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fact that we let it be known, we let her think that we had somebody on the inside, that's very true. It's a technique that I've used for years. I used it as an FBI agent. Other FBI agents use it on a daily basis, the same as pretext phone calls. And we did this through Ernie Davis.

Q. Okay. But, in fact, you didn't have anybody on the inside?

A. No -- yes, we did, as a matter of fact.

Q. Ernie Davis was in the crime scene?

A. Ernie Davis was the one who gave us the first statement.

Q. I see. But, in other words, you're saying that you didn't actually have someone who could testify that Stoeckley was present?

A. No. We didn't say -- I never told her that.

Q. I see.

A. I let her think that we knew what went on on the inside, which was true. And it was her own husband who gave us that information.

Q. I see.

A. But we didn't tell her it was her own husband.

Q. Okay.

A. So, the statement is accurate.

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2 Q. Fine. Mr. Gunderson, with respect to Defendant's
3 Exhibit Four (4), the 10-24 handwritten statement,
4 is that in your report?

5 A. No, it is not.

6 Q. Okay. Mr. Gunderson, let me hand you Defendant's
7 Exhibit Three (3), the typewritten statement of
8 10-24-80. (Counsel hands same to witness who
9 peruses same.)

10 Let me ask you, Mr. Gunderson, is Defendant's
11 Exhibit 3 the typewritten version of Defendant's
12 Exhibit 4?

13 A. I'd have to check it. I don't know.

14 Q. Well, why don't you take a look?

15 A. (Witness peruses exhibits.) It doesn't look like
16 it is. No, there is some variance here at the first
17 page, so I presume that the rest of it varies, too.

18 Q. Well, which one varies, Mr. Gunderson?

19 A. Well, one, two, three -- fourth paragraph -- excuse me,
20 the fourth paragraph, first page begins, "prior to
21 the murders and on 2-16-70 our cult held a ritual
22 at 1108 Clark Street, Fayetteville, North Carolina.
23 It began at approximately eleven-thirty and lasted
24 approximately one-half hour."

25 And, then, in the typewritten version, it says,

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2 "approximately two weeks prior to this the leaders
3 of the cult met and discussed the possibility of
4 retaliatory acts against Dr. MacDonald." In the
5 next paragraph handwritten is, "before the ritual
6 I had been given the assignment with implicit
7 instruction to determine the movement and whereabouts
8 of Colette that evening."

9 So, it does vary.

10 Q. Well, Mr. Gunderson, I guess my question is, why is
11 there a variance between Defendant's Exhibit 3, the
12 typewritten 10-24-80 statement, and Defendant's
13 Exhibit 4, the handwritten statement?

14 A. As I recall, we took the handwritten statement first,
15 and in order to allow Helena -- we took that, I
16 believe, early in the morning in order to allow
17 Helena to go home. And after reading it over, I
18 felt it was slightly disjointed and needed to be
19 reorganized. And while she was sleeping the next
20 day, we typed up this version in a more neat and
21 better prepared, better organized statement.

22 But basically they contain the same information,
23 as I recall, without reading both statements.

24 Q. Mr. Gunderson, in terms of the terminology used in
25 the 10-24 typewritten statement -- for that matter,

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2 the 10-24 handwritten statement -- whose words are
3 they?

4 A. As I said, on the 10-24-80 statement she was there.
5 On the 10 -- excuse me -- the handwritten statement,
6 she was present. On the other one, I dictated that
7 from this statement --

8 Q. (Interposing) Unh-hunh.

9 A. -- and made it a more complete statement --

10 Q. (Interposing) Okay.

11 A. -- which is a technique that I've used for years in
12 the FBI.

13 Q. Did you delete any information?

14 A. I'll be glad to take the time to read it. It's
15 fifteen (15) pages of each statement. I don't know
16 without reading it.

17 Q. Well, Mr. Gunderson, if you did it would be
18 apparent from a comparison, would it not, of the
19 two statements if there are any deletions?

20 A. I don't know without reading both statements. Would
21 you like to have me take the time to read them both
22 and compare them?

23 Q. Not unless you want to do it with all the statements,
24 in which case I don't think we're going to finish
25 today.

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2 A. That's up to you and the Judge.

3 Q. Okay. Well, my question is: would you agree or

4 disagree that if there are any deletions, assuming

5 for the sake of argument, that it would be apparent

6 by a comparison of the two statements?

7 A. If there are deletions or additions?

8 Q. Yeah.

9 A. I would have to say that if there are any deletions

10 or additions, you know, I would have cleared it with

11 Helena, because Helena initialed each page at the

12 bottom and signed the typewritten statement, or it

13 would have been information she gave us orally that

14 I inserted while she was sleeping.

15 Q. Let me ask you this: is there a reference in either

16 of those two statements to the term "pretext phone

17 call"?

18 A. I don't know. I'd have to read it, sir.

19 Q. Well, why don't you take a look, sir?

20 A. Do you have a specific paragraph or page?

21 Q. Okay. Look at the handwritten statement, sir, which

22 is, what, Defendant's Exhibit 4, the second page,

23 the first paragraph, and if you'd read down about

24 five (5) lines, you'll see it.

25 A. "I made a pretext phone call," right --

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2 Q. (Interposing) Okay.

3 A. -- "to the MacDonald residence."

4 Q. All right. Didn't you just testify a few minutes
5 ago that "pretext phone call" is an FBI technique?

6 A. That's right.

7 Q. Okay. Whose terminology was "pretext phone call,"
8 yours or Helena Stoeckley's?

9 A. Well, I don't know. I mean, she was certainly aware
10 of what a pretext phone call meant, so when I wrote
11 it down, I'm sure she knew exactly what I was talking
12 about.

13 Q. Okay. In fact, Helena Stoeckley had sort of an
14 interest in police procedure, didn't she?

15 A. She was a police buff.

16 Q. Police buff. Let me ask you, Mr. Gunderson, is
17 either Defendant's Exhibit Number three (3) or
18 four (4) in your four-volume report?

19 A. I don't believe they are.

20 Q. Is there any particular reason for that, sir?

21 A. Because I put a statement in there on the 25th,
22 which I felt was more complete than the other two.
23 And rather than --they-- basically all three statements
24 contain the same information, but rather than -- but
25 the statement on the 25th is a better statement, so

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2 I included that in the report.

3 Q. That was -- excuse me. Did you finish your answer?

4 A. Well, it was -- you know, I wasn't trying to conceal
5 it from anybody. I had it, and there was no problem
6 on it.

7 Q. Well, Mr. Gunderson, Defendant's Exhibit two (2), the
8 statement -- the typewritten statement of 10-24,
9 and then the "24" is crossed out and "25" is written
10 at the top.

11 A. Because it was typed on the 24th and signed on the
12 25th.

13 Q. In fact, it was signed early on the morning of the
14 25th?

15 A. I believe it was.

16 Q. How early in the morning, Mr. Gunderson?

17 A. I would say -- I'm guessing -- you know, probably
18 one o'clock, maybe, one-thirty, maybe --

19 Q. (Interposing) Two o'clock, maybe?

20 A. It might have been two o'clock, I'm not sure.

21 Q. Okay. And how long had Helena Stoeckley been
22 interrogated on the 24th?

23 A. I don't recall.

24 Q. Could it have been all day?

25 A. Well, I don't think she was there early in the

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2 morning. She was there late in the morning, I
3 believe, and on in --

4 Q. (Interposing) Well, let's say about eleven, thirty --

5 A. (Interposing) Let me put it -- let me put it this
6 way. Helena Stoeckley understood full well that if
7 she wanted to go home and get a nap she was avail-
8 able to go home and get a nap.

9 Q. Mr. Gunderson, let me ask you, if she wanted to go
10 home to South Carolina, did she have a plane ticket
11 at her disposal in her possession?

12 A. I told her she could go any time she wanted to.

13 Q. Okay. That's not my question. Did she have a plane
14 ticket in her possession?

15 A. I told her I'd pay her way back, yes. No, she didn't
16 have one in her possession.

17 Q. Okay.

18 A. But I never kept her there when she didn't want to
19 stay, and everything that she gave us was voluntary.
20 As a matter of fact, I have in excess of twelve (12)
21 statements, writing and on tape, and in every one of
22 them she begins by saying that she's there voluntarily,
23 she hasn't been promised anything, she's there of her
24 own free will.

25 Q. Well, is that not a standard preamble in FBI --

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2 A. (Interposing) It's a standard preamble, but it's
3 also true.

4 Q. Well, that may be the case, Mr. Gunderson, but is it
5 not a fact that that's also a standard preamble?

6 A. Well, she signed it. She signed the page. She
7 initialed each page and signed the back of the report,
8 so I assumed that it was approved by her. And, in
9 fact, I have one statement --

10 Q. (Interposing) Did you introduce it this morning?

11 A. Yes.

12 Q. Okay. Which one was that?

13 A. I have one statement that deals specifically -- the
14 one-page statement on the 25th of May, 1982 where she
15 deals specifically, and that's all she discusses,
16 the fact that no promises were made to her, that she
17 was there of her own free will and her own volition,
18 and that she was there voluntarily. The whole
19 statement deals with that.

20 Q. Unh-hunh.

21 A. That was one of the statements that I didn't give to
22 the Government because I didn't trust the Government.

23 Q. You didn't trust the Government.

24 A. That's right.

25 Q. Well, let me ask you, Mr. Gunderson, is everything

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2 that Helena Stoeckley told you the truth?

3 A. I don't know if she told me the truth in every
4 instance. I can't say that. All I know is that when
5 I interviewed her, I put the information down that
6 she gave me on paper. I didn't put anything in there
7 that she didn't tell me.

8 Q. Unh-hunh.

9 A. And she initialed and signed it. It's that simple.
10 Now, whether she told me lies or not, I don't know.

11 Q. Okay. Did you --

12 A. (Interposing) Some of the information she gave me
13 has checked out; some of the information has not
14 checked out.

15 Q. Well, tell us what hasn't checked out, Mr. Gunderson?

16 A. Well, I would have to say that there's a possibility,
17 a strong possibility, that she gave us erroneous
18 information when she identified the artist's
19 conceptions which may account for the fact that we
20 thought Mazerolle was out and in the MacDonald house
21 and when, in fact, he could possibly have been in
22 jail. We don't know.

23 Q. Well, but didn't Beasley tell you that he was out
24 also?

25 A. That's true, but I'm talking about Helena Stoeckley.

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2 Q. Okay.

3 A. Because she's identified the artist's conceptions,
4 the four (4) artist's conceptions, as Dwight Smith,
5 Allen Mazerolle, Don Harris and herself. And,
6 therefore, there's a possibility that she gave us the
7 wrong names.

8 Q. Unh-hunh.

9 A. So, when I showed those artist's conceptions to other
10 witnesses, I showed them to them based on a number,
11 not on a name, and then after they identified it,
12 they merely said, that person was in the car or that
13 person was there. And, then, in my report I said
14 that that number corresponds to Allen Mazerolle or
15 Dwight Smith based on what Helena Stoeckley gave me.

16 Q. While you're mentioning that, Mr. Gunderson, do you
17 recall interviewing a lady in Cleveland by the name
18 of Jan Snyder Ault?

19 A. I do.

20 Q. And did you show her the artist's composite drawings?

21 A. I showed everybody I talked to the artist's
22 conceptions.

23 Q. Okay. And did she identify any of the artist's
24 composite drawings?

25 A. She did.

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2 Q. And was one of those, by any chance, composite
3 number forty-four (44)?

4 A. ~~It was the artist's~~ conception that Helena identified
5 as Allen Mazerolle.

6 Q. Okay. So, she has Mazerolle out on the street also?

7 A. We don't know if it was Mazerolle. Helena said it
8 was Maz --

9 Q. (Interposing) Well, didn't she say it was --

10 A. (Interposing) No. No. The artist's conception was
11 identified by Helena Stoeckley as Allen Mazerolle.

12 Q. Unh-hunh.

13 A. I didn't say it was Allen Mazerolle. I've never told
14 the witnesses it was Allen Mazerolle. I've told
15 them, this is the number so-and-so, forty-four (44);
16 did you see this person? I've never given to any of
17 the people I've interviewed leading questions.

18 Q. Okay.

19 A. That includes Jan Ault.

20 Q. But we're still talking about Allen Mazerolle, right?

21 A. We're talking about item number forty-four (44) that
22 I showed her. I'm not saying that it's Allen
23 Mazerolle.

24 Q. Oh. Okay.

25 A. I'm saying that that was -- that Helena Stoeckley

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2 identified forty-four (44) as Allen Mazerolle.

3 Q. Unh-hunh.

4 A. So, I assumed that that was accurate, because a lot
5 of the other information she gave me was accurate.

6 Q. Well, Mr. Gunderson, did Helena Stoeckley not also
7 tell you that -- in her various statements about an
8 episode supposedly in the crime scene in which
9 Dr. MacDonald is awakened by the supposed intruders
10 and asked to provide drugs?

11 A. I believe she told us that.

12 Q. Okay.

13 A. I'd have to check that. Do you know where that is?
14 And before I'd say it's accurate, I'd like to see it.

15 Q. It's in -- look in the 10-25-80 statement, Mr.
16 Gunderson; I think that's number two (2).

17 A. 10-25-80 statement?

18 Q. Unh-hunh (yes). If you'll hang on a second, I'll give
19 you the page. Okay. Look at page, it's fifty (50)
20 from your report. It's about the one --

21 A. (Interposing) Which report?

22 Q. -- two, three -- it's the fourth page of the statement.

23 A. Of the 10-25 statement?

24 Q. Yeah. The last full paragraph.

25 A. Yeah, right. Okay.

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2 Q. "About this time Harris, Mazerolle and Smith --

3 A. (Interposing) Right.

4 Q. -- tried to talk to Dr. MacDonald and he became
5 belligerent and hostile."

6 A. Right.

7 Q. Did you read Dr. MacDonald's various statements and
8 his testimony?

9 A. Yes, unh-hunh.

10 Q. Okay. And let me ask you, was there anything in any
11 of his statements which corroborates this statement?

12 A. I don't recall that there is.

13 Q. Okay. Well, would you disagree with me if I were to
14 say that there was not?

15 A. No, I don't --

16 Q. (Interposing) That MacDonald never recounted this --

17 A. (Interposing) I don't recall that --

18 Q. -- in any of his versions?

19 A. -- he ever said that, right. I don't --

20 MR. O'NEILL: (Interposing) Objection, Your
21 Honor. Calling for speculation.

22 Q. (Mr. Murtagh) Okay.

23 A. I'd like to -- I'd like to point one thing out to
24 you. Again, this is Helena Stoeckley's statement.
25 This isn't my statement. This isn't what I saw

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2 MacDonald testify to or what I read MacDonald said.

3 Q. Right.

4 A. So, -- I mean, we should make that very clear. A good
5 investigator does not put words on one's mouth.

6 Q. Okay. So, if I understand you correctly, Mr.
7 Gunderson, you're not vouching for the truth of
8 what's in these statements?

9 A. All I'm telling you is this is what Helena told me,
10 and I'm not going to say to Helena, now, Helena,
11 Dr. MacDonald said this; don't you want to change your
12 story? That's poor investigative work, sir. And that
13 goes for all of my statements. All I do is put down
14 what they tell me.

15 Q. Okay. Well, let me ask you, Mr. Gunderson, did you
16 ever find any corroborative circumstances that
17 showed -- that corroborated her on this?

18 A. Absolutely.

19 Q. On this?

20 A. No, not on that. On other points --

21 Q. (Interposing) Okay.

22 A. -- which I'd be more than happy to discuss with you.

23 Q. Okay. Yeah. Tell me about the other corroborative
24 points.

25 A. The phone call from Jimmy Friar. During the

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2 interview with Helena, I asked Helena, Helena, when
3 you were in there that night did anything unusual
4 happen? Now, this is on tape, sir, so when you get
5 the tape recordings out and play them back, you'll
6 pick this up.

7 She said, no, nothing happened. I said,
8 Helena, think hard, did something unusual happen that
9 night while you were in there in the house? And I
10 think she said a second time, no, and then all of a
11 sudden she says, oh, yes, it did. I said, what
12 happened? She said, the phone rang. I said -- again,
13 this is on tape, so I'm not making this up; you can
14 review this when you get a chance to look at the
15 tapes -- the phone rang. And I said, what did you
16 do? She said, I answered the phone. I said, tell me
17 about what happened after that.

18 She said, a male asked for Dr. MacDonald. And --
19 a male voice asked for Dr. MacDonald. And I said,
20 what did you do? She said, I laughed. And I said,
21 then what happened? She said, somebody told me to
22 hang up the God damn phone -- I think those were the
23 exact words.

24 And I said, what did you do? She said, I hung
25 up the phone.

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2 I did not, sir, put those words in her mouth.

3 But an affidavit had previously been filed by Jimmy
4 Friar with almost that same identical conversation
5 on Jimmy Friar's part which matched almost to the
6 word exactly what Helena said.

7 Q. Okay. Mr. Gunderson, let me interrupt you for a
8 second. The business about Jimmy Friar wasn't the
9 result of your investigation, was it?

10 A. No, it was not.

11 Q. Didn't it come out during the trial, as a matter of
12 fact?

13 A. It came out prior to when I entered the case. I
14 remember reviewing it, though.

15 Q. Yeah. Well, isn't it a fact that it was known to the
16 defense at the trial?

17 A. I don't know when it was known to the defense. I
18 know there was a declaration on it someplace, in the
19 court records, I believe.

20 Q. Okay. Anything else that corroborates Ms. Stoeckley?

21 A. The hobby horse.

22 Q. Okay. Are you aware that --

23 A. (Interposing) Would you like to have me go over the
24 hobby horse with you?

25 Q. Well, if you're going to tell me that there wasn't a

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2 picture of it introduced at the trial and that
3 appeared --
4 A. (Interposing) I'm not going to tell you that.
5 Q. Okay. Fine. Move on to something else, then.
6 A. No, no. I'm going to tell you about it, but I'm not
7 going to tell you that.
8 Q. Okay.
9 A. The -- we had Helena there in Los Angeles. I asked
10 Helena, I said, Helena, have you ever seen the
11 picture that appeared in the Fayetteville newspaper
12 of the child's room that included the hobby horse?
13 She said, no, I've never seen that before. And, as
14 you recall, that picture did appear a few days after
15 the trial. When I put --
16 Q. (Interposing) After the trial, sir, or after the --
17 A. (Interposing) I mean, after the incident.
18 Q. -- crime?
19 A. After the crime. Excuse me. When I put Helena on a
20 polygraph examination, which she took, I had the
21 polygraph examiner ask her that specific question,
22 if she had ever seen that photograph. And she
23 answered that she had never seen it before, and she
24 passed that, according to the polygraph operator.
25 Q. Unh-hunh. Did you review all the polygraph results

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2 in this case?

3 A. Yes. Mr. Brisentine gave her a polygraph examination
4 in Nashville, Tennessee, and I gave her two
5 examinations.

6 Q. Did you have occasion to review Dr. MacDonald's
7 polygraph examination?

8 A. No, I've never examined that. I tried to get my hands
9 on it.

10 Q. Did they make that available to you?

11 A. I tried to get it. I tried to call Mr. Baxter in
12 San Diego to get it for Mr. O'Neill at his request.
13 Mr. Baxter very con -- has lost it. He doesn't know
14 where it is. Mr. Baxter looked for it for several
15 weeks and couldn't find it. I asked for the charts
16 so we could give it to a polygraph expert.

17 Another area that I think you should be aware
18 of as far as the information that Helena gave us was
19 the German shepherd dog in the backyard. There was a
20 German shepherd dog that belonged to Janice
21 Pendlyshoc. Helena told us that when they went into
22 the house and came out of the house, that dog was
23 there. The dog did not bark when they went in, but
24 when they came out he barked. It was an eighteen
25 month old dog. I asked her to describe the dog. She

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2 described the dog, basically what he looked like,
3 and it fit the -- it matched the German shepherd.

4 Q. Well, Mr. Gunderson, let me ask you: as a result of
5 your investigation, did you determine whether there
6 was any other way that Helena Stoeckley could have
7 known that Janice Pendlyshoc had a German shepherd?

8 A. All I know is that Helena Stoeckley told us that she
9 saw the dog that night.

10 Q. Okay. Well --

11 A. (Interposing) And, of course, if she'd been in the
12 yard before, she could have seen it before naturally.

13

14 (GOVERNMENT'S EXHIBIT 16,
15 MARKED FOR IDENTIFICATION.)

16

17 Q. (Mr. Murtagh) Well, Mr. Gunderson, let me show you
18 what's been marked for identification as Government's
19 Sixteen (16), a clipping from the Fayetteville
20 Observer eighteen, two, seventy, and ask you if you
21 recognize that? (Counsel hands same to witness who
22 peruses same.)

23 A. I've never seen this before.

24 Q. Okay. Would you read the caption?

25 A. (Reading document) "Slaying scene. A neighbor's

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2 dog is still tied to the clothesline post outside the
3 home of Fort Bragg Captain Jeffrey MacDonald as an
4 M.P. stands guard and another soldier looks around on
5 the sidewalk. The MacDonald home was the scene of the
6 murder of his twenty-six year old wife and two small
7 children in the predawn hours Tuesday." This is
8 dated, Fayetteville Observer, eighteen, two,
9 seventy, so that would be February the 18th. It
10 would have been the next day.

11 Q. So, if she had seen the paper, she would have known
12 there was a German --

13 A. (Interposing) She didn't -- she said -- she claims
14 she -- she didn't say one way or the other whether
15 she had ever seen that article.

16 Would you like to have me make the next point,
17 sir, the jewelry box?

18 Q. The jewelry box. Yes, tell us about the jewelry box,
19 Mr. Gunderson.

20 A. I asked Helena to give us -- tell us the location of
21 furniture in the house. And she identified the
22 jewelry box on the lower dresser in the master
23 bedroom. She said exactly where it was located; it
24 was pushed toward the back of the dresser approxi-
25 mately a foot and a half to the left edge. And I

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2 went to Sears Roebuck and obtained some pictures
3 and showed her a number of pictures of jewelry boxes.
4 And she picked one out in particular that matched --
5 that matched that of the MacDonalDs, that most
6 closely matched it.

7 Now, the only problem with that is Helena
8 told us that she'd been in the house in another
9 signed statement three weeks prior to that, so
10 conceivably she could have --

11 Q. (Interposing) She had been in the house before the
12 murders?

13 A. That's right. That was in the signed statement, sir.

14 Q. Oh, yes.

15 A. Three weeks prior. So, conceivably, she could have
16 seen it there that night.

17 Q. Could she not have also seen it in the crime scene
18 photographs that she was shown on the witness stand
19 when she testified?

20 A. I have Xerox copies of those photographs which I
21 showed to Helena, and I don't know how the original
22 is, but the Xerox copy is extremely difficult --

23 Q. (Interposing) Well, we're not talking about the
24 Xerox copy. We're --

25 A. (Interposing) Well, it's possible.

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2 Q. -- talking about the photograph.

3 So, it is possible?

4 A. Yeah, it is possible, certainly.

5 Q. So, she might have seen the jewelry box?

6 A. Right.

7 Q. Okay.

8 A. Another point that Helena gave us that matches
9 information that Mr. Beasley and I developed was the
10 location of the automobiles after the murders.
11 Helena told us, and pointed out, in fact, exactly
12 where they parked the cars, which was in a little
13 cove on Castle Drive located adjacent to 310 or 308
14 Castle Drive. She said that the blue Mustang was
15 there which belonged to -- allegedly belonged to
16 Bruce Fowler, and when they ran out of the house,
17 they ran up and jumped in the car and the car made a
18 "U" turn.

19 I talked to Jan Snyder in December of 1980.
20 Jan Snyder looked out the window, saw not only the
21 blue Mustang but a light-colored or cream car --
22 colored car and she thought an MPG, but at least a
23 Jeep. I asked her which direction the cars left;
24 she said that the one car, the blue Mustang, made a
25 "U" turn and headed back toward the MacDonald house.

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1 Ted Gunderson Cross Vol. 1, p. 174

2 Helena --

3 Q. (Interposing) Mr. Gunderson, let me interrupt you
4 for a second --

5 A. (Interposing) Okay.

6 Q. ~~with respect to Jan Snyder. Did you review her~~
7 ~~Article 32 testimony?~~

8 A. I did.

9 Q. Did you find any inconsistencies between what she
10 told you --

11 A. (Interposing) I did.

12 Q. -- and what she testified to?

13 A. I did.

14 Q. Would you tell us about those?

15 A. I don't know the details right now, but I recall there
16 were some inconsistencies.

17 Q. Well, didn't she say, in substance, that she didn't
18 see anything when she looked out her window that
19 night?

20 A. I'm not sure. She gave me a different story, so I
21 think that's something that should be checked into by
22 the Government.

23 Q. Okay. And she's the one that identified the composite
24 drawing of Mazerolle, number forty-four (44)?

25 A. She identified the composite drawing of number

1 Ted Gunderson Cross Vol. 1, p. 175

2 forty-four. Whether it's Mazerolle or not, I'm not
3 sure. Yeah, right.

4 Q. Well, if it isn't Mazerolle, what does that do to
5 Stoeckley's statement? Isn't Stoeckley saying that's
6 Mazerolle?

7 A. Well, I'm not saying that Helena told us the truth
8 all the time, but I'm telling you now that she did
9 give us some information that was corroborated
10 independently.

11 Q. Okay. So, that's the jewelry box, the German
12 shepherd, --

13 A. (Interposing) The hobby horse.

14 Q. -- the hobby horse, and the blue Mustang.

15 A. And Bruce Fowler's phone call. And also -- I might
16 also mention that as far as Helena told us, she was
17 with Dwight Smith that night and that he wore an
18 Army fatigue jacket with E-6 Sergeant stripes. There
19 are two other people who saw them that night -- with
20 the Army fatigue jacket -- who saw Helena in the
21 presence of a black male with the Army fatigue jacket
22 and the E-6 Sergeant stripes. That was Prince Beasley
23 and one of Prince Beasley's informants, which
24 certainly confirms the fact that she was with a black
25 male with Sergeant stripes.

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2 Q. Mr. Gunderson, let me ask you: in your report did
3 you come across any other information with respect
4 to either, say, Bruce Fowler or Don Harris that
5 indicated that Helena wasn't telling you the accurate
6 story?

7 A. I can't think of anything right offhand.

8 Q. (Interposing) Well --

9 A. There could be some other items in there.

10 Q. -- let me --

11 A. (Interposing) If you'd like to -- if you have
12 something specifically --

13 Q. (Interposing) Yeah, I do.

14 A. -- you'd like to point out, let's review it.

15 Q. Yeah.

16 A. I have one other point I'd like to make.

17 Q. Well, let me -- let me make the point first --

18 A. (Interposing) All right, sir.

19 Q. -- and then you can make yours.

20 With respect to your report, Volume one (I),
21 the copy here is rather illegible, but on page
22 seventy-eight (78), would you agree that this is an
23 interview, a CID interview, of Cathy Smith with the
24 stamp Bernard L. Segal --

25 A. (Interposing) It is.

1 Ted Gunderson Cross Vol. 1, p. 177

2 Q. -- on it?

3 A. It is.

4 Q. And that what I'm handing you is an accurate copy of
5 it but more legible?

6 A. Right.

7 Q. Okay. Would you read the highlighted part?

8 A. (Reading document) "On the night of the murders of
9 the MacDonald family, I was out with one -- with Bruce
10 Fowler and a guy named Charley Brown, Johnny Laafe,
11 and J. C. Conklin. We were at Bruce's trailer on
12 Highway 59 in Fayetteville. At that time Bruce was
13 sharing the trailer with Brown and" -- I can't read
14 that. "We stayed at the trailer until approximately
15 zero, three, three, zero (0330) when Bruce and I
16 returned to the apartment on Clark Street. When we
17 got back Diane Hedden and Don Harris were there
18 painting the apartment.

19 About a half hour later Helena and Greg
20 Mitchell arrived. They had been out in either Greg's
21 yellow Plymouth or Harris' light blue '69 Fairlane
22 GT. They were not in Bruce's blue Mustang because
23 we had it at the trailer. As I remember, we didn't
24 go anywhere after that. Helena went to sleep in the
25 garage apartment because there was no room in the bed

1 Ted Gunderson Cross Vol. 1, p. 178

2 for her with us."

3 Q. Okay. And that's in your report, or a copy --

4 A. (Interposing) That's right.

5 Q. -- of it is? Okay. Now, with respect to Diane
6 Hedden, let me show you another document, page eighty-
7 two (82) of your report, and is it basically the
8 same --

9 A. (Interposing) That's -- I want to emphasize, that's
10 an Army investigation, an Army interview.

11 Q. Right. And what's the date of that interview?

12 A. That's an Army interview on May the 5th, 1971.

13 Q. 1971. So, that was before Stoeckley ever named
14 Dwight Smith --

15 A. (Interposing) Right.

16 Q. -- or Allen Mazerolle --

17 A. (Interposing) Right.

18 Q. -- or anybody else, right?

19 A. Unh-hunh, right.

20 Q. Okay. Now, with respect to the second one, page
21 eighty-two (82), would you agree that this -- that
22 I've identified as U-3, is the CID copy of the
23 interview of Diane Hedden but more legible? (Counsel
24 hands same to witness who peruses same.)

25 A. All right. Army -- again --

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2 Q. (Interposing) And that's in your report.

3 A. Again, an Army interview on May the 7, 1971.

4 Q. All right.

5 A. And it says, "Do you remember the exact date of these
6 murders? It must have been early 19--" -- this is the
7 answer -- "It must have been early 1970, because I
8 remember I was painting the apartment bathroom that
9 night." Do you want me to continue with the next
10 page?

11 Q. Please.

12 A. "I helped mop the floors and clean up the shop and
13 left about one A.M. with Don Harris, another soldier,
14 who was often AWOL. Harris and I went to my
15 apartment on Clark Street. When we arrived at the
16 apartment no one was there. I found a note from
17 Cathy saying she had gone to Bruce's trailer with
18 Bruce, Charley Brown and Johnny Laape" -- Laape is
19 L-a-a-p-e, but I think his name is Laafe. "Harris
20 and I stayed at the apartment all night. He actually
21 fell asleep on the bed while I was painting the
22 apartment wall. Between four and five A.M. I saw
23 John Forrest come home alone. He was dressed in
24 cook's whites and looked like he had just come from
25 work on the post. I said hello to him. I'm not sure,

1 Ted Gunderson Cross Vol. 1, p. 180

2 but I think Harris woke up about the time that he
3 left. I don't know where he went, but I think he had
4 a car. Then I saw Byrd leaving the apartment
5 upstairs," and so on. You quit -- you quit marking
6 it there. And then later on it says, "Cathy came
7 home with Bruce."

8 Q. Okay. So, Mr. Gunderson, would you agree that
9 approximately nine (9) years before Helena Stoeckley
10 ever made the statements to you, other witnesses,
11 Diane Hedden and Cathy Smith, had, in effect, said
12 that Don Harris was with Diane Hedden the night of the
13 murders and that Cathy Smith was with Bruce Fowler in
14 his Mustang?

15 A. I agree that they said that, but I don't necessarily
16 agree that it's true.

17 Q. Well, did you do anything to check it out?

18 A. Sir, I was very limited on my finances. There's a
19 lot of work that remained to be done when I had done
20 this. No, I did not. I -- I couldn't travel. Cathy
21 Smith was in New Jersey the last I heard, and I did
22 not. I didn't have the funds to travel all over the
23 United States.

24 Q. Okay.

25 A. I did the best I could with the money I had.

1 Ted Gunderson Cross Vol. 1, p. 181

2 Q. Well, Mr. Gunderson, this is in Volume one (I) of
3 your report.

4 A. Right.

5 Q. And that report is dated April 11th, 1980.

6 A. Right.

7 Q. Okay. And there are three other volumes --

8 A. (Interposing) Right.

9 Q. -- is that correct?

10 A. Unh-hunh (yes).

11 Q. But you never thought it was important to check those
12 out?

13 A. I wouldn't say it wasn't important. I never said
14 that.

15 Q. Okay.

16 A. Did you see the end of Volume four (IV) where I gave
17 a -- I have a list of about four or five pages of
18 leads that should be handled? And included in the
19 leads were that the suspects should all be checked
20 out; that's in the leads. If you'll pull that lead
21 sheet out, I'll read it to you.

22 Q. Fine. Mr. Gunderson, do you have any independent
23 information that disproves the sworn statement of
24 Cathy Smith or Diane Hedden?

25 A. No, except for the fact that I know, through Helena

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2 Stoeckley, about the reputation of her associates,
3 and I'd say they're highly suspect. And, furthermore,
4 I've seen some of the Army investigation, and it is
5 poor. And, giving them a break, I'd say it's usually
6 a poor investigation, and particularly in this
7 instance, and particularly in this case.

8 Q. Well, let me ask you, Mr. Gunderson, did the Army
9 check out where Mr. Mazerolle was on the night of
10 the murders?

11 A. I don't know if they did or not.

12 Q. Have you seen the affidavit of Mr. Mahon, M-a-h-o-n?

13 A. I don't recall that I saw it.

14 Q. Well, would you disagree with me if I told you that
15 they did check it out?

16 A. And?

17 MR. O'NEILL: Objection, Your Honor. He's
18 asking the witness to speculate as to something
19 regarding which the witness has said he has no
20 knowledge.

21 MR. MURTAGH: I'll withdraw the question, Your
22 Honor.

23 THE COURT: Very well.

24 Q. (Mr. Murtagh) Mr. Gunderson, --

25 A. (Interposing) Sir, may I ask you a question?

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2 Q. No, you may not. I ask --

3 A. (Interposing) Okay.

4 Q. -- the questions, Mr. Gunderson, and --

5 A. (Interposing) All right.

6 Q. -- you respond to them.

7 Mr. Gunderson, with respect to the May 24th
8 statement, all right? And that's defense exhibit --
9 in fact, there were several May 24th statements, were
10 there not?

11 A. They're --

12 Q. (Interposing) I'm referring to the thirty-nine (39)
13 page typewritten statement which is --

14 A. (Interposing) There are three (3) May 24th
15 statements.

16 Q. Okay. And is there not a cassette that goes with
17 them?

18 A. There is.

19 Q. Okay. With respect to the May 24th statement, towards
20 the end of that, does Helena Stoeckley tell you that
21 prior to the murders, some two weeks or so before,
22 they sent a member of the cult to talk to Dr.
23 MacDonald to counsel him about his insensitive
24 attitude towards handling drug abusers?

25 A. Would you dig that section out and let me look at it?

1 Ted Gunderson Cross Vol. 1, p. 184

2 Q. Sure.

3 A. So I can be accurate.

4 Q. Well, let me root around for it later, Mr. Gunderson.

5 Let me ask you, did Helena Stoeckley also tell you
6 on the 24th of May that one of the participants in the
7 murder was an undercover CID agent?

8 A. She made a statement along those lines. I don't
9 remember -- I don't think she said -- no, I don't
10 think she said he was. She said there were two or
11 three members of the cult that were suspected of being
12 undercover CID agents, yes. But she didn't iden --
13 she didn't iden -- she named --

14 Q. (Interposing) She didn't identify the person by name,
15 but she said there was a --

16 A. (Interposing) There were several -- there were two
17 or three who were suspected of being undercover CID
18 agents in her cult. That's right. She did say that.
19 That's from memory.

20 Q. Okay.

21 A. But I'm -- I'm accurate on that.

22 Q. Okay. And you don't recall about the counseling
23 session two weeks before the --

24 A. (Interposing) No. I recall something about it, but
25 I'm not sure about exactly what was said.

1 Ted Gunderson Cross Vol. 1, p. 185

2 Q. Well, with respect to her statement that this
3 occurred, do you recall that?

4 A. No, I wouldn't say anything unless I could see it,
5 because there's something along those lines, but it
6 isn't -- I think -- I think, if my memory is right,
7 but I don't want to have to stick to this without
8 reviewing it --

9 Q. (Interposing) Unh-hunh.

10 A. -- that she said that they sent a representative in
11 to talk to him, but Dr. MacDonald did not know who he
12 was. But --

13 Q. (Interposing) But he was present, Dr. MacDonald?

14 A. I beg your pardon?

15 Q. MacDonald was there?

16 A. Well, I don't think we should go on the record with
17 this until we get the exact statement.

18 Q. Unh-hunh. Well, while I'm looking for this, Mr.
19 Gunderson, let me ask you: did you employ psychics
20 at all in this --

21 A. (Interposing) No, I did not.

22 Q. -- investigation? Have you ever employed psychics --

23 A. (Interposing) Never.

24 Q. -- in investigations? Okay.

25 Have you ever told anybody, specifically Special

1 Ted Gunderson Cross Vol. 1, p. 186

2 Agent Robinson of the Dallas office of the FBI,
3 whether you believed in psychics?

4 A. I don't remember if I told him I believed in them or
5 not, but I've never employed psychics. I've
6 experimented with psychics.

7 Q. Okay. Mr. Gunderson, do you know of any reason why
8 Mr. Beasley would say that one of his assignments was
9 to pick up a couple of female psychics at the
10 airport in Columbia, South Carolina, and point out
11 Helena Stoeckley to them?

12 A. Well, if you're referring to Geraldine Smith and
13 Cathy Taylor, I can tell you the story on that. Is
14 that --

15 Q. (Interposing) Please do.

16 A. -- what you're referring to?

17 Q. Yes.

18 A. First of all, they were not two psychics. Geraldine
19 Smith claims to be a psychic and Cathy Smith is her
20 administrative assistant.

21 Q. I see.

22 A. They came to me, wanted to work the MacDonald case;
23 I told them to go see the client, and it's up to the
24 client. They went down and talked to Phyllis Hughes,
25 Phyllis Hughes asked me to cooperate with them, and I

1 Ted Gunderson Cross Vol. 1, p. 187

2 let them read my report and use my office. And I
3 think in April or May or June, somewhere along in
4 there, they decided they wanted to go back to North
5 or South Carolina, wherever Helena was located, and
6 try to talk to her and get her to whatever -- do
7 whatever.

8 Phyllis Hughes approved of this. I had nothing
9 to do with it.

10 Q. Well, did you make arrangements with Mr. Beasley to
11 meet them?

12 A. Yes, but I had nothing to do with them going out --
13 coming out here. It was Phyllis Hughes' -- it was
14 between Phyllis Hughes and Geraldine Smith.

15 Q. Okay. Now, you mentioned --

16 A. (Interposing) I only -- I only cooperated with them
17 out of the request of the client.

18 Q. Okay. Now, you said that one of these individuals
19 was Cathy Taylor, is that correct?

20 A. Cathy Taylor is her administrative assistant, and
21 Geraldine Smith claims to be a psychic.

22 Q. Okay. Is she?

23 A. I don't know. She claims to be.

24 Q. And you say you let Cathy Taylor use your office?

25 A. I let them both use my office. I gave them some

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2 space there, and they reviewed the report, and they
3 wrote up their own report, which I looked at and
4 (pause) --

5 Q. What was the nature of your relationship with Cathy
6 Taylor, if I may ask?

7 A. What -- what do you mean "the nature of my
8 relationship"?

9 Q. Well, did you have any relationship with Cathy Taylor?

10 A. She ended up leaving Geraldine Smith and worked for
11 me initially on a full-time basis and later on a
12 part-time basis.

13 Q. Do you remember, Mr. Gunderson, providing Special
14 Agent Madden with the FBI a letter written by Phyllis
15 Hughes on December 1st, 1981?

16 A. I do. I gave that letter to him.

17 Q. Okay. And that sort of recounts the details that
18 led up to Helena Stoeckley coming out to California
19 to a certain extent?

20 A. Well, I think she discusses it in the letter.

21 Q. Okay.

22 MR. MURTAGH: And let me have this marked, if
23 I could, as Government's nineteen (19) for
24 identification.

25 A. I'd like to also point out in --

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2 MR. MURTAGH: (Interposing) Hold it just a
3 second, Mr. Gunderson.

4
5 (GOVERNMENT'S EXHIBIT 19,
6 MARKED FOR IDENTIFICATION.)
7

8 Q. (Mr. Murtagh) Let me hand you Government's nineteen
9 (19) for identification and ask you if you recognize
10 it? (Counsel hands same to witness who peruses same.)

11 A. I recognize it.

12 Q. Is that the letter?

13 A. That's the letter.

14 Q. And would you read the second paragraph there?

15 A. (Reading document) "I tried to be as concise in my
16 report as possible. I'll be happy to go into detail
17 any part of the conversation that you might deem
18 necessary."

19 Q. Okay. And then the third paragraph?

20 A. (Reading document) "October 21, 1980, at approxi-
21 mately nine-thirty P.M. I was at your residence
22 in Palisades. I had been having dinner with your
23 daughter, Laurie, and a houseguest of yours, Cathy
24 Taylor. I was" --

25 Q. (Interposing) I'm sorry. Would you say that again?

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2 A. "I had been having dinner with your daughter, Laurie,
3 and a houseguest of yours, Cathy Taylor."

4 Q. Okay. Was Cathy Taylor that same Cathy Taylor?

5 A. It's the same Cathy Taylor.

6 Q. Okay. Was she your houseguest?

7 A. Yes. She had rented a room from me, and my daughter
8 also stayed there. We each had our own bedrooms.

9 Q. Okay.

10 A. Was that the only point you wanted to make on this
11 letter?

12 Q. Yes, Mr. Gunderson, unless you want to read the whole
13 thing.

14 A. I don't see any need to read the whole thing.

15 Q. Okay.

16 A. There was no sexual relationship between Cathy Taylor
17 and me, if that's what you're driving at.

18 Q. Well, I was wondering whether you employed her as a
19 psychic, Mr. Gunderson?

20 A. No, sir. She wasn't a psychic. She never claimed to
21 be a psychic. She was an administrative assistant
22 to --

23 Q. (Interposing) To somebody who said she was a psychic.

24 A. -- Geraldine Smith. Right.

25 Q. I see. Okay.

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2 A. She subsequently moved out and married a fellow who
3 was working with me in my office.

4 Q. Unh-hunh.

5 A. And they're married now, happily married.

6 Q. Unh-hunh. Mr. Gunderson, did you -- you said you
7 read the testimony of Mr. Stombaugh.

8 A. I did.

9 Q. Okay. And did you ever see any of the photographs
10 of the so-called pajama top reconstruction?

11 A. I don't think I ever have, sir.

12 Q. Well, let me ask you: you read Mr. Stombaugh's
13 testimony, and I gather you're familiar with the
14 Government's contention that the holes in the
15 pajama top can be realigned to match the twenty-one
16 ice pick wounds in Colette MacDonald's chest?

17 A. I'm aware of that.

18 Q. Okay.

19 A. They claim it can be done.

20 Q. Sir?

21 A. I'm aware they claim it can be done.

22 Q. Yeah. Well, Mr. Gunderson, did Helena Stoeckley tell
23 you anything at any time which accounts for the holes
24 in the pajama top?

25 A. I don't recall that she ever did.

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2 Q. Well, didn't she tell you that Allen Mazerolle was
3 stabbing at MacDonald with an ice pick?

4 A. I don't re -- I don't think she ever said who had
5 what weapon. I think she said two of them had -- one
6 of them had a club and two of them had knives --

7 Q. (Interposing) Well, didn't she --

8 A. -- or an ice pick and a knife, I'm not sure.

9 Q. Didn't she name Mazerolle as one of the assailants?

10 A. I don't know. I would have to get the statement out
11 and look at it. It's been a long time.

12 Q. (Interposing) Well, --

13 A. It's been four years.

14 Q. -- why don't you look at the statement that's in
15 your report?

16 A. Which statement?

17 Q. Well, Defendant's Exhibit two (2), I believe, is the
18 10-25 statement. It's page fifty-one (51) in your
19 report, and it's one, two, three, four -- the
20 second paragraph, "I thought Dr. MacDonald was faking
21 it because I didn't see anyone hit him in the head.
22 I believe Mazerolle stabbed Dr. MacDonald with an ice
23 pick. I'm not sure if that was the weapon, but there
24 was something in his hand and when he drew back there
25 was blood." Did she make that statement to you?

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2 A. If it's in there, she made it.

3 Q. ~~Are you familiar with the bloody footprint exiting~~
4 ~~from the north bedroom of the crime scene, Kristen's~~
5 ~~bedroom?~~

6 A. I recall reading about it and how the Government
7 accidentally destroyed it.

8 Q. Well, Mr. Gunderson, let me ask you this: did
9 Helena Stoeckley tell you anything that explained
10 how MacDonald's footprint in MacDonald's blood type
11 got in that particular place?

12 A. I don't recall that she ever did. Did you have
13 something to the contrary?

14 Q. No. I'm asking you if she ever said it.

15 A. No. Everything she told me is on paper, sir.

16 Q. Okay.

17 A. Either on tape or on paper.

18 Q. So, would it be accurate to say that Helena
19 Stoeckley doesn't explain any of the physical
20 evidence which the Government contended identified
21 Dr. MacDonald as the criminal agent? And if I'm
22 wrong, please tell me.

23 A. That -- that Helena does not explain -- we didn't go
24 over the evidence point by point --

25 MR. O'NEILL: (Interposing) Objection, Your

1 Ted Gunderson Cross Vol. 1, p. 194

2 Honor.

3 A. -- because I'm not sure that she was aware of the
4 evidence.

5 MR. O'NEILL: Objection, Your Honor. I don't
6 believe Mr. Gunderson has qualified as a -- an
7 expert on criminalistics, if that's the nature of the
8 question.

9 MR. MURTAGH: Well, Your Honor, my question
10 isn't with respect to criminalistics, but just the
11 simple fact of does she explain how the holes got in
12 the pajama top.

13 THE COURT: I thought that's all I heard him
14 ask.

15 MR. O'NEILL: Very well, Your Honor.

16 THE COURT: Overruled.

17 A. No, I don't recall that she ever did. I read Mr.
18 Stombaugh's testimony in detail about the pajama top,
19 and the Government's approach on that is absolutely
20 ridiculous. First of all, the pajama top was supposed
21 to have been loose, they were not held down at all
22 four corners on all four sides, and anybody stabbing --
23 sticking an ice pick or a knife through a piece of
24 cloth that's not tied down on all four sides would
25 move the cloth around; therefore, you'd never come up

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2 with a perfect pattern into the chest. I could take
3 forty-eight holes in anything and end up putting it
4 on a Player piano and playing the Star Spangled
5 Banner out of it, is the way I feel about that
6 testimony.

7 Q. That's fine. And that was an FBI agent, was it not,
8 Mr. Gunderson?

9 A. That was an FBI agent, and I happen to disagree with
10 him.

11 Q. Okay. Well, the jury resolved that against --

12 A. (Interposing) I'm aware of that, but I think it was
13 a mistake.

14 Q. Well, that's fine, Mr. Gunderson. With respect to
15 Helena Stoeckley, she doesn't explain any of this
16 physical evidence, does she?

17 A. I don't know that she knew about that bloody
18 footprint. I don't know that she was aware of the --

19 Q. (Interposing) You mean she wasn't sh --

20 A. -- twenty-one stab wounds in Colette's chest.

21 Q. You mean she wasn't shown the photographs of Kristen's
22 bedroom?

23 A. I don't know -- sir, she was shown those photographs,
24 if she was shown them, before I ever came aboard.

25 Q. I recognize that, Mr. Gunderson.

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2 A. So, I don't know. There was another point I'd like to
3 make about the --

4 Q. (Interposing) Well, Mr. Gunderson, the object of
5 this exercise is I ask the questions --

6 A. (Interposing) It covers --

7 Q. -- and you respond to them.

8 A. Oh, I understand, but it covers a point that we
9 discussed earlier, sir.

10 THE COURT: I'll let him say.

11 MR. MURTAGH: Fine, Your Honor. No problem.

12 A. There were six people, according to the testimony,
13 that Helena talked to where she said she thought she
14 was there but she wasn't sure she was there --

15 Q. (Mr. Murtagh) (Interposing) Excuse me, Mr. Gunderson.
16 Are we talking about the witnesses that testified at
17 the trial?

18 A. Right.

19 MR. MURTAGH: Well, I'm going to object to that,
20 Your Honor. That's --

21 A. (Interposing) Well, all I was going to say is that
22 there were two other -- we located two others who
23 overheard Helena talking about it. One is an ex-
24 convict and Helena has directly talked to him about
25 the situation, and the other --

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2 Q. (Mr. Murtagh) (Interposing) Excuse me, Mr. Gunderson.

3 A. -- was the girl in the park.

4 Q. Let me interrupt you for a second.

5 A. Okay.

6 Q. Thank you for reminding me of that. In your report --

7 THE COURT: (Interposing) Well, I thought I
8 was going to let him finish what he wanted to say.

9 He had a point --

10 MR. MURTAGH: (Interposing) Okay. I'm sorry, --

11 THE COURT: -- he wanted to make --

12 MR. MURTAGH: -- Your Honor.

13 THE COURT: -- and he was about halfway through.

14 Then you can ask him.

15 A. The point I was going to make was that there were two
16 other people who have been located since trial, the
17 one girl who overheard Helena talking in the park
18 here in Fay -- or in Fayetteville, and the other
19 individual is an ex -- was an ex-convict--I don't
20 know if he's still in or not -- who said that Helena
21 talked to him directly about it in the presence of a
22 person he thought was Allen Mazerolle.

23 Q. (Mr. Murtagh) That was going to be my question, Mr.
24 Gunderson.

25 A. Okay.

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2 Q. That's Richard Comisky, isn't it?

3 A. ~~Is he still in jail?~~

4 Q. I don't know, Mr. Gunderson. Is that the individual
5 that --

6 A. (Interposing) Well, I --

7 Q. -- you've obliterated the name from your report.

8 A. Sir, I would rather -- I don't know if he's in jail
9 or not, but if he's in jail and his name comes out
10 and I identify him as the person, then his life could
11 be in danger. You've already endangered my life here
12 today by asking me for my home address.

13 Q. Oh. Well, Mr. Gunderson, be that as it may, with
14 respect to your report with the inmate -- interview
15 of the inmate --

16 A. (Interposing) Yes. His name is blocked out, but I'll
17 only answer that if the Judge tells me to.

18 MR. MURTAGH: Your Honor, here's my point. The
19 defense's declarations appended to the motion for a
20 new trial identify the individual as Richard Comisky.

21 It's obviously the same episode, the park, the
22 reference to the ice pick, and the reference to
23 bringing the spade along, and all the rest of this.

24 I simply want to know if that's the name that Mr.
25 Gunderson obliterated.

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2 THE COURT: I'll let him answer.

3 THE WITNESS: Do you want me to answer that,
4 sir?

5 THE COURT: Yes, sir.

6 A. Yes, it is.

7 Q. (Mr. Murtagh) Thank you.

8 MR. MURTAGH: I have no further questions, Your
9 Honor.

10 THE COURT: Any redirect?

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

12 THE COURT: Call your next witness.

13 MR. O'NEILL: Your Honor, our next witness is
14 Prince Beasley.

15 THE WITNESS: It will take me a few minutes,
16 Judge. It will take me a few minutes to get out of
17 here.

18 THE COURT: The witness is going to want some
19 time now to disorganize. We organized him before.

20 MR. MURTAGH: Your Honor, if I may, with respect
21 to -- I think the Clerk has some problems with the
22 identification of some of the exhibits. And, as I
23 understand it, all of those things have been offered
24 into evidence at this time.

25 THE WITNESS: I'll be glad to work with the young

1 Colloquy

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2 lady. Do you want me to work with you?

3 CLERK: I'm missing number ten (10).

4 THE COURT: Don't go away with anything that has
5 been offered--

6 MR. MURTAGH: (Interposing) Yes, I have --

7 THE COURT: -- and admitted.

8 CLERK: It was admitted. Number ten (10) was
9 admitted, and I don't have it.

10 MR. MURTAGH: Ten? Ten is mine, I believe.
11 That's Government's ten?

12 THE COURT: So, you're the culprit.

13 CLERK: No, defendant's.

14 MR. MURTAGH: Defendant's ten?

15 THE WITNESS: I'll start getting disorganized,
16 Judge.

17 THE COURT: Take your time.

18 MR. MURTAGH: I don't believe I have Defendant's
19 ten (10). It must be up there. What's defendant's 10?

20 THE COURT: Defendant's ten (10) was a typed
21 statement of Stoeckley dated May 24, 1982.

22 MR. MURTAGH: Thirty-nine (39) pages, I believe
23 it is.

24 THE WITNESS: Let's see if I have it here.
25 (Witness peruses documents.) You don't have it?