

IAFS 2002

16th meeting of the International Association of Forensic Sciences

Convention Centre LE CORUM, Montpellier, France – September 2 to 7, 2002

Montpellier March 29, 2002

c/o Day R. Williams, Attorney at Law
MANGAN R.L.
204 N. Minnesota St.
89703-4151 Carson City, NV
USA

E-mail : daywillia@aol.com

Ref. : File Nbr. 679

Please quote this number for any further correspondence

LETTER OF ACCEPTANCE

Dear Sir, Dear Madam,

We are pleased to inform you that the Scientific Committee has accepted your communication proposal *:

SPECIAL EXHIBIT 10 REPORT : BALLISTICS RESEARCH IN THE ASSASSINATION OF SENATOR ROBERT F. KENNEDY
MANGAN R.L.

for an **ORAL presentation** during the IAFS 2002 Meeting. The presentation time is 10 minutes + 5 minutes dedicated to debate.

Your communication will be part of the session **Ballistics** to be held on **Thursday 5**, from **11:00 to 13:00**. You will find the exact time of your presentation in the Preliminary Programme that we will send you along with the registration and accommodation forms.

We recommend you to refer to the IAFS 2002 website (www.iafs2002.com) from April 5, 2002.

The material put at your disposal for your presentation is the following :

- One overhead projector
- Two slide projectors 24 x 36 (type carousel) - screen for double projection
- Computer or video equipment.

In any case, a sheet for the audiovisual equipment required for your communication will be sent to you later on.

We ask you to confirm your agreement by sending back the enclosed document.

According to the regulations, the speakers of accepted free communications who would not have sent their registration form along with the payment **by May 15, 2002** would see their conference removed from the programme and the abstract booklet.

We look forward to welcome you in Montpellier in September 2002 and remain at your disposal for any further information.

Yours sincerely,

The Scientific Secretariat

*** Please : - indicate us any miskey or missing author's name.
- inform us by return if you do not maintain your communication.**

ENC. : 1 page

IAFS 2002 Scientific Secretariat :

Sté INTERNATIONALE DE CONGRES ET SERVICES
337, rue de la Combe Caude
34090 MONTPELLIER - France
Telephone : +33 4 67 63 53 40
Fax : +33 4 67 41 94 27
E-Mail : algcsi@mnet.fr and algcsi@wanadoo.fr

SPECIAL EXHIBIT 10 REPORT

Ballistics Research in the Assassination of Senator Robert F. Kennedy

by
Rose Lynn Mangan

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What is Special Exhibit 10? It is a photomicrograph depicting a comparison of two bullets. The story of Special Exhibit 10 is as follows:

Los Angeles Police Department Officer DeWayne Wolfer was the prosecution's ballistics expert in the trial of Sirhan Bishara Sirhan. Mr. Wolfer identified one of the bullets as the Kennedy neck bullet, and the other, next to it, as his "test" bullet. However, this simple identification was wrong for a number of reasons. The test gun which Officer Wolfer fired on June 6, 1968, was gun # H18602—not the Sirhan gun, whose number is H53725. This wrong gun number (# H18602) is also on the evidence envelope marked People's Exhibit 55. People's Exhibit 55 contains three test bullets and two shell casings.

What does this mean? It means that the test bullet (Wolfer does not know which of his three bullets was the comparison test bullet) in the photomicrograph came from a *different* gun. And this is not all that is wrong with Special Exhibit 10. In 1975, under Superior Court Judge Robert A. Wenke's order calling for the refiring of the Sirhan gun and for the examination of the bullets, the seven criminalists appointed for the task, duplicated Special Exhibit 10 and declared that the Kennedy neck bullet was compared

with the Goldstein bullet— not with Wolfer's "test" bullet. However, that too is incorrect. The comparison test bullet was not the Goldstein bullet, but a substitute bullet from an unknown gun. The Goldstein bullet should have had the engraving "X" on its base which was put there by the operating surgeon, Dr. Finkel. Instead it is engraved with the Panel I.D., "6".

Nor is that the end of this subterfuge. The Kennedy neck bullet (identified at trial as People's Exhibit 47) was engraved on its base by Dr. Thomas Noguchi with the markings "TN 31" (his initials, TN, and the last two digits of this coroner's case, 31), when he removed this neck bullet during the autopsy on June 6, 1968, and as he reported in his autopsy report at page 24. However, the Kennedy neck bullet (People's Exhibit 47) is engraved with the markings "DW TN" on its base, as documented by Patrick Garland, Panel Member and Executive Secretary for the Panel. In short, both bullets depicted in Special Exhibit 10 are substitute bullets and are not the genuine bullets that they were represented to be.

The information I relied on to determine and verify the bullet identification markings is found in the Court Order # 2 Evidence Inventory, which is a five-page addendum to Court Order # 2, dated September 23, 1975. It is shocking to note that this very evidence inventory addendum to Court Order # 2— an official court document — was labeled a "pastiche" and a "creation" of the plaintiff Sirhan Sirhan. California Deputy Attorney General Lou Karlin made this accusation in his Informal Response to Sirhan's Petition for Writ of Habeas Corpus. In short, Karlin attempts to discredit and dismiss the damning Special Exhibit 10 piece of evidence simply because he cannot respond to the charge of bullet substitutions.

Gun # H18602 was in L.A.P.D.'s Property Division on March 1967, more than a year before the assassination of Robert F. Kennedy. Both weapons were Iver-Johnson, .22 caliber, eight-shot revolvers. Gun # 18602, an L.A.P.D. weapon, was taken from a man named Jake Williams who had been arrested as a robbery suspect. Jake Williams never reclaimed his gun, serial number # H18602.

On June 7, 1968, the Los Angeles County Grand Jury received the Sirhan gun into their custody, but no one mentioned or recorded the gun's serial number. Thus, how would anyone know for certain that the gun which the District Attorney gave the Grand Jury was Sirhan's weapon? This is impossible. The gun was merely recorded as "Exhibit # 7". Then, to further confound the gun's authenticity, we have but to read Deputy District Attorney Sidney D. Trapp Jr.'s memorandum to Chief Deputy District Attorney John Howard dated June 7, 1971. This memorandum confirms the ongoing problems with the provenance of the Sirhan gun, as seen in the record of the gun:

Iver Johnson .22 caliber revolver, serial number H53725. This was contained within one large manila envelope which bore the inscription on the outside 'Number 6 and 7'. It is presumed that since the transcript indicated that the gun was number '6' that this is its present number. No exhibit 7 appeared within the envelope.

I examined the gun and its records at the California State Archives. My examination confirmed Mr. Trapp's findings. There are no evidence tags save the trial tag, People's Exhibit 6. There is not even an evidence envelope for the gun in the collection at the Archives. I asked specifically for all of the gun's records to be produced to me to photograph. I emphasize that the only record of evidence with the alleged Sirhan gun, H53725, is the trial tag, People's Exhibit 6. There is nothing else.

After Sirhan Sirhan's trial ended, Criminalist William Harper made an independent investigation. Sirhan's attorneys did not employ him. Mr. Harper discovered that the L.A.P.D. had used a different gun for comparison test bullets. Mr. Harper discovered gun # H18602 on the evidence envelope, an envelope designated People's 55, which contained three test bullets and two shell casings.

L.A.P.D. Officer DeWayne Wolfer testified at both the June 7, 1968 Grand Jury hearing and at the Sirhan trial that he test-fired the Sirhan gun and the bullets from that gun matched the victim bullets. The official 10-volume Special Unit Senator Investigative Report, compiled by the L.A.P.D., was sealed for 20 years. Thus serious researchers were denied access to numerous pertinent records in the case.

But a far more disturbing item of evidence was Court Order # 2. I say this because no one was aware of this record of the description of the identification markings on the bullets' bases. Mr. Harper gave me his entire investigative files on his Sirhan research. His files make no mention of the Court Order # 2 Evidence Inventory. Also, during our many discussions together, Mr. Harper never mentioned the existence of Court Order # 2. In short, he was not aware of it.

L.A.P.D. fired seven test bullets from two different guns. On June 5, 1968, gun # H53725 was fired into the water recovery tank. On June 7, 1968, four bullets were entered into evidence with the Los Angeles County Grand Jury. Mr. Wolfer testified in Judge Wenke's court in 1975, that he marked his initials on all his test bullets. Additionally, in his deposition in Wolfer v. Blehr, C-8080, he stated that he crimped the noses of his test bullets and marked his initials on them.

I examined the secret Court Order # 2 Evidence Inventory at the California State

Archives. Wolfer did not engrave the four Grand Jury test bullets. The only identification markings affixed to these four test bullets were placed on them in 1975. That year, the bullets received the Panel Identifications "D", "E", "F", and "G". However, the three test bullets in People's Exhibit 55 did have the initials "DW" engraved on them and their noses were crimped. These three bullets also received the Panel Identification markings "A", "B", and "C".

The bullet evidence has other problems. The Grand Jury Exhibit 5-B (Panel Identification "D", "E", "F", and "G") bullets had no identification and no crimping—contrary to Wolfer's testimony. Unknown parties substituted four bullets. The bullets were in the custody of the L.A.P.D. To counter this fact, the L.A. District Attorney claimed that a Black Panther who worked in the L.A. County Clerk's office had handled the bullets. This story lacks merit because Judge Alarcon issued an Order that still protected the bullets, and it was still in effect.

The authorities even denied William Harper access to the four bullets. According to the official record, the only persons to view or handle these four test bullets were Ronald M. George (now Chief Justice of the California Supreme Court) and Sirhan's appellate attorney, Luke McKissack. The time period here is post-trial (1969) but pre-Judge Wenke hearings in 1975. The record shows that the bullets have been substituted yet only two people had access to them. Also, Criminalist Lowell Bradford's Report to Judge Wenke, at Sections C and D, states that both "Peo Ex 55 and GJ 5B test bullets have no potential for the examination and comparison of individual characteristics." The Report continues, "The examination results contradict the original identification made at the trial of Sirhan B. Sirhan in that there is no basis for an



identification of any of the victim bullets” ~~Because this is Bradford’s Report, Grand Jury 5B was incorporated under Judge Alarcon’s Order protecting exhibits.~~

The seven examiners did not conduct any comparisons of shell casings. Why not? Two shells casings were in the envelope of People’s Exhibit 55. These two shell casings were removed and withheld from the seven examiners. Another exhibit was withheld from the seven examiners. People’s Exhibit 21 consisted of the eight recovered crime scene shell casings. The examiners never saw these shell casings.

Judge Wenke ordered the examiners to test fire bullets. However, those test bullets and the shell casings are missing from the California State Archives in Sacramento. I asked Nancy Zimmerman, the Archivist in Charge, to produce the bullets and shell casings so that I could photograph them. Zimmerman said that the Archives had never received them. Taxpayers’ money paid for the 1975 test-firing. The bullets and shell casings should have been delivered to the State Archives, along with the other records from Judge Wenke’s Order. But these important items of evidence have vanished.

This brief report covers but one aspect of the numerous problems with the evidence in the Sirhan Sirhan murder case. At Sirhan’s trial in 1969, the prosecutor, David Fitts, told the Court that he could not lay a proper foundation for the admission of the ballistics evidence. Unfortunately, Sirhan’s lead defense counsel, Grant Cooper, stipulated to admission of the ballistics evidence and did not hire a ballistics expert for his client. Due to the absence of a defense record on ballistics, I attempted to create my own chain of custody based on the official records. I discovered that numerous evidence *envelopes* had in fact been substituted. In other words, not only were there

bullet substitutions, there were evidence envelope substitutions. In short, the State has no proper chain of custody, nor can one be created. This appalling record is found in the Court Order # 2 Evidence Inventory which Deputy Attorney General Karlin has desperately tried to disown and discredit. The fact is, the State has tampered with the ballistics evidence, and the State cannot prove that Sirhan Sirhan shot Senator Kennedy.

(Note: Sirhan Sirhan has reviewed and approved this Report.)

Rose Lynn Mangan 12-1-2001
ROSE LYNN MANGAN Date
Carson City, Nevada
United States of America

Index of exhibits with brief explanations of the
Ballistics Research in the Assassination of Senator Robert F. Kennedy
by Rose Lynn Mangan, December 2, 2001

Exhibit A Sirhan letter of authorization.

Exhibit B Page from trial transcript, bullets lack "adequate foundation".

Exhibit C Letter from Lowell Bradford dated March 22, 1999 with copy of Court Order #2 and two copies of Court Order #2 Evidence Inventory. These copies differ in the exclusion of the evidence envelope for the alleged Sirhan gun. Examine John E. Howard's copy of Deputy District Attorney Sidney D. Trapp, Jr.'s memorandum dated June 7, 1971. There is no evidence tag, nor is there a Grand Jury tag. The only tag for the alleged Sirhan gun is the trial exhibit tag #6.

Exhibit D The above-referenced Trapp/Howard Memorandum.

Exhibit E Letter from Lowell Bradford dated November 21, 2001 with his report of serious ballistics problems in the Robert F. Kennedy assassination. His report consists of a three page letter and three enclosures.

Exhibit F Two confidential (declassified in Special Unit Senator Report) letters from Deputy Attorney General Ronald M. George, now chief justice of the California Supreme Court. These amazing letters require no explanation. However, they speak to the impropriety of the defense counsel discussing strategy and bickering between defense counsel.

Exhibit G Photograph of original evidence envelope of the fatal Kennedy mastoid bullet and fragment. The original identification was Item #24 and Item #25. This was altered to #26 and #27. However, there is no item #26 or 27. The original jar containing Item #24 in fact still reads Item #24 and the vial containing bullet fragment still has a slip of paper with they type written Item #25. Now, in addition to altering the original evidence envelope (from #24/25 to 26/27) the information on the evidence envelope in the Patrick Garland Inventory in Court Order #2 has been totally changed. Examine above-cited Exhibit C and under People's Exhibit #48 (this is the trial exhibit number) you will clearly see PC charge (penal code) on the original evidence envelope shows the correct PC charge of 217. The PC charge 187 did not change until 6-6-86 when Sen. Kennedy died. There are simply too many additional problems with the evidence and evidence envelopes to list in this limited report.

Exhibit H Letter from the Greenwald & Greenwald Law firm dated September 5, 1996 to me thanking me for testifying in the Scott Enyart trial against the City of Los Angeles, Los Angeles Police Department, ET AL. (C734190). My research evidence was admitted into evidence over the strenuous objections of defense counsel - in short, as a non professional, I testified about evidence tampering and substitutions I discovered.

Exhibit I Dr. Thomas Noguchi Grand Jury testimony about his engraving TN31 on the base of the Kennedy neck bullet (this became Peoples 47 at the trial). Compare the correct TN31 with the incorrect DWTN in Garland's Court Order No. 2 Evidence Inventory for ~~Dee~~ Ex. 47.

Exhibit J Ira Goldstein was shot in the left buttock in the pantry of the Ambassador Hotel on 6-5-68. Dr. Max Finkel removed this bullet and engraved an X on the base of this bullet. Examine People's 52 (trial identification number) and instead of Finkel's X we see the incorrect number 6 on this bullet's base.

Exhibit K Bradford report of incorrect bullet identification of Special Exhibit 10.

Exhibit L Photographs of Special Exhibit 10.

Exhibit M Kranz Report corroborating misidentification of bullets in Special Ex. 10.

Exhibit N Copy of evidence envelope dated 06-05-68 with gun #H53725.

Exhibit O Copy of Evidence envelope marked Ex. 55 at trial. Notice the gun number is H18602. This is the Jake Williams gun in LAPD custody since March 1967 and destroyed in July 1968.

Exhibit P Evidence envelope for Jake Williams gun #H18602.

Exhibit Q Pantry grid.

Exhibit R This is the Baggett Memo which Sirhan always asks me to include in my reports.

Exhibit S This is the confidential Addenda to the Lowenstein Inquiry. What it really is is a cover-up of a cover-up. Examine the following Exhibit T, a letter from Lowell Bradford dated September 13, 2001.

Exhibit T Examine 11 wherein Mr. Bradford advises me that my statement about the optics of the microscope were faulty, is not correct. He found the optics adequate. He states "My examination of the transparency indicates no fault with the image." I immediately faxed him a copy of the confidential addenda to the Lowenstein Inquiry including the copy of Special Exhibit 10 transparency. I believed this report to be truthful, that the problems of bullet identification were due to a faulty lens. Thus, the misidentification of People's 52, the Goldstein bullet, became entangled with faulty lab equipment. When, that was not at all the case. It was bullet switching from start to finish and planting of a false optics report can't possibly white-wash that dark stain. Then those LAPD lab folks plant that faulty lens story to cover-up the shameful bullet switching of Wolfer's "test" bullet with the "Goldstein" bullet. And, in fact the panelists were also wrong. It was not the Goldstein bullet (remember the engraving on the bullet

base was 6 when it should have been X engraved by Dr. Max Finkle). But the panel members could not have known this as they did not have any of the SUS reports containing information of the correct engraving. In short, the Kennedy neck bullet (Dee^{peo} 47) and Goldstein bullet were imposter bullets. This report addresses but a fraction of the serious wrongdoing I have discovered in the official records. And that is the reason I have turned to not only the court, but the scientific community to conduct an inquiry into my research findings. I do not have to speak a word- let the records scream out for justice. ←

Exhibit U The correct penal code charge on the date June 5, 1968 in California was 217 PC- and no other in the shootings that occurred in the pantry of the Ambassador Hotel in Los Angeles. Please examine the original evidence envelope for the fatal bullet and fragment – originally Item #24 and Item #25 -- altered to the phantom Item #26 and Item #27. Then examine word for word the text of the evidence envelope for People's 48 (the trial number for the fatal bullet). Now, there are a number of other problem evidence envelopes with this substitution problem, however, it is virtually impossible to present the full report in this paper. Therefore, I have selected this as an example of the wholesale insult to the field of criminology.

Exhibit V The correct California Penal Code for murder is 187 PC. The substitution of evidence envelopes were not merely tampered with, they were outright substituted. But, this terrible assault on justice lay buried in the secret Court Order #2 and its accompanying Evidence Inventory by Patrick Garland. I close this little report with the words of Mary Sirhan (Sirhan's mother) "Their lies will someday wash up at their feet... God sees everything."

Thank you for listening to Sirhan and me.

Rose Lynn Mangan
4445 Highway 50 East
Carson City, Nevada 89701

74
3
Sirhan Sirhan
B-21014
4A4R-64R
P.O. Box 3476
Corcoran, CA 93212

December 26, 1993

Ms Rose Lynn Mangan
P.O. Box 56
Dayton, NV 89403

Dear Lynn:

From 1969 to the present, I have been identifying you as an important researcher in my case.

In your continuing capacity as a researcher in my case, I hereby give you full authorization to study all the records and examine or have examined any and all of the physical evidence--including the bullets which were introduced in evidence at my trial--all of which are now located at the California State Archives in Sacramento.

I ask that the state archivists cooperate with you in facilitating your legitimate research into the documents and items abovementioned.

Best wishes,

Sirhan Sirhan
Sirhan Sirhan

(Ex A, 12-2-2001)

Special Exhibit # Chapter IV, d

(Ex B, 12-2-2001)
Serhan trial - in chambers discussion

3967

(4)

Feb 21, 1969

1 to whether each picture that we prepare for the jury is
2 a fair and accurate representation of the original exemplars?

3 (Chief Defense Counsel)

4 MR. COOPER: No, we concede that it is his handwriting,
5 as you know.

6 (Deputy P.A.)

7 MR. FITTS: All right. Now, there is another problem
8 that I'd like to get to with respect to the medical.

9 It is our intention now to call DeWayne Wolfer
10 to testify with respect to his ballistics comparison. Some
11 of the objects or exhibits that he will need illustrative
12 of his testimony will not, because he is being taken
13 somewhat out of order for reasons that we will come to
14 later, will not have adequate foundation, as I will concede
15 at this time.

16 MR. COOPER: You mean the surgeon took it from the
17 body and this sort of thing?

18 MR. FITTS: Well, with respect to the bullets or
19 bullet fragments that came from the alleged victims, it is
20 our understanding that there will be a stipulation that
21 these objects came from the persons whom I say they came from.
22 Is that right?

23 MR. COOPER: So long as you make that avowal, there
24 will be no question about that.

25 MR. FITTS: Fine. Well, we have discussed the matter
26 with Mr. Wolfer as to those envelopes containing those
bullets or bullet fragments; he knows where they came from;
the envelope will be marked with the names of the victims

5

LOWELL W. BRADFORD

(408) 723-1630
Fax (408) 448-7273

*Forensic Scientist
Consultant In Physical Evidence*

P.O. BOX 1148
SAN JOSE, CA 95108

(Exhibit C, 12-2-2001)

March 22, 1999

Lynn Mangan
4445 Highway 50 EAST
Carson City, NV 89701

RE: PEO. V. SIRHAN

Dear Lynn:

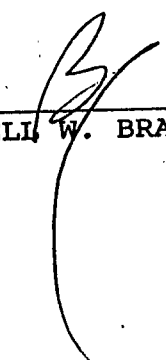
Following are some observations about Court Order No. 2 and the description of Peo. Exhibit #47. Court Order No. 2 consists of two pages of narrative by Judge Wenke. Attached to it is an addendum, consisting of 5 pages. This addendum lists the items of evidence that were submitted to the Panel and confers a Panel Identification Number upon each item that was considered to be relevant to the assignment given to the panel.

This addendum was initially recorded by Pat Garland, who was chosen by the Panel Members to be the Executive Secretary for the group. He first printed a descriptive list of the evidence items being made available to the Panel. It was evaluated for relevance to the proposed panel project. After editing, Panel Numbers were assigned and formalized with Court Order No. 2.

The copy of the addendum that you sent by FAX is a transcription of the final addendum, not an exact replica. However, there are no substantive differences involved. The differences are in format, spelling and type font.

Enclosed is a copy of the complete order and addendum.

Sincerely yours,



LOWELL W. BRADFORD

JOHN H. LARSON, County Counsel
ROBERT C. LYNCH, Assistant Chief
Deputy County Counsel
648 Hall of Administration
500 West Temple Street
Los Angeles, Calif. 90012

Phone: (213) 974-1819

Attorneys for Board of Supervisors
and County Clerk of Los Angeles County

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiffs,)
vs.)
SIRHAN BISHARA SIRHAN,)
Defendant.)

No. A 233 421

ORDER FOR RETESTING
OF EXHIBITS

(Order No. 2)

ARG. COUNTY COUNSEL
OF ADMINISTRATION
CALIFORNIA 90012

JOHN
Lynch

1. The County Clerk shall make available at any time to any member of the panel of firearms experts any of the exhibits listed in paragraph 1 of the Order for Retesting of Exhibits dated September 18, 1975 which may be requested for examination or testing. The County Clerk shall be responsible for the security of all exhibits during examination and testing and at least one member of the County Clerk's Department shall be present at all times during which any exhibit is being examined or tested.

2. The panel of examiners shall place an identifying mark and an index mark on each exhibit. Such marks shall be placed in such a way as not to impair the integrity of the exhibit.

7

3. The panel of firearms experts may examine the photographs and negatives of exhibits made by William Harper and Thomas Noguchi in connection with their examination of the exhibits.

4. The members of the panel of firearms experts shall first determine whether or not the condition of any of the exhibits is such at the present time that a reliable firearms identification can now be made. They may consult with each other in making such determination.

5. The members of the panel of firearms experts shall next examine the exhibits to determine the characteristics specified on page 8, lines 1 through 8, of the Order for Retesting of Exhibits dated September 18, 1975. They may consult with each other in making this determination.

6. In making any examination or test on any exhibit the members of the panel of firearms experts shall not do any act which will impair the integrity of any exhibits.

DATED: 9/23, 1975

Judge of the Superior Court

Bradford (8)

EVIDENCE

Recorded by: P. Garland

Date:

People's
Exhibit
No.

Panel
ID
No.

Description

38 Stapled envelope with 2 tags, Case #A233 421

Envelope Marked:
#46 Vehicle License No. JWS 093
CDW (2 spent slugs) 6-D 38

Envelope marked Panel ID #1 and 1a

Contents: 2 bullets as:
1 1 Lead-uncoated, no ID marking, 2 grooves,
1 1/2 land impressions, wood imbedded in
mushroomed area.

47 Stapled envelope, 2 tags.

Envelope marked 68-5731

Name: Robert Kennedy

Contents: Bullet

Date: June 6, 1968 8:40 a.m.

Signed: Thomas T. Noguchi Initialed DW

Contents

2 1 copper colored coated bullet, hollow point
10 mark "DW" (base) "TN" (base)

48 Envelope Tagged, Case # A 233 421

Marked: Evidence

Date: 6-5-68 D.H.Q. 68521466 (DR #)

Name: Sirhan, Sirhan B. 594 139 (Booking #)

Location: 1212 Shatto Charge: 187 P.C.

Officer: Sgt. Varhey 10833 DHQ

#26 - 1 - Vial w/bullet fragments

#27 - 1 Vial w/bullet Fragments
Kennedy

Contents

3 Vial #24 Initialed D.W. bullet fragments
Badly mutilated copper coated lead bullet
ID mark "DW" Marked 3 on base
4 metal fragments on no value, approx. 7 bone
fragments.

3a Vial #25 Cork marked P-ID-3A
Minute fragment

(9)

People's Exhibit No.	Panel ID No.	Description
50		Envelope Tagged, Case # A 233 421 Marked: Evidence Date: 6-6-68 Div. RAMP DR #68-521466 Name: Sirhan, Sirhan B. Booking # 495139 Location: Kaiser Hospital Charge: 187 P.C. Officer: L.M. Orozco 11072 Ramps. Det. Item #57 <u>2 bullet fragments</u> <u>Schrade</u>
		<u>Contents</u>
	4	Vial: Schrade, Paul Dr. Fuchs DW Item #87 2 small lead fragments Marked P-ID-4 on tap Marked 4 on base
51		Envelope, tagged, Case # A 23 3421 Envelope Marked: Evidence Date: 6-5-68 Div. Homicide Dr. #68-521466 Name: Sirhan, Sirhan B. Booking #495139 Location: 5925 San Vicente Charge: 187 P.C. Officer: J. D. Dill 6215 Wom; Item #105 <u>1-Expended Bullet</u> <u>Stroll</u>
		<u>Contents:</u>
	5	1-copper colored coated bullet, side flattened, initialed on damaged side "DW" (twice), 3 grooves and 2 land impressions.
52		Envelope marked: Evidence Date: 6-5-68 Div. Central DR #68-521466 Name: Sirhan, Sirhan B. Booking # 495139 Location: 16237 Ventura Blvd. Charge 187 P.C. Officer: Feddema 11044 Div. W. Valley Item #113 - 1 - Bullet expended .22 cal. <u>Goldstein</u>
		<u>Contents:</u>
	6	Vial: Bullet from Ira Goldstein Age 19- Dr. M. Finkel Initialed DW P-ID-6 1 copper colored coated bullet, .22 L.R., hollow point, marked "DW" on nose, marked 6 on base.

(10)

People's Exhibit No.	Panel ID No.	Description
53		<p>Tagged Envelope, case #A 233 421 Envelope marked: Evidence Date: 6-5-68 Div. RAMP. DR. #68-521466 Name: Sirhan, Sirhan B. Booking #495139 Officer: Brandt 10004 RAMP. Item #45 <u>2 bullet fragments</u> <u>Evans</u></p> <p>Contents:</p>
	7	<p>Gauze containing approx. 5 fragments. Largest fragment copper coated lead, flattened.</p>
54		<p>Tagged envelope, case # A 233 421 Envelope marked: Evidence Date: 6-6-68 Div. RAMP DR. #68-521466 Name: Sirhan, Sirhan B. Booking #495139 Location: Kaiser Hospital Offense: 187 P.C. Officer: L. M. Orozco 11072 RAMP Item #56 1-bullet expended</p> <p><u>WEISEL</u></p>
	8	<p><u>Contents</u></p> <p>Vial: Weisel, William 6/5/69 Initialed "DW" 1-copper colored coated bullet, .22 l.r. hollow point, marked "LM" on base, "DW" on ogive, 8 on nose.</p>
55		<p>Tagged envelope, case #A 233 421 Envelope Marked: Los Angeles Police Dept. Crime Lab Test Shot Name: Sirhan, S. B. Date 6-6-68 Make: 1 & J Cal. .22 Type rev. No. H 18602 DR 68-521466 Crime: 187 P.C. H-18602 - Cadet model</p>

(11)

People's
Exhibit
No.

Panel
ID
No.

Description

Contents:

A .22 LRHP Copper coated "DW" on crimped nose
B " " " "
C " " " "

Also 2-CCI .22 RM casings, triple triangle

Tagged envelope, case #A 233 421

Envelope marked, victim: Robert Kennedy

Los Angeles Police Dept. Crime Lab Test Shot

Name: Doe, John Date: 6-5-68

Address: _____

Make: Iver Johnson Cal. .22 Type Rev.

No. H53725 DR 68-521466

Crime: 217 P.C. Officer: Melendrez

Signed: DeWayne A. Wolfer

Contents:

D .22 LR H.P. Copper coated, No. ID, "D" on Nose
E .22 LR HP Copper coated, No. ID "E" on nose
F .22 HP Copper coated, No. ID "F" on nose
G .22 LR HP copper coated No. ID, "G" on nose

Tagged Envelope, Case #A 233 421

Envelope Marked: Evidence

Date: 6-5-68 Div. H.D. DR #68; 521-466

People's
Exhibit
No.

Panel
ID
No.

Description

Name: Doe, John Booking # 495-139

Location: Rampart Charge: 217 P.C.

Officer: Calkins 7237 Div. HD

1-Revolver Cal. .22

Contents:

Revolver, Iver Johnson "Cadet", caliber
.22 LR, eight shot, blued steel, serial
number: H53725, Top strap marked:

Iver Johnson Cadet

Mod. 55-SA Pat. Pend.

I.J.A. & C. WKS.

Fitchburg, Mass. U.S.A.

PK 47
L.S. PREPARED
BY GARDNER
RE: C. J. JONES

People's
Exhibit #

Description

- 38 Case A 233421 Stapled envelope 2 tags
Envelope marked #46
1 & 1A Vehicle License # JWS093
CDW (2Spent Slugs) 6-D 38
Envelope marked Panel ID# 1 & 1A
- Contains
1 2 bullets
1 lead-uncoated
No marking ID
2 grooves 1 1/2 land impressions
Wood imbedded in mushroomed area
- 1A 1 Coated bullet
No markings ID
1 land impression
wood imbedded in mushroomed area
- 47 Case A 233421 Stapled envelope 2 tags
Envelope marked 68-5731
Name: Robert Kennedy
Contents: bullet
Date: June 6, 1968 8:40 a.m.
Signed: Thomas T. Noguchi Initialed DW
- Contains 1 bullet, hollow point, coated
ID mark "DW" (base) "TN" (base)
- 48 Case A 233421
Envelope Marked evidence
Date: 6-5-68 D.H.Q. 68521466 (DR #)
Name: Sirhan, Sirhan B. 495139-(Booking)
Location: 1212 Shatto Charge 187 P.C.
Officer: Sgt. Varhey 10833 DHG
#26 - 1 - Vial w/ bullet Fragments
#27 - 1 - Vial w/ bullet Fragments
Kennedy

People's
Exhibit #

Description

3 Vial #24 Initialed DW Bullet Fragments
Badly mutilated copper coated lead bullet
ID Mark "DW" Marked 3 on base
4 metal fragments of no value, approx. 7 bone fragments

3A Vial #25 Cork marked PID 3A
minute fragment

50 Case A 233421
Envelope marked evidence
Date: 6-6-68 Div: Ramp DR# 68-521466
Name: Sirhan, Sirhan B. Booking # 495139
Location: Kaiser Hospital Charge: 187 P.C.
Officer: L.M. Grozco 11072 Ramp Dets
Item #57 2 bullet fragments
Schrade

Contains

4 (small) Vial: Schrader, Paul Dr. Fuchs DW Item #87
& 2 small lead fragments Marked P-ID-4 on tape
4 (large) marked on base
large has war nose copper coated lead
Small copper coated, no ID marks

51 Case A 233421
Envelope marked Evidence
Date: 6-5-68 Div: Homicide DR# 68-521466
Name: Sirhan, Sirhan-B. Booking # 495139
Location: 5925 San Vicente Charge: 187 P.C.
Officer: J.D. Dil 6216 Homicide
Item# 105 1-Expended Bullet
Stroll

5 Contains 1 - copper coated lead bullet
Side flattened initialed on damaged side
"DW" twice 3 grooves 2 land impressions

People's
Exhibit #

Description

52

Envelope marked Evidence
Date: 6-5-68 Div: Central DR# 68-521466
Name: Sirhan, Sirhan B. Booking 495139
Location: 16237 Ventura Blvd. Charge 187 P.C.
Officer: Feddema 11044 Div: West Valley
Item #113 - 1 - Bullet Expended .22 cal.
Goldstein

6

Vial bullet from Ira Goldstein Age 19
Dr. M. Finkel Initialed DW P-ID-6
1 - .22 LR Hollow point copper coated
marked "DW" on nose. Twice. Marked 6 on base.

People's
Exhibit #

Description

53

Case A233421
Envelope marked EVIDENCE
Date 6-5-68 Div.: RAMP Dr. #68-521466
Sirhan, Sirhan B. Booking #495139
Officer: Brandt 10004 RAMP
Item #45
2 bullet fragments

Evans

7

Gauze containing approx. 5 fragments.
Lg. fragment copper coated lead, flattened

54

Case A233421
Envelope marked EVIDENCE
Date 6-6-68 Div.: RAMP Dr. #68-521466
Name: Sirhan, Sirhan B. Booking #495139
Kaiser Hospital Offence: 187 P.C.
Officer: L. M. Grozco 11072 RAMP
Item #56 1 bullet expended

Weisel

8

Vial contains "Weisel, William 6/5/69 Init DW"
.22 L. R. Hollow point, copper plated P-1D-8
Marked "LM" on base "DW" on oline 8 on nose

55

Case A233421
Envelope marked LOS ANGELES POLICE DEPT. CRIME
LAB TEST SHOT
Name: Sirhan, S. B. Date 6-6-68
Make: I & J Cal. .22 Type: Rev.
No.: H18602 Dr. 68-521466
Crime: 187 P.C.
H-18602 - Cadet Model

People's
Exhibit #

Description

A. .22 LR HP Copper plated "DW" on crimped nose

B. " "

C. " "

Also 2-22CCI rimfire cartridge cassings, headstamp

5B

Case A233421

Envelope marked VICTIN: KENNEDY, ROBERT
LOS ANGELES POLICE DEPT.

CRIME LAB TEST SHOT

NAME: DOE, JOHN DATE: 6-5-68,

ADDRESS

MAKE: IVER JOHNSON CAL. .22 TYPE: REV.

NO.: H53725 DR-68-521466

CRIME: 217 P.C. OFFICER MELENDREZ

SIGNED: DeWAYNE A. WOLFER

D. .22 LR HP Copper plated, expanded No ID "D" nose

E. .22 LR HP Copper plated, " No ID "E" in HP

F. " "

G. " "

6

Revolver, Iver Johnson Cadel Model 55-SA
Pat. Pending.

I. J. A. & C. Wks. Fitchburg, Mass. USA

Sn: H-53725

(Exhibit D, 12-2-2001)

91

(18)

MEMORANDUM

TO: JOHN E. HOWARD
Chief Deputy District Attorney

FROM: SIDNEY D. TRAPP, JR.
Deputy District Attorney

SUBJECT: DESCRIPTION OF SIRHAN CASE EXHIBITS

DATE: JUNE 7, 1971

On June 3, 1971, the undersigned accompanied by John Howard visited the Supreme Court Clerk's Office, Old State Building, Los Angeles, California, for the purpose of viewing several Sirhan exhibits which had been delivered to that office from San Francisco at the request of attorney George Shibley. *La May 25/71*

The following exhibits were present and were examined in the presence of the Supreme Court clerk:

Exhibit 6

Large manilla envelope

Iver-Johnson .22 caliber revolver, serial number H-53725. This was contained within one large manilla envelope which bore the inscription on the outside "Number 6 and 7." It is presumed that since the transcript indicates that the gun was numbered "6" that this is its present number. No exhibit 7 appeared within the envelope. *

Exhibit 47

envelope

A bullet, .22 caliber long rifle. This was old Grand Jury exhibit number 5-A. The envelope in which the bullet was found bears Coroner's remarks and DeWayne Wolfer's initials "DW".

Exhibit 48

envelope within an envelope

Contains SUS items number 26 and 27. There was an envelope within an envelope. Contained therein was one vial with a two gram item (believed to be the same as in the photograph number 24), one vial with a black top containing gauze and

*note:

()

No gun 10 number is recorded in LAC 6-7-68 + here we see no exhibit 7 appeared within the envelope containing the alleged Sirhan gun (H53725).

SOURCE, SUS MICROFILM-RECORDS

~~EXHIBIT~~ Chapter I, 6, 1972

(24)

EVALUATION OF SPECIAL EXHIBIT 10

SPECIAL EXHIBIT 10

PEO. V. SIRHAN

The microscopic and photographic details in this photograph are of high quality with no evidence of a problem with the microscope or the photographic process.

In the lower right corner of this photograph, there is an image of a foreign object. This is the result of carelessness on the part of the microscopist in failing to eliminate it from the field of view. The identification of this object at the present time is a matter of speculation, but it is likely that it is related to the bullet mounting device of the bullet on the right.

Regardless of its presence, this artefact does not in any way interfere with the image of the critical area that demonstrates the identification of the bullet striations. The image of the identification area is in perfect focus and contains the normal amount of resolution.



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

STATE BUILDING, LOS ANGELES 90012

July 30, 1971

CONFIDENTIAL

(Exhibit F, 12-2-700)

Mr. Richard Hecht
Deputy District Attorney
600 Hall of Justice
Temple & Broadway
Los Angeles, California 90012

Re: Sirhan Exhibits

Dear Dick:

As I informed you on the telephone, attorney Luke McKissack came to my office today and asked me to accompany him to the Office of the Clerk of the California Supreme Court in order to view grand jury exhibit 5-~~10~~ (the 4 test bullets from Sirhan's gun) in the Sirhan case. He stated that William Harper had called him "in a panic" earlier today, desirous of seeing this exhibit, after having been refused access to it by the clerk. At Harper's request, McKissack proceeded to examine 5-~~10~~ in my presence, along with trial exhibits 6 and 55.

Subsequently McKissack and I returned to my office. McKissack seemed eager to talk about Barbara Blehr's charges and volunteered that he was unaware of them until he read the article in the Los Angeles Times. I inquired why then had he asked for the Sirhan exhibits to be transmitted from the San Francisco office to the Los Angeles office of the Supreme Court prior to the date of Mrs. Blehr's charges. His reply was that Harper had asked him to have these exhibits transmitted so that Harper could further study them, that McKissack was only generally aware of Harper's investigation and not particularly interested in them, and that McKissack felt pressured by other attorneys and by the Sirhan family not to disregard totally the allegations which Harper and Theodore Charak were making.

McKissack denied employing Harper presently or in the past. He volunteered his disbelief in any conspiracy theory concerning Senator Kennedy and voiced

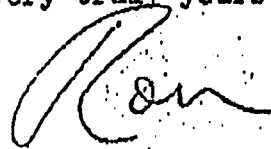
26
Mr. Richard Hecht
Deputy District Attorney
July 30, 1971

Re: Sirhan Exhibits

2.

objection to the polygraphing of personnel in the County Clerk's office, which he termed "harassment." He also volunteered that he had no connection with the current criminal proceedings in the Pratt case.

Very truly yours,



RONALD M. GEORGE
Deputy Attorney General

RMG:ow

cc: Commander George Beck



OFFICE OF THE ATTORNEY GENERAL
Department of Justice
STATE BUILDING, LOS ANGELES 90012

August 4, 1971

132
(27)
CONFIDENTIAL

Mr. Richard Hecht
Deputy District Attorney
600 Hall of Justice
Broadway & Temple
Los Angeles, California 90012

Re: Sirhan case

Dear Dick:

Luke McKissack telephoned me this morning to state that he and Godfrey Isaac had reached an agreement last night regarding their representation of Sirhan. They will be co-counsel (with Shibley) on the appeal. McKissack will remain in over-all control of the appeal and will file a reply brief by September 1, 1971. Isaac will concentrate on the ballistics aspect of the case, but probably by way of extraordinary writ rather than as part of the reply brief. Such a writ would probably be filed in the Supreme Court or, in my opinion, transferred there by any other state court in view of the pendency of the automatic appeal.

McKissack related that the reply brief is being prepared by two law students from Harvard and Yale and that he was awarded a \$1,000 matching fund grant from a New York foundation set up by Ramsey Clark, in order to pay for the services of these law students in the Sirhan case.

From what McKissack said, his alliance with Isaac is a shaky one, and the two have many personal and tactical differences between them. According to McKissack, Isaac is just in the case for the publicity and has had an agreement with Charak that in the event Isaac became counsel of record for Sirhan, Isaac would cease representing Charak. McKissack also states that there has recently been a falling out between Isaac and Charak.

Word had reached McKissack some time ago that Isaac would assume control of the Sirhan case and would announce this at a birthday celebration for Isaac to be held last April.

Spec. Lt. H. H. [unclear] a, pg 17
Chapter

(Source SWS microfilm)

Mr. Richard Hecht
Deputy District Attorney

133
August 4, 1971

(28)

Re: Sirhan case

2.

For some time McKissack has resented efforts by Isaac and Charak to "use" William Harper. In describing these efforts, McKissack referred to Harper variously as "my investigator" and "our investigator" and to having "deputized Harper" to afford him access to the Sirhan exhibits. According to McKissack, Isaac and Charak sought to buy Harper's information regarding the Sirhan ballistics for use in a story to be published in Life Magazine, which turned down the story. Isaac and Charak also attempted to use Harper on other unspecified cases.

Despite these past differences and McKissack's feeling that Isaac's present efforts to represent Sirhan may not comport with professional ethics, McKissack prefers the arrangement of their becoming associated as co-counsel to there being an out-and-out struggle as to who is to represent Sirhan.

As I told you on the phone yesterday, the San Quentin Warden's office feels that Isaac "reached" Sirhan initially through a Mrs. Rose Lynn Massey,* a close friend of Mary Sirhan who frequently accompanies her on visits to see Sirhan. Sirhan was persuaded last week to request a visit from Isaac, which occurred on July 31, 1971, at which time a substitution of counsel was signed by Sirhan and Isaac. Mrs. Isaac was also present.

Yesterday Mrs. Massey received a message at San Quentin to be sure to phone Isaac's wife prior to visiting Sirhan with Mrs. Sirhan that morning. Later in the day McKissack met with Sirhan, who stated his desire to have McKissack continue on the case but to have Isaac explore the ballistics question. According to McKissack, Sirhan had been led to believe that he would be out of prison in a week from now after a court hearing on the ballistics question.

The Warden's office states that Isaac lists his wife as his investigator. McKissack relates that Mrs. Isaac will be visiting Sirhan in the next couple of days. McKissack views her employment as a "sex trip" device by Isaac designed to exert some control over Sirhan by

* My former name was Massey

Spec. Ex. # Chapter XV a, 2 pg 17

134 (29)

Mr. Richard Hecht
Deputy District Attorney

August 4, 1971

Re: Sirhan case

3.

providing him with female companionship, thus giving Sirhan something to daydream over in his spare hours. McKissack relates that Mrs. Isaac "comes on strong" and is rather "obvious."

Very truly yours,



RONALD M. GEORGE
Deputy Attorney General

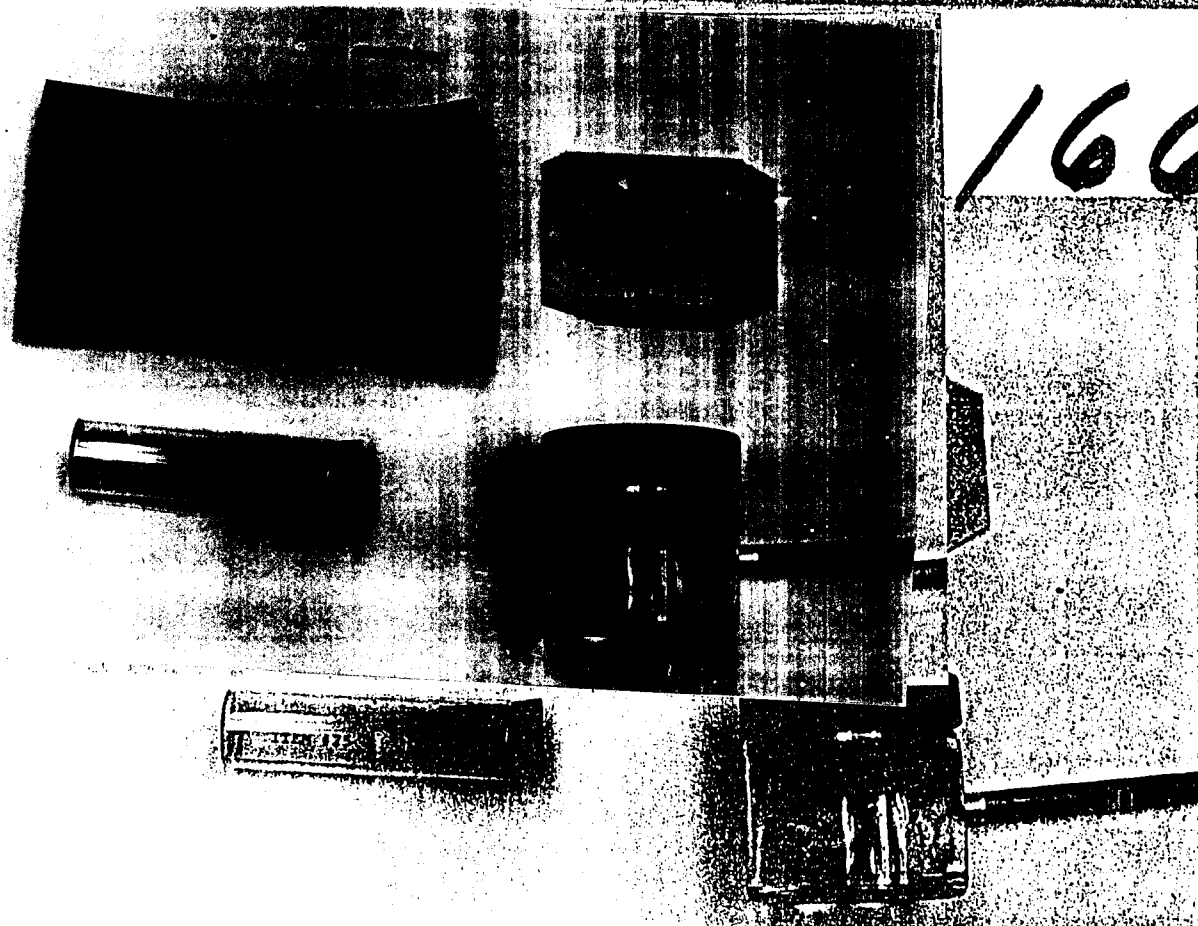
I was shocked to learn Sirhan's Appellate Attorney was reporting to Rm George (presently Chief Justice Calif State Supreme Court). This is nothing short of amazing. R. L. Mangum

RMG:cw

cc: Commander George Beck

(Commanding Officer of Tactical Operations Group)

~~Spec. & H. Chapter XV a, 3 p. 17~~



(Exhibit 9, 12-2-2001)

~~Spec CH Chapter XXI~~ C1-2
pg 26

(31)
170

LAW OFFICES OF
ALVIN G. GREENWALD & RANDY GREENWALD
A PROFESSIONAL CORPORATION

6010 WILSHIRE BOULEVARD, SUITE 500
LOS ANGELES, CALIFORNIA 90036

ALVIN G. GREENWALD
RANDY GREENWALD
CHRISTINE L. HARWELL

TELEPHONE (213) 954-1318
FAX (213) 954-1339

(Exhibit H, 12-2-2001)
September 5, 1996

Ms. Rose Lynn Mangan
4445 Highway 50-E
Carson City, Nevada 89701

Sent by Fed Ex

Re: Enyart v. City of Los Angeles

Dear Lynn:

We are sending a copy of the tape of your testimony in the above entitled case. Sorry for the delay in getting it to you.

As I've told you, your testimony was extremely valuable to the presentation of Mr. Enyart's case against the City of Los Angeles. It is with deep gratitude that we extend our sincere thanks and appreciation for your appearing and testifying last month.

We know you have conducted investigations into areas of the RFK assassination investigation well beyond the issues in Mr. Enyart's case and that your great wealth of knowledge will be rewarded by your continued pursuit of the truth in that case. We wish you all the greatest success and good fortune.

Very truly yours,

ALVIN G. GREENWALD & RANDY GREENWALD
A Professional Corporation

Alvin

Alvin G. Greenwald

Christine Harwell

Christine L. Harwell

Spec. Ex. # Chapter XXI de, (pg 27)

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):
ALVIN G. GREENWALD & RANDY GREENWALD, APC (213) 954-1315
Christine L. Harwell, Esq. SB# 80162 Fax (213) 954-1339
5010 Wilshire Blvd., Suite 500
Los Angeles, CA 90036

ATTORNEY FOR (Name): JAMIE SCOTT ENYART
NAME OF COURT: LOS ANGELES SUPERIOR COURT
STREET ADDRESS: 111 North Hill Street, Dept. 3
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, California 90012
BRANCH NAME: Central District

PLAINTIFF/PETITIONER: JAMIE SCOTT ENYART
DEFENDANT/RESPONDENT: CITY OF LOS ANGELES, LOS ANGELES
POLICE DEPARTMENT, ET AL.

CASE NUMBER:
C 734190

CIVIL SUBPENA
☒ Duces Tecum

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (NAME): ROSE LYNN MANGAN
4445 Highway 50E
Carson City, Nevada 89701

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make a special agreement with the person named in item 3:

a. Date: June 24, 1996 Time: 9:00 AM ☒ Dept.: 3 ☐ Div.: ☐ Room:
b. Address: 111 North Hill Street
Los Angeles, California 90012

2. AND YOU ARE

- a. ☒ ordered to appear in person.
b. ☐ not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 1 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
c. ☒ ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.

3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:
a. Name: Christine L. Harwell, Esq.
b. Telephone number: (213) 954-1315

4. Witness Fees: You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 3.

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: May 31, 1996
Christine L. Harwell
(TYPE OR PRINT NAME)

Christine L. Harwell
(SIGNATURE OF PERSON ISSUING SUBPENA)
Attorney for Plaintiff, Jamie Scott En
(TITLE)

(See reverse for proof of service)

CIVIL SUBPENA

Code of Civil Procedure, §§ 1985, 1986, 1987

(72)
(Exhibit I, 12-2-2001)

(33)

Dr. Thomas Noguchi's testimony, L.A. County Grand Jury 22
6-7-68

1 MR. MINER: Mr. Foreman, I have here an envelope
2 marked 5-A. May this be Grand Jury Exhibit 5-A?

3 THE FOREMAN: Permission granted.

4 Q BY MR. MINER: Doctor, I show you Grand
5 Jury Exhibit 5-A, and I ask whether or not that --

6 MR. MINER: In marking that, Mr. Foreman, may the
7 envelope and its contents be marked 5-A?

8 THE FOREMAN: So ordered.

9 Q BY MR. MINER: Is the contents of 5-A the
10 bullet that you retrieved from Senator Kennedy's back?

11 Would you examine the contents, please?

12 A Yes. This is the bullet which I
13 personally retrieved from the Senator Kennedy.

14 Q And how do you know that that is the bullet
15 that you retrieved?

16 A Well, I placed my identifying mark, T.N.,
17 my initials, and last number of a Medical Examiner
18 Coroner's Case Number 68-5731; so I placed "31," -- it is
19 very clearly visible on the base of this bullet.

20 Q After you retrieved Grand Jury Exhibit 5-A
21 from Senator Kennedy's back and you marked it as you have
22 described, what did you do with Grand Jury Exhibit 5-A,
23 the bullet?

24 A After documented, I handed it to the
25 authorized detective who was present at the special
26 autopsy room and the person representing was from the

(Exhibit J, 12-2-2001)

203

(34)

Valerie Schulte, a "Kennedy Girl," was sitting on the floor next to Goldstein. She had crawled past Schrade after being knocked down. Schulte observed Goldstein as he spoke to Ethel Kennedy. Goldstein asked, "How is the Senator?" Ethel Kennedy replied, "How dare you talk about my husband," and then slapped Goldstein. Goldstein stated, "Listen, lady, I've been shot too." Mrs. Kennedy replied, "I'm sorry." Larry Jackson had observed Goldstein fall to the floor and went to his aid. He picked Goldstein up and assisted him to a chair.

Goldstein received emergency treatment for a gunshot wound of the left buttocks area at Central Receiving Hospital and was transferred to Encino Hospital, 15237 Ventura Boulevard, Los Angeles.

Dr. Eugene Gettleman, the family physician, examined Goldstein at 3 a.m. The patient's condition was good, and there were no signs of shock or hemorrhage. The bullet was in the left buttocks area and about three inches from the point of entry. Dr. Max Finkel took X-rays that showed no bone, arterial or nerve damage. A deformed bullet was removed and marked with an "X" by Dr. Finkel. Dr. Finkel stated he had performed many operations on gunshot wounds, and the bullet obviously was a .22 caliber. The nurse assisting in the surgery was Helen Powers, R.N.

Source

SUS *microfilm*

Ch ~~XXI~~ 7 4

add to Exhibit J

Sirhan and feels he is very knowledgeable regarding horses. Sirhan told Field that he trained horses. Field states Sirhan drove a 1953 or 1954 De Soto convertible and that he associated with four or five other Arabs. Field could not identify Sirhan's photograph.

202

FIN, EVELYN SIMS (MRS.)

Mrs. Fin reported that on June 4, 1968, she was at the United States National Bank, 1255 North Lake Street, Pasadena when the bank opened. She saw a male, Cuban, 30, 5'9", 150, black curly hair, in front of the bank. She believed this person is related to Sirhan as his face was identical except older. The man ran into the bank and went to teller, Nellie Coumans. He withdrew a sum of money and rushed from the bank.

NOTE: Mrs. Fin was shown photographs of Munir Sirhan, Adel Sirhan, Saidallah Sirhan, Nabil Khoury and Sirhan Sirhan and stated that the suspect's picture was not in the photographs. Mrs. Fin was in the company of Beatrice Moore.

FINEBERG, SHERWOOD, DR.

Dr. Fineberg assisted Dr. Cozen in the operation of Irwin Stroll at the Midway Hospital.

FINEMAN, TOM

Mr. Fineman arrived at the Ambassador Hotel with Mark Mittock on June 4, 1968, 9 p.m. They went to the Embassy Room and entered by using a press pass obtained from an unknown male. He remained in the Embassy Room during the victory speech. He heard four loud pops in rapid succession and heard someone in the crowd state, "Kennedy has been shot."

FINKEL, MAD R., DR.

Dr. Finkel removed the bullet from Ira Goldstein at approximately 3 a.m., on June 5, 1968. He reported that Goldstein appeared to be in moderate pain, and had sustained a superficial gunshot wound in the left thigh. X-rays showed no bone damage, arterial or nerve injury. He removed the bullet and scratched a mark on the base so that he could identify it at a later date. He stated he has performed many operations on gunshot wounds and described this bullet as a .22 caliber. He placed the bullet in a glass vial labeling it with the patients name, date and time of removal and gave it to a Los Angeles Police Department officer. He discharged Goldstein on June 13, 1968.

Los Angeles Police Department

REPORT NO. 9
PROGRESS REPORT - CASE PREPARATION FOR TRIAL

201

Dr. Nathan Lewis Cozen - Physician for Mr. Stroll

On the morning of 6-5-68, witness was contacted by Mrs. Stroll, mother of victim Stroll and was informed that victim Stroll was in Central Receiving Hospital and that he was to be transferred to Midway Hospital. She stated that her son had been a victim of a gun shot wound. Witness arrived at hospital, examined victim who complained of pain in left leg. Witness observed bleeding of wound located in the mid third of lower left leg. Wound was swollen and tender, x-rays were taken, witness obtained the services of Dr. Sherwood Fineberg and after consultation it was agreed bullet should be removed. Location of bullet was bedded deep in calf next to bone. Operation was performed by witness and bullet was removed.

Witness unable to identify caliber and did not mark it. Bullet was flattened and deformed, witness later released it to LAPD officers.

Dr. Max F. Finkel - Called in by Dr. Gettelman, Family Doctor for Mr. Goldstein

Witness received phone call from witness Dr. Gettelman, family doctor of victim Goldstein. Witness requested to go to Encino Hospital where upon arrival he examined victim Goldstein, victim in moderate pain and had sustained superficial gun shot wound to the left thigh, x-ray showed no bone damage nor arterial or nerve injury. Witness removed bullet and marked it with an "X" with the base being the portion marked. Bullet was retained by witness, placed in small glass jar and labeled with victim's name. Bullet and jar turned over to LAPD officers. Witness again on the 11th and 18th of June treated victim and on last occasion discharged him from further treatment.

Dr. Nat Downs Reid - Assisting Physician on Kennedy Operation

This doctor received a phone call at home requesting he report to Good Samaritan Hospital. He arrived at approximately 1:00 am, and was met by Dr. Cuneo and Dr. Adler. They examined x-rays and all agreed an operation should be done. Dr. Adler and I performed the surgery together. I removed lead fragments from the mastoid area and adjacent cerebellum. In addition to the lead fragments I also removed bone fragments. Two wounds in the right armpit were explored. One bullet had lodged in the back of the neck, created no problem at this time. At this time the patient's blood pressure had gone up quite high. The surgery was restricted to the area of the head. Major portion of the operation concerned removing blood clots which had caused pressure on nerves. All lead fragments were turned over to a police officer at the time of surgery. The police photographer took pictures prior to surgery.

Dr. Paul Terrance Worklake - Pathologist Good Samaritan Hospital

Witness is a pathologist and represents the lab at Good Samaritan Hospital. On the morning of June 5, 1968, he was contacted and instructed to report to the hospital. At the hospital he was informed that Senator Kennedy had been shot and was going to be operated on.

Continued

add to exhibit 5

Ch. XXI p. 2

(99)

(35)

Birdland Report 1975
(Exhibit K, 12-2-200)

K. Special Exhibit 10 has "69-521466 Kennedy bullet comparison" written on it at the top of the envelope and "Wolfer S.I.D." at the bottom. It contains two 4" x 5" black and white photo negatives and four contact prints therefrom. In the Special Hearing transcript on page 55 lines 14 and 26, the witness, Wolfer, identifies the bullets in this comparison photomicrograph as Peo Ex. 47 and one of his test bullets. Examination shows this to be incorrect, the two bullets have been determined to be Peo Ex. 47 on the left and Peo Ex 52 on the right when viewing the negative with the film identification notches in the upper left position.

L. On the question of whether or not more than one gun was used to fire any of the evidence bullets, the fact that there is no identification of the various victim bullets with the Sirhan gun leaves the question open. However, there is no substantive evidence through the examinations to date to suggest that a second gun is involved. The similarities between Peo Ex. 47 and 54 and between Peo Ex. 52 and 54 together with witness observations and uniformity of class characteristics of all bullets involved tend to weigh against the possibility of a second gun unless it were of identical class characteristics as the Sirhan gun and using ammunition of class characteristics identical with the Sirhan ammunition.

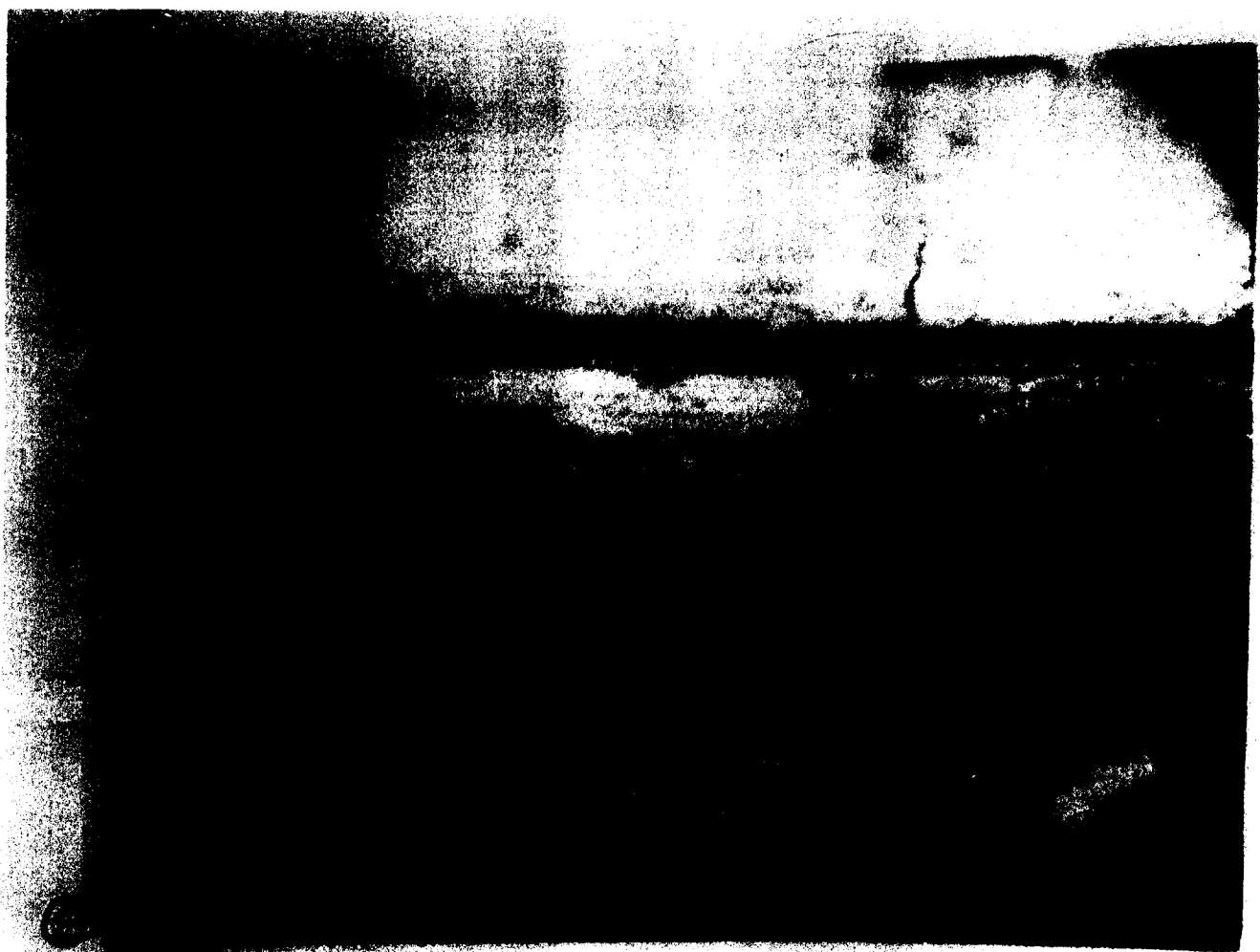
V. Appendices:

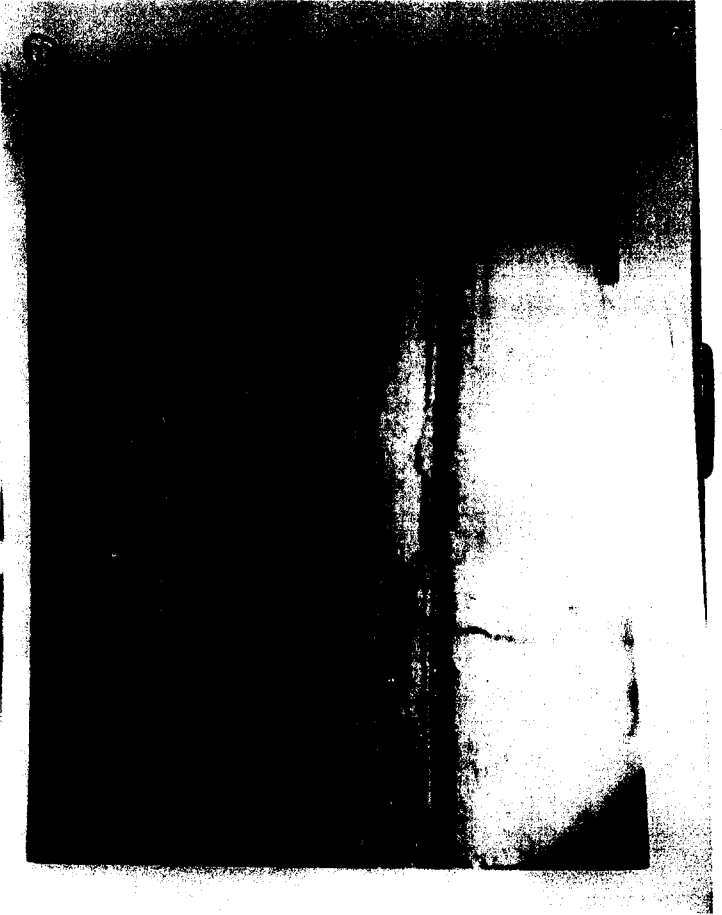
1. Reference Court Order one through five are incorporated by reference.
2. Special Hearing Transcript September 16, 17, 18, 1975 is incorporated by reference.
3. Examiners Master Photo File is incorporated by reference.
4. Bullet worksheet (Common form)
5. Recapitulation and tabulation of findings with attached comparison worksheets (Common form)

1975 fire arms examiner's report re 47/52
(Wolfer incorrectly reported the Goldstein bullet
was his "test" bullet from the H2O recovery tank
from that gun H/8602 - wing gun)

722

ok

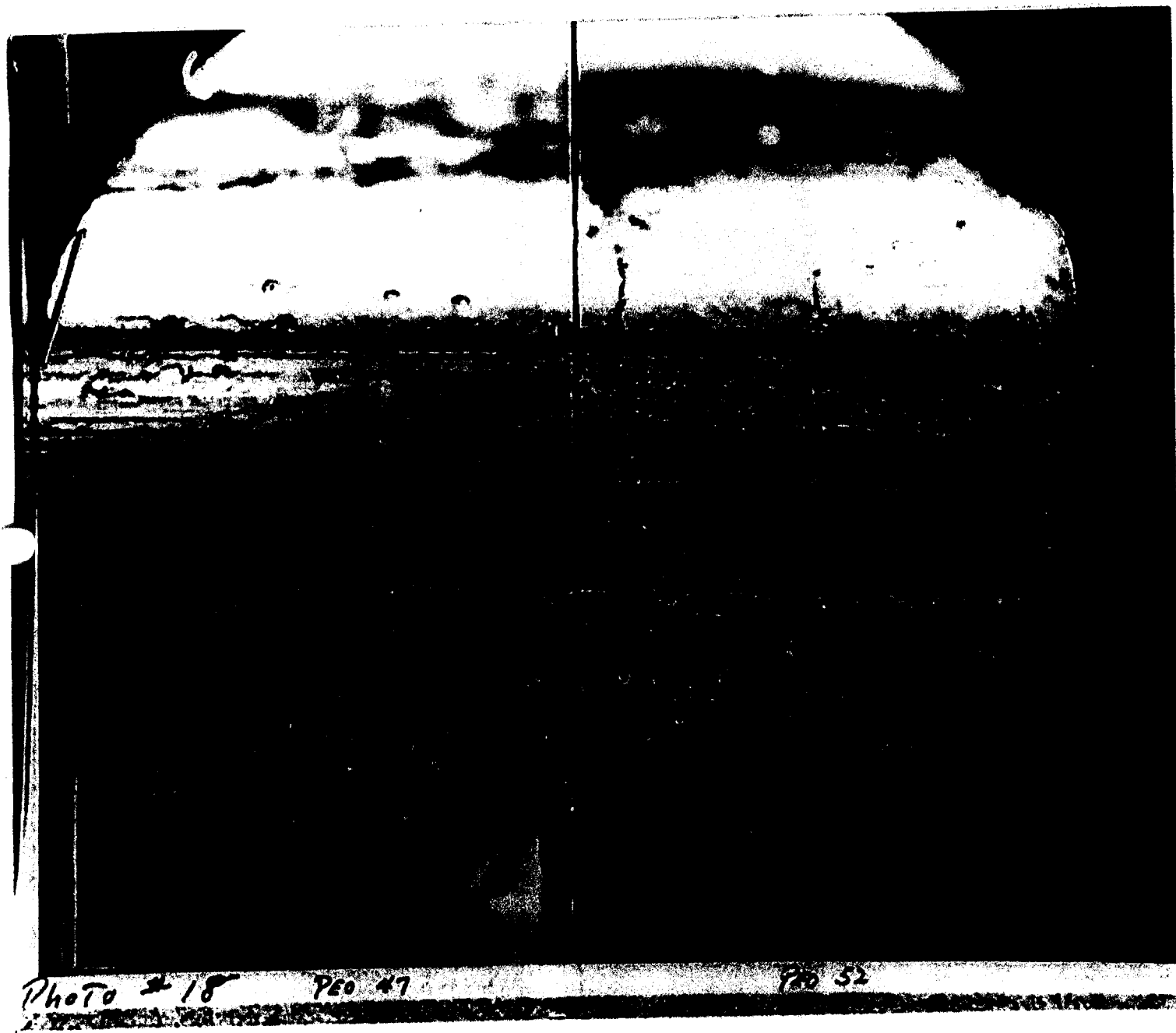




↑ Wilder activities Spae 4/10 to present
in 1975 examination



← Grenada's
process of this
artificial (reborn)
of Wilder's
Spae, 4/10
by the award
and list on R is
not "top" quality



(Exhibit M 12-2-2001)

Kranz Report 47/52 (note "test" bullet)

153

Additional Wolfer Testimony

Wolfer also testified at the September 1975 hearing that the one photograph he produced (that the experts later determined to be a photograph of People's 47 and People's 52) was actually, according to Wolfer, a photograph of People's 47 and a test bullet. He could not remember and could not tell by any indentations or markings on the photograph which test bullet it had been. The seven experts determined by an analysis of the other photographs and the bullets themselves that Wolfer was mistaken in his identification of the picture as being that of Exhibit 47 and a test bullet, for in reality, it was a photo of 47 and 52.

Wolfer also testified that he received the Sirhan weapon on June 5, 1968, and commenced test firing into the water tank and recovered seven of his test fired copper coated bullets. He initiated the comparison of bullets the next day, on June 6, although his log was deficient in its description of a test firing conducted or documentation as to the method of test firing and comparison of the bullets. No additional documents concerning the test firing were supplied or filed with the court. Wolfer also testified that no photographs had been made or taken for any comparison microscopic findings, and that the photograph he took was purely a simple photograph and not a comparison study. Moreover, there were no photographs of phase marks of the evidence bullets, and Wolfer was unable to identify whether he had actually made phase marks on the bullets during his analysis in 1968. Wolfer could not remember whether he had compared the Kennedy (47) bullet to the Weisel (54) bullet, the two more perfect comparison bullets. Wolfer only remembered that in 1968 he compared one test fired bullet with the Kennedy (47) bullet to make his 1969 trial observation that "no other gun in the world had fired the evidence bullets."

Additionally, in 1975, Wolfer could not remember if he had compared the Weisel (54) and Goldstein (52) bullets. Wolfer stated on examination that he did not make any rifling pitch tests. He did not remember if he had made photographs of the seven test fired bullets individually, or made photographs of the seven recovered evidence bullets. Wolfer was positive that he had used one of the seven test fired bullets (which particular one he could not recall, and he did not have any of the bullets marked or identified) to compare with the Kennedy bullet, Exhibit 47. Wolfer did remember that he had checked all the cannellures on all the test fired bullets and the evidence bullets and that they had all matched. But again there was no written documentation of this in any of the progress reports.

~~Spec. Dist. Chapter XIX a)~~

VICTIM: KENNEDY, ROBERT

note test
date 6-5-68

and different
gun number

LOS ANGELES POLICE DEPT.
CRIME LAB TEST SHOT

NAME DOE, JOHN DATE 6-5-68

ADDRESS _____

MAKE Zver Johnson CAL. 22 TYPE REV

NO. H53725 DR 68-521466

CRIME 217 P.C. OFFICER MELENDEZ

(Exhibit N, 12-2-2001)

Delaware A. Wolfer

6
7
(Compare with "B" in Lawton's) Letter of A is available

Sheet # ~~17~~ a

109 (38)

EX 46

LOS ANGELES POLICE DEPT.
CRIME LAB TEST SHOT

NAME Sturhan, J. B. DATE 6-6-68

ADDRESS _____

NAME E. J. CAL. 22 TYPE Rev

NO. H18602 DR. 68-521466

CRIME 187P.C. OFFICER _____

H-18602-CADET MODEL

(Exhibit O, 12-2-2001)

B

(Source S.U.S. microfilm) Spec. Ex. # c pg 14

126 (39)

EX 47

~~207~~

(40)

(Exhibit P, 12-2-2001)

103

Los Angeles Police Dept.
Crime Lab Test Shot

LOS ANGELES POLICE DEPT.
CRIME LAB TEST SHOT
NAME William J. DATE 3/22/67
FIREARMS
LAB. 77 CAL. 7.62
NO. 18602 LR. 67021065
CRIME _____ OFFICER _____

(Exhibit Q) 37
12-2-209 36

ABCDEF GHIJ @ Ambassador Hotel, L.A., Ca.
country prepared from trial transcripts
- Sirhan B. Sirhan trial -

(p. 41)

U+ Uno Timanson 33

JG Jack 28
Bullivan

MW Michael 26
Wayne
GP George 25
Plimpton

S Sirhan 20

JP Jesus 16
Perez

KU Karl 15
Ucker

K Kennedy 14

IR Juan 13
Romero

EM Ed 12
Minassian

IG Ira 11
Goldstein

VS Valerie 9
Schulte

JU Jesse 8
Umrich

PS Paul 7
Schrade

VD Vincent 6
De Piero

BB Bill 4
Barry

IS Irwin 3
Strail

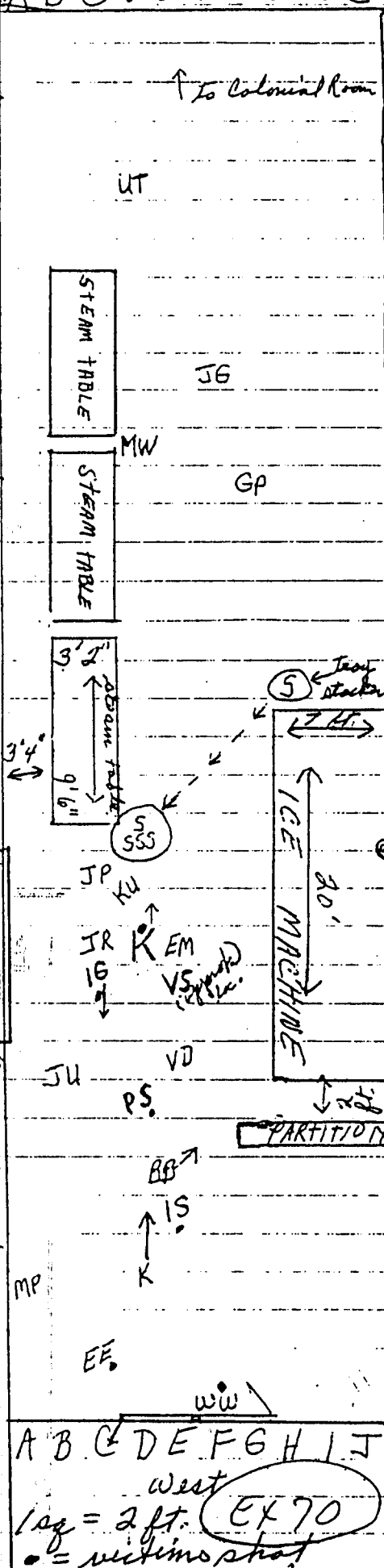
MP Martin 1
Petrusky

EE Elizabeth

Evans

WW William

Weisel



33 D Uno Timanson (hotel employee)

28 F Jack Bullivan (advance man)

26 D Michael Wayne (holding a rolled up paper)

25 G George Plimpton 3722

SP (16 D) Barry saw S @ 16 D 345

Wicker saw S @ 16 D 3096

Romero saw S @ 16 D 3189

V. B. L. Piro saw S @ 16 D 3241

15C Jesse Perez 3377

@ 15C Karl Ucker heard fireworks 3121

13E Angelo Di Piero saw K on floor @ 13E pg 333

13E Ed Minassian 3154

13C Juan Romero 3188-3200

12- Valerie Schulte

12C Ira Goldstein shot in buttock 3740 (p. 3)

10E Vincent Di Piero t.t. 3211, 3212

10A Jesse Umrich

9 D-E Paul Schrade, shot in head 3708, 10, (Pgs. 50)

7 D-E Bill Barry FBI t.t. 3452

6E Irwin Strail, shot below (4) knee (Pgs. 51) t.t. 398.

4A Martin Petrusky t.t. 3386

2C Elizabeth Evans shot in head

1F Wm. Weisel, shot in abdomen (Pgs. 54) t.t. pg. 4003

* Where witnesses were specific abt their locations - transcript pages not

(for Criminalist Wm. Harper)

(42)

(Exhibit R, 12-2-2001)



Date _____

from the desk of...

DEPUTY CHIEF JOHN A. MCALLISTER

Mac-

this doesn't
appear to require
any action, but
I think we
should monitor.

I think wolver
and the investigator
who handled
should go wps

SIRHAN

HYCON BALLISCAW CAMERA
~~HY CON CAMERA~~

GOSSETT PANASCOPIC CAMERA.

LARRY BAGGETT PANASCOPIC CAMERA
REPORTPHOTOS BY TED CHARACH & ENLARGED
20 X. OCT/NOV. 1973

1. Wm HARPER PASA. CRIMIN
2. PROF. HERB. LEON McDONELL OF
CORNING COMM. COLLEGE & ELMIRA
COLLEGE, N.Y. DIR. FORENSIC SCI.

IVER JOHNSON, 22 CADET # H53725
DMARK - C.C. 1.WEISER BULLET CONSISTENT W DMARK
KENNEDY " MFG BY FED CANT.
Co. OR SOME OTHER

HYCON BALLISANIC CAMERA.

DIFF. OF $\frac{1}{2}$ DEGREE IN RIFLING ANGLES.
KENNEDY BULLET FIRED FROM BARREL
WITH SHARPER RIFLING THAN WEISER

CONCLUSION

1. KENNEDY & WEISER BULLETS
NOT FIRED FROM SAME GUN.
2. KENNEDY BULLET NOT FIRED
FROM SIRHAN'S REVOLVER.

SID TRAPP VAN NOYS D.A.
FOR HYCON INFO.
DEPT 53 974-5679 V.N. 873-5674
AVOID PHIL ROBERTSON OF HYCON.

CORONER HAS HYCON BALLISANIC CAMERA
CO. # 309260 COST \$3500
ACTRON INDUSTRIES INC.
SUBSID. OF McDONNELL-DOUGLAS
700 ROYAL OAKS DR., MONROVIA
#359-8216

1. INT. PATCHETT RE: EXPERT OPINION
OTHER THAN WOLFER'S ON BALLISAN
2. TALK TO SID ABOUT
PROFESSOR.
3. DEB. D.A. DINKO BOZANICH

(Exhibit S, 12-2-2001)

Sirhan, B-21014

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(46)

CONFIDENTIAL ADDENDA

TO

THE LOWENSTEIN INQUIRY

This separate addenda contains confidential information relative to the questions submitted by Allard Lowenstein. The information has not been revealed prior to this report and may conflict with previous statements made by the Chief of Police and other officials.

Serious consideration should be given to the release of this information.

(47)
Suhar, B-2/0/4
156

There exists a photograph of the Kennedy bullet and a test bullet taken through a comparison microscope showing one Land comparison.

It is not intended to be a bullet striation identification comparison because the lighting and details of the bullet are not displayed in the proper position.

The photograph is an overall photo not shot for striation detail.

The photograph is of a groove made by a Land in the barrel of the gun; the principal area of the photo is referred to as "one Land width." The area on either side of this Land width depicts a partial groove marking.

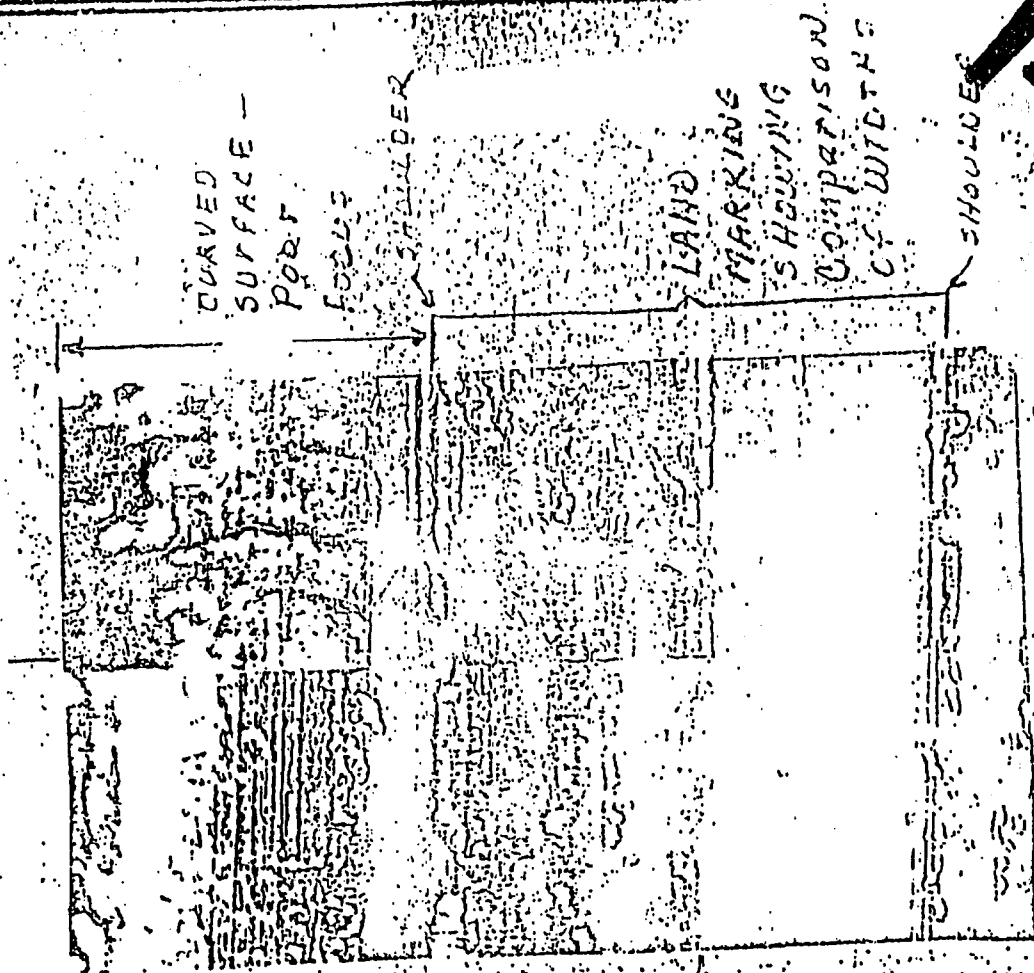
X The fuzzy area on the left side of the photo is due to a deficiency in the optics of the microscope. This defect has existed since the Department first received the microscope and efforts to correct the defect have been unsuccessful.

The defect was a subject in the Kirschke case. The photograph shows identical Land widths between the Kennedy and test bullet. It also shows a comparison area between the shoulders of the Land widths. This comparison area is located approximately in the center of the shoulders.

The existence of this photograph is believed to be unknown by anyone outside of this Department. It should be effective rebuttal evidence were this case ever to be retried. However, the release of this information at this time would be susceptible to criticism because lay people would in all probability have difficulty deciphering the photograph. The issue as to its not being revealed at an earlier time may further make its authenticity suspect, particularly to the avid, exact assassination buff.

Spec. 84 # Chapter XX a 2 (of 23)

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Bullet No. 1 ← Bullet No. 2

COMPARISON AREA

attempting to
I am reproducing
this microfilm
transparencies
for comparison
purposes

44-38861-1000

(Exhibit 1, 12-2-2001)

LOWELL W. BRADFORD

Forensic Scientist

Consultant In Physical Evidence

P.O. BOX 1148

SAN JOSE, CA 95108

(49)
(408) 723-1630
Fax (408) 448-7273

September 13, 2001

Dear Lynn,

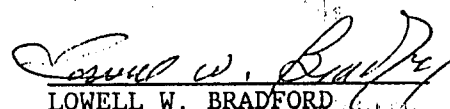
I am sorry that it has taken so long to produce the reproduction of the Joling slide. The notation on the slide cover states that it was made from a slide in the hands of Noguchi.

As a matter of record there are four different demonstrative photomicrographs of the identification of the RFK neck bullet(47) with the Goldstein bullet(52). Item II. is a copy of Item I. Items I., III. and IV. have been all taken by different people at different times. They are as follows:

- I. A 4"x5" black and white negative and print by Wolfer, purported to be EX 47 versus one versus his test bullets. Wolfer did not produce this negative, it was unexpectedly discovered by the Panel in a number of records obtained from the LAPD evidence clerk. During Panel procedures Wolfer was called to explain some inconsistencies in his laboratory work and his trial testimony. This photomicrograph was, under oath, identified by him as an identification of the JFK neck bullet with one of his test bullets from the Sirhan revolver. The Panel determined that the bullet on the left is the neck bullet. The bullet on the right is Exhibit 52, the Goldstein bullet
- II. A 35mm color photo transparency, which is a copy of the "4x5" print described in I. above. This item was given by Dr. Noguchi to Robert Joling, who gave it to me. Your research paper at part 2, xix, page one, first paragraph states that "optics of the microscope" were faulty. My examination of the transparency indicates no fault with the image. It's quality is equal to Items I., III., and IV. There is an intrusive object in the lower right corner of the field of view. I suspect that it is the result of excess modeling clay, which is used to mount the bullet on a holder.
- III. I personally photographed the same bullets as displayed in the comparison microscope by the Wolfer photo.
- IV. The Panel, as a group, made this same identification that I did, and made a color process 8"x10" print.

I don't know whether or not this information is of any value to you, but if it is, feel free to quote.

Sincerely yours,


LOWELL W. BRADFORD

→ § 217. **Assault with intent to commit murder: [Punishment].** Every person who assaults another with intent to commit murder, is punishable by imprisonment in the state prison not less than one nor more than fourteen years. [1872.] *Cal Jur 2d Homi § 160; Witkin Crimes pp 245, 246.*

§ 217.1. **[Attempt to kill or assault upon governmental officers: Punishment.]** Every person who attempts to kill, or who commits any assault upon the President or Vice President of the United States, the governor of any state or territory, any United States Justice or Judge, or the secretary of any of the executive departments of the United States, is guilty of a felony and is punishable by imprisonment in the state prison for not less than 10 years. [1953 ch 32 § 2.] *Cal Jur 2d Homi § 160.*

§ 218. **[Train-wrecking: Acts intended to wreck: Punishment.]** Every person who unlawfully throws out a switch, removes a rail, or places any obstruction on any railroad with the intention of derailing any passenger, freight or other train, car or engine, or who unlawfully places any dynamite or other explosive material or any other obstruction upon or near the track of any railroad with the intention of blowing up or derailing any such train, car or engine, or who unlawfully sets fire to any railroad bridge or trestle, over which any such train, car or engine must pass with the intention of wrecking such train, car or engine, is guilty of a felony, and shall be punished by imprisonment in the State prison for life without possibility of parole. [1891 ch 204 § 1; 1905 ch 495 § 1; 1941 ch 993 § 1.] *11 Cal Jur 3d Carriers § 8; Cal Jur 2d Crim L §§ 87, 271, Explos § 15, Pris & P § 120, R R § 53, Rob § 16; Witkin Crimes pp 436, 4028.*

§ 219. **[Same: Acts resulting in wrecking: Punishment.]** Every person who unlawfully throws out a switch, removes a rail, or places any obstruction on any railroad with the intention of derailing any passenger, freight or other train, car or engine and thus derails the same, or who unlawfully places any dynamite or other explosive material or any other obstruction upon or near the track of any railroad with the intention of blowing up or derailing any such train, car or engine and thus blows up or derails the same, or who unlawfully sets fire to any railroad bridge or trestle over which any such train, car or engine must pass with the intention of wrecking such train, car or engine, and thus wrecks the same, is guilty of a felony and punishable with death in cases in which any person subject to any such act suffers death as a proximate result thereof, or imprisonment in the state prison for life without the possibility of parole in cases where any person suffers bodily harm as a proximate result thereof, or imprisonment in the state prison for life, with the possibility of parole, in cases where no person suffers death or bodily harm as a proximate result thereof. [1973-74 ch 719 § 10; former § 219 repealed 1973-74 ch 719 § 9.] *11 Cal Jur 3d Carriers § 8; Cal Jur 2d Crim L §§ 270, 271, 278, Pris & P § 120, R R § 53; Witkin Crimes pp 436, 972, 1028.*

§ 219.1. **[Hurling missile at vehicle operated by common carrier.]** Every person who unlawfully throws, hurls or projects at a vehicle operated by a common carrier, while such vehicle is either in motion or stationary, any rock, stone, brick, bottle, piece of wood or metal or any other missile of any kind or character, or does any unlawful act, with the intention of wrecking such vehicle and doing bodily harm, and thus wrecks the same and causes bodily harm, is guilty of a felony and punishable by imprisonment in the State prison for not less than one nor more than 14 years. [1941 ch 1046 § 1.] *11 Cal Jur 3d Carriers § 8; Cal Jur 2d R R § 53; Witkin Crimes p 434.*

§ 219.2. **[Hurling missile at vehicle or watercraft used for carrying passengers or freight: Punishment.]** Every person who wilfully throws, hurls, or projects a stone or other hard substance, or shoots a missile, at a train, locomotive, railway car, caboose, cable railway car, street railway car, or bus or at a steam vessel or watercraft used for carrying passengers or freight on any of the waters within or bordering on this State, is punishable by imprisonment in the county jail not exceeding one year, or in a state prison not exceeding three years, or by fine not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by both

such fine and
Crimes pp 4

§ 219.3.
throws any
§ 1.] *Cal Jur*

Assaults

§ 220. Assa
§ 221. Othe
§ 222. Adm

§ 220. [A
another with
grand larceny
more than tw
§§ 34, 214, R

§ 221. Ot
to commit ar
which assault
state prison n
exceeding five
246.

§ 222. Ad
of administeri
intoxicating a
commit a felc
seq.; *Cal Jur*

§ 225. Duel
§ 226. Punis
§ 227. Punis
§ 228. Person

§ 229. Postin
§ 230. Duties
§ 231. Leavin
§ 232. Punis

§ 225. Due
more persons,
Witkin Crimes

§ 226. Puni
any duel, from
the state prison
Duel § 2; Witk

§ 227. [Pun
fights a duel,

(Exhibit V, 12-2-2001)

- § 197. Justifiable homicide by other persons.
 § 198. Bare fear not to justify killing: Reasonable fear.
 § 199. Justifiable and excusable homicide not punishable.

→ § 187. **Murder defined.** (a) Murder is the unlawful killing of a human being, or a fetus, with malice aforethought.

(b) This section shall not apply to any person who commits an act which results in the death of a fetus if any of the following apply:

(1) The act complied with the Therapeutic Abortion Act, Chapter 11 (commencing with Section 25950) of Division 20 of the Health and Safety Code.

(2) The act was committed by a holder of a physician's and surgeon's certificate, as defined in the Business and Professions Code, in a case where, to a medical certainty, the result of childbirth would be death of the mother of the fetus or where her death from childbirth, although not medically certain, would be substantially certain or more likely than not.

(3) The act was solicited, aided, abetted, or consented to by the mother of the fetus.

(c) Subdivision (b) shall not be construed to prohibit the prosecution of any person under any other provision of law. [1872; 1970 ch 1311 § 1.] *Cal Jur 2d Crim L § 90, Homi §§ 12, 38, 39, 44, 60, 242, Indict § 62; Witkin Crimes pp 271, 289; Criminal Procedure pp 179, 189.*

§ 188. **Malice defined: [Express and implied malice].** Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a fellow-creature. It is implied, when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart. [1872.] *Cal Jur 2d Crim L §§ 3, 90, Homi §§ 38 et seq., 50, 52, 57, 162; Witkin Crimes pp 289, 292.*

§ 189. **[Degrees of murder.]** All murder which is perpetrated by means of a destructive device or explosive, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing, or which is committed in the perpetration of, or attempt to perpetrate, arson, rape, robbery, burglary, mayhem, or any act punishable under Section 288, is murder of the first degree; and all other kinds of murders are of the second degree.

As used in this section "destructive device" shall mean any destructive device as defined in Section 12301, and "explosive" shall mean any explosive as defined in Section 12000 of the Health and Safety Code. [1872; 1873-74 ch 614 § 16; 1949 ch 16 § 1; 1969 ch 923 § 1; 1970 ch 771 § 3.] *5 Cal Jur 3d Appellate Review §§ 546, 547; Cal Jur 2d Arson § 8, Crim L §§ 25, 87; Homi §§ 27, 39, 40, 45, 60, 66 et seq., 77, 85 et seq., 95, 105 et seq., 315, Stat § 145; Witkin Crimes pp 273, 278, 281, 283, 284, 289, 296, 302, 427.*

§ 190. **[Punishment for murder.]** Every person guilty of murder in the first degree shall suffer death if any one or more of the special circumstances enumerated in Section 190.2 have been charged and found to be true in the manner provided in Section 190.1. Every person otherwise guilty of murder in the first degree shall suffer confinement in the state prison for life. Every person guilty of murder in the second degree is punishable by imprisonment in the state prison for five years to life. [1973 ch 719 § 2; former § 190 repealed 1973 ch 719 § 1.] *5 Cal Jur 3d Appellate Review §§ 528, 546 et seq.; Cal Jur 2d Const L § 68, Crim L §§ 270, 271, 278, Hab C § 35, Homi §§ 322 et seq., 332, 337, Ins § 34, Judgm § 380, Jury § 50, Pard § 14; Witkin Crimes pp 271, 972, 975, 976, 977, 986; Criminal Procedure pp 335, 400; Evidence p 188.*

§ 190.1. **[Procedure in case involving death penalty.]** In any case in which the death penalty is to be imposed as the penalty for an offense only upon the finding of the truth of the special circumstances enumerated in Section 190.2, the guilt or innocence of the person charged shall first be determined without a finding as to penalty. In any such case the person charged shall be represented by counsel. If such a person has been found guilty of such an offense, and has been found sane on any plea of not guilty by reason of insanity, and any one or more of the special circumstances enumerated in Section 190.2 have been charged, there shall be further proceedings on the issue of the special circumstances charged. In any such proceedings the person shall be represented by counsel. The determination of the truth of any