

1 Fred Bost Cross Vol. 1, p. 51

2 Harbor Drive, Hudson, Florida, permanent address:
3 Headquarters, First Battalion, 505th Headquarters,
4 Brigade 82nd Airborne, Fort Bragg. Bost stated
5 Mitchell was arrested February 19, 1970 at
6 Fayetteville for improper muffler and on four (4)
7 additional occasions, all on minor charges.

8 Thomas Joseph Rizzo, an associate of
9 Mazerolle's, home address: Highland, New York, 102nd
10 Aviation Company, Fort Bragg. Stephen Lee Forrest,
11 first Platoon Company C, 27th Engineering Battalion,
12 Fort Bragg. At the time of the murder, Forrest, a
13 twenty-year old male, boasted he had knowledge of the
14 MacDonald murders.

15 Richard Michael Fortner, white male, former
16 address: 1062½ Winslow Street, Fayetteville, 1969 --

17 Q. (Interposing) Okay. Excuse me, Mr. Bost, would you
18 turn the page, please?

19 A. This page?

20 Q. Yeah.

21 A. All right.

22 Q. Okay. Would you read on January 31st, 1980, the top
23 of the page?

24 A. (Reading document) "On January 31st, 1980, Bost
25 furnished the following information regarding Allen

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2 Patrick Mazerolle and Thomas Joseph Rizzo. There is
3 no arrest record for either Allen Mazerolle or
4 Thomas Rizzo in the City/County files at the
5 Cumberland County Law Enforcement Center, yet court
6 records show Mazerolle was arrested three (3) weeks
7 before the MacDonald murders for possession and
8 transportation of drugs. Listed as a twenty-one
9 year old member of the 182nd Aviation Company, Fort
10 Bragg, he and a man named Thomas Joseph Rizzo were
11 charged with possession of five hundred and fifty-
12 nine (559) doses of LSD upon being arrested January
13 28th, 1970. The arresting officers were P. E.
14 Beasley and John DeCortes of the Fayetteville Police
15 Department."

16 Q. Would you spell those names for the reporter, please?

17 A. I will, but they're incorrect.

18 Q. Well, it's not my report, Mr. Bost.

19 A. All right. The arresting officers were P. E. Beasley,
20 that's "P" as in Prince, "E" as in Everett, not
21 Edward, and Beasley, B-e-a-s-l-e-y.

22 Q. Excuse me. Is the name "Edward" wrong there?

23 A. No. It's P. E. Beasley --

24 Q. (Interposing) Okay.

25 A. -- in here.

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2 Q. I see.

3 A. And I didn't want her to get confused. Some people
4 hear "Everett" and they think it's "Edward".

5 Q. Okay.

6 A. John DeCortes is the other name that's here. That
7 is "John", and the last name is capital "D", like in
8 delta, small "e", capital "C", o-r-t-e-s. Do you want
9 me to give the proper name of the individuals?

10 Q. Why don't you read what's in there?

11 A. Okay. "of the Fayetteville Police Department.
12 Mazerolle was not in cus" -- excuse me -- "Mazerolle
13 was not in custody at the time of the murders. The
14 CBA Bonding Company had bonded him for two thousand
15 dollars (\$2,000.00). A warrant was issued for his
16 apprehension on March 25, 1970 after he had failed to
17 appear in Court. He was taken into custody in April,
18 1970 for an unspecified offense, possibly AWOL," --
19 that's A-W-O-L -- "in Cobb County and was held in
20 jail there in Marietta, Georgia. According to court
21 records, Georgia authorities released Mazerolle to
22 military authorities from whom he escaped. He was
23 located in November, 1970 in the custody of police at
24 Myrtle Beach, South Carolina.

25 In a letter to the Chief of Police at Myrtle

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2 Beach, Cumberland County Sheriff W. G. Clark requested
3 that Mazerolle be retained -- be detained adding,
4 'we had ahold on him in another state, but when we
5 were through with him, they turned him over to the
6 military and he escaped.' "

7 Q. Okay. That's enough. Thank you, Mr. Bost.

8 Let me ask you, with respect to what you've
9 read, did you provide that information to Mr.
10 Gunderson?

11 A. Yes and no.

12 Q. Well, why don't you tell me what you provided?

13 A. The information on the individuals is correct as far
14 as names, and so forth, are concerned with the
15 exception of this statement here "the arresting
16 officers were P. E. Beasley and John DeCortes."

17 Q. Okay.

18 A. The actual man was John D. Carter.

19 Q. Okay. Thank you. Excuse me. Have you finished your
20 answer?

21 A. I wasn't finished, no.

22 Q. Okay. Go ahead, please.

23 A. May I go back through this and point out where --
24 the things that I did not tell him?

25 Q. Yeah, please. Please.

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2 A. All right. Now, he's got me saying that I advised
3 the following are suspects. This is not true. This
4 information was given to him by me at this interview
5 that I was speaking of. This interview was, if I
6 remember the date correctly, was January the 13th,
7 1982. No, I'm sorry, 1980, right after the trial,
8 the January following the trial.

9 I did not give him any of this information as
10 suspects. He was asking me if I had picked up any
11 information on known associates of Helena Stoeckley.

12 Q. Okay. Let me see if I understand your answer, Mr.
13 Bost. You didn't categorize these people as
14 subjects --

15 A. (Interposing) I did --

16 Q. -- or suspects?

17 A. I did not.

18 Q. But in terms of the information you provided about
19 the individuals, names, military background, whether
20 they were in jail or not, that's correctly reported?

21 A. This is correctly reported to my knowledge at that
22 time; however, if I could go into that, I would like
23 to explain how some of this information came about,
24 came to my -- in my possession, and it will explain
25 how some discrepancies are in here as far as fact is

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2 concerned.

3 Q. Well, why don't you tell us what the discrepancies
4 are?

5 A. Well, a discrepancy is that apparently Allen
6 Mazerolle was in jail at the time of the murders.

7 Q. Apparently he was in jail?

8 A. Apparently he was in jail, yes, sir.

9 Q. I see.

10 A. I first came by this name during the trial when I
11 was trying to pick up as much on stories concerning
12 the trial as possible. I had asked Detective
13 Beasley or ex-Detective Beasley if he knew of any
14 names of Helena Stoeckley's associates. And this
15 was even before Helena had been brought to the trial,
16 had been found and brought to the trial.

17 No, I'm sorry, I have to take that back. It
18 was after she had been to the trial, after she had
19 testified.

20 Q. In front of the jury?

21 A. (Interposing) But I was trying to -- what's that?

22 Q. In front of the jury?

23 A. In front of the jury.

24 Q. Thank you.

25 A. In fact, I think she may have even been released from

1 Fred Bost Cross Vol. 1, p. 57

2 the trial at that time. But I was trying to build
3 up stories, and I asked him if he could give me the
4 names of any people that I could check out to see if
5 I could find out something about them.

6 Among the names that he gave me was Mazerolle;
7 he gave me the name of Fortner who was involved in
8 other cases, several names. When I went to the
9 Police Station to try and find out -- he told me he
10 had arrested Mazerolle. I went to the Police Station
11 to try and find out something on Mazerolle. There was
12 no arrest record on Mazerolle; there was no mug shots;
13 there was no fingerprints, and I was a little bit
14 leery about whether the arrest had ever taken place.

15 I went next door to the courtroom. There was
16 trial material in the courtroom. When it was brought
17 to me, it was brought to me -- Thomas Rizzo and
18 Mazerolle had been arrested together. Rizzo's
19 packet was brought to me first. I copied that out
20 into my notebook.

21 When Mazerolle's packet was brought to me, I
22 copied it out and I did not copy when he was released
23 on bail. I did get down the bonding company. In my
24 mind, I had the feeling or had made the assumption --
25 which was a poor thing to do for a reporter, I admit --

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2 but having read Rizzo's packet, in my mind they had
3 both been bailed out at the same time and I caught
4 just the bonding company.

5 Q. And that's what you told Mr. Gunderson?

6 A. This is what I told Mr. Gunderson, that's correct.

7 Q. And that's what's in his report?

8 A. What's that?

9 Q. And that's what's in his report?

10 A. In his report he has that he was bonded out, but he
11 has here that Mazerolle was not in custody at the
12 time of the murders. He, apparently, was basing
13 this on my assumption that Mazerolle was not
14 involved in -- was not in custody at the time of
15 the murders, yes.

16 Q. Okay. Let me ask you, Mr. Bost, with respect to
17 your book negotiations with Helena Stoeckley, what
18 ultimately happened with them?

19 A. Again, sir? I'm sorry, I --

20 Q. (Interposing) Let me rephrase the question.

21 A. Yes, sir.

22 Q. With respect to Helena Stoeckley, I gather from one
23 point in your testimony that there was an arrangement
24 between you and Helena and Prince Beasley to write a
25 book, for you to write a book with their help; is

1 Fred Bost Cross Vol. 1, p. 59

2 that right?

3 A. I wish there had been, sir. I tried for almost a
4 year to make such an arrangement.

5 Q. With Helena Stoeckley?

6 A. With Helena Stoeckley. I tried from the time that I
7 first -- well, in fact, this February 6th interview,
8 I was going down there with the express purpose of
9 trying to talk her into such a book project. She
10 was willing to talk to me; she answered all my
11 questions for three hours, but she did not want to
12 go into a contract. I was trying to offer her what
13 I felt was a very lucrative agreement.

14 She did not want to go into a contract. She
15 said she wanted to think about it. For a year until,
16 oh, the following January I had been trying -- I
17 wasn't in contact with her personally but through
18 Mr. Beasley -- I was trying to get her to cooperate
19 with me.

20 She said that she did not want publicity; she
21 said that the money you offer was fine, but she
22 thought it would be misinterpreted. She would not
23 cooperate with me.

24 Q. How much money did you offer her, Mr. Bost?

25 A. I offered her -- well, I didn't offer her any money.

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2 I offered her twenty percent (20%) of whatever we
3 could make out of the book after all expenses were
4 paid.

5 Q. How about Mr. Beasley, what was his cut?

6 A. Twenty percent (20%) of what we could make out of
7 the book if the book was ever published.

8 Q. And did there come a time when Helena Stoeckley
9 indicated to you in some form that she wanted out
10 of the whole project and she was mad at Gunderson
11 and basically did not want to go forward? Did that
12 ever occur?

13 A. That she was mad at Gunderson --

14 Q. (Interposing) She was angry at Gunderson for
15 whatever reason?

16 A. No. Let me -- if I could take you through the
17 chronology of it, you'll see that I never had a
18 chance to talk to her about being mad at Gunderson,
19 or anything.

20 Q. Let me ask you this: did Helena Stoeckley ever
21 advise you that she felt Mr. Gunderson had been
22 harassing her?

23 A. No, sir. The only two times that I ever met Helena
24 Stoeckley, the only two times that I ever spoke to
25 her face-to-face was at these two meetings on

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2 January the 2nd and on February the 6th.

3 Q. Okay. Thank you. Just a second, Mr. Bost.

4 MR. MURTAGH: I wonder -- I'm going to show
5 this to counsel -- if I could have this marked as
6 Government's Eighteen (18) for identification. If
7 Your Honor will indulge us.

8
9 (GOVERNMENT'S EXHIBIT 18,
10 MARKED FOR IDENTIFICATION.)
11

12 Q. (Mr. Murtagh) Did you ever write Helena a letter,
13 Mr. Bost?

14 A. I wrote her two letters. I wrote her one on
15 September the 24th of 1981 --

16 Q. (Interposing) Unh-hunh.

17 A. -- and one on January the 22nd of 1982.

18 Q. All right. Let me show you this one marked for
19 identification as Government's Number Eighteen (18)
20 and ask if you recognize that? (Counsel hands same
21 to witness who peruses same.)

22 A. Yes, sir.

23 Q. Could you tell us what it is, please?

24 A. This is a letter I wrote to her on September 24, 1981.

25 Q. And does your signature appear at the bottom?

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2 A. That's my signature, yes.

3 Q. And would you read the letter, please?

4 A. Sure. (Reading document). "Dear Helena, Beasley
5 called me yesterday and told me he had been contacted
6 by Ted Gunderson who had told you -- who had told
7 him you had gone to the FBI with complaints that
8 Gunderson had been harassing you. It leaves me
9 wondering what to do about the book I'm putting
10 together.

11 After you failed to keep in contact with him,
12 Beasley took a trip down your way about a week ago
13 to deliver your copy of the book outline. He
14 couldn't find you and he was stalled by your
15 neighbors. I'm a little leery about going on with
16 the project if what's happening with Gunderson means
17 that you're changing your mind. Was Gunderson
18 telling the truth when he told Beasley he had gone
19 to the FBI? Does that mean you've changed your
20 mind about cooperating in the book venture?

21 Legally, of course, you are bound by our
22 agreement through the contract you signed. But, as
23 you recall, at the time I suggested the book idea to
24 you, I told you if you ever decided you wanted to bow
25 out for something better, I wouldn't stand in your way.

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1 Fred Bost Cross Vol. 1, p. 63

2 That still holds. I was hoping by now that you would
3 have read my outline and realized that I'm telling
4 the story exactly as you described it." I would
5 like to repeat that sentence, please. "I was hoping
6 by now that you would have read my outline and
7 realized that I'm telling the story exactly as you
8 described it. But since you failed to stay in
9 contact with Beasley, he feels it wouldn't be smart
10 to trust the outline in the mails without assurance
11 it would reach you and you alone.

12 As I've told you, I want to do this book in
13 a way that lets readers understand your thoughts and
14 motivations, the problems you faced and the night-
15 mares you dreamed, but I can do that only with your
16 cooperation.

17 If this business with Gunderson means you want
18 out, I have nothing left except to rewrite and treat
19 your role strictly objectively from an outsider's
20 viewpoint. I don't want to do that, but it will be
21 my only solution.

22 So, please, Helena, before I get too deep in
23 the first draft skeleton, write me a letter and tell
24 me what's happening. Are you still with us? If you
25 want out, I'll wish you the best of everything and

1 Fred Bost Cross Vol. 1, p. 64

2 I'll be keeping my fingers crossed that everything
3 works well for you in your new direction. But if
4 you don't want out, then let's get cracking. Okay,
5 gal? Always, Fred."

6 MR. MURTAGH: No further questions, Your Honor.

7 MR. O'NEILL: I have no redirect, Your Honor.

8 THE COURT: Call your next witness.

9 (WITNESS EXCUSED: 11:09 A.M.)

10 MR. O'NEILL: Your Honor, our next witness is
11 Carlos Torres.

12
13 Whereupon,

14
15 CARLOS E. TORRES,

16 Being first duly sworn, was
17 examined and testified as
18 follows:

19
20 DIRECT EXAMINATION BY MR. O'NEILL:

21 Q. Good morning, Mr. Torres.

22 A. Good morning, sir.

23 Q. Could you tell the Court where you live and what
24 your job is?

25 A. At this time I live in 7743 Calhoun Street, Hope

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1 Carlos Torres Direct Vol. 1, p. 65
2 Mills, North Carolina. My job is a golf course
3 superintendent in the U. S. Air Force, Pope Air
4 Force.

5 Q. Let me take you back to February of 1970. Where
6 were you working then?

7 A. In February, 1977 I was in --

8 Q. (Interposing) 1970.

9 A. I mean, 1970 I was in the service, and I worked as
10 a part-time in the NCO Club, Fort Bragg, North
11 Carolina.

12 Q. Whereabouts is that located at Fort Bragg?

13 A. That's located on Raleigh Road, the number I don't
14 know.

15 Q. What kind of job did you have there at the NCO Club?

16 A. I usually have two, three job. I work as a part-time
17 bartender. I work as a part-time food service
18 supervisor.

19 Q. Let me direct your attention to the evening of
20 February 16th and the early morning of February 17,
21 1970. Were you working at the NCO Club that night?

22 A. I don't recall exactly if I was working or not was
23 working, but I was in NCO Club at that time.

24 Q. Okay. Do you know what time, approximately what
25 time you left the NCO Club that night?

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2 A. I left the NCO Club approximately about two o'clock
3 (2:00) in the morning.

4 Q. Where were you living then?

5 A. I live in Spring Lake, North Carolina.

6 Q. And did you have your car, did you drive home to and
7 from the NCO Club?

8 A. To and from the NCO Club.

9 Q. Now, when you left about two o'clock (2:00) that
10 night, did you get your car and drive on home?

11 A. I gets down to the Club and talked to some of the
12 gals, and this and that, and then I approached to my
13 house.

14 Q. How did -- what route do you -- or did you take home
15 that night from the NCO Club to your house?

16 A. I usually take the Raleigh Road a short distance,
17 about three hundred (300) yards, and then take
18 Honeycutt to Highway 87, turn left on Highway 87,
19 to directions of the -- my house.

20 Q. Now, there is a stoplight, isn't there, at the corner
21 of 87, Highway 87, and Honeycutt Road?

22 A. Yes, sir.

23 Q. And was that stoplight working that night?

24 A. Yes, sir.

25 Q. And was it red when you got to it?

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2 A. It was red.

3 Q. When you're on Honeycutt and you want to go home to
4 Spring Lake, which way do you turn on Highway 87?

5 A. I turn left.

6 Q. Does Highway 87 have any other name?

7 A. Bragg Boulevard.

8 Q. Bragg Boulevard?

9 A. Yes, sir.

10 Q. And did you stop at that light that night?

11 A. I stopped because it was red.

12 Q. Did you notice anything unusual that evening that
13 you hadn't noticed on other evenings when you stopped
14 at that light?

15 A. No. I -- when I come at that time it's no traffic
16 but I observed on my left that it was some -- a
17 vehicle parked.

18 Q. A vehicle parked alongside the road?

19 A. Alongside the road, yes.

20 Q. How far would you estimate that vehicle was when you
21 were stopped there?

22 A. ~~Approximate~~ Approximate seventy-five (75) yards.

23 Q. Did -- your course on the way home caused you to go
24 left on Bragg Boulevard, didn't it?

25 A. Yes, sir.

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2 Q. And when you went by Bragg -- when you were on Bragg
3 Boulevard, you went past this vehicle, didn't you?

4 A. I went past the vehicle.

5 Q. Could you describe your recollection of what that
6 vehicle looked like?

7 A. The things that it make me look at the vehicle
8 because prior to that I have one vehicle just like
9 it.

10 Q. Just like it?

11 A. Unh-hunh (yes). And I observe it over there and I
12 figured out -- well, I slowed down and figured out
13 they have trouble with the tire or something, but it
14 wasn't. But I see some people over there. So, I
15 keep a slow, slow, slow, continued looking at them,
16 I don't see any tire flat or nothing, so I continue
17 going home.

18 Q. Could you describe the vehicle, what it looked like?

19 A. The vehicle was -- the year I couldn't tell you
20 because it looked like between '62 to '64 Volkswagen
21 stationwagen.

22 Q. Was it dark colored or light colored?

23 A. It was -- it was blue.

24 Q. And was there any light on?

25 A. The inside light was on.

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Q. Did you see any people either in that -- is that what they call a Volkswagen van?

A. A Volkswagen van, yes, sir.

Q. Did you see anybody either in the van or going to get in the van?

A. Well, apparently, it was one person inside the van, but with the kind of darkness and the weather, you can't -- but it was a person; there was a shadow in there. And it was three (3) other person, one in the front of the van and two other person walking to the van, to the --

Q. (Interposing) Where were they walking from?

A. They walking, apparently, from that area, whatever it is.

Q. Were there woods out of which they were walking?

A. Yes, sir, it's a line of trees, because at that time there was more trees.

Q. And these folks you saw, how many were there that you saw walking out of the line of trees?

A. I saw one standing, apparently, right side of the vehicle in front and two (2) walking to it, more or less kind of running, rushing, you know.

Q. And could you give a description of any of these people?

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1 Carlos Torres Direct Vol. 1, p. 70

2 A. It would be kind of hard for me to give a description
3 at that distance. I was -- when I come to the -- by
4 the side of the car, I was an average of thirty (30)
5 yards, but I know -- I noticed it was one kind of
6 afro hair, whether it was Black or Indian, so why
7 with the afro I had no idea. And it was one with
8 stringy hair, brownish looking -- I can say it was
9 blond or brownish and one other really short haircut.

10 Q. Like a military haircut?

11 A. Well, apparently, like a military haircut.

12 Q. And then you drove on your way?

13 A. I drove on the way really slow and observing and
14 see if something develop, but since nothing developed
15 I just keep going.

16 MR. O'NEILL: I have no further questions, Your
17 Honor.

18
19
20 CROSS-EXAMINATION BY MR. MURTAGH:

21 Q. Mr. Torres, let me ask you, with respect to the NCO
22 Club, you worked there, right?

23 A. Yes, sir.

24 Q. Okay. By the way, what grade were you in the Army?

25 A. I was a Sergeant First Class, E-7.

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1 Carlos Torres Cross Vol. 1, p. 71

2 Q. E-7, okay. And as an E-7 you would also frequent the

3 NCO Club, is that right?

4 A. I patronized with the Club --

5 Q. (Interposing) Yeah.

6 A. -- let's put it this way, yes.

7 Q. Yeah. And, if I understand your testimony on direct,

8 you can't recall whether you were working there that

9 night or you were in there as a patron?

10 A. Well, I don't recall that night whether I was

11 working, but since I was an employee, we usually --

12 the employees stayed to closing -- the Club close

13 at nine o'clock, but then the people counted the

14 money and closed the club. And we usually -- the

15 employees stay more or less until when everybody

16 leave.

17 Q. Right. But -- and correct me if I'm wrong -- you

18 might have been working and you might have been a

19 patron of the club?

20 A. I could be, yes.

21 Q. Okay. And what would you have done if you had been

22 a patron of the club? I mean, what did you normally

23 do?

24 A. I usually wait for the girls to get out of the club.

25 Q. Well, that can be a long wait, can't it?

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2 A. Oh, yes, sometimes.

3 Q. Okay. How would you occupy your time while you were
4 waiting for the girls to get out of the club?

5 A. Playing cards, playing pool.

6 Q. Having a beer or two?

7 A. Sometimes I have a beer or two. I don't drink beer,
8 but I drink a shot of scotch once in a while.

9 Q. Scotch?

10 A. Right.

11 Q. Fine. Okay. Now, Mr. Torres, let me ask you, you
12 were also on Fort Bragg on the 17th of February, 1970,
13 right?

14 A. Yes, I sure did.

15 Q. It was sort of a memorable day, wasn't it?

16 A. Very memorable, yes.

17 Q. Okay. Now, did you tell anybody about this --

18 A. (Interposing) No, sir.

19 Q. -- van at that time?

20 A. No, sir.

21 Q. Okay. Let me ask you: how did it come about that
22 this information came to the defense's attention?

23 A. Go back to about two years, I went to a car dealer
24 to purchase a car. And I was watching T.V. and this
25 case of this particular doctor come on T.V. One of

1 Carlos Torres Cross Vol. 1, p. 73
2 the salesman told me -- we start discussing and I
3 said, I just don't know because that particular day
4 I saw this van there, you know. And he said, well,
5 why don't you turn it in? Well, I told him the
6 reason I didn't turn it in, I just got -- arrived
7 from Vietnam recently and I'm getting separation
8 from my wife. And being in Vietnam, nervous in
9 combat, and then coming back and then the wife
10 divorced, and this and that, I wasn't in a condition
11 to reveal this and get any more nervous and
12 attention. So, I just keep my mouth shut.
13 Q. Was it sort of a bad time for you in 1970?
14 A. Very bad, yes.
15 Q. Okay.
16 A. I'm the father of ten kids and I had to work day and
17 night to support them. And I didn't want to get
18 involved -- get involved in anything that I have to
19 lose the job and make the extra dollar for my kids.
20 Q. Okay. Mr. Torres, is it fair to say that, say,
21 between 16th, 1970 and your encounter with the car
22 dealer two years ago -- so, that would be, what,
23 1982 --
24 A. (Interposing) 1982.
25 Q. -- would it be accurate to say that you sort of put

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1 Carlos Torres Cross Vol. 1, p. 74
2 this whole thing out of your mind?
3 A. I don't believe I can put it out of my mind. This
4 has been on my mind for the last fourteen (14) years.
5 Q. Okay. Do you read the Fayetteville papers?
6 A. Once in a while.
7 Q. Once in a while. Were you in Fayetteville in July
8 and August, 1979?
9 A. July and August, 1979?
10 Q. Yeah.
11 A. Yes, I was in Fayetteville.
12 Q. Did you read about the trial of this case?
13 A. I read it and listen on the news.
14 Q. Okay. Mr. Torres, counsel didn't show you any
15 pictures, did he, when you were testifying, just now?
16 A. No, sir.
17 Q. Okay. Were you ever shown any pictures by --
18 A. (Interposing) I have two times been shown the
19 pictures.
20 Q. I'm sorry?
21 A. Two times before.
22 Q. Okay. Tell us about the first time.
23 A. The first time was some gentleman -- I don't know
24 if he's in Court or not -- and I told him it would
25 be impossible for me to recognize those. And, then,

1 Carlos Torres Cross Vol. 1, p. 75

2 this year --

3 Q. (Interposing) I'm sorry. Say that again. In other
4 words, this first gentleman was --

5 A. (Interposing) The first gentleman, he told me --

6 Q. (Interposing) -- he an FBI agent?

7 A. I don't know if he's FBI, investigator, or whatever
8 it is.

9 Q. Are you familiar with the name Shedlick, Raymond
10 Shedlick?

11 A. Yes, sir. I believe that's the gentleman.

12 Q. That's the man?

13 A. Yes, sir.

14 Q. Okay. I'm sorry. Continue.

15 A. And then this year, I don't recall whether it was
16 in June or May, I believe it was two FBI came in
17 with the same pictures.

18 Q. Unh-hunh.

19 A. And I make the same statement, that it's hard to
20 recognize, but I saw similar pictures.

21 Q. But you can't say for certain?

22 A. No. I can't say for certain, because this is
23 fourteen (14) years.

24 Q. Thank you.

25 MR. MURTAGH: No further questions, Mr. Torres.

1 Carlos Torres Colloquy Vol. 1, p. 76

2 MR. O'NEILL: I have no redirect, Your Honor.

3 THE COURT: All right. Call your next witness.

4 (WITNESS EXCUSED: 11:21 A.M.)

5 MR. O'NEILL: One moment, Your Honor. Your

6 Honor, our next witness is Mr. Malloy, Archie

7 Malloy.

8 MR. MURTAGH: Your Honor, I wonder if, in the

9 interest of time, if Mr. Malloy is going to say

10 anything different than he said in his declaration?

11 MR. O'NEILL: No, he's not, Your Honor. He's

12 going to -- it is in the declaration, though, but if

13 we can assume he's -- I will be willing to stipulate

14 that he will. He was one of these ones that an

15 investigator said, Mr. Malloy will testify as follows,

16 and I will stipulate that he will so testify.

17 MR. MURTAGH: Fine.

18 MR. O'NEILL: Okay.

19 THE COURT: All right. Does that --

20 MR. MURTAGH: (Interposing) I don't see any --

21 THE COURT: -- obviate the necessity of his

22 testifying?

23 MR. O'NEILL: It will, Your Honor. Thank you.

24 THE COURT: All right. What's his name?

25 MR. O'NEILL: Archie Malloy. Your Honor, we

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2 have no further witnesses. I believe the Government
3 may, but if they don't, we're prepare to argue it.

4 MR. MURTAGH: Your Honor, Mr. Gunderson and
5 Mr. Beasley are not the Government's witnesses,
6 although we do have them here under subpoena. I
7 think it's the defendant's obligations as the moving
8 party with the burden of proof to put before the
9 Court all of the alleged statements supposedly made
10 by Helena Stoeckley, which they have not done to
11 this day, so that the Court can rule on them
12 intelligently.

13 And I see no reason why the Government should
14 have to authenticate what they contest may, in fact,
15 be Helena Stoeckley's statements by putting Mr.
16 Gunderson and Mr. Beasley on the stand. I think
17 that's Mr. O'Neill's responsibility.

18 THE COURT: Well, the burden of the motion, I
19 suppose, is on the defendant, and if the defendant
20 is content with his case, then what's the
21 Government's complaint?

22 MR. MURTAGH: Well, the Government's complaint,
23 Your Honor, and I suppose there's no way around this,
24 is that the record will be incomplete because Mr.
25 O'Neill is relying on a two or three page declaration

1 Colloquy

Vol. 1, p. 78

2 of Mr. Gunderson and about the same for Mr. Beasley
3 as to Stoeckley statements.

4 Now, we understand that these statements,
5 some of them run fifty-five (55) pages long, and
6 were tape recorded are the best evidence of what
7 they claim Ms. Stoeck- --

8 THE COURT: (Interposing) Maybe I misunderstood
9 counsel, but I thought he had rested his case.

10 MR. MURTAGH: Well --

11 THE COURT: (Interposing) And the only thing
12 before me this morning is three witnesses and a
13 statement that -- a stipulation that another one's
14 testimony can be considered as if he had testified
15 in person, it being now in the form of an
16 investigator's report.

17 MR. MURTAGH: Unh-hunh. Well, Your Honor,
18 I've no interest to prolong this, but I feel
19 constrained in order to develop the record to call
20 Mr. Beasley to the stand.

21 THE COURT: Well, it's almost time for our
22 morning recess and, perhaps, a sidebar conference
23 might clear up a little for you and for the Court.
24 Why don't we take a recess until eleven forty-five
25 (11:45), and will somebody, please, check the --

1 Colloquy

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2 what have you got?

3 MR. CURRIN: I have eleven twenty-five (11:25).

4 THE COURT: Well, I must be just slow. All
5 right. Eleven forty-five (11:45) we'll come back.

6
7 (SHORT RECESS: 11:25 - 11:45.)

8
9 THE COURT: Will there be further evidence for
10 the defendant?

11 MR. O'NEILL: There will, Your Honor. Thank you.

12 THE COURT: All right, sir.

13 MR. O'NEILL: Your Honor, our next witness is
14 Ted L. Gunderson.

15 THE COURT: All right, sir.

16 Whereupon,

17
18 TED L. GUNDERSON,

19 Being first duly sworn, was

20 examined and testified as

21 follows:

22
23 DIRECT EXAMINATION BY MR. O'NEILL:

24 THE WITNESS: Your Honor, I need just a few
25 minutes here. I've got a lot of work here that --

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1 Ted Gunderson Direct Vol. 1, p. 80

2 records that they --

3 THE COURT: (Interposing) All right.

4 MR. O'NEILL: Mr. Gunderson, why don't you
5 just take the stand and we'll get started and,
6 perhaps, we can -- I'm sorry, Your Honor. I didn't
7 mean to interrupt your conversation with Mr.
8 Gunderson.

9 THE COURT: Well, he just said he needed a
10 little time to organize his material, and I was going
11 to give it to him.

12 MR. O'NEILL: Oh, very well. Very well. Thank
13 you.

14 THE WITNESS: All right, sir. Thank you.

15 MR. MURTAGH: Your Honor, if I may ask, if the
16 material Mr. Gunderson is organizing has been made
17 available through counsel to the Government?

18 MR. O'NEILL: Your Honor, it has. Copies of a
19 number of statements have been made available, which
20 are written statements; that covers the part which
21 we've made available. The other part which has not
22 been available are a series of tape recording con --
23 tape recorded conversations which Mr. Gunderson will
24 authenticate and will represent to the Court,
25 through his testimony, are accurate and correct tape

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1 Ted Gunderson Direct Vol. 1, p. 81

2 recordings of those interview sessions from which
3 the written statements were derived.

4 THE WITNESS: Thank you, Your Honor.

5 Q. (Mr. O'Neill) Mr. Gunderson, could you tell the
6 Court where you presently reside and what your
7 present business is?

8 A. I'm a private investigator, Los Angeles, California.
9 I presently reside in Santa Monica, California.

10 Q. Did you have some employment prior to entering into
11 the profession of private investigation?

12 A. I was with the FBI for twenty-seven (27) years.

13 Q. What was the highest office to which you -- what was
14 the highest office you achieved at the FBI?

15 A. I was -- at the time of my retirement, March, 1979,
16 I was in charge of the FBI Los Angeles Bureau in
17 Los Angeles, California which covers most of southern
18 California.

19 Q. Had you run any other FBI offices prior to running
20 the FBI Los Angeles office?

21 A. I was in charge of the Dallas Bureau before that and
22 the Memphis Bureau before that.

23 Q. Sometime in late 1979 or late 1980, did you begin work
24 on investigation into the circumstances of the
25 MacDonald murders?

1 Ted Gunderson Direct Vol. 1, p. 82

2 A. I did.

3 Q. And in the course of that investigation did you come
4 to meet and know a witness named Helena Stoeckley?

5 A. I did.

6 Q. During the course of your investigation, did you
7 have occasion to interview Ms. Stoeckley on more than
8 one occasion?

9 A. I did.

10 Q. And did you prepare written statements -- or did Ms.
11 Stoeckley prepare written statements at the
12 conclusion of those interviews?

13 A. We both did.

14 MR. MURTAGH: Objection, Your Honor. It's a
15 compound question. My objection is, is the question
16 did Ms. Stoeckley prepare the statements or did Mr.
17 Gunderson prepare the statements?

18 THE COURT: Well, I understood him to say that
19 she prepared the statements. Now, straighten us out
20 if need be.

21 A. Yes, Your Honor. Actually, she gave me the
22 information in some instances, I reduced it to writing.
23 In other instances, she prepared her own statement
24 and we also -- I also tape recorded a number of
25 statements.

1 Ted Gunderson Direct Vol. 1, p. 83

2 Q. Do you have all of those written statements, whether
3 prepared by her or prepared by you and signed by her,
4 with you here today?

5 A. I do.

6 MR. O'NEILL: May I approach the witness, Your
7 Honor?

8 THE COURT: (Nods affirmatively.)
9 (Witness hands counsel documents.)

10 _____
11 (DEFENDANT'S EXHIBIT 2- 13,
12 MARKED FOR IDENTIFICATION.)
13 _____

14 Q. (Mr. O'Neill) Mr. Gunderson, I'm showing you a
15 document marked Defendant's Exhibit Number 2 which
16 bears the date at the top 10-25-80 and ask you to
17 examine it. (Counsel hands same to witness who
18 peruses same.)

19 Have you seen that document before?

20 A. I have.

21 Q. Is that the original of a statement which you took
22 from Helena Stoeckley on that date?

23 A. It is.

24 Q. And did Ms. Stoeckley sign that in your presence?

25 A. Yes, she did.

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1 Ted Gunderson Direct Vol. 1, p. 84

2 Q. I'll show you a document marked Exhibit Number 3
3 contained in an envelope, and if you'll take the
4 document out and take a look at it, and ask you if
5 you can identify it? (Counsel hands exhibit to
6 witness who peruses same.)

7 Do you recognize that document?

8 A. I do.

9 Q. Is that a document -- is that document a statement
10 which was taken from Helena Davis, Helena Stoeckley
11 Davis, on that date?

12 A. It is.

13 Q. And, by the way, is she called sometimes Helena
14 Stoeckley Davis and sometimes Helena Stoeckley?

15 A. Right. And also sometimes Foster. She used the name
16 Foster.

17 THE COURT: What's the date of that one?

18 MR. O'NEILL: October 24, Your Honor.

19 THE COURT: What year?

20 MR. O'NEILL: 1980.

21 THE COURT: The day before the first one?

22 MR. O'NEILL: It was, Your Honor. We got out
23 of order when we started.

24 MR. MURTAGH: Your Honor, if I may ask, if the
25 statement is typewritten or handwritten, could counsel

1 Ted Gunderson Direct Vol. 1, p. 85

2 so indicate?

3 MR. O'NEILL: I will. Exhibit number two (2)
4 is typewritten. Exhibit number three (3) is type-
5 written.

6 MR. MURTAGH: And that's 10-24-85 -- or '80?

7 MR. O'NEILL: '80.

8 Q. (Mr. O'Neill) Mr. Gunderson, I'm handing you a
9 document marked Defendant's Exhibit Number four (4)
10 which is dated October 24, 1980. It's a handwritten
11 multi-page statement. And ask you if you can identify
12 it? (Counsel hands same to witness who peruses same.)

13 A. This is my handwriting. I took the -- I took this
14 statement myself. Helena read it, signed it; it's
15 also dated, as you said, on the 24th of 1980.

16 Q. Okay.

17 A. There's another statement in this envelope. There's
18 another statement in this envelope by mistake.

19 MR. O'NEILL: I'd better show counsel. (Hands
20 same to Mr. Murtagh.) There was another statement
21 in that envelope?

22 A. It's the same date as this. It could possibly be the
23 same statement.

24 MR. MURTAGH: Your Honor, I'm confused. I
25 thought Defendant's Exhibit Number two (2) was a

1 Ted Gunderson Direct Vol. 1, p. 86
2 typewritten statement of 10-25-80. Is that different
3 from this 10-25-80 statement?

4 A. Let's look at it and compare it.

5 MR. MURTAGH: This appears to be an original.

6 MR. O'NEILL: That's the original and this is
7 a copy.

8 MR. MURTAGH: Okay. Which one are you
9 introducing?

10 MR. O'NEILL: I will introduce the copy -- have
11 her mark it.

12 THE WITNESS: Is it the same statement? I'm
13 sure it's the same statement.

14 MR. O'NEILL: Exhibit -- Your Honor, do you
15 know what exhibit we're on?

16 THE COURT: Well, you've introduced two -- you
17 have identified two, three and four.

18 MR. O'NEILL: Thank you very much.

19 Q. (Mr. O'Neill) Mr. Gunderson, do you have Exhibit
20 five (5) before you?

21 A. No, I don't.

22 Q. I'll show you Exhibit Number Six (6) and ask you to
23 examine it and see if you can identify it? (Counsel
24 hands same to witness who peruses same.)

25 A. It's a handwritten statement in my handwriting dated

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1 Ted Gunderson Direct Vol. 1, p. 87

2 December 4, 1980.

3 Q. Was that taken from Helena Stoeckley by you?

4 A. It was.

5 Q. With respect to each of these statements that you've
6 identified so far, were these writings prepared
7 during or at the conclusion of interviews of Ms.
8 Stoeckley during those dates?

9 A. During the interview.

10 Q. Here's Exhibit Number five (5). Would you take a
11 look at Exhibit Number five (5), and I'll ask you if
12 you can identify it? (Counsel hands same to witness
13 who peruses same.)

14 A. It's a handwritten statement, it's dated October 2,
15 1980, signed by Ernest Davis. It's in my hand-
16 writing.

17 Q. Now, who is Ernest Davis?

18 A. Ernest Davis is -- was Helena Davis' husband.

19 Q. I'm handing you a document marked Exhibit Seven (7).
20 Would you examine it and identify it? (Counsel hands
21 same to witness who peruses same.)

22 A. This is a handwritten document, a signed statement
23 from Helena. It's in her handwriting, and it's dated
24 December 8, 1980.

25 Q. Was that a statement taken by you?

1 Ted Gunderson Direct Vol. 1, p. 88

2 A. It is.

3 Q. And did you witness it?

4 A. I did.

5 Q. And does your initials or signature appear on it?

6 A. It does.

7 Q. And it was taken on that day?

8 A. It was taken on that day.

9 Q. I'm handing you a document marked Number Eight (8)
10 and ask you to take a look at it and see if you can
11 identify it. (Counsel hands same to witness who
12 peruses same.)

13 A. It's a typed statement dated December 6th, 1980; it's
14 signed by Helena, fifty-three (53) pages long.

15 Q. I'm handing you Exhibit 9; could you identify it,
16 please? (Counsel hands same to witness who peruses
17 same.)

18 A. Exhibit Nine (9) is a one-page statement dated May
19 20, 1982. It's in Helena Stoeckley's own handwriting.

20 Q. Did you take that statement?

21 A. I did.

22 Q. Do your initials appear on it?

23 A. They do.

24 Q. Is that a statement taken on that date?

25 A. It is.

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1 Ted Gunderson Direct Vol. 1, p. 89

2 Q. I'm handing you a document marked Exhibit 10. Would
3 you examine and identify that, please? (Counsel hands
4 same to witness who peruses same.)

5 A. This is a typed statement dated May 24, 1982 signed
6 by Helena. The last two pages of this statement are
7 in Helena's own handwriting. I took this statement;
8 I signed it also, witnessed it.

9 Q. On the date that it bears?

10 A. I did.

11 Q. I'm handing you document Number Eleven (11). Please
12 examine and identify it. (Counsel hands same to
13 witness who peruses same.)

14 A. It's a typed statement dated May 24, 1982, three (3)
15 pages long, signed by Helena Davis. It was taken by
16 me.

17 Q. On that date?

18 A. On that date.

19 Q. And Exhibit Number twelve (12)? (Counsel hands same
20 to witness who peruses same.)

21 A. Exhibit Number twelve (12) is a typed statement --
22 excuse me -- a typed statement dated May 24, 1982,
23 thirty-nine (39) pages long, signed by Helena,
24 taken by me and signed on that same date.

25 Q. Did you participate in any other interviews of Ms.

1 Ted Gunderson Direct Vol. 1, p. 90
2 Stoeckley after the date of 5-24-82?
3 A. I did.
4 Q. Did you prepare a written statement from that
5 interview?
6 A. I did not.
7 Q. Was there a written transcript prepared of that
8 interview?
9 A. There was.
10 Q. Do you have that written transcript here?
11 A. I do.
12 Q. Could you please produce it?
13 A. I'll have to break this book down.
14 Q. Would you take a look at Exhibit Number Thirteen (13)
15 and identify that, please?
16 A. This is a transcript of an interview that I arranged
17 of Helena Stoeckley with Sixty Minutes, the CBS T.V.
18 show.
19 Q. And did you conduct that interview?
20 A. I did.
21 Q. And was it transcribed?
22 A. It was.
23 Q. And did you review the transcript for accuracy?
24 A. I did.
25 Q. And does it accurately reflect the interview which

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1 Ted Gunderson Direct Vol. 1, p. 91
2 occurred at that time?

3 A. It does.

4 Q. Now, these documents, Agent Gunderson -- Mr.
5 Gunderson, do they reflect the -- do these documents
6 reflect all of the written statements that were
7 prepared by you or at your direction or with your
8 assistance from interviews you conducted of Helena
9 Stoeckley?

10 A. All the, what I would say formal interviews. She
11 also wrote me a letter, a copy of which I have in
12 front of me, that I think is pertinent. I don't
13 have the original, I'm sorry. I do have a copy of
14 it, though. But I did show this to the FBI in
15 December, '81.

16
17 _____
18 (DEFENDANT'S EXHIBIT 14,
19 MARKED FOR IDENTIFICATION.)
20 _____

20 Q. (Mr. O'Neill) Could you identify Exhibit Fourteen
21 (14), please?

22 A. It is a handwritten letter from Helena to me dated
23 July 30, 1981 signed "Sincerely, Mrs. Helena Davis".

24 Q. Mr. Gunderson, these interviews which you conducted
25 of Ms. Stoeckley stretched over a period of how long?

1 Ted Gunderson Direct Vol. 1, p. 92

2 A. The first interview was October 24th, 1980 and the
3 last interview was May 27th, 1982.

4 Q. And when those written statements were prepared,
5 they were prepared at or about the time of those
6 interviews, weren't they?

7 A. They were prepared precisely at the time of the
8 interview.

9 Q. Okay. And based upon those interviews and based
10 upon the memoranda which were prepared following
11 them, you conducted your investigation, is that
12 correct?

13 A. To a degree, yes. I had conducted an investigation
14 prior to taking the signed statements from her, but
15 I -- yes, I'd have to say yes.

16 Q. Okay. You have prepared yourself, have you not, an
17 affidavit or declaration which was submitted to this
18 Court in connection with this motion for a new trial,
19 haven't you?

20 A. I have.

21 Q. And was the information which you reported in that
22 affidavit or declaration information which you
23 derived from your interviews with Helena Stoeckley?

24 A. It was.

25 MR. O'NEILL: Your Honor, at this point, I would

1 Ted Gunderson Direct Vol. 1, p. 93
2 move the admission of Exhibits Two (2) through
3 Thirteen (13), those interview memoranda which Mr.
4 Gunderson has just identified.

5 THE COURT: Very well. They'll be admitted.

6 Q. (Mr. O'Neill) Mr. Gunderson, during the course of
7 your investigation and during the course of your
8 interviews, you made some tape recordings, did you
9 not?

10 A. I did.

11 Q. Did you make one or more than one of those tape
12 recordings?

13 A. I made as many interviews on -- conducted as many
14 interviews on tape as Helena would allow me to.

15 Q. Okay.

16 MR. O'NEILL: May I approach the witness, Your
17 Honor?

18 THE COURT: Yes, sir.

19 (Counsel approaches witness.)

20 Q. (Mr. O'Neill) Did you bring those -- the tapes
21 which contained those tape recordings to Court today?

22 A. I did.

23 Q. And are those the tapes which you just handed me?

24 A. They are.
25

1 Ted Gunderson

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2 _____
3 (DEFENDANT'S EXHIBIT 15,
4 MARKED FOR IDENTIFICATION.)
5 _____

6 Q. (Mr. O'Neill) Would you examine Exhibit Fifteen (15),
7 Agent Gunderson? That's a package of three (3)
8 cassette tapes bearing a label with some legend on
9 the front. (Counsel hands same to witness who peruses
10 same.)

11 A. I have examined it.

12 Q. Do you know -- can you identify those three tapes?

13 A. That's an interview with Ernest Davis. The date of
14 the tape is 9-30-80. From that -- this interview,
15 we also took a signed statement.

16 Q. And that was the signed statement which you identified
17 earlier?

18 A. Exactly.

19 _____
20 (DEFENDANT'S EXHIBITS 16 - 20,
21 MARKED FOR IDENTIFICATION.)
22 _____

23 Q. (Mr. O'Neill) Number eighteen (18) is a box -- two
24 boxes of mini-cassettes, containing nine (9) mini-
25 cassettes. Could you identify those, please?

1 Ted Gunderson Direct Vol. 1, p. 95

2 (Counsel hands same to witness who peruses same.)

3 A. This is a tape recording of an interview with Helena
4 Stoeckley May 20, 1982 in Clemson, South Carolina.

5 Q. Could you iden --

6 A. (Interposing) Conducted by me and Mr. Beasley.

7 Q. -- identify Exhibit Sixteen (16) which is a single
8 cassette?

9 A. It's an interview with Helena Stoeckley by me and
10 Mr. Beasley October 23, 1980.

11 THE COURT: What's the Exhibit number?

12 THE WITNESS: Sixteen, Your Honor.

13 Q. (Mr. O'Neill) Would you examine Exhibit Number
14 Seventeen (17) and identify that, please?

15 (Counsel hands same to witness who peruses same.)

16 A. This doesn't have a marking on it, but it says
17 December, 1980; and if it's December, 1980, if it
18 is an interview with Helena Stoeckley, it would have
19 been around December the 4th or 5th.

20 Q. Okay. So, that would be the tape of the session --

21 A. (Interposing) With Helena Stoeck --

22 Q. -- the interview session from which the written
23 statement was derived?

24 A. Right.

25 Q. Take a look at Exhibit Nineteen (19), if you would.

1 Ted Gunderson Direct Vol. 1, p. 96

2 (Counsel hands same to witness who peruses same.)

3 A. It's also a tape dated December, 1980. It may be a
4 continuation of this other tape. In fact, I think
5 it's the first part of this other tape. So,
6 nineteen (19) and seventeen (17) may be the same
7 interview, dated December 5, 1980. And, if that's
8 the case, it's an interview with Helena Stoeckley
9 by Mr. Beasley and me.

10 Q. And Exhibit Twenty (20)? (Counsel hands same to
11 witness who peruses same.)

12 A. Exhibit Twenty (20) is an interview with Helena
13 Stoeckley. There's no date on it, but there's a
14 statement on there re: the placement of the
15 automobile, which would have been probably December
16 the 8th, 1980. I'm not sure about that date.

17 Q. Mr. Gunderson, is that the sum and total of the tape
18 recordings which you have in your possession relative
19 to your interviews of Helena Stoeckley or Ernest
20 Davis?

21 A. It is.

22 MR. O'NEILL: Your Honor, I would move those
23 Exhibits Fifteen (15) through Twenty (20) into
24 evidence, please. I believe they're fifteen (15)
25 through twenty (20).

1 Colloquy

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2 THE COURT: Very well. They'll be received.

3 MR. O'NEILL: Your Honor, I have no further
4 questions of Agent Gunderson.

5 MR. MURTAGH: Your Honor, just a housekeeping
6 matter. What about number fourteen (14)? I
7 understood the witness to identify it, but is counsel
8 not offering it?

9 MR. O'NEILL: Your Honor -- thank you very much.
10 Counsel is offering it. Thanks for reminding me.

11 MR. MURTAGH: You're welcome.

12 THE COURT: Well, I didn't get a fourteen (14).

13 MR. MURTAGH: I think it's a letter, Your
14 Honor. Maybe the witness could enlighten us.

15 MR. O'NEILL: No, we're not offering that one,
16 Your Honor. I thought it was a tape.

17 MR. MURTAGH: You're not offering it? I presume
18 the defense has no objection if the Government offers
19 it at this time.

20 THE COURT: Well, it's been authenticated.
21 That will be up to you whether or not you offer it.

22 MR. MURTAGH: We do, Your Honor. And I think
23 the next number would be Government's Number Nineteen.

24 THE COURT: Well, you're not putting on any
25 evidence right now.

1 Colloquy

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2 MR. MURTAGH: Sir?

3 THE COURT: You're not putting on any evidence
4 right now.

5 MR. MURTAGH: No. We would offer it at a
6 later time.

7
8
9 CROSS-EXAMINATION BY MR. MURTAGH:

10 Q. Mr. Gunderson, let me ask you, where's your office,
11 please?

12 A. Where's my office?

13 Q. Yeah.

14 A. I have an office at 1100 Glendon Avenue, Suite 1200,
15 Los Angeles, 90024.

16 Q. Okay. Now, let me ask you, Mr. Gunderson, do you
17 occupy that office or have you subleased it?

18 A. That office is right now vacant. I'm not occupying
19 it. I have occupied it in the past.

20 Q. But it's not your office now?

21 A. It's available to me for use, but I'm not using it
22 per se as an office.

23 Q. Well, where do you operate out of as a private
24 investigator?

25 A. I operate out of my home at the present time.

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2 Q. And where is your home, sir? Where do you reside,
3 the address, please?

4 A. I have a problem with that question, sir.

5 Q. Well --

6 A. (Interposing) May I discuss my problem?

7 MR. MURTAGH: Your Honor, I would ask that the
8 Court instruct the witness to answer.

9 THE COURT: Well, he has given us his address
10 in Santa Monica, in California. Well, he said he
11 lived there. He didn't give the address.

12 MR. MURTAGH: Yes, Your Honor. It's the
13 address I'm interested in.

14 THE COURT: Well, just give him the address.

15 A. Okay. My present residence is 2621 Westwood
16 Boulevard, Los Angeles, 90069, I believe it is.

17 Q. (Mr. Murtagh) Okay. Mr. Gunderson, do you also
18 receive mail at 2201 Wilshire Boulevard in Santa
19 Monica?

20 A. 2210 --

21 Q. (Interposing) 2210.

22 A. -- Wilshire Boulevard, Suite 422, Santa Monica,
23 900 -- 90403.

24 Q. Okay. And is that a post office box, in effect?

25 A. It's a post office box.

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2 Q. And is the address for that that you gave to the
3 post office 737 South 26th Street, Santa Monica?

4 A. 737? I never gave a 737 South 26th Street.

5 Q. Okay. Whatever. Mr. Gunderson, let me ask you:
6 are you married?

7 A. No, I'm single.

8 Q. Okay. Have you ever been married?

9 A. I have.

10 Q. Okay. Are you divorced then?

11 A. I am.

12 Q. And when did that occur, sir?

13 A. The divorce was final October 15th, 1974.

14 Q. October 15th, 1974. Okay. And you retired from the
15 FBI in March of 1979?

16 A. March 30.

17 Q. March 30. Okay. Now, let me ask you: did you ever
18 have anything to do with the MacDonald case when you
19 were in the Los Angeles Division of the FBI?

20 A. I did not.

21 Q. You did not?

22 A. No.

23 Q. Were you there from August of 1974 through January of
24 1975?

25 A. I was not.