

SANTA ANA, CALIFORNIA - THURSDAY, JULY 27, 1989

AFTERNOON SESSION

(THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN
COURT IN THE PRESENCE OF THE JURY:)

THE COURT: MR. MC DONALD.

MR. MC DONALD: YEP.

THE COURT: GO TO WORK.

MR. MC DONALD: DANA L-----. I AM GOING TO HAVE TO
STEP OUTSIDE. NO, I'M NOT.

THE CLERK: RAISE YOUR RIGHT HAND PLEASE, SIR.

DANA R---- L-----,

CALLED AS A WITNESS ON BEHALF OF THE DEFENDANT,
HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED
AS FOLLOWS:

THE CLERK: STATE YOUR FULL NAME FOR THE COURT AND
SPELL YOUR LAST NAME, PLEASE.

THE WITNESS: DANA, R---- L-----.

THE CLERK: DANA, D-A-N-A?

THE WITNESS: D-A-N-A, R---- WITH AN S---,
L-----, L-----.

THE CLERK: THANK YOU. YOU MAY BE SEATED IN THE
WITNESS STAND, MR. L-----.

DIRECT EXAMINATION

BY MR. MC DONALD:

Q. FIRST NAME IS DANA, CORRECT?

A. YES, SIR.

JODI HALE, OFFICIAL COURT REPORTER

Q. DANA, WE SPOKE EARLIER TODAY AND YOU UNDERSTAND THESE PARTICULAR PROCEEDINGS, WHAT THEY ARE ALL ABOUT?

A. I DO.

Q. AND YOU UNDERSTAND THAT THE JURY IS INTERESTED IN WHAT OBSERVATIONS, FEELINGS AND PERCEPTIONS YOU HAVE OF RANDY KRAFT; YOU UNDERSTAND IT?

A. YES, I DO.

Q. NOW, FOR A PERIOD OF TIME YOU WORKED WITH RANDY, DIDN'T YOU, UP IN OREGON?

A. YES. THIS WAS AT PEARLESS.

Q. THAT WAS-- IS THAT THE TOTAL NAME OF IT, PEARLESS?

A. ONCE UPON A TIME IT WAS CALLED PEARLESS LOG TRUCKS AND THEN IT BECAME PEARLESS LEAR SEIGLER AND NOW I THINK IT'S BACK TO PEARLESS LOG TRUCKS. NOW WE CALL IT JUST PEARLESS.

Q. THAT WAS IN 1980-81?

A. THAT'S CORRECT. I STARTED THERE IN FALL OF '79.

Q. WOULD YOU EXPLAIN TO THE JURY HOW YOU CAME IN CONTACT WITH RANDY.

A. I JOINED PEARLESS AS A MATERIALS MANAGER. THAT MEANT I WAS IN CHARGE OF PRODUCTION CONTROL AND PURCHASING, AND BECAUSE THERE WASN'T A VERY LARGE COMPUTER DEPARTMENT, I SORT OF GOT THEM BECAUSE NO ONE ELSE SEEMED

TO WANT THEM. AND I HAD AN OPERATOR AND A PROGRAMMER AND HIRED ANOTHER ONE SHORTLY AFTER I JOINED.

EARLY IN MY TENURE, WE-- WE, THE MEMBERS OF THE MANAGEMENT TEAM, DECIDED THAT IT WAS IMPORTANT TO FIGURE OUT HOW TO CONTROL PRODUCTION BETTER AND WE CONTRACTED WITH IBM TO BUY A CERTAIN SOFTWARE PACKAGE. THAT'S WHEN WE ALL LOOKED AT IT AND SAID, "GOSH, WE NEED SOME HELP TO INSTALL THIS THING."

AND PEARLESS, AS A DIVISION OF LEAR SEIGLER, HAD ACCESS TO A GROUP CALLED THE CORPORATE COMPUTER SERVICE DEPARTMENT OF WHICH RANDY WAS A MEMBER AND THE PRESIDENT, BART H----, THROUGH HIS KNOWLEDGE OF THE CORPORATE STRUCTURE, ARRANGED TO HAVE RANDY COME AND HELP SUPPORT THAT INSTALLATION.

Q. OKAY.

A. AND SO THAT'S HOW I CAME TO KNOW RANDY.

Q. OKAY. NOW, DURING THE COURSE OF YOUR WORK, PARTICULARLY AS IT RELATED TO THE COMPUTERS, YOU HAD A LOT OF CONTACT WITH RANDY, DIDN'T YOU?

A. YES. SEE, I WAS NOT COMPUTER LITERATE IN THOSE DAYS. NOW I CAN OPERATE A P.C., BUT I DIDN'T KNOW WHAT AN IBM SYSTEM WAS, SO I REALLY WAS KIND OF GREEN AT THE JOB. AND I, I CAME TO KNOW RANDY AS SOMEONE THAT I COULD COUNT ON FOR SUPPORT WITH THE DETAILS, HOW DOES THIS THING WORK, WHAT MAKES IT WORK.

Q. OKAY. YOU HAD DAILY CONTACT WITH HIM?

A. YES.

Q. YOU WORKED WITH HIM CLOSELY WHILE HE WAS AT PEARLESS, DIDN'T YOU?

A. THAT'S CORRECT.

Q. OKAY. HOW ABOUT AFTER HOURS, SOCIALIZE AT ALL TOGETHER?

A. OCCASIONALLY. I WAS SINGLE AND GIVEN TO SOCIALIZING AND RANDY WAS A STRANGER FROM OUT OF TOWN WHO WAS PART OF A CORPORATE GROUP. WE, BY VIRTUE, I GUESS, OF BECOMING FRIENDS ON THE JOB, OCCASIONALLY WENT OUT TO DINNER OR WITH A GROUP OF OTHER PEARLESS PEOPLE. IT WAS QUITE COMMON. IT'S A SMALL COMPANY AND WE, WE OPERATED SOMEWHAT AS A FAMILY, AND IT WAS NOT UNCOMMON FOR US TO GO OUT FOR A BEER.

THEY LIKED TO ENCOURAGE THAT KIND OF THING AND LIKE GET EVERYBODY TOGETHER AND HAD A RAH-HAH GOOD TIME. IT JUST SEEMED TO BE A FIT, SOMETHING THAT WAS COMFORTABLE, AND RANDY AND I WENT OUT, JUST THE TWO OF US, FOR DINNER MORE THAN ONCE. AND I THINK, I'M QUITE SURE HE CAME TO MY HOUSE AND VISITED.

Q. YOU REMEMBER GOING TO A TENNIS MATCH ALSO, AND OTHER TYPE OF SOCIAL OCCASIONS?

A. YEAH. I WAS INVOLVED IN-- IN TENNIS, LINE JUDGE AND UMPIRING, AND SEEMS TO ME THERE WAS AN ANNUAL BIG EVENT, AND, AND THE DAVIS CUP WAS HELD ABOUT THAT TIME AND I REMEMBER GETTING TICKETS TO BE ABLE TO GO WITH MY

SOON-TO-BE WIFE AND RANDY TO ONE OF THOSE TENNIS EVENTS.

Q. YOU WERE TELLING ME EARLIER ABOUT THIS, IF NOT A PROBLEM, POTENTIAL PROBLEM, WITH ONE OF THE EMPLOYEES UP THERE, ONE OF THE IN-HOUSE COMPUTER PEOPLE, KATHY, I THINK YOU MENTIONED HER NAME WAS?

A. YES.

Q. AND YOU WERE DESCRIBING HOW IT POTENTIALLY WAS QUITE DIFFICULT FOR RANDY TO DEAL WITH. WOULD YOU SHARE THAT WITH THE JURY, PLEASE?

A. SHE WAS CERTAINLY DIFFICULT FOR ME TO DEAL WITH. I WAS HER JUNIOR BY A NUMBER OF YEARS. SHE HAD BEEN AT THE COMPANY LONG BEFORE I GOT THERE. SHE WAS A TOUGH LADY. SHE-- SHE DIDN'T STAND ON CEREMONY. IF SHE LIKED YOU, SHE TOLD YOU SO; AND IF SHE DIDN'T, SHE TOLD YOU THAT, TOO. AND I WAS NEVER QUITE SURE THAT KATHY REALLY LIKED ME, BUT SINCE I WAS HER SUPERVISOR, I HAD A LITTLE BIT OF CONTROL OVER WHAT SHE DID.

BUT I WAS NOT TECHNICALLY REAL PROFICIENT, CERTAINLY, DIDN'T KNOW HOW TO WRITE PROGRAMS. IT WAS ONE OF THE THINGS THAT RANDY REALLY HELPED US WITH WAS FIGURING OUT HOW TO MAKE SOME OF THE THINGS WE WERE TRYING TO DO WORK BETTER ON THE COMPUTER. SO HE HAD A LOT OF OCCASION TO CRITIQUE, IF YOU WILL, KATHY'S WORK FROM TIME TO TIME.

IF WHEN YOU-- WHEN YOU BUILD A COMPUTER SYSTEM FOR A COMPANY, YOU START OFF SOMEPLACE AND YOU SAY,

"WELL, IS THIS GOOD ENOUGH," AND AT THE TIME MAYBE IT IS. AND THEN AS TIME GOES BY YOU WANT TO DO SOMETHING BETTER AND YOU GO BACK AND START WRITING A NEW PROGRAM. YOU GO BACK AND LOOK AT THE OLD ONE, SO THERE WAS A LOT OF OCCASION FOR RANDY TO LOOK AT KATHY'S WORK, AND I AM NOT ALWAYS SURE THAT KATHY LIKED THAT.

I THINK SHE WAS CAUGHT ON MORE THAN ONE OCCASION DOING THINGS THAT MAYBE WEREN'T AS EFFICIENT OR PROFICIENT AS THEY OUGHT TO HAVE BEEN. BUT IT SEEMS TO ME RANDY HANDLED THOSE THINGS VERY WELL, BETTER MAYBE THAN I COULD HAVE. IT WAS NICE HAVING A BUFFER THERE BETWEEN ME AND ONE OF MY PEOPLE.

Q. OKAY. WHAT DID YOU THINK OF RANDY? YOU WORKED WITH HIM PRETTY CLOSELY FOR ABOUT A YEAR PERIOD OF TIME. WHAT IMPRESSIONS DID YOU FORM WITH REGARD TO HIM AS A HUMAN BEING?

A. MORE THAN ANYTHING, I GUESS, I SAW HIM AS A FRIEND. YOU KNOW, FRIENDSHIPS ARE HARD TO BUILD AND WHEN YOU HAVE AN OPPORTUNITY TO MAKE FRIENDS IN THE CONTEXT OF YOUR WORK, THAT'S NICE BECAUSE YOU HAVE SOMETHING THAT YOU SHARE, THAT YOU WORK IN COMMON TOWARD A GOAL, AND BE ABLE TO THEN HAVE THAT BE MORE THAN JUST A, A PROFESSIONAL, YOU KNOW, "GOOD MORNING," SEE YOU AT 8:00 O'CLOCK, "GOODBYE, SEE YOU TOMORROW" WHEN IT GETS TO BE 5:00, TO HAVE A CHANCE TO JUST CONVERSE AND FIND OUT WHAT SORT OF PERSON YOU ARE DEALING WITH.

I FELT LIKE RANDY WAS SOMEBODY THAT WAS NOT FAR FROM HOW I SEE MYSELF, YOU KNOW.

Q. DID YOU SEE ANY ACTS OF VIOLENCE OR AGGRESSIVE BEHAVIOR AT ALL ON RANDY'S PART?

A. NO, I NEVER DID. IN FACT, I-- MY MEMORY OF RANDY AT THAT TIME WAS THAT HE WAS PRETTY PASSIVE, NOT AN AGGRESSIVE PERSON. SOMETIMES IN BUSINESS YOU MEET PEOPLE WHO ARE REAL AGGRESSIVE AND GO-GETTERS AND RANDY WAS NOT THAT SORT OF PERSON. VERY, VERY MUCH GIVEN TO MEDIATION AND WORKING PROBLEMS OUT INSTEAD OF SAY, "WELL, LISTEN, I'M RIGHT AND I KNOW WHAT THE SOLUTION IS, SO GO DO IT, THIS WAY." NOT AGGRESSIVE, ACTIVELY AGGRESSIVE PHYSICALLY OR-- OR EVEN IN JUST HOW HE APPROACHED HIS JOB.

Q. WHAT WERE YOUR FEELINGS WHEN YOU READ OR WHEN YOU HEARD ABOUT RANDY'S ARREST FOR THESE CHARGES?

A. SURPRISE. DISBELIEF. I-- I AM NOT SURE I COULD SAY SHOCK. MAYBE A LITTLE IN THAT DIRECTION. GUESS I DON'T SHOCK VERY EASILY. I READ ABOUT IT IN THE NEWSPAPER IN COLORADO SPRINGS WHERE I WAS LIVING, AND IT WAS JUST A COUPLE OF INCHES IN THE PAPER, SAID COMPUTER ANALYST FROM SANTA MONICA HAD BEEN STOPPED AND THERE WERE SOME VERY BRIEF DETAILS OF, OF THE CONDITIONS THAT EXISTED.

AND IT SAID "RANDY KRAFT, COMPUTER ANALYST, SANTA MONICA." AND IT SOUNDED LIKE SOMEBODY THAT I KNEW,

BUT I HAD TO CALL AND FIND OUT. I DON'T REMEMBER HOW I

JODI HALE, OFFICIAL COURT REPORTER

PAGE 26355

ACTUALLY, WHO I TALKED TO. I CALLED SOMEBODY AT PEARLESS. PROBABLY I TALKED TO LINDA H----.

Q. YOU HAVE LEARNED SOME MORE ABOUT THE FACTS NOW AND THE FACT THAT HE HAS BEEN CONVICTED OF A NUMBER OF HOMICIDES. IS THERE ANYTHING REFLECTING BACK IN YOUR MIND THAT, THAT AT THIS TIME YOU CAN SAY "HMMM, THERE WAS SOMETHING STRANGE ABOUT HIM, SOMETHING BIZARRE ABOUT HIM," SOME VIOLENCE, WHATEVER, THAT WOULD ALLOW YOU NOW TO SAY THAT YOU BELIEVE HE WAS CAPABLE OF DOING THESE ACTS?

A. NO, SIR. I DON'T HAVE ANYTHING THAT WOULD GIVE ME, THAT WOULD HAVE GIVEN ME THAT IMPRESSION IN THE PAST.

MR. MC DONALD: RANDY WOULD LIKE TO TALK WITH YOU FOR A MOMENT.

EXAMINATION

THE DEFENDANT: HI.

THE WITNESS: HI, RANDY.

EXAMINATION

BY THE DEFENDANT:

Q. JUST A COUPLE OF THINGS. SOMETIMES, SOMETIMES WHEN I CAME TO PEARLESS FOR LEAR SEIGLER, I WOULD JUST COME FOR A DAY OR TWO AT THE TIME, AND OTHER TIMES I WOULD COME AND STAY LONGER; IS THAT TRUE?

A. YEAH. I REMEMBER, UHM, KIND OF BEING

RESPONSIBLE TO CHAUFFEUR YOU AROUND ON SHORT VISITS. I
DON'T RECALL MEETING YOU AT THE AIRPORT, BUT IT SEEMS TO

JODI HALE, OFFICIAL COURT REPORTER

PAGE 26356

ME I REMEMBER PICKING YOU UP AT YOUR MOTEL AND DROPPING
YOU OFF ON A NUMBER OF OCASSIONS. AND I ASSUMED THAT
THOSE MUST HAVE BEEN SHORT TIMES BECAUSE I ALSO REMEMBER
YOU BEING THERE WITH A BIG, WHITE FORD THAT YOU GOT TO
DRIVE WHEN YOU WERE IN TOWN ON OCASSION.

Q. THAT WAS ONE OF MY NEXT QUESTIONS. BUT ON
ONE OCCASION OR FOR A PERIOD OF TIME I WAS THERE FOR A
NUMBER OF MONTHS, IS THAT--

A. YEAH, FOR QUITE SOME TIME. I DON'T REMEMBER
THAT YOU WERE THERE CONTINUOUSLY FOR A NUMBER OF MONTHS,
BUT FOR CERTAINLY FULL WEEKS AT A TIME.

Q. HAD TO COMMUTE BACK TO SOUTHERN CALIFORNIA ON
WEEKENDS?

A. THAT WOULD HAVE BEEN MY IMPRESSION. YEAH.
YOU WOULD GO HOME FOR THE WEEKENDS.

Q. AT TIMES WHEN I DIDN'T HAVE A RENTAL CAR,
WOULD I USE THE COMPANY CAR, PEARLESS'S COMPANY CAR?

A. IF I REMEMBER RIGHT, IT WASN'T ALWAYS
AVAILABLE. THERE WAS--

Q. OKAY.

A. WE DIDN'T HAVE A LOT OF COMPANY CARS. I THINK THERE WAS JUST THAT ONE THAT PROBABLY WAS SOME EXECUTIVE CAR BEFORE HE GOT A NEW ONE, SORT OF GOT USED FOR WHATEVER. I DO REMEMBER YOU IN THAT WHITE FORD.

Q. THAT WAS A BIG, WHITE FORD LTD?

A. YEAH.

JODI HALE, OFFICIAL COURT REPORTER

PAGE 26357

Q. AND OTHER PEOPLE IN THE COMPANY WOULD USE IT?

A. OH, YEAH.

Q. FOR EXAMPLE--

A. IN FACT, I WOULDN'T BE SURPRISED IF, IF EVERY DAY THAT YOU PARKED IN THE PARKING LOT IT DIDN'T GO OUT AND DO SOME OTHER WORK FOR THE COMPANY.

Q. RIGHT, BECAUSE WHOEVER USED IT THEN TOOK THE KEYS BACK AND GAVE IT TO, FOR EXAMPLE, I THINK THE RECEPTIONIST?

A. YEAH, THE RECEPTIONIST CONTROLLED THAT AND YOU HAD TO GET PERMISSION FROM, I DON'T KNOW, SALES, I THINK, HAD SORT OF FINAL SAY OVER THAT, THAT I--

Q. DO YOU RECALL THAT SOMETIMES I WOULD TAKE IT AND LEAVE IT AT THE PARK AND FLY ON WEEKENDS THERE AT THE--

A. DON'T HAVE A CLEAR MEMORY OF THAT HAPPENING.

Q. OKAY. THE TENNIS EVENTS THAT YOU MENTIONED, WOULD THAT HAVE BEEN AT THE PORTLAND COLISEUM?

A. YEAH, THAT WOULD HAVE BEEN THE PORTLAND

COLISEUM.

Q. AND THAT IS AN ENCLOSED--

A. THAT'S THE BIG STADIUM WHERE THE BASKETBALL GAMES ARE NORMALLY PLAYED.

Q. RIGHT. COULD THAT HAVE BEEN A, A DEMONSTRATION MATCH BETWEEN JIMMY CONNORS AND ILIE NASTASE?

JODI HALE, OFFICIAL COURT REPORTER

Page 26358

A. IT COULD HAVE BEEN AN EXHIBITION.

Q. EXHIBITION?

A. OR IT COULD HAVE BEEN DAVIS CUP TIE AND I WOULD LIKE TO GO BACK AND SEE WHAT WAS HAPPENING AT THAT TIME TO VERIFY WHICH ONE IT WAS.

Q. YOU WERE INVOLVED IN ACTUALLY REFEREEING OR JUDGING TENNIS MATCHES?

A. THINK I GOT TO SIT IN THE CHAIR FOR THE DOUBLES, DIDN'T I? THERE WAS A RADIO PERSONALITY WHO SORT OF GOT OUT THERE WITH SOME OF THE OTHERS AND CUT-UP AND THE TWO STARS PLAYED.

Q. YES.

A. THAT'S-- I REMEMBER, I HAVE A KIND OF A MEMORY OF A SORT OF FUNNY HAPPY-GO-LUCKY RADIO PERSONALITY THAT GOT OUT THERE. DIDN'T PLAY VERY WELL, BUT ENTERTAINED THE CROWD.

Q. DESPITE THE BEST EFFORTS OF, OF YOURSELF AND OTHERS AT PEARLESS, THE DIVISION DID NOT FALL UPON THE,

THE BEST OF TIMES, DID IT?

A. NO. THE DIVISION WAS PRETTY MUCH DEPENDENT ON WHAT HAPPENED IN THE PACIFIC NORTHWEST TIMBER INDUSTRY, AND IN THE EARLY EIGHTIES WITH HIGH INTEREST RATED AND SLUGGISH ECONOMY, THAT WAS NOT GOOD FOR THAT COMPANY.

Q. SO A NUMBER OF PEOPLE WERE LAID OFF?

A. YEAH. I WAS NOT THE FIRST. IT SEEMS TO ME THERE WERE A COUPLE ROUNDS OF LAYOFFS BEFORE I WENT DOWN.

JODI HALE, OFFICIAL COURT REPORTER

PAGE 26359

Q. DO YOU RECALL COMING DOWN TO LOS ANGELES AND VISITING DAN S---- AND SEEING MYSELF AND SORT OF SNIFFING AROUND CORPORATE HEADQUARTERS TO SEE IF THERE WAS SOMETHING AVAILABLE?

A. I REMEMBER HAVING INTERVIEWS IN SANTA MONICA WITH A CORPORATE MANAGER, MAYBE ROGER SOMEBODY. A GUY CAME OUT FROM WHEREEVER THOSE PEOPLE CAME FROM.

Q. I DON'T KNOW.

A. I DO REMEMBER DAN S----.

Q. YES.

A. AND I AM-- IT SEEMS TO ME I REMEMBER HAVING DINNER WITH DAN SOMEWHERE DOWN, HE LIVED DOWN IN ORANGE COUNTY SOMEPLACE, IF I REMEMBER RIGHT. THINK HE HAD DINNER AND TALKED ABOUT JOB POSSIBILITIES WITH HIM.

Q. BUT ULTIMATELY YOU DIDN'T TAKE A JOB WITH LEAR SEIGLER CORPORATION; IS THAT TRUE?

A. I SORT OF HAD MY ROOTS IN THE NORTHWEST AND

KIND OF WANTED TO STAY AND I WASN'T SURE THAT THE-- I
THINK THEY OFFERED ME A JOB AND I DON'T THINK THAT -- I
THINK IT WAS ABOUT THE SAME SALARY THAT I WAS MAKING IN
PORTLAND, AND I DIDN'T THINK I COULD SUPPORT MYSELF IN LOS
ANGELES AT THE SAME SALARY.

Q. DID YOU ULTIMATELY TAKE WORK IN DENVER?

A. COLORADO SPRINGS.

Q. THAT'S A SUBURB, OR NEAR DENVER?

A. 60 MILES SOUTH.

JODI HALE, OFFICIAL COURT REPORTER

PAGE 26360

Q. AND WHEN DID YOU TAKE THAT JOB?

A. I TOOK THAT JOB IN EARLY 1982, FEBRUARY,
MARCH 1982, I BELIEVE.

THE DEFENDANT: THAT'S ALL. THANK YOU.

THE COURT: MR. BROWN?

MR. BROWN: WHAT I WOULD LIKE TO DO, CAN I JUST
RESERVE MY CROSS-EXAMINATION UNTIL I HAVE HAD A CHANCE TO
READ OUR INTERVIEW OF HIM? COULD WE JUST PUT HIM AT THE
BACK OF-- I THINK THE DEFENSE HAS A COUPLE MORE
WITNESSES. CAN WE JUST TAKE HIM UP AND TAKE THE OTHER
WITNESSES AND THEN I WILL HAVE A CHANCE TO GET--

MR. MCDONALD: WHAT TIME IS YOUR FLIGHT, MR. L----?

THE WITNESS: MY FIRST OPPORTUNITY TO GO BACK IS AT
3:00. I THINK THERE ARE OPPORTUNITIES LATER ON INTO THE
DAY.

THE COURT: ALL RIGHT. CALL YOUR NEXT WITNESS.

TAKE A BREAK NOW FOR 10 MINUTES OR WHAT?

MR. BROWN: EITHER WAY.

MR. MC DONALD: COULD WE TAKE A BREAK FOR 10 MINUTES?

THE COURT: ALL RIGHT. IT'S YOUR DUTY NOT TO CONVERSE AMONG YOURSELVES OR ANYONE ELSE THE NATURE OR SUBJECT OF THIS MATTER, FORM OR EXPRESS ANY OPINION UNTIL THE MATTER HAS BEEN SUBMITTED TO YOU. 10-MINUTE BREAK.

THE WITNESS: YES, SIR.

(RECESS TAKEN.)

JODI HALE, OFFICIAL COURT REPORTER

PAGE 26361

CROSS EXAMINATION (CONTINUED)

BY MR. BROWN:

Q. MR. L----, WHERE DID YOU LIVE IN THE TUALATIN AREA DURING THE TIME THAT YOU HAVE BEEN REFERRING TO THAT YOU HAD SEEN MR. KRAFT UP THERE?

A. I LIVED AT 3102 SOUTHWEST SPRING GARDEN STREET IN SOUTHWEST PORTLAND, WHICH IS JUST NORTH OF TUALATIN.

Q. HOW FAR WAS YOUR HOME FROM THE PEARLESS DIVISION?

A. LESS THAN 10 MILES.

Q. DID MR. KRAFT COME TO VISIT YOU AT YOUR HOME AT ANY TIME?

A. YES, SIR, HE DID.

Q. HOW MANY TIMES DID MR. KRAFT VISIT YOU AT

THAT RESIDENCE THAT YOU HAVE DESCRIBED TO US HERE?

A. AT LEAST A COUPLE, PROBABLY NOT MORE THAN FIVE OR SIX.

Q. WHAT PERIOD OF TIME DID THAT OCCUR?

A. MY BEST RECOLLECTION WOULD BE SOMETIME IN THE 1980 PERIOD, SUMMER, FALL 1980. IT'S A GUESS.

Q. HOW LONG DID YOU REMAIN LIVING AT THAT LOCATION?

A. I LIVED AT THAT LOCATION UNTIL EARLY IN 1982 WHEN I MOVED TO COLORADO SPRINGS.

Q. WITH RESPECT TO THE CARS THAT MR. KRAFT HAD

JODI HALE, OFFICIAL COURT REPORTER

PAGE 26362

ACCESS TO, WOULD IT BE FAIR TO SAY THAT YOU COULD DIVIDE THOSE CARS INTO TWO GENERAL CATEGORIES?

A. HOW IS THAT?

Q. WELL, ONE BEING THE COMPANY CAR?

A. YES, SIR.

Q. AND OTHERS BEING RENTAL CARS THAT MR. KRAFT WOULD RENT AT THE PORTLAND AIRPORT WHEN HE CAME IN, WHEN HE FLEW IN?

A. YES.

Q. NOW, WITH RESPECT TO THE COMPANY CAR, THAT CAR WAS AVAILABLE FOR OTHER PEOPLE TO USE; IS THAT CORRECT?

A. YEAH. AND AS I SAID EARLIER, THAT MIGHT OFTEN HAVE BEEN USED AT THE SAME TIME HE WAS USING IT. IN

OTHER WORDS, IF HE CAME TO WORK IN THE DAY, IT MIGHT BE USED SEVERAL TIMES IN THE DAY BEFORE HE WENT HOME THAT NIGHT.

Q. AND WITH RESPECT TO RENTAL CARS THAT HE MIGHT RENT FROM MATIONAL OR HERTZ, OTHER PEOPLE IN THE COMPANY WOULDN'T USE THOSE CARS?

A. THAT'S TRUE.

MR. BROWN: THANK YOU, SIR. CATCH THE AIRPLANE.

THE WITNESS: THANK YOU.

MR. MC DONALD: NOTHING FURTHER. THANK YOU.

THE COURT: YOUR NEXT WITNESS. NORA K-----.

THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

JODI HALE, OFFICIAL COURT REPORTER

PAGE 26363

NOVA N. K-----,

CALLED AS A WITNESS ON BEHALF OF THE DEFENDANT, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

THE CLERK: STATE YOUR FULL NAME FOR THE COURT AND SPELL YOUR LAST NAME, PLEASE.

THE WITNESS: NOVA K-----.

THE CLERK: SPELL IT, PLEASE.

THE WITNESS: N-O-V-A. YOU NEED THE MIDDLE INITIAL?

THE CLERK: YES.

THE WITNESS: N. K-----, K-----.

THE CLERK: THANK YOU. YOU MAY TAKE A SEAT IN THE

WITNESS STAND, MISS K----. IT'S STRAIGHT AHEAD UP THERE.

DIRECT EXAMINATION

BY MR. MC DONALD:

Q. MISS K----, WE SPOKE BRIEFLY THIS AFTERNOON ABOUT RANDY KRAFT, DIDN'T WE?

A. YES.

Q. OKAY. NOW, YOU WERE HIS ENGLISH TEACHER IN HIGH SCHOOL, CORRECT?

A. YES, ENGLISH FOUR. THAT WAS HIS SENIOR YEAR.

Q. ALL RIGHT. AND WE TALKED ABOUT HOW LONG YOU HAD BEEN A SCHOOL TEACHER, AND HOW LONG DID WE CALCULATE THAT OUT?

A. 31 YEARS IN TOTAL, BUT I WAS WITH HUNTINGTON

JODI HALE, OFFICIAL COURT REPORTER

PAGE 26364

BEACH UNION HIGH SCHOOL DISTRICT FOR 22 YEARS.

Q. AND THEN YOU TAUGHT AT WESTMINSTER HIGH SCHOOL WHERE RANDY WAS YOUR STUDENT?

A. YES. I WAS TEACHING THERE WHEN HE WAS A SENIOR IN HIGH SCHOOL. I THINK I TAUGHT THERE ABOUT FIVE YEARS.

Q. CAN YOU TELL US ABOUT THIS ENGLISH CLASS THAT RANDY WAS A MEMBER; I MEAN, WAS IT A SPECIAL CLASS OR WAS IT A REQUIRED CLASS?

A. SPECIAL IN THAT IT WASN'T REQUIRED. THREE YEARS OF ENGLISH WERE REQUIRED, BUT FOURTH YEAR ENGLISH WAS NOT REQUIRED, BUT IT WAS A COURSE DESIGNED FOR STUDENTS WHO MEANT TO GO ON TO COLLEGE, FOUR YEAR COLLEGES, PRIMARILY. SO IT WAS-- PROBABLY MY STUDENTS IN FOURTH-YEAR ENGLISH CAME FROM THE TOP ONE-FOURTH OF THE SENIOR CLASS.

Q. WHAT TYPE OF WORK DID YOU HAVE YOUR STUDENTS DOING DURING THAT PARTICULAR CLASS?

A. WELL, THE MAIN PURPOSE OF THE COURSE WAS TO HAVE THEM TRAINED TO WHERE THEY COULD WRITE A CREDIBLE ESSAY, WHICH IS GENERALLY REQUIRED IN COLLEGE ENTRY. WE PROBABLY SPENT A THIRD OF THE TIME WRITING AN ESSAY ASSIGNMENT, AND THEY THEN DID A REVIEW OF GRAMMAR AND THEN IT WAS A-- WELL, A BRIEF SURVEY COURSE OF ENGLISH LITERATURE ALSO.

Q. OKAY. PART OF THAT, PART OF THAT ASSIGNMENT

JODI HALE, OFFICIAL COURT REPORTER

PAGE 26365

OBVIOUSLY MUST HAVE INVOLVED YOU GETTING THEIR PAPERS BACK AND CRITIQUING AND MAKING SUGGESTIONS HOW THEY COULD IMPROVE THEIR WRITING SKILLS?

A. THAT'S TRUE. I GRADED THEIR PAPERS, THEIR ESSAYS. WE WROTE ABOUT A 300-WORD ESSAY EVERY TWO WEEKS AND I, I CORRECTED THEM CAREFULLY AND MADE RECOMMENDATION FOR IMPROVEMENT. THEY CORRECTED THEIR ESSAYS AND WE KEPT THEM ON FILE THERE IN THE CLASSROOM.

Q. OKAY. YOU WERE TELLING ME TODAY THAT YOU EVEN REMEMBER WHERE RANDY SAT IN THE CLASS. DO YOU REMEMBER THAT?

A. YES, I DO. I JUST HAPPEN TO. HE SAT ABOUT IN THE MIDDLE, I'D SAY.

Q. UH-HUH. NOW, NOT IN FRONT, NOT IN THE BACK, BE ABOUT IN THE MIDDLE OF YOUR CLASS.

A. MIDDLE. THERE WERE FIVE AISLES IN THE CLASSROOM AND THERE WAS ONE SPOT ABOUT THE MIDDLE AND I THINK THAT IS WHERE RANDY SAT.

Q. DO YOU REMEMBER IF HE PRESENTED ANY TROUBLE TO YOU AS A STUDENT? WAS HE A TROUBLEMAKER? WAS HE TRUANT? DID HE NOT GET ALONG WITH OTHER STUDENTS?

A. NOT-- I RECALL NOTHING UNTOWARD IN HIS BEHAVIOR. APPARENTLY I GAVE HIM AN "A" GRADE, WHICH MEANT HE DID ALL HIS ASSIGNMENTS, AND THAT WOULD ALSO REQUIRE REGULAR ATTENDANCE.

Q. DO YOU HAVE ANY RECOLLECTION OF, OF HOW HE

JODI HALE, OFFICIAL COURT REPORTER

PAGE 26366

GOT ALONG WITH THE OTHER STUDENTS IN THE CLASS?

A. APPARENTLY ALL RIGHT. I HAVE NO RECOLLECTION THAT HE DIDN'T.

Q. YOU THINK YOU MIGHT REMEMBER IF--

A. I WOULD REMEMBER, I THINK.

Q. -- IF HE WERE A TROUBLEMAKER OR AGGRESSIVE OR GAVE YOU ANY TROUBLE IN CLASS?

A. YES.

Q. WOULD YOU REMEMBER THAT, WOULDN'T YOU?

A. I WOULD REMEMBER THAT, OF COURSE.

MR. MC DONALD: OKAY.

THE DEFENDANT: I HAVE A COUPLE.

MR. MC DONALD: RANDY WOULD LIKE TO TALK TO YOU,
IF HE MAY, PLEASE.

EXAMINATION

BY THE DEFENDANT:

Q. HI, MISS K----.

A. RANDY.

Q. DO YOU RECALL PAUL W----, A FELLOW
CLASSMATE OF MINE?

A. YES, UH-HUH.

Q. DO YOU RECALL CLARENCE H----?

A. CLARENCE H----, YES. CLARENCE PLAYED
FOOTBALL, TOO.

Q. AND HE WAS STUDENT BODY PRESIDENT?

A. YES, HE WAS.

JODI HALE, OFFICIAL COURT REPORTER

PAGE 26367

Q. BUT THESE WERE A COUPLE PEOPLE THAT YOU CAN
RECALL THAT I ASSOCIATED WITH IN YOUR CLASSROOM AND--

A. UH-HUH.

Q. DO YOU RECALL IN OUR SENIOR YEAR THAT THE
ROTARY CLUB IN WESTMINSTER HAD AN ESSAY CONTEST HAVING
SOMETHING TO DO, PATRIOTIC THEME, SUCH AS "WHAT FREEDOM

MEANS TO ME"? IS THAT REACHING TOO FAR BACK IN YOUR MEMORY?

A. WELL, NO, I DON'T RECALL IT SPECIFICALLY, BUT THE-- WHEN THE COUNSELORS OR ANYONE WOULD GET A POSSIBILITY OF A ESSAY CONTEST, IT WOULD ALWAYS GET REFERRED TO ME. AND MY STUDENTS, AFTER THEY GOT OVER THE DISAPPROVAL OF WRITING ESSAYS, I THINK THEY DECIDED THEY LIKED TO WRITE THEM, AND WE ENTERED A LOT OF ESSAY CONTESTS AND WE WON SOME PRIZES, MANY PRIZES.

THE DEFENDANT: THAT'S ALL. THANK YOU.

THE COURT: MR. BROWN?

MR. BROWN: I DON'T HAVE ANYTHING.

THE COURT: THANK YOU, MA'AM. YOU ARE EXCUSED.

MR. MC DONALD: MARK L-----.

THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

SHIRLEY M----- L-----,

CALLED AS A WITNESS ON BEHALF OF THE DEFENDANT, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

THE CLERK: STATE YOUR FULL NAME FOR THE COURT AND

JODI HALE, OFFICIAL COURT REPORTER