MR. LUTFY: Objection, your Honor; no relevancy here.

16 THE COURT: Sustained.

17 MR. VAN HAZEL: Nothing further.

18 THE COURT: Do you have any redirect?

19 MR. LUTFY: Yes. One question, your Honor.

20 REDIRECT EXAMINATION

21 BY MR. LUTFY:

22 Q. Mr. Emery, do you have a radio in your shed?

23 A. Yes, I do.

24 Q. Did you put it on that evening when you got home?

25 A. Yes, I did.

1 MR. LUTFY: No further questions.

2 THE COURT: You are excused, sir.

3 MR. VAN HAZEL: Your Honor, may I ask a question?

4 THE COURT: Sure.

5 RE-CROSS-EXAMINATION

6 BY MR. VAN HAZEL:

7 Q When you were standing outside Mr. Garrido's shed,
8 could you hear your own radio playing in the shed 30 feet
9 away?

10 A No, because I didn't have it playing that loud.

11 Q Did your dogs bark at all that night?

12 A Only when the police drove up.

13 MR. VAN HAZEL: Thank you.

14 MR. LUTFY: No other questions.

15 THE COURT: You are excused.

16 This trial is continued until 9:30 tomorrow morning,
17 and please comply with my instructions.

18 (At the hour of 4:30 o'clock p. m. the Court took a
19 recess until Thursday, February 10, 1977, at 9:30 o'clock
20 a. m.)

21

22

---o0o---

23

24

25

-120-