

Sirhan trial transcript

12-23-68 164

1 to take up and that is the matter of conferences in
2 chambers on matters without requiring the necessity of
3 the defendant's presence.

4 MR. COOPER: Yes, your Honor please.

5 *FOR:* At this time, if your Honor please, I would offer
6 to stipulate and to have the defendant make a statement
7 agreeing that from time to time there are matters that are
8 not formal in nature but only informal in character where
9 it would be helpful both to the Court and counsel for the
10 Prosecution and Defense to confer from time to time in
11 the absence of the defendant.

*see pgs 2651 + 2
and pgs 3900 + 3901 +
3967*

12 Do you agree to do that?
13 *(Sirhan)*
THE DEFENDANT: Yes, I do.

14 *Judge Herbert Walker*
THE COURT: You join in that?

(see below)

15 MR. HOWARD: I will join.

16 THE COURT: Anything further, gentlemen?

17 *(Chief Defense Counsel)*
MR. COOPER: There is one other thing, your Honor
18 please. I think possibly that we should agree in the
19 record, and I request, and now since the case is now set
20 for trial for the 7th of January, and as I have read in
21 the newspaper there is a flu epidemic of an Oriental
22 origin, I think for the sake of everyone, so that we will
23 not have to ask for a continuance, that Mr. Sirhan should
24 be given a flu shot and I think that the Court should
25 consent and the defendant.

26 THE DEFENDANT: Yes, sir.

4

*Sirhan wasn't told about Spec. Ct. # Chapter XVIII a
the agreement bet. prose. & defense
to stipulate to ballistics. Why not prove up foundation?*

1 and I will pick those up in order and ask for a stipulation
2 that this is the bullet or bullet fragment removed from,
3 ^{say} let us Elizabeth Evans, the victim alleged in Count 5 of
4 the Indictment.

5 MR. COOPER: No question about it.

6 MR. FITTS: Up to that point then we have no
7 particular difficulty.

8 Mr. Wolfer I would also want to testify with
9 respect to a bullet fragment that was removed from the
10 Senator's head.

11 MR. COOPER: That will be stipulated to.

12 MR. FITTS: That, of course, was done during the
13 course of surgery and the doctor is going to follow Mr.
14 Wolfer, so --

15 MR. COOPER: Well, now, let me ask you this -- I
16 would object to the necessity of calling that doctor in
17 view of the fact that we are stipulating that all of these
18 others were taken. It merely emphasizes gory details and
19 at this point I would object. That evidence would be
20 cumulative.

21 THE COURT: You make your objections when the time comes.
22 I don't want to sit here in chambers and rule on this, that
23 or the other.

24 I think we ought to get out there and get on
25 with the trial now.

26 Make your objections out there in court and I

Remember the secret sweet heart deal 3 days earlier to stipulate to ballistic evidence. Sison was not informed ~~at~~ this ultimate betrayal by his defense attorney. Prosecution lacked foundation/no problem - look up a deal to stipulate to ballistic evidence 4120

1 LOS ANGELES, CALIFORNIA

MONDAY, FEBRUARY 24, 1969

2 9:20 A.M.

3 - - -

4 (The following proceedings were had in
5 chambers.)

6 MR. MC COWAN: My first one is 3790, Line 1.

7 This is Mr. Compton speaking, "Are we going
8 to a new subject of the Times article?" And he made no
9 differentiation.

10 THE COURT: There would be.

11 MR. MC COWAN: We could insert "instead" between
12 "subject" and "of".

13 THE COURT: What is your next?

14 MR. MC COWAN: The next one, and I just wanted to
15 ask the Court if he could recall. This is 3801 and it
16 was Mr. Cooper speaking, Line 11, and this is first the
17 Court speaking.

18 "At the time of that comment I cited the
19 case of Jones vs. Nevada, which I think held. I
20 think you had some quarrel with it."

21 And then Mr. Cooper said, "We are agreeing
22 to it."

23 Did he say that?

24 THE COURT: That is right. He didn't mean he was
25 agreeing to Jones vs. Nevada, but he was agreeing to give
26 the psychiatric information back and forth.

6

(The following proceedings were had in open court, within the presence and hearing of the jury.)

THE COURT: People vs. Sirhan, let the record show the parties and counsel present, and the jury is in the jury box.

You may proceed, gentlemen.

MR. FITTS: De Wayne Wolfer, please.

THE CLERK: You do solemnly swear the testimony you are about to give in the cause now pending before this Court shall be the truth, the whole truth and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Be seated, please.

State your name, please.

THE WITNESS: It is De Wayne A. Wolfer, and that is D-e W-a-y-n-e W-o-l-f-e-r.

DE WAYNE A. WOLFER,

called as a witness by and on behalf of the People, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FITTS:

Q Your occupation, sir?

A Police Officer for the City of Los Angeles, assigned to the Scientific Investigation Division, Crime

