

**IN THE SUPREME COURT OF THE  
STATE OF NEVADA**

MICHAEL PHILLIP ANSELMO,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

**Supreme Court No. 81382**

Second Judicial District Court

Case No. 271359

Electronically Filed  
Nov 06 2020 05:56 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Appeal from Second Judicial District Court, State of Nevada, Washoe County  
The Honorable Lynne K. Simons, District Judge

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**APPELLANT'S APPENDIX  
VOLUME 4 OF 8  
(APPN 0592 – APPN 0780)**

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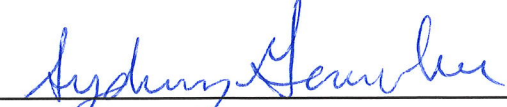
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DATED this 6th day of November 2020.

  
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## CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that I electronically filed the foregoing **APPELLANT'S APPENDIX – VOLUME 4 OF 8 (APPN 0592 – APPN 0780)** with the Clerk of Court for the Supreme Court of Nevada by using the Supreme Court of Nevada's e-filing system on November 6, 2020.

I further certify that service of the foregoing has been accomplished to the following individuals by the methods indicated below:

- ☒ Electronic: by submitting electronically for filing and/or service with the Nevada Supreme Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following listed below:

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF WASHOE

--oOo--

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MICHAEL PHILIP ANSELMO, )  
 )  
Defendant. )

REPORTER'S TRANSCRIPT ON APPEAL

T R I A L

April 10-25, 1972

VOLUME IV - Pages 577-764

Reno, Nevada

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FILED  
APR 23 3 59 PM '73  
H. K. BROWN, CLERK  
BY *[Signature]*  
DEPUTY



1 RENO, NEVADA WEDNESDAY, APRIL 19, 1972 9:24 A.M.

2 --oOo--

3  
4 THE COURT: Be seated, ladies and gentlemen, please.

5 Will the clerk please call the roll of the jury.

6 (The Clerk called the roll of the jury.)

7 THE COURT: Ladies and gentlemen, we're finally ready  
8 to leave. I apologize for the delay this morning. We'll  
9 proceed up to the lake.

10 You will be in a bus with the bailiff. We will  
11 travel separately. We will meet you there, and we will show  
12 you at that time what counsel has agreed that you should see.  
13 And depending on the hour, we will either arrange for some  
14 lunch or come back here immediately.

15 If you have nothing further at this time, gentlemen,  
16 we'll get started.

17 MR. ROSE: The State has nothing further, your Honor.

18 MR. POLAHA: We have nothing, your Honor.

19 THE COURT: All right.

20 (Whereupon the jury went by bus to Lake Tahoe to  
21 view the crime scene.)  
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1 RENO, NEVADA WEDNESDAY, APRIL 19, 1972 2:15 P.M.

2 --oOo--

3  
4 THE COURT: Be seated, please. Will counsel stipulate  
5 to the presence of the jury?

6 MR. ROSE: So stipulated, your Honor.

7 MR. POLAHA: So stipulated, your Honor.

8 THE COURT: Will counsel stipulate that upon our  
9 return from the north end of Lake Tahoe, we came here with the  
10 jury and adjourned for the noon hour, and that the jury was  
11 properly admonished as required by statute at that time, and  
12 that no record was made because of the absence of the clerk  
13 and reporter.

14 MR. ROSE: The State will so stipulate.

15 MR. POLAHA: So stipulated, your Honor.

16 MR. GRELLMAN: Your Honor, before we call our first  
17 witness, could we approach the bench, please?

18 THE COURT: You may.

19 (Discussion had between the Court and counsel.)

20 Ladies and gentlemen, we have an evidentiary problem,  
21 and I'm going to excuse you to retire to the jury room until  
22 we have heard argument on that question. You may retire.

23 (The jury retired to the jury room.)

24 MR. GRELLMAN: If it please the Court, your Honor,  
25 last night before the State rested their case, they moved  
26 for the introduction into evidence certain items, in particular  
27 State's Exhibit No. H.

28 MR. ROSE: Your Honor, that's a misstatement, I  
29 moved for that several days before yesterday.

30 THE COURT: That's right. I don't know how many days

1 before yesterday, but the items that we admitted yesterday  
2 were State's Exhibits A, B, C and D.

3 MR. GRELLMAN: I stand corrected, your Honor.

4 Your Honor, at that time it's my recollection that  
5 the Court allowed State's Exhibit H into evidence only for  
6 limited purpose, and that was to indicate or show the approximate  
7 areas in which certain items were found.

8 THE COURT: No, the Court's ruling at the time the  
9 map was offered and admitted was that it was admitted for what  
10 the witness testified it to be; that was, it was a map of the  
11 area prepared by him containing some marks, the location of  
12 which he located after having been shown those locations on  
13 the ground by someone else.

14 Now, whether-- and the reservation was that whether  
15 those locations were accurate or not was a matter for subsequent  
16 proof.

17 MR. GRELLMAN: Your Honor, it's our contention at  
18 this time that these-- some of these markings or indications  
19 on this map are not true and accurate representations of where  
20 these items were located, that they have not been established  
21 by any direct testimony, they are hearsay, and that the effect  
22 of placing them on this map has a prejudicial effect to the  
23 defendant.

24 We will start with our first contention, your Honor,  
25 and that's in regards to the area marked "parking lot". There's  
26 the word "car". And there's a cross in here. Now, according  
27 to this scale right here, it says one inch equals forty feet.  
28 Given an approximate marking right here, if it was a half inch,  
29 that would mean there was a twenty-foot car in that area.  
30 Your Honor, the only testimony as to where the car was located--

1           THE COURT: I don't understand, Counsel, you mean  
2 you're objecting to the size of the mark?

3           MR. GRELLMAN: Not only the size, your Honor, but  
4 the fact--

5           THE COURT: Let's get them eliminated before we go  
6 any further.

7           The marks are for locations and they are not intended  
8 to represent what was there. No one suggested that the shoes  
9 were the size of that X or that the coat was the size of that X.  
10 We're not worried about the size of the X's. This is to show  
11 location, not size.

12          MR. GRELLMAN: Your Honor, if that is the case then  
13 in that area that is depicted by the-- the center point from  
14 that X on the map, there's been no testimony heretofore  
15 established that, number one, that is the spot in the parking  
16 lot where the car was. The car could have been anywhere in that  
17 parking lot. And the only testimony that was ever brought into  
18 evidence was some pictures that would show where the car had  
19 been or supposedly had been because of some hole marks in the  
20 ground. No direct testimony indicating the car was there or  
21 ever was there. Nobody ever came in and said, "I saw the car  
22 there."

23          And we admit that two of the girls said they drove  
24 into the parking lot and saw the car. However, they said  
25 nowhere in that parking lot where the car was located. We  
26 certainly think that it has a prejudicial effect on the  
27 defendant because there's been no testimony to establish that.

28          THE COURT: How about the testimony of the mechanic  
29 that he came and tied up the drive train and towed it out of  
30 there?

1 MR. GRELLMAN: Your Honor, if my memory is correct,  
2 the mechanic stated he went to the Sheriff's Substation at  
3 Incline Village and not to the parking lot. The testimony was  
4 that car was towed on a previous occasion, it was towed to a  
5 Texaco service station or by them, and towed to that service  
6 station--

7 THE COURT: From this lot?

8 MR. GRELLMAN: That is correct, your Honor.

9 THE COURT: In other words, you don't contend that  
10 that mark should not be somewhere in that lot?

11 MR. GRELLMAN: I would object-- Yes, that that mark  
12 should be-- should be no mark there.

13 THE COURT: You're saying there was no testimony  
14 that car was in the lot.

15 MR. GRELLMAN: No, I'm not saying that, your Honor.  
16 What I'm saying, there was no testimony to show that the car  
17 was in the lot in that particular section where it's  
18 designated by the mark, and according to the District Attorney's  
19 engineer, was an accurate representation of where the car was  
20 located.

21 There's no testimony to show that's an accurate  
22 representation, and for this reason, we take exception to  
23 the placement of the word "car" in the parking lot.

24 THE COURT: Would you take exception if the word  
25 was changed from "car" to "holes in the ground"?

26 MR. GRELLMAN: I would, your Honor, because the map  
27 wasn't designed that way. This was our objection before,  
28 before they even offered it in, was that we--

29 THE COURT: What I'm trying to find out, Counsel, is  
30 do you contend that that is not the location of the holes in

1 the ground?

2 MR. GRELLMAN: I do, your Honor. It has never been  
3 shown that the person who took the pictures of the holes in  
4 the ground told Mr. Keller who in fact told the engineer that  
5 this is where the holes were located.

6 THE COURT: All right. Now, before we proceed to  
7 the next mark, I'd like to hear Mr. Rose on this subject.

8 MR. ROSE: Yes. First of all, your Honor, it's  
9 very clear from an abundance of testimony that the car was in  
10 that parking lot, indeed today we stood in that parking lot,  
11 and that is labeled with a big sign "Employees' Parking Lot",  
12 and that is what everyone has referred to.

13 I think to say that little star does not belong  
14 there is ridiculous. In that parking lot.

15 Now, as to precise location, Sergeant Neve told-- or  
16 Ed Keller, pardon me, was told where the car was. It wasn't  
17 there at the time, but the three marks were there. And he was  
18 told that this is where the car was, and he in turn told the  
19 engineer, and they are not talking about hearsay, we're talking  
20 about identification. Maybe the weight is one thing. But  
21 the admissibility is clear. And if the Court would like to  
22 say that the jury is just generally in the parking lot and  
23 that mark is not to be considered, that would be fine with us.  
24 But we feel that we have identified where that car is.

25 THE COURT: Well, I think there was sufficient  
26 testimony to identify that spot as the location of the holes  
27 in the ground, and I think there was, in addition, sufficient  
28 testimony to show that the car was where the holes in the  
29 ground were and therefore, I think they're sufficiently  
30 connected, and I'm going to deny your motion as to that mark.

1           Now, you may proceed to the others.

2           MR. GRELLMAN: Your Honor, in our second contention,  
3 in regards to the mark that's on the map, that indicates clothes  
4 and purse. Again, this is a section which the purse was  
5 found, and at that time that the purse was found by Officer  
6 Hanson. Hanson, in turn, called Deputy O'dell, who took the  
7 photographs, took the purse, and, in turn, turned it over to  
8 Mr. Butner.

9           Now, again, your Honor, this was a situation in which  
10 we have no testimony at all to show that in fact that X on the  
11 map is the location where all the clothes and purse were found.  
12 We have no testimony from Hanson stating to O'dell and O'dell  
13 to Butner, or Butner to say to Mr. Keller, there is where these  
14 items were found, therefore, you can tell the engineer this is  
15 where they'll plot this on the map.

16           And we certainly think that these marks have a  
17 prejudicial inference to each other in relation to the other.  
18 In other words, these marks that these are in general areas  
19 without exactly pinpointing them will certainly indicate that  
20 over here where the word shoes and the X is, and approximately  
21 where the word rocks is, has a prejudicial effect if that in  
22 truth and fact was where the shoes were found.

23           THE COURT: What is the prejudicial effect?

24           MR. GRELLMAN: I think it is, your Honor, first of  
25 all, the jury was allowed to see this map for a limited  
26 purpose--

27           THE COURT: It was not for a limited purpose. It was  
28 subject to subsequent proof which is an entirely different thing.

29           MR. GRELLMAN: That is correct, your Honor. The  
30 subsequent proof is our contention has never been established.

1 THE COURT: Well, now, as to these other three marks,  
2 there are three additional marks, clothes and purse was the  
3 first one, shoes is the next one, and coat is the third one.

4 MR. GRELLMAN: We take no exception with the word  
5 "shoes", your Honor. Mr. Keller testified that he was the one  
6 that found the shoes, and he, in fact, instructed the engineer  
7 this is where the shoes were found.

8 THE COURT: We also had testimony that that is where  
9 the coat was found.

10 MR. GRELLMAN: That is correct, your Honor.

11 THE COURT: My recollection of the testimony, and I  
12 don't recall the exhibits by name unfortunately, the witness  
13 by name, is we also have an indication of the spot where the  
14 purse was found by one who was either present or had found it  
15 or was called in to see it without having it moved, and his  
16 testimony was that that was the approximate location.

17 MR. GRELLMAN: That is correct, your Honor, that is  
18 the approximate location. However, the District Attorney had  
19 indicated that he would show directly that Mr. Keller who was  
20 authorized to bring in Mr. Taylor to make the map had knowledge  
21 that this exactly was where it was.

22 We don't know if Mr. Keller moved the stake five  
23 feet one way or six feet the other way, and on a map with a  
24 scale of one inch to forty feet, a five-foot marking could  
25 make a substantial difference as to what truly happened.  
26 And if this is correct, if there's no way to truly pinpoint  
27 this without the direct testimony, then we feel it has a  
28 prejudicial effect to the defendant.

29 THE COURT: I still don't understand what you allege  
30 the detrimental effect to be.



1 MR. GRELLMAN: The effect, your Honor--

2 THE COURT: Suppose that the mark for "clothes and  
3 purse" is half an inch too high on the map, what is the  
4 detrimental effect?

5 MR. GRELLMAN: Your Honor, half inch too high on the  
6 map would mean that we're talking ten feet, and ten feet could  
7 put the purse in an area, it could make a difference--

8 THE COURT: What difference, Counsel?

9 MR. GRELLMAN: Your Honor, in relation to the map,  
10 I certainly think it makes a difference. We've had testimony  
11 now one way or the other that there was another person in the  
12 area saw it. We've had no testimony that the defendant ever  
13 saw that purse.

14 THE COURT: I'm trying to find out why it would be  
15 detrimental if that X is in only the approximate location  
16 instead of the exact location?

17 MR. GRELLMAN: Well, your Honor, the representations  
18 is that clearly and accurately portrays or represents what it  
19 purports to portray.

20 THE COURT: I am going to rule that it represents  
21 approximately the locations that are indicated on it, as the  
22 other three may; and I will be happy to give an instruction to  
23 the jury when the case is submitted to the jury that this map  
24 is not represented as being the exact locations of any of those  
25 marks. This is a representation of the approximate locations  
26 in which these things were found.

27 MR. GRELLMAN: Thank you, your Honor.

28 THE COURT: Do we have anything else to consider while  
29 the jury is absent?

30 MR. GRELLMAN: We have nothing further right now.

1 MR. ROSE: Your Honor, I would request, since  
2 testimony may be limited this afternoon, that at the conclusion  
3 of testimony the jury, now that they've seen the scene, be  
4 permitted to look at the photographs that are in evidence.

5 MR. POLAHA: I thought we did that-- Didn't we do  
6 that yesterday?

7 THE COURT: We did that with some photographs in  
8 connection with the autopsy. The jury has never seen the  
9 photographs of the locations.

10 MR. ROSE: Or the body.

11 MR. POLAHA: Do you want to do that during our case?

12 MR. ROSE: I ask to do it right now before you start  
13 your case, but I don't want to hold things up, and I thought  
14 we could do it at the end.

15 MR. POLAHA: I have no objection, your Honor.

16 THE COURT: I think they should be permitted to see  
17 them sometime, and I'm not particularly concerned when it is  
18 as long as you gentlemen agree on it.

19 MR. ROSE: I meant after you get your witnesses on  
20 and--

21 THE COURT: It's a little ridiculous to offer these  
22 things in evidence without having the jury see them.

23 MR. POLAHA: We have no objection, your Honor.

24 THE COURT: Mr. Bailiff, you may return the jury.

25 (The jury returned to the courtroom.)

26 MR. GRELLMAN: Your Honor, as our first witness,  
27 we'll call Douglas Neve.  
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D O U G L A S   N E V E

called as a witness on behalf of the defendant  
herein, being previously duly sworn, was  
examined and testified as follows:

THE COURT: You're already under oath, sir. You may  
take the stand.

THE WITNESS: Yes, sir.

DIRECT EXAMINATION

BY MR. GRELLMAN:

Q Would you state your name for the record, please?

A Sergeant Douglas Neve.

Q By whom are you employed, Mr. Neve?

A Washoe County Sheriff's Department.

Q And how long have you been employed?

A Approximately eight and a half years.

Q Were you employed with the Washoe County Sheriff's  
Department on Saturday, July 17th, 1971?

A Yes, I was.

Q And where was that?

A Incline Village, Nevada.

Q And were you called to the Lake Tahoe area on an  
investigation of a homicide?

A Yes, I was.

Q And did you have an opportunity to participate in  
that investigation?

A Yes, I did.

Q Did you actually participate in it?

A Yes, I did.

1 Q Were you at this particular scene where the body was  
2 discovered?

3 A Yes, I was.

4 Q Was the defendant Michael Anselmo at the scene at  
5 that time?

6 A Yes, he was.

7 Q Did you have an opportunity to place the defendant  
8 Michael Anselmo into a patrol vehicle?

9 A Yes, I did.

10 Q Was there anybody with you at the time you placed him  
11 into the patrol vehicle?

12 A Yes. Deputy Trackwell, two other reserve deputies in  
13 the area. One reserve deputy stayed in the vehicle.  
14 Mr. Anselmo was placed in as a material witness.

15 Q Do you happen to know approximately what time that  
16 was?

17 A Between 3:50 and 4:00 a.m.

18 Q Do you happen to know at what time Lieutenant Butner  
19 came upon the scene?

20 A Probably fifteen to twenty minutes prior to your  
21 finding and calling the Reno office to relay a message back  
22 to him.

23 Q In timewise, what time in the morning or afternoon  
24 would that be?

25 A It would be in the morning, approximately 4:30.

26 Q Now, at the time that he arrived, was the defendant  
27 still in the patrol vehicle?

28 A Yes, he was.

29 MR. GRELLMAN: Thank you, Mr. Neve. No further  
30 questions.

1 MR. ROSE: I have no questions, your Honor.  
2 THE COURT: You may step down, sir.  
3 MR. ROSE: May this witness be excused?  
4 MR. POLAHA: Yes, we have nothing further.  
5 THE COURT: He may.  
6 MR. GRELLMAN: Your Honor, as our next witness we'll  
7 call Warren Butner.  
8 Your Honor, I believe Mr. Butner has been sworn before.  
9 THE COURT: Yes, sir, you are still under oath; you  
10 may take the stand.  
11 THE WITNESS: All right.  
12  
13 W A R R E N B U T N E R  
14 called as a witness on behalf of the defendant  
15 herein, being previously duly sworn, was  
16 examined and testified as follows:  
17  
18 DIRECT EXAMINATION  
19 BY MR. GRELLMAN:  
20 Q Would you state your name for the record, please?  
21 A Warren Butner.  
22 Q And what is your occupation, Mr. Butner?  
23 A Deputy Sheriff, Washoe County Sheriff's Department.  
24 Q How long have you been employed by that agency?  
25 A Approximately one year.  
26 A Were you so employed on Saturday, July 17th, 1971?  
27 A I was.  
28 Q Did you have an opportunity to be in the Lake Tahoe  
29 area at that time?  
30 A Yes, I was assigned to that area.

1 Q And were you in that area on an investigation of a  
2 homicide?

3 A That is correct.

4 Q Did you have an opportunity to participate in that  
5 investigation?

6 A I did.

7 Q Did you actually participate in it?

8 A Yes, I did.

9 Q And what time did you first arrive at the scene?

10 A Oh, I'd say it was between 4:30 and quarter to 5:00  
11 in the morning.

12 Q At that time did you have an opportunity to observe  
13 where the defendant Michael Anselmo was?

14 A I did.

15 Q And where was that?

16 A He was in the rear seat of one of the patrol vehicles.

17 Q And at that time did you order the defendant be taken  
18 to the substation for questioning?

19 A Yes, I did.

20 Q And who was with you at that time?

21 A At the time I told the deputy to take him down?

22 Q Yes.

23 A Well, it might have been alone. I'm not sure.

24 Captain Jensen and I went to the scene together, but whether he  
25 was right next to me at that time, I don't know.

26 Q All right. Do you happen to know the deputy to whom  
27 you instructed to take Mr. Anselmo to the substation for  
28 questioning?

29 A It was either Trackwell or Manley. I'd have to refer  
30 to the report. I believe it was one of the two.

1 Q Do you happen to know when the defendant was first  
2 questioned at the substation?

3 A Oh, it would be a little after 5:00 when he returned  
4 to the station.

5 Q Approximately what time did you first question the  
6 defendant yourself?

7 A At that time, maybe 5:15, 5:30.

8 Q Now, at that time, did you give the defendant a  
9 statement, a piece of paper to sign, indicating that he would  
10 consent to a search of his quarters?

11 A No, not at that time.

12 Q When did you give him that piece of paper to sign?

13 A That was, oh, probably about 8:30.

14 Q And did the defendant sign it?

15 A Yes, he did.

16 MR. GRELLMAN: Thank you, Mr. Butner. No further  
17 questions, your Honor.

18 MR. ROSE: Just a few questions.

19

20 CROSS-EXAMINATION

21 BY MR. ROSE:

22 Q Lieutenant, when you directed the defendant to be  
23 taken to the substation, do you know whether or not he was  
24 under arrest?

25 A He was not under arrest.

26 Q In what capacity was he being held, if any?

27 A He was asked to go to the station as a witness to  
28 make a witness statement.

29 Q And what did he say?

30 A He said he would.

1 Q Was there any reluctance on his part?

2 A None.

3 Q And do you know when the defendant was advised that  
4 he was, for the first time, a suspect in this case?

5 A It would have been between 8:30 and 9:00 o'clock that  
6 morning.

7 Q Up to that time, was he in any way restrained?

8 A None, no.

9 Q Up to that time, did he have any reluctance to  
10 assist you?

11 A No, he showed none.

12 Q Was there any reluctance with regard to the search of  
13 his room?

14 A None.

15 MR. ROSE: I have no further questions, Lieutenant.

16

17 REDIRECT EXAMINATION

18 BY MR. GRELLMAN:

19 Q Mr. Butner, do you know what the condition of the  
20 defendant was prior to the time of arriving on the scene?

21 A Prior to my arriving or his?

22 Q Right. Do you have any-- the condition of the  
23 defendant, do you have any knowledge of what-- what his  
24 position was?

25 A No.

26 Q I mean what was the first thing you saw when you  
27 arrived at the scene in regards to the defendant?

28 A Saw him sitting in the back seat of a patrol vehicle.

29 Q Can you open that patrol vehicle from the inside?

30 A Some you can, and some you can't.



1 Q Do you happen to know if you could open this  
2 particular vehicle?

3 A No, I don't.

4 Q You don't know of your own knowledge that he wasn't  
5 restrained prior to your arriving there, do you?

6 A They asked him to sit in the car. This is what the  
7 deputies told me.

8 Q And he was sitting in the back seat, is that correct?

9 A That is correct.

10 Q Okay. Now, did you have an opportunity to go with  
11 him while he went over to his dorm?

12 A Yes.

13 Q Who accompanied you at that time?

14 A Chief Benham.

15 Q Was there anybody else?

16 A Chief Benham and I and his roommate was in the dorm  
17 when we searched it.

18 Q Was there anybody else besides the roommate in the  
19 dorm?

20 A No.

21 MR. GRELLMAN: Thank you. No further questions.

22 MR. ROSE: I have no questions, your Honor.

23 THE COURT: You may step down, sir.

24 MR. GRELLMAN: Your Honor, the next witness, we'd  
25 like to call Mr. David Grossman.

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D A V I D   G R O S S M A N

called as a witness on behalf of the defendant  
herein, having been previously duly sworn,  
was examined and testified as follows:

THE COURT: You're still under oath, sir. You may  
take the stand.

DIRECT EXAMINATION

BY MR. POLAHA:

Q     Mr. Grossman, would you state your name, please?

A     David W. Grossman.

Q     Mr. Grossman, you are not employed by the Washoe  
Sheriff's office, are you?

A     I'm not, no.

Q     You were sometime last year, were you not?

A     Yes.

Q     What were your duties during the, say, the summer or  
early fall months of last year?

A     I was acting commander of records and identification  
and custodian of evidence.

Q     In that capacity, did you come into contact with any  
evidence concerning The State of Nevada versus Michael Philip  
Anselmo case?

A     Yes.

Q     All right. In your capacity, did you have occasion  
to send certain items to Washington, D.C., The Federal Bureau  
of Investigation laboratory?

A     Yes.

Q     Okay. Do you recall specifically what those items

1 were that you did send to Washington, D.C.?

2 A They were numerous items. Without a copy of my  
3 letter of transmittal, I would hesitate to quote it.

4 Q Let me ask you this, Mr. Grossman: Did you send  
5 certain items, and were all those items returned to you?

6 A Yes.

7 Q I have here what purports to be a letter-- a copy of  
8 a letter from the FBI listing certain items; does that help  
9 refresh your memory, sir?

10 A Yes.

11 Q Did you send several pocketknives to Washington, D.C.?

12 A Yes.

13 Q Did you send a hunting knife?

14 A Yes.

15 Q Fingernail clippings from the victim?

16 A Yes.

17 Q Two strands of hair?

18 A Yes.

19 Q A pair of trousers?

20 A I'll have to refresh myself with that once more.  
21 Yes.

22 Q A leather purse?

23 A Yes.

24 Q A slip, blouse, panties, pantyhose, brassiere, skirt  
25 and a ski jacket?

26 A Yes, all except the ski jacket, those items you  
27 named after the purse were all contained in the purse.

28 Q Some of those items were the items that you  
29 identified earlier in your earlier testimony?

30 A Yes.

1 MR. POLAHA: Thank you, Mr. Grossman. I have  
2 nothing further.

3  
4 CROSS-EXAMINATION

5 BY MR. ROSE:

6 Q With regard to sending these items away,  
7 Mr. Grossman, could you tell us whether or not any results  
8 were returned?

9 A Yes, they were.

10 Q And what were those results?

11 A That is also in the letter that Mr. Polaha showed me.

12 Q What was that, if anything? Was it positive or  
13 negative?

14 A They were positive and negative findings on the  
15 information we requested.

16 Q With regard to the knives, what was the finding  
17 there?

18 A I think they showed nothing of value in the knives,  
19 if I remember correctly.

20 Q With regard to the items of clothing?

21 A I'll have to refer to the letter for that.

22 Q I'm going to show you what purports to be a copy of  
23 the letter. Will that help you refresh your memory?

24 A Starting with Q-8, the trousers, is this one you  
25 wanted to know?

26 Q Well, that's one of the items, yes.

27 A They were examined-- That is, the trousers were  
28 examined for presence of semen. None was found.

29 Q Okay. Now, with regard to the female clothing, what  
30 was the results of that analysis?

1           A     Found on specimen Q-11, which was the blouse, several  
2 brown Caucasian head hairs were found on specimen Q-11, and  
3 one brown Caucasian head hair was found on Q-15. Q-15 is a  
4 skirt.

5                     As far as Items 12, 14, no hairs were found on those  
6 specimens.

7           Q     What were those items?

8           A     Twelve was the panties. Fourteen was the brassiere.

9           Q     Is that what was requested when you sent them away?

10          A     Yes.

11          Q     Okay. Could that report tell you whether these  
12 various hairs that were found were even female or male?

13          A     They don't say-- They won't give the sex of the  
14 findings. They will say the race.

15          Q     And that's all?

16          A     As they did in this case only.

17          Q     Let me check that once more.

18                     Now, with regard to the fingernail clippings of the  
19 victim, what was the result of the report in that regard?

20          A     That's Q-5. A small amount of human blood was  
21 identified in Q-5. There was not enough blood in this specimen  
22 to permit grouping tests to be made.

23                     No other blood was found on other submitted items.

24          Q     That item we just talked about was the clippings from  
25 the victim's fingernails?

26          A     Right.

27          Q     Now, with regard to the ski jacket, did you cover  
28 that, Q-16?

29          A     Yes. This is in the paragraph I read earlier.

30                     No hairs or fibers were found on specimen Q-1 through

1 Q-5, which one was a hunting knife and five was the fingernails.  
2 No hairs were found on Specimens 10, 12, 14 and 16. That's  
3 the slip, the panties, the brassiere, and the skit. And 16,  
4 no cuts or slash marks were found on 16, which was the ski  
5 jacket.

6 Q Okay. Now, with regard to the two strands of hair,  
7 Q-6 and Q-7, could you repeat what the report said with regard  
8 to those two items of evidence?

9 A The Q-6 and Q-7 hairs were unlike the Q-9 hairs  
10 removed from the brush and did not originate from the same  
11 source as the Q-9 hairs.

12 Q And the Q-9 hairs, where were they found?

13 A On the leather purse.

14 Q Or would that be in the leather purse?

15 A It doesn't state. Right, I'm sorry, from the inside  
16 of the leather purse.

17 Q Okay. And where inside the purse?

18 A They were on a brush.

19 MR. ROSE: I have no further questions, Mr. Grossman.  
20

21 REDIRECT EXAMINATION

22 BY MR. POLAHA:

23 Q Mr. Grossman, to clarify, that's part of the letter  
24 that Mr. Rose was showing to you and the letter that you used  
25 to refresh your memory. What was Item Q-6 that was sent to the  
26 FBI laboratory?

27 A I would be guessing without the other.

28 Q I'm sorry.

29 A A strand of hair.

30 Q What kind of hair?

1           A     Specimen Q-6 consists of one blond Caucasian head hair,  
2 approximately nine and a half inches long.

3           Q     Q-7 consists of what, according to that record?

4           A     A strand of hair. Specimen Q-7 consists of one  
5 bleached Caucasian head hair, approximately four and a half  
6 inches long.

7           Q     Bleached Caucasian head hair?

8           A     Yes.

9           Q     And Q-6 was a blond Caucasian head hair nine and a  
10 half inches approximately?

11          A     Right.

12          Q     Now, as I understand, there was other hair found on  
13 Q-9 and that was clinging to a brush found inside a purse; is  
14 that correct?

15          A     Yes.

16          Q     And the report, does it say that the Q-6 and Q-7,  
17 the bleached blond and the blond Caucasian strands of hair,  
18 are similar or dissimilar to the hairs found clinging to the  
19 brush inside the purse?

20          A     This paragraph here I think covers that. The Q-6  
21 and Q-7, that were separately submitted, that's the blond and  
22 the bleached hairs, are unlike the Q-9 hairs removed from the  
23 brush and did not originate from the same source as the Q-9  
24 hairs.

25          Q     Thank you, Mr. Grossman.

26                 One other question, Mr. Grossman. As custodian of  
27 the evidence in this case for this particular period, did you  
28 have in your possession, referring to this case here, the  
29 horn rim from a '66 Mustang?

30          A     Yes.

1 MR. POLAHA: I have nothing further. Thank you.  
2 MR. ROSE: I have no further questions, your Honor.  
3 THE COURT: You may step down.  
4 MR. POLAHA: Your Honor, we've reached that point  
5 where we've run out of witnesses until tomorrow, so if we may  
6 have that recess.  
7 THE COURT: All right. Is there anything else now  
8 before we recess for the afternoon?  
9 MR. ROSE: Your Honor, I thought this might be an  
10 appropriate time as we have discussed before to show the jury  
11 the rest of the pictures that were in evidence, particularly  
12 since they have seen the scene now, and I think it would make  
13 more sense to them.  
14 THE COURT: All right, you may show the pictures to  
15 the jury.  
16 MR. ROSE: Your Honor, what I'd like to do, not only  
17 for this particular scene, but, also, show them all the  
18 pictures that are in evidence which they have not seen at this  
19 time.  
20 THE COURT: I think that would be a good idea.  
21 I would suggest that you pass each one along as you  
22 finish looking at it. I think it will go a little faster that  
23 way.  
24 MR. ROSE: Do I have all the pictures?  
25 THE COURT: Do you have anything further this  
26 afternoon, gentlemen?  
27 MR. POLAHA: We have nothing further, your Honor.  
28 We will continue tomorrow if the Court--  
29 THE COURT: All right. Ladies and gentlemen, we will  
30 adjourn until 10:00 a.m. tomorrow morning.



1           You are instructed not to discuss the case among  
2 yourselves or with anyone else, or to form any conclusions  
3 concerning the case until it's submitted to you. And you are  
4 not to read or listen to any news media or other accounts  
5 relating to the trial or the event which it concerns.

6           I would like to see counsel in chambers briefly when  
7 we adjourn.

8           (Whereupon the proceedings were adjourned until  
9 10:00 a.m. the following morning.)

1 RENO, NEVADA THURSDAY, APRIL 20, 1972 10:20 A.M.

2 --oOo--

3  
4 THE COURT: Be seated, please. Will the clerk please  
5 read the roll of the jury.

6 (The clerk read the roll of the jury.)

7 THE COURT: Are counsel ready to proceed?

8 MR. GRELLMAN: We are, your Honor.

9 MR. ROSE: Ready for the State, your Honor.

10 MR. GRELLMAN: Your Honor, we'll call Michael Philip  
11 Anselmo to the stand, please.

12 THE COURT: Before we proceed, gentlemen, Mr. Bailiff,  
13 when all of the seats are taken there will be no more  
14 spectators.

15 You may proceed.

16 MR. GRELLMAN: Mike, will you stand and be sworn,  
17 please.

18  
19 MICHAEL PHILIP ANSELMO

20 the defendant herein, called as a witness on  
21 his own behalf, being first duly sworn, was  
22 examined and testified as follows:

23  
24 DIRECT EXAMINATION

25 BY MR. GRELLMAN:

26 Q Would you state your name for the record, please.

27 A Michael Philip Anselmo.

28 Q And where were you born?

29 A Pocatello, Idaho.

30 Q Mike, where do you reside now?

1           A     Las Vegas, Nevada. Or right now, I'm in the Reno  
2 County Jail.

3           Q     Is that the Washoe County Jail?

4           A     Yes, sir.

5           Q     Prior to this time, Mike, where did you reside?

6           A     Well, I came from Las Vegas up to Lake Tahoe, Nevada,  
7 North Shore.

8           Q     How long did you live in Las Vegas?

9           A     Thirteen, fourteen years.

10          Q     Did you go to school in Vegas?

11          A     Yes, sir.

12          Q     What school did you attend down there?

13          A     Gibson Junior High School, Red Rock Elementary School,  
14 and I never attended a high school down there.

15          Q     Where did you live in Las Vegas itself?

16          A     In the Charleston Heights area mainly.

17          Q     And in that area, who were your neighbors?

18          A     Dorothy Bridges, John Soares, Kent Jensen.

19          Q     And in this area, Mike, did you become familiar or  
20 what was your relationship with your neighbors?

21          A     With most of them, it was a neighborhood relationship.  
22 With some of them, it was like a family relationship.

23          Q     How about the Bridges? What kind of relationship did  
24 you have with them?

25          A     I'd say it was more of a family relationship.

26          Q     How long did you know the Bridges, Mike?

27          A     As far back as I can remember. I really couldn't say  
28 how many years.

29          Q     And the Soares, were they living in the same area?

30          A     Yes, sir.

1 Q How close did they live to you?  
2 A Right next-door.  
3 Q What kind of relationship did you have with the Soares?  
4 A Like a family relationship. We did things together.  
5 Q Mike, what did your father do for a living?  
6 A He's the managing editor of the Las Vegas Sun in  
7 Las Vegas.  
8 Q Has he always been a managing editor?  
9 A No.  
10 Q What did he do prior to managing the Las Vegas Sun?  
11 A He worked for the Thunderbird Hotel at times, and  
12 back to the paper.  
13 Q What was his capacity? What was he doing for the  
14 Thunderbird Hotel?  
15 A Publicity director.  
16 Q Mike, what kind of relationship did you have with  
17 your father?  
18 A Not really a close father-son relationship. He was  
19 busy most of the time. When he was home, I wasn't home.  
20 Q Did you see him very often or did you go places or  
21 do things with him?  
22 A We never really did anything together, no, sir.  
23 Q What about your mother, Mike, where was your mother  
24 during this time?  
25 A Well, they got divorced when I was twelve years old.  
26 Q How about your brothers? Did you have any brothers,  
27 Mike?  
28 A I have one brother and one sister, yes, sir.  
29 Q And how close to your brothers and sisters were you?  
30 A Oh, well, my brother is older than I am and he always

1 hung around with older people. You know, not real close.

2 Q Were you very close to your sister?

3 A Fairly close, yes, sir. We had the same problems,  
4 really.

5 Q Did you, Mike, when you were living in Las Vegas have  
6 an opportunity to become very good friends with any of your  
7 neighbors or anybody else in that area?

8 A Yes, sir, with the Dorns and Soares.

9 Q Who were the Dorns?

10 A They're some friends that live farther away in the  
11 same area, but you know, a few streets down on the same street.

12 Q Did you spend much time over at the Dorns' residence?

13 A Yes, sir, quite a bit of time.

14 Q How about the Soares? What kind of relationship did  
15 you have with Soares?

16 A A good relation-- I mean, we went to the lake together,  
17 mountains together, played football. A little bit of  
18 everything.

19 Q Did you see the Soares often or just--

20 A Every day.

21 Q And why was it that you saw the Soares every day?

22 A Next-door neighbors. We got along good and there was--  
23 most of the time there was no one home at my house.

24 Q Did you form any sort of a relationship with John  
25 Soares, become good friends?

26 A Really good friends, yes, sir.

27 Q Did you look up to Mr. Soares, or what kind of-- how  
28 did you hold him in your esteem?

29 A I guess like a father figure.

30 Q Mike, did you have an opportunity to get in trouble

1 with the authorities in Las Vegas?

2 A Yes, sir, I did.

3 Q And did you subsequently because of that trouble have  
4 a prior felony conviction?

5 A Yes, sir.

6 Q What was that prior felony, Mike?

7 A Misuse of a credit card.

8 Q And what happened, Mike, prior to the time that you  
9 came to Lake Tahoe? What did you do? In other words, were you  
10 working, were you employed or--

11 A No, sir. I pleaded guilty in 1971 to misuse of a  
12 credit card, and they gave me four years' probation with eight  
13 months in the county jail.

14 And when I came out of the county jail, I came up to  
15 Lake Tahoe. I stayed in Vegas for a few days and didn't feel  
16 that I could stay down there and would rather come up here and  
17 get a job and everything to where I could get married.

18 Q Mike, why did you come to Lake Tahoe? What was your  
19 purpose in coming up here?

20 A Well, when I had jobs in Las Vegas, the Sheriff's  
21 Department, you know, kept on giving me kind of a bad time.  
22 Not really a bad time, but you know, they hassled me in a way.  
23 And I didn't feel I could make it down there on my probation.  
24 And I had restitution to pay.

25 So I decided to come up here where I could get  
26 married-- get a job and get married.

27 Q Mike, do you have any hobbies or any activities that  
28 you like to participate in?

29 A Yes, sir.

30 Q What's that, Mike?

1 A Association with animals and the outdoors.

2 Q You spend quite a bit of time in the outdoors?

3 A Ninety percent of my time, yes, sir.

4 Q Why don't you tell me about what you do?

5 MR. ROSE: Your Honor, I will object to this line of  
6 questioning. It has no relevance or materiality to this case.

7 MR. GRELLMAN: Your Honor, I think that at least  
8 we're entitled to get a little bit of the background on this  
9 defendant. We are involved in a capital case. I think the  
10 District Attorney has skirted all around during the case in  
11 chief, and now I think we're entitled to at least lay a little  
12 bit of foundation.

13 THE COURT: I'll overrule the objection. You may  
14 proceed, at least to some extent.

15 MR. GRELLMAN: Thank you, your Honor.

16 BY MR. GRELLMAN:

17 Q Just in general, Mike, what do these outdoor  
18 activities consist of?

19 A I like to go out and traipse through the mountain  
20 area and find where the deer sleep and, you know, things like  
21 this, where animals live, and learn about them, more or less.

22 Q Mike, did you have a job waiting for you when you  
23 came to Lake Tahoe?

24 A Yes, sir, I did.

25 Q Would you tell me about that, please?

26 A My dad got me a job at the Cal-Neva Club as a busboy  
27 through the vice-president there.

28 Q Who was that, Mike?

29 A Tony Ashley..

30 Q When did you actually leave Las Vegas and when did

1 you arrive in Lake Tahoe?

2 A I left Las Vegas on a Sunday night, I believe it was  
3 July 11th. I arrived at Lake Tahoe around 9:00 o'clock in the  
4 morning on the following Monday.

5 Q How did you arrive? How did you get from Las Vegas  
6 to Reno?

7 A On the Elks Star Bus Lines.

8 Q Did you actually arrive in Reno or did you arrive in  
9 Lake Tahoe directly?

10 A We had a stay-over in Reno for an hour, hour and a  
11 half, and then we went up to Lake Tahoe.

12 Q How did you get to Lake Tahoe, Mike?

13 A On the bus. Went to Carson City, then to Virginia  
14 City and then to Lake Tahoe on the bus.

15 Q When you got to Lake Tahoe, what did you do then,  
16 Mike?

17 A I went up and I gave my suitcase to the clerk at the  
18 desk there and he showed me where Tony Ashley's office was.  
19 I went in and talked to him, informed him of who I was and that  
20 I was there.

21 Q Now, is this at the Cal-Neva Lodge, or where at  
22 Lake Tahoe were you?

23 A It's the Cal-Neva Lodge, yes, sir.

24 Q Is that at North Shore of Lake Tahoe?

25 A Yes, sir.

26 Q Did you have an opportunity to talk to Mr. Ashley?

27 A Yes, sir, I did.

28 Q At that time did he advise you you had a job, or  
29 what?

30 A He told me he had gotten me a job as a busboy in the--



1 I can't remember the name of the room there. It was a coffee  
2 shop like thing. And he introduced me to some other people at  
3 that time, and they took me over and showed me what I had to do  
4 and the hours I'd be working.

5 Q What did you do after that time, Mike?

6 A Well, I had to look for a room. They have rooming  
7 places there for the employees. I was assigned a room, and I  
8 had to go look for a room. So I went knocking on the doors  
9 until it was about 12:00 o'clock, and then I went and got some  
10 lunch. And I came back and I found a room at that time.

11 Q Did you have a roommate?

12 A Yes, sir.

13 Q Who did you share your room with?

14 A Louis Padilla.

15 Q And did you have a conversation with Louie during  
16 this time?

17 A Not really any deep conversation, no, sir.

18 Q What happened the rest of the day, Mike?

19 A I called some friends. The Bridges, they moved up to  
20 Lake Tahoe, and told them I was there in Lake Tahoe. And  
21 Chuck Bridges, he picked me up and went over there and talked  
22 to them for awhile. Came back to the club and went up to the  
23 store by the Crystal Bay and bought some books and a Coke and  
24 a sandwich and went back to the dorm and read.

25 Q Mike, the Bridges, these people you met, were these  
26 the people you said were neighbors in Las Vegas?

27 A Yes, sir.

28 Q Were they close neighbors or were they distant  
29 neighbors?

30 A It was two doors down.

1 Q Did you know them very well?

2 A Yes, sir, I did.

3 Q Mike, after you came back from the drugstore, did  
4 anything at all happen Monday night, or what did you do Monday  
5 night?

6 A Just read, mostly. I went into the Cal-Neva. They  
7 have a playroom there with a pool table and some pinball  
8 machines. I played a few games of pool and pinball. Then I  
9 went back and got some sleep.

10 Q Mike, what time did you get up on Tuesday, or tell me  
11 what happened Tuesday?

12 A I can't remember the exact time I got up. I went to  
13 the Sheriff's substation and registered as an ex-felon and  
14 tried to get a Sheriff's card. One of the deputies there,  
15 Deputy Paul, informed me that I couldn't get a Sheriff's card  
16 without going through the County Commissioners, but they'd see  
17 what we could do.

18 So I had to buy some black pants that day, so I  
19 looked around the Incline area and they didn't have anything  
20 my size. So I went down to Carson City-- or to Reno,  
21 hitchhiked, and went to the Park Lane Shopping Center to buy  
22 a black pair of pants.

23 Q Mike, do you happen to know what time that you were  
24 at the Incline Village substation?

25 A I couldn't say exactly what time. I don't wear a  
26 watch.

27 Q So these are just approximate times as far as you  
28 know?

29 A Yes.

30 Q How did you get to these different places?

1           A     Hitchhiked.

2           Q     Did anything at all happen while you were in Reno  
3 looking for these slacks?

4           A     I met John down there, ran into him at Sears.

5           Q     This is John who, Mike?

6           A     Soares.

7           Q     Is this the same Soares that was a neighbor to you  
8 in Las Vegas?

9           A     Yes, sir.

10          Q     And tell me about what happened at that time.

11          A     We never really had a long conversation. He was in a  
12 hurry at the time. I told him I had moved up to the Lake and  
13 was staying at the Cal-Neva. I told him where I was staying  
14 and everything. And he was in kind of a hurry and had to go.

15                So after that, I left and hitchhiked back to  
16 Lake Tahoe.

17          Q     Do you have any idea what time you got back to the  
18 Lake?

19          A     I couldn't say exactly. It was in the afternoon,  
20 late afternoon.

21          Q     What did you do through the evening, Mike, do you  
22 remember, when you got back to the Lake?

23          A     Well, I ate dinner and ran into a friend from Vegas.  
24 And I believe we went out that night. I can't be sure if it  
25 was that night we went out or not.

26          Q     Did you happen to know what this friend's name was?

27          A     George Thompson.

28          Q     How did you run into him at the Lake?

29          A     He was working as a lot boy at the Cal-Neva Club,  
30 and I was going into the playroom to shoot some pool and just

1 ran into him, you know. Noticed who he was and so we started  
2 talking.

3 Q Do you remember where you went that night?

4 A We went over to his house for awhile, and then went  
5 to the place called The Spot in Kings Beach, and came back and  
6 he dropped me off back at the club.

7 Q What did you do when you got back to the club, Mike?

8 A I believe I went to bed at that time. I might have  
9 read a little. I'm not sure.

10 Q And Wednesday morning, what, if anything, happened  
11 Wednesday morning, Mike?

12 A Well, I got a call about 11:00 o'clock-- 10:00, 11:00  
13 o'clock from my probation officer in Carson City. While he was  
14 at the Lake, I was asked to come over to the club to see him.

15 Q Did you know this man at any time prior?

16 A No, sir, I didn't.

17 Q And did you go to the Cal-Neva?

18 A Yes, sir, I went to the Cal-Neva and he introduced  
19 himself as Mr. Flick, Carson City Probation Office. He  
20 informed me that he'd be my probation officer and I had to  
21 check in once a month, and he had me sign some restitution  
22 papers.

23 Q Did anything else happen while you were talking to  
24 him?

25 A Yes, sir. I talked to him about a Sheriff's card,  
26 if there was anything he could do about it, and he told me to  
27 come down to Carson City that next morning and they'd go over  
28 to the Sheriff's office and see if I could get a Sheriff's  
29 card.

30 Q What happened after you talked to Mr. Flick? First,

1 how long did you talk to him approximately; do you know?

2 A It was only around twenty minutes or so.

3 Q What happened after you talked to Mr. Flick?

4 A I went back to the dorm and I went to sleep, 'cause  
5 I was going to have to hitchhike to Carson City that night to  
6 get there by 8:00 o'clock.

7 Q What time did you get up?

8 A It was around 7:00 o'clock, 7:30, I'd say.

9 Q This was on Wednesday evening?

10 A Yes, sir.

11 Q What did you do after you got up, Mike?

12 A Went over-- My roommate was there, and we started  
13 playing around. You know, we went up and ate dinner and I think  
14 we shot some pool. I can't be sure. But we played cards and--  
15 at the dorm and everything, and I left the dorm about 10:30 that  
16 night.

17 Q How long did you play cards and where did you play  
18 cards, Mike?

19 A It was inside the dorm. We played for about an hour,  
20 hour and a half. I left about 10:30, 11:00 o'clock that night.

21 Q After you left there, where did you proceed from  
22 there, Mike?

23 A Over to the game room to play some more pool.

24 Q Where is the game room located?

25 A In the Cal-Neva Club. It's on the California side.

26 Q Can you describe that room for me, Mike?

27 A It's a fairly small room. It has pinball machines  
28 in it, pool table, change girl. It's a room more or less for  
29 kids, I'd say.

30 Q Tell me what, if anything, transpired while you were

1 in the game room, Mike?

2 A Well, I played some pool, shot some pinball, you  
3 know, talked to some people.

4 Q Mike, how long did you stay there in the game room?

5 A It closed up 1:00 o'clock and I left there at 1:00  
6 o'clock. I left at 1:00. They have some games right outside  
7 the room there, so I played a few games on that, maybe fifteen,  
8 twenty minutes.

9 Q After that, Mike, what did you do?

10 A I went back to the dorm and changed. I was still  
11 wearing Levis and a T-shirt. And on my way back to the dorm,  
12 I heard something like a scream, but you know, it wasn't a  
13 scream. It was like an animal's cry. And I'm interested in  
14 animals and I'm curious, so I started walking up the road,  
15 went in between the dorm and there was a trailer parked there  
16 at the time, onto the road right up above our dorm. Started  
17 walking down to where I heard it, and at that time is when  
18 John was coming out of the bush.

19 Q Who is this, Mike?

20 A John Soares.

21 Q And describe to me, Mike, where this location was  
22 where you saw John?

23 A I was on the road past most of the houses. He was  
24 coming out of the bush, you know. It's hard to describe.  
25 Like in between the curve, I'd say.

26 Q Mike, what happened when you saw John? Tell me  
27 what happened?

28 A Well, he asked me how long I'd been there, and I  
29 told him I just got there. And he told me to keep my mouth  
30 shut about it.

1           And I didn't know what he was talking about at that  
2 time. You know, I was kind of scared, to tell you the truth.  
3 He came on with a strong, you know, forward thing. And I told  
4 him I didn't know what he was talking about, and he said to keep  
5 my mouth shut about it. And he took me up to this rock, you  
6 know, and there was a body there. And he told me to keep my  
7 mouth shut about it or I'd end up like that.

8           Q       What did you do then, Mike?

9           A       I was scared. I didn't-- I really didn't do anything.  
10 I mean, there wasn't anything I could do, really. There was a  
11 dead person there. There wasn't anything I could do.

12          Q       And after you did that, what happened, Mike?

13          A       Well, there was clothes laying all over. She was  
14 undressed at the time. There was clothes laying all over, and  
15 John picked them up and did something and gave me the coat and  
16 told me to go throw the coat in the water.

17          Q       Did you do that?

18          A       That's exactly what I did, yeah.

19          Q       Where did you throw the coat in the water, Mike?

20          A       I couldn't give you the exact location. I just went  
21 down to the beach and threw it in the water.

22                   Some keys fell out. I threw them. I couldn't say  
23 exactly where, you know.

24          Q       Then what happened, Mike?

25          A       Then I went back up to the road. By that time, he  
26 was in the middle of the road, and he told me, you know, to be  
27 quiet about it and he'd see me later.

28          Q       Where did you go from there?

29          A       Up to the Cal-Neva drugstore by the Crystal Bay Club.  
30 Thursday, I was sick. I wanted to tell somebody, but I didn't

1 know what to do. I was afraid.

2 Q Where did you proceed from the store, Mike?

3 A Well, I came back down towards the club to go to the  
4 dorm and ran into some-- I believe it was Placer County Sheriff's  
5 officers. I wanted to tell them what happened, but I just  
6 couldn't.

7 So I talked to them about California registration.  
8 And I went back to the dorm and changed my clothes.

9 Q What did you do after that, Mike, when you got to  
10 the dorm?

11 A I left the dorm and went-- started to go to  
12 Carson City. And on my way to Carson City, I forgot my wallet.  
13 I didn't have my wallet with me. I didn't have any money with  
14 me. So I hitchhiked and I got a ride with some people going to  
15 South Lake Tahoe. So I went ahead and went into South Lake  
16 Tahoe and I got money there.

17 Q How did you get the money at South Lake Tahoe, Mike?

18 A Through a burglary of a motel.

19 Q Describe to me what transpired at the burglary, Mike,  
20 would you?

21 A Went in through a side window and got the key to the  
22 thing and opened it up and took \$15 out and took a bank and  
23 dumped it into the alley. I guess that was it.

24 Q What kind of bank was that, Mike?

25 A Pig-shaped bank made out of wood.

26 Q From there what did you do?

27 A Went to Carson City.

28 Q How did you get to Carson City, Mike?

29 A I hitchhiked. I got a ride to the intersection on  
30 Carson City and Beach Road there. And I can't remember really



1 if I caught a ride after that or not. But I was wandering,  
2 more than anything.

3 Q Mike, what time did you get into Carson City and  
4 what did you do after you got there?

5 A I got to my probation officer's office about 9:30  
6 that morning. I was going to tell him about it, except he  
7 started talking about other things. And the more I thought  
8 about it, you know, the worrier I got. I didn't know what  
9 to do about it.

10 So he drove me to Reno and talked to the Sheriff and  
11 got a Sheriff's card and everything. And came back up to the  
12 Lake. He drove me back up to the Lake.

13 Q Did you happen to know approximately what time you  
14 got back to Lake Tahoe?

15 A About 11:00, 12:00 o'clock.

16 Q Did you run into anybody when you got up to the Lake?

17 A I went into the time clerk's office. On my way into  
18 the time clerk's office to pick up a jacket, and I ran into my  
19 roommate. He wanted to borrow some money at that time so he  
20 could go get something to eat.

21 Q And what transpired at that meeting with your  
22 roommate?

23 A I loaned him a dollar. I offered him more, but all  
24 he wanted was a dollar. And I really can't remember what else  
25 we did. I know I went in and picked up a jacket, but I can't  
26 remember exactly what we did.

27 Q Did you work on Thursday night?

28 A Yes, sir, I did.

29 Q What shift did you work?

30 A The 3:00 to 11:00 shift.

1 Q You worked 3:00 to 11:00 on Thursday?  
2 A Yes, sir.  
3 Q What were your duties while you were working, Mike?  
4 A Busboy to clean up tables, get people water, pick  
5 them back up.  
6 Q Did you happen to see anybody while you were working  
7 that night, your roommate or anybody else?  
8 A I wasn't really aware of what was going on at that  
9 time, no, sir.  
10 Q When you got off work Thursday evening at 11:00  
11 o'clock, what did you do after you got off work, Mike?  
12 A On Thursday, I went back up to the body at that time.  
13 Q Then after you went to the body, what did you do after  
14 that?  
15 A I don't know. I wanted to tell somebody about it  
16 and I was afraid of dying myself, I guess. I can't really say  
17 what I was afraid of. But I was sorry for her, and, you know,  
18 sorry for everything. I wanted to tell somebody, but I just  
19 couldn't do it.  
20 Q So then what did you do after that?  
21 A I went back to the dorm before my roommate showed up  
22 and got in bed and made it appear like I was sleeping. And I  
23 stayed there for a few hours and then left again and went back  
24 up.  
25 Q And then what, Mike?  
26 A I stayed up there quite late. And I came back down  
27 in the morning before my roommate woke up.  
28 Q What happened on Friday, Mike? Do you remember what  
29 time you got up?  
30 A I never went to sleep.

1 Q Tell me about Friday. What did you do Friday?

2 A Well, when my roommate woke up, we went to the  
3 laundromat, did our laundry, and I gave some clothes to the  
4 cleaners. And got back, worked on a car for a few minutes, on  
5 a hood latch of a car.

6 And then I went to work.

7 Q What time was that Friday night that you went to  
8 work, Mike?

9 A 3:00 o'clock in the afternoon.

10 Q What time did you get off Friday night?

11 A 11:00 o'clock.

12 Q Tell me what happened after you got off Friday night,  
13 Mike?

14 A Well, got off Friday night, I went up to see her,  
15 you know, up the deal, and the more I thought about it, I  
16 couldn't leave her out there because there were flies all  
17 around and everything. I just couldn't leave her out there.

18 So I went back to the club and told the security  
19 guard that I saw a man dragging a girl up there, in hopes that  
20 they'd find the body, you know, to take care of it.

21 Q What did he do after you told him, Mike?

22 A He went up and he looked around at first, and then  
23 he came back to the club and told the other security guard to  
24 inform the Washoe County Sheriff's Department there was a  
25 thing up there. And they came up and looked around the area  
26 and stated, you know-- Looked, is all they did. They didn't  
27 check for anything.

28 And me and the other security guard, I believe it  
29 was Mr. Rose, stayed there after the Sheriff's Department left.

30 Q During this time, Mike, did you try to lead the

1     sheriff to where the body was?

2             A     Yes, I did.

3             Q     What happened after the sheriff and everybody left?

4             A     Me and Mr. Rose stayed there on the corner  
5 intersection, right by a corner intersection there. I'm not  
6 sure of the name of the road. And he kind of gave up, is what  
7 happened.

8                     And we started back. There was somebody up at the  
9 other end of the road with a purse that looked like a male.  
10 I couldn't be sure. A big purse.

11            Q     What did you do in regards to that?

12            A     Well, he yelled to him at that time to stop. And  
13 as soon as that came out, he was gone. The guy took off.

14            Q     From there, where did you go, Mike?

15            A     Looked around the Crystal Bay area for awhile and  
16 then we went back to the club. And he took a report and called  
17 the Crystal Bay.

18                     And then I told him I was going out there and see if  
19 I could find anything. And he told me to pick up a flashlight  
20 at the front desk, the lot boy's desk there.

21            Q     What did you do, get a flashlight, Mike?

22            A     Yes, sir, I did.

23            Q     Did you go back out?

24            A     Yes, sir, I did.

25            Q     What happened after that?

26            A     I couldn't leave her out there, so I just waited for  
27 a little while and came back and told them where she was at.

28            Q     And do you happen to know approximately what time  
29 that was?

30            A     No, sir, I don't.

1 Q Who did you tell you found the body?  
2 A I believe it was Mr. Rose, the security guard.  
3 Q What happened after that?  
4 A Well, he told the other security guard to tell  
5 Washoe County come up, that they found a body. And we went up  
6 there and I showed them where it was at, and he identified her  
7 and everything.  
8 Q How many people were there at that time?  
9 A At first, it was just me and him.  
10 Q And then who came upon the scene?  
11 A Washoe County and Placer County.  
12 Q Mike, after you showed Rose where the body was,  
13 where were you during this time?  
14 A Well, they told me to come down from the hill and  
15 they put me in a car.  
16 Q Who was "they", Mike?  
17 A I'm not sure of the person's name. It was a  
18 lieutenant, I think. I'm not sure. Or a sergeant. It was a  
19 person in charge at that time.  
20 Q What kind of a car did they put you in?  
21 A It was a detective vehicle. They put me in the back  
22 seat and had a guard watching me.  
23 Q And would you describe that car for me, Mike?  
24 A Like any police car, you know, no windows, no way to  
25 roll down the windows, no way to open up the doors.  
26 Q Who was left there to guard you?  
27 A Gary Gorka.  
28 Q Was he a detective or a sheriff or what was he?  
29 A He's a sheriff.  
30 Q How long were you in that car, Mike?

1           A     A half hour, forty-five minutes. And then they were  
2 told to-- Gorka and this other deputy was told to drive me to  
3 the substation.

4           Q     During the time that you were in the car, Mike, did  
5 you ask this guard if you could get out or indicate you wanted  
6 to go back to the dorm? What did you say?

7           A     I never really had a chance to say anything. They  
8 were busy and I couldn't get out of the car and I couldn't  
9 talk to him because he was outside. He wasn't inside the car.  
10 He was standing on the outside of the car.

11          Q     Then you say they took you to the substation?

12          A     Yes, sir. They transferred me there into a normal  
13 police car, marked car. They drove me to the Sheriff's  
14 substation.

15          Q     And do you happen to have any idea what time you got  
16 there?

17          A     About 5:00 o'clock. 4:30, 5:00 o'clock, I'd say.

18          Q     What transpired when you got to the substation?

19          A     Well, they put me in a room--It was in the captain's  
20 room--and told me to wait there, they'd be back in a minute.  
21 And then, some other officers showed up and they started asking  
22 me what happened, you know, how I found her and everything.

23          Q     How many people were there at the time?

24          A     I couldn't say. There were a couple of female  
25 deputies, maybe four or five male deputies.

26          Q     How many people were asking questions, Mike?

27          A     There were two main people who were asking me the  
28 questions.

29          Q     Do you happen to remember who those people were?

30          A     A lieutenant. I'm not sure of his last name.

1           Q     And do you know how long that they kept this up,  
2     Mike?

3           A     They kept it up-- I mean, they stopped every once  
4     in awhile. Then he had to go out there and talk about it.  
5     They kept on going out in the hall to talk about it. But they  
6     kept on talking to me until they took me to Sparks.

7           Q     Did they ever take you back?

8           A     Back-- Well, Chief Benham showed up later on and  
9     he asked me, you know, if I could prove where I was. And at  
10    this time he told me that he didn't care what I was doing, he  
11    didn't care-- it didn't matter what I was doing, he wouldn't  
12    charge me with any crime as long as it didn't have to do with  
13    this crime.

14          Q     Mike, now had this taken place at the substation?

15          A     Yes, sir.

16          Q     Then what happened?

17          A     I told him I was at South Lake Tahoe committing a  
18    burglary. And he went out and I guess he called Placer County  
19    to check it, to see if the facts of the burglary were correct.

20                And then him and another officer took me to my dorm  
21    and they wanted to check the dorm out. I told them it was okay.

22          Q     Did they ask you to sign any kind of consent to  
23    search the dorm?

24          A     Yes, sir. I signed a sheet of paper that said it  
25    was okay to search my property, my property alone.

26          Q     Now, at the time that you were in the substation  
27    with Chief Benham, did he make any promises to you?

28          A     He promised he wouldn't make-- wouldn't charge me  
29    with any crime as long as it didn't have to do with this crime,  
30    if I could prove that I was doing it at the time that this thing

1 happened.

2 Q Did they take you back to the dorm, Mike?

3 A They took me-- It was daylight when they took me  
4 back to the dorm. And they woke up my roommate and talked to  
5 him for a few minutes.

6 Q Prior to taking you to the dorm, did they take you  
7 any other place?

8 A Pardon me?

9 Q Prior to taking you to the dorm, did they take you  
10 any other place?

11 A They took me up to the area to show them where the  
12 body was at.

13 Q Mike, how long were you at the dorm?

14 A About fifteen minutes or so inside the dorm. Then  
15 they took me out and one of the officers stayed there.

16 Q Who was at the dorm with you at that time, Mike?

17 A Chief Benham, my roommate and another officer.

18 Q And after you left the dorm, what did they do with  
19 you?

20 A The other officer took me outside. I asked him if it  
21 was okay to stay there at the dorm to get some sleep, and he  
22 wouldn't let me.

23 Q Did they tell you at any time that during this period  
24 that you were a suspect?

25 A No, sir, they didn't.

26 Q And after you left the dorm, where did you go, Mike,  
27 or where did they take you?

28 A They took me back to the Sheriff's substation and  
29 talked to me some more.

30 Q How long did they talk to you at this period, Mike?



1           A     I can't be sure. It was 9:00 o'clock, somewhere  
2 around 9:00 o'clock when they went out of the room. They talked  
3 about something and then came back and told me I was a suspect.  
4           Q     How many people were talking to you during this period  
5 of interrogation?  
6           A     There were three main people in the room, but there  
7 were people coming in and out all the time.  
8           Q     Did these people that came in and out ask you  
9 questions?  
10          A     No, they kept on talking to Chief Benham mainly.  
11          Q     And after this interrogation, what happened then,  
12 Mike?  
13          A     They took me to Sparks.  
14          Q     How did they take you to Sparks?  
15          A     In a police vehicle.  
16          Q     Was that a Sheriff's car or what kind of car was  
17 that?  
18          A     It was a Sheriff's marked car with the, you know,  
19 the cage in it, the no window latches and no door handles.  
20          Q     Mike, was there any questioning going on while you  
21 were on your way to Sparks?  
22          A     Not really, no.  
23          Q     Do you know how long it took you to get from the  
24 substation to Sparks?  
25          A     I really couldn't say, no, sir.  
26          Q     Mike, when they brought you to the Sparks Police  
27 station, what did they do to you?  
28          A     Well, the two deputies that took me down there took  
29 me inside Sparks and had me stand around for awhile and then  
30 introduced me to Gordon Jenkins.

1 Q And after you were introduced to Gordon Jenkins, what  
2 happened then, Mike?

3 A He told me that he wanted-- you know, wanted to talk  
4 to me about the whole thing. And he took me in a room and  
5 started talking to me.

6 Q Was anybody else present in this room?

7 A I can't really remember.

8 Q Did Mr. Jenkins tell you that your conversation was  
9 being monitored?

10 A No, sir, he didn't.

11 Q Did you know if your conversation was being monitored?

12 A No, sir.

13 Q How long did this interrogation period last, Mike?

14 A I really don't know. I got up to the jail. They  
15 booked me later on that night.

16 Q Do you have any approximate time when they booked you?

17 A No, sir.

18 Q What did they finally book you for, Mike, at that  
19 time?

20 A A hold for Placer County on a burglary charge.

21 Q Were you upset at that time?

22 A Yes, sir.

23 Q Why was that?

24 A Well, I learned that-- I trust people and they tell  
25 the truth, you know. And I'm used to people telling the truth.

26 And when Chief Benham just came out and lied about  
27 the promise he made, it, you know, got me upset.

28 Q Now, at the time you were booked, Mike, was there  
29 any more questioning going on at that time?

30 A No questioning, just booking questioning. And at that

1 time I asked why John wasn't here.

2 Q And what did they say to that?

3 A They asked me, "John who?" And I told them. And I,  
4 you know, proceeded to tell them what happened. And they asked  
5 me if I'd tell Sheriff Galli this.

6 Q Did you tell Sheriff Galli?

7 A Yes, sir, I did.

8 Q When was that?

9 A Saturday evening.

10 Q When, right after booking or was there a period of  
11 time, or what transpired in that period?

12 A It was awhile after booking.

13 Q Who was present when you told Sheriff Galli?

14 A Mr. Pinkerton from the D.A.'s office, a court  
15 reporter, the two deputies that brought me in, Gordon Jenkins,  
16 Chief Benham. There were people going in and out all the time.

17 Q Where was this, Mike, that the people were going in  
18 and out?

19 A It was a room in the Sparks Police Department.

20 Q How long did they talk to you during this period,  
21 Mike?

22 A I couldn't say. I was really upset at the time.

23 Q Well, was it an hour or two hours or later, or five  
24 or six, or how many? Just an approximation.

25 A I couldn't say. It seemed like forever, you know.

26 Q What happened after this interrogation, Mike? What  
27 did they do then?

28 A I believe they took me back up to jail.

29 Q Do you have any idea about what time that was?

30 A It was dark. I know that much.

1 Q What did you do at that time, Mike, when they took  
2 you back to the jail?

3 A They locked me in a small cubicle there, and I just  
4 sat there and thought all night.

5 Q Did you think the whole night? Were you tired? Did  
6 you get any sleep, or what?

7 A I couldn't sleep.

8 Q What happened the next day, Mike?

9 THE COURT: Mr. Grellman, I think we'll take our  
10 morning recess at this time.

11 MR. GRELLMAN: Thank you, your Honor.

12 THE COURT: Ladies and gentlemen, we will be in  
13 recess for ten minutes. You are instructed not to discuss the  
14 case among yourselves or with anyone else, or to form any  
15 conclusions concerning the case until it is submitted to you.  
16 And you are not to read or listen to any news media or other  
17 accounts relating to this case.

18 (Recess.)

19 THE COURT: Be seated, please.

20 Will counsel stipulate that the jury is present?

21 MR. ROSE: The State will so stipulate, your Honor.

22 MR. GRELLMAN: Defendant will stipulate, your Honor.

23 THE COURT: You may proceed, Mr. Grellman.

24

25 DIRECT EXAMINATION

26 (Resumed)

27 BY MR. GRELLMAN:

28 Q Mike, let's go back a little bit. You indicated that  
29 you knew John Soares in Las Vegas?

30 A Yes, sir.

1 Q This John Soares, was he a father? Did he have any  
2 children? Tell me about John.

3 A He had two boys. Married.

4 Q How well did you get to know John when you were in  
5 Las Vegas?

6 A Well as his sons did.

7 Q Well, how well is that, Mike? Did you know all about  
8 him?

9 A Yes, sir. All the things he did.

10 Q What kind of things did he do?

11 A He was a thief more than anything.

12 Q What do you mean by a "thief", Mike?

13 A He didn't like to work. Burglaries, you know,  
14 robberies.

15 Q Now, this kind of relationship or friendship that  
16 you had with John, was that just more than a passing  
17 acquaintance?

18 A It was more than a passing acquaintance, yes, sir.

19 Q How did you feel about John?

20 A I looked up to him. A father figure, I guess. I  
21 looked up to him.

22 Q Now, Mike, when you went up to Lake Tahoe you  
23 indicated that you ran into John?

24 A Yes.

25 Q And during that time when you saw him at Lake Tahoe,  
26 did you have a talk with him at all?

27 A Yes, sir. Not really a talk. It was more of a fear.  
28 I asked him why he did it and how he did it. I didn't ask him  
29 how, but he told me how he did it.

30 Q What else did you talk about? Anything else at all?

1 A Not really. He just mentioned the car--  
2 Q Let's go back a little bit, Mike. What did John tell  
3 you to do with the coat?  
4 A Put it in the lake.  
5 Q And did you put it in the lake?  
6 A Yes, sir.  
7 Q How did you do that?  
8 A Walk down some stairways there and walked across the  
9 rocks and dropped it in the water. Well, before I got there,  
10 some keys fell out of the pocket, so I just threw them.  
11 Q Where was John at this time?  
12 A He was up on the road by the area there.  
13 Q Mike, could you describe John for me? How old was he?  
14 What did he look like?  
15 A Forty-five, fifty years old. Black hair with a little  
16 gray in it, sideburns.  
17 Q About how tall is he?  
18 A Six two, 210, 220. Around there.  
19 Q Compared to you, was he a big guy or little guy?  
20 A A big muscular guy.  
21 Q At the time, Mike, that you were down throwing the  
22 coat in the water, where was John at this time?  
23 A He was still up by the body, as far as I know.  
24 Q Then what did you do after that? When was the next  
25 time you saw him?  
26 A I came back up the steps, came up the road and he was  
27 standing in the road.  
28 Q What transpired at that meeting in the road with  
29 John Soares?  
30 A He told me to come with him, so we walked up the road.

1 Q Where did you go, Mike?

2 A By the employees' parking lot there.

3 Q What did you do when you got in the employees'

4 parking lot?

5 A He showed me her car. He just pointed it out.

6 Q What did he say? "That's her car"? "There's her

7 car"? What did he say to you?

8 A I can't remember the exact words. He mentioned

9 something about the car. I can't remember the exact words.

10 Q Then where did you and John go?

11 A John dropped me off up at the store up there and he

12 left.

13 Q What was the last thing John told you when you got

14 out of the car?

15 A Keep my mouth shut or I'd end up like her.

16 Q Okay. Mike, after that, what did you do? You went

17 to the store and what?

18 A Came back down to the dorm, ran into some Placer

19 County Police.

20 Q Mike, back to the time that the police had you in

21 custody on Saturday, you're at the booking section, do you

22 happen to know how long that interrogation lasted from the time

23 that they booked you on Saturday until Saturday night?

24 A No, sir, I don't.

25 Q When do you recall now that the interrogation

26 ceased?

27 A Well, that interrogation, I want to tell them the

28 truth, I did tell them the truth of what I remember of it. And

29 they still hassled me after that.

30 Q Why did that interrogation cease that evening?

1           A     I really don't know. I guess it was over with then.  
2     No more questions at that time.

3           Q     How did you feel?

4           A     Sick, you know. I couldn't sleep, nervous.

5           Q     Mike, at that time when was the last time you had any  
6     sleep?

7           A     It would be Wednesday night. I got up--

8           Q     How long did you sleep during that period; do you  
9     remember?

10          A     I got up 7:00 o'clock Wednesday. I don't know how  
11     many hours I slept. I got up, played around.

12          Q     How about Friday morning? Did you sleep Friday  
13     morning at all?

14          A     No, sir, I didn't. I was still on the effects of  
15     some drugs.

16          Q     What kind of drugs? Well, when did drugs come into  
17     play?

18          A     Wednesday night I took some acid.

19          Q     Acid. What's acid, Mike?

20          A     It's hallucinogenic drug.

21          Q     When did you take that Wednesday night?

22          A     I don't remember the exact time. I was in the  
23     Cal-Neva at the time.

24          Q     How do you take it, Mike? Do you sniff it, chew it,  
25     or what? Tell me about it.

26          A     I swallowed it, you know. Several different ways to  
27     take it.

28          Q     Where did you get that drug, Mike?

29          A     Brought it up from Vegas with me.

30          Q     Did you use drugs while you were in Las Vegas?



1           A     Yes, sir.

2           Q     What was the extent of you using drugs down there?

3           A     Almost every day, you know. Well, since I was twelve

4 years old is when I started.

5           Q     Back to Saturday night again, Mike, what did you do

6 when they finally took you to the cell Saturday night?

7           A     Just sat up and thought.

8           Q     Did you have anything to eat or did they talk to you

9 any more or what?

10          A     I couldn't eat, no, sir.

11          Q     Why was that?

12          A     Well, on acid, you can't eat. You don't have any

13 desire to.

14          Q     How long did you think, Mike, at that time?

15          A     Until they came and got me the next morning.

16          Q     What was going on in your mind?

17          A     Well, they kept on telling me that I did it, you know,

18 and kept on asking me why I did it and how I did it and if I had

19 anything against her. You know, they kept on asking me all

20 these questions. Not asking me, but more or less telling me

21 that I did it.

22          Q     Do you remember if you slept at all that night?

23          A     I didn't sleep at all. I sat down and thought, kept

24 on thinking, kept on thinking. Next thing I notice, the sun's

25 coming up, and a little while later they're coming in.

26          Q     That was Sunday morning, about what time was that?

27          A     I couldn't say. There's no clock around the building.

28          Q     Were you sleeping when they came in and woke you up

29 Sunday morning?

30          A     No, sir, I wasn't.

1 Q Describe the scene on that Sunday morning.  
2 A An officer came in-- One of the jailers came in and  
3 told me to come on out, Detective Gordon wanted to talk to me.  
4 Or Jenkins.  
5 Q Was there anybody else with Jenkins at that time?  
6 A I can't remember.  
7 Q Did you eat any breakfast that morning?  
8 A No, sir.  
9 Q When was the last time you remember you had anything  
10 to eat?  
11 A Wednesday night. I really can't say for sure.  
12 Q Where did they take you from the cell, Mike, that  
13 Sunday morning?  
14 A Downstairs to the interrogation room.  
15 Q Did they begin the interrogation again?  
16 A Yes, sir.  
17 Q How long, Mike, did that interrogation take?  
18 A I don't know. There were several times they talked  
19 to me that day. They talked to me most of the day and part of  
20 the evening.  
21 Q How many people were present during that  
22 interrogation?  
23 A There were different amounts of people, 'cause they  
24 kept on coming in the room and leaving.  
25 Q Did they question you continuously?  
26 A Once in awhile they'd leave and go out and talk  
27 about, you know-- I don't know what they went out and talked  
28 about, but they left the room.  
29 Q Did you eat anything during this interrogation?  
30 A No, sir.

1 Q Well, did they offer you any coffee or anything like  
2 that?

3 A Yes, sir, they did offer me coffee.

4 Q Did they offer you anything else besides coffee?

5 A I can't say for sure.

6 Q How come you didn't accept their offer, Mike?

7 A No real-- I don't drink coffee that much, anyway.

8 Q Sunday, now, Mike, what happened late Sunday  
9 afternoon, Sunday night, or do you remember?

10 A I don't really remember what happened Sunday. They  
11 kept on accusing me of doing all this stuff and everything,  
12 and I can't say exactly what went on. I was confused, mixed  
13 up, afraid. I can't say exactly.

14 Q Mike, do you remember going to the hospital?

15 A I remember waking up at the hospital, yes, sir. I  
16 don't remember going there.

17 Q What happened then?

18 A I woke up and they took me back to jail.

19 Q Now, do you remember anything that happened at all  
20 at the hospital? Was there any interrogation or questioning  
21 going on there?

22 A I couldn't say for sure. I think a doctor asked me  
23 a few questions, but I couldn't say for sure.

24 Q Did you tell the doctors you had any sleep?

25 A I think I told the doctor I hadn't eaten or I hadn't  
26 been to sleep in awhile.

27 Q Did they offer you any food or anything else at this  
28 time?

29 A No. They took me back to the jail and took me to a  
30 room and started talking to me again. Then they took me back



1 to jail.

2 Q Mike, at the hospital, did they give you any  
3 medication that you know of?

4 A I believe they did, 'cause I woke up like someone was  
5 touching every nerve in my body, you know, type of feeling. I  
6 got heat running through my body.

7 Q How did you feel at that time, pretty alert or what?

8 A I couldn't say I was alert, because I really wasn't  
9 aware of my surroundings right when I came out of it. And then,  
10 you know, after I got up, sat up, I could see I was in the  
11 hospital.

12 Q Mike, when you say that after they took you back from  
13 the hospital, they took you right back to the Sparks Police  
14 Department; is that right?

15 A Yes, sir.

16 Q And right away, they started interrogating you; is  
17 that right?

18 A They took me back in the same room. I think it might  
19 have been Chief Benham talked to me, but I couldn't be sure if  
20 it was him or not.

21 Q And what did you say at that time, Mike? What did  
22 you tell them?

23 A I don't have any idea.

24 Q How long were you in that room at this time, Mike?

25 A It wasn't long. They took me back up to the jail.

26 Q What happened when you got back to the jail Sunday  
27 night?

28 A They put me back in my cell.

29 Q Now, did you have anything to eat on this day?

30 A No, sir.



1 Q What did you do after you got back to your cell Sunday  
2 night?

3 A Sat down on the bed and thought. That was it.

4 Q Did you go to sleep or rest or what?

5 A No, I couldn't sleep.

6 Q What happened the next day, or when was the next time  
7 you remember anything happened?

8 A Monday, I don't know if it was in the morning or  
9 afternoon, but I was so confused and everything by that time  
10 that I really didn't know what was going on.

11 Q How did you feel Sunday night to Monday morning? What  
12 were you thinking about?

13 A Thinking about, I guess, what was going on. I really  
14 don't know. I can't say for sure.

15 Q On Monday morning, what, if anything, happened Monday  
16 morning?

17 A I talked to Detective Jenkins and we talked for  
18 awhile. You know, he was polite about the whole thing and  
19 everything. He kept on accusing me of doing it, you know, asked  
20 me why I did it. Get it off my chest. You can't live with this  
21 thing like this and everything.

22 And he refused to quit hassling me, is what it came  
23 down to. He wouldn't let me alone. They wouldn't let me alone.

24 Q Did you tell them you were tired, Mike?

25 A I told them I was tired, I couldn't go to sleep, I  
26 wasn't feeling good.

27 Q How long did this interrogation take place, Mike, on  
28 Sunday afternoon?

29 A On Sunday? It was most of the day. I really  
30 couldn't say. A good portion of the day.

1 Q Did you have any breakfast that morning?  
2 A No, sir.  
3 Q How about any lunch, any lunch that day?  
4 A No, sir.  
5 Q You say you hadn't had any sleep since Wednesday  
6 evening?  
7 A Wednesday at 7:00 o'clock was the last time-- Well,  
8 was when I got up.  
9 Q Mike, during that interrogation on Monday morning,  
10 Monday afternoon, did you finally make some statements?  
11 A Yes, sir.  
12 Q Tell me about those statements, Mike? What happened?  
13 Did you tell them that you did it or did they tell you you  
14 did it and you answered them, or what were they doing?  
15 A I really don't know the words involved in the  
16 statement, but I know they kept on all that day-- They kept on  
17 telling me I did it.  
18 Q What were they telling you, Mike?  
19 A Well, they kept on telling me I did it and how I did  
20 it and everything. All they wanted to know was why I did it.  
21 Q What did they say, Mike? "Come on, get it off your  
22 chest. Let me know about it"?  
23 MR. ROSE: I object to that question, your Honor.  
24 I'd like to hear the testimony of the witness. Leading  
25 question.  
26 THE COURT: Sustained. The jury will disregard it.  
27 BY MR. GRELLMAN:  
28 Q Mike, tell me, tell me what went on during this  
29 interrogation period, how these statements came out.  
30 A Well, it was Gordon Jenkins who was doing most of the

1 interrogation. He kept on saying I did it, you know. He told  
2 me I did it and asked me why I did it. You know, they knew  
3 how, they knew I did it and they wanted to know why I did it.

4 Q Mike, these statements that you told Gordon Jenkins,  
5 did you mean it?

6 A Well, the statement isn't true, no. But I think--  
7 Well, I had some reaction that, you know, they kept on telling  
8 me I did it and everything, and with the effects of the drug and  
9 everything, I thought I did do it. At that point, I couldn't  
10 be certain of anything. I was confused.

11 Q Mike, did they tell you if you got it off your chest  
12 they'd stop hassling you?

13 A I knew that was the only way I could ever get rest and  
14 get to think.

15 Q What happened after you made this statement to  
16 Gordon Jenkins? Then what happened?

17 A They brought me over to the Sheriff's Department here,  
18 Washoe County.

19 Q Well, just after you made the statement to Gordon  
20 Jenkins, did they call somebody in the room?

21 A I believe-- Well, I think I told somebody else that I  
22 can't be sure.

23 Q After you made that statement, did they ask you,  
24 Mike, "You want to sign this thing? Is this your testimony?  
25 Do you want to sign it?", or anything?

26 A I don't know if they asked that or not.

27 Q Did they ever bring you back at any time later and  
28 say, "Mike, this is the statement you gave us on Monday  
29 afternoon. Read it over. Is this what you said that afternoon?"

30 MR. ROSE: I will object to that, your Honor. Again,

1 I'd like to have testimony from the witness. A leading question.

2 THE COURT: Sustained. The jury will disregard it.

3 BY MR. GRELLMAN:

4 Q Mike, at any time did you acknowledge that was your  
5 statement?

6 A No, sir, I didn't. I never saw it again.

7 Q So after you made the statement, Mike, what happened  
8 next?

9 A They took me up to Sparks Police Department, the jail  
10 system and had Washoe County come over and pick me up.

11 Q Where did they take you from there, Mike?

12 A The Washoe County Jail and booked me.

13 Q What did they book you for?

14 A Murder.

15 Q How long did that booking take place, Mike?

16 A Fifteen minutes. Maybe twenty minutes. I don't  
17 know.

18 Q Where did you remain after the booking?

19 A They put me in the hole.

20 Q In the hole? What do you mean by the "hole"?

21 A It's a concealed-- It's a concealed room like when  
22 you do something wrong, they put you in there, you know.

23 Q Did they offer you any food or anything at this time?

24 A I don't remember.

25 Q How long were you in the hole?

26 A They kept me in there until the next day.

27 Q Did you have a meal that evening; do you remember?

28 A I believe I got there too late for a meal. I'm not  
29 sure.

30 Q Do you remember anything else that took place at the



1 Washoe County Jail after the booking?

2 A I don't know if it was at that time, but I know while  
3 I was there at Washoe County, since I'd been there, Chief Benham  
4 talked to me and wanted to know where the coat and the keys and  
5 the purse and the shoes and everything else was, and the knife,  
6 where I put the knife. And I told him I'd take him up there.

7 Q When was this, Mike? When did you go to the Lake  
8 again?

9 A On Tuesday morning.

10 Q About what time?

11 A I don't know. I was in the hole, you know. The  
12 same light, it's all the time in there. There's no way to tell  
13 the difference.

14 Q Mike, after you made this statement on Sunday and  
15 they booked you, did they again tell you you have a right to an  
16 attorney?

17 A No, sir.

18 Q Did they tell you you had rights to an attorney before  
19 you went to Lake Tahoe?

20 A No, sir.

21 Q So on Tuesday morning, tell me what happened Tuesday  
22 morning.

23 A They picked me up at the jail and took me out to a  
24 police car, Chief Benham and two other officers. They drove me  
25 up to the Lake.

26 Q And do you happen to know what time you got to  
27 Lake Tahoe?

28 A No, sir, I don't.

29 Q What transpired when you got to Lake Tahoe?

30 A Well, they asked me where the coat and keys were,

1 and I took them down to the lake and I said, "Down at the lake,  
2 you know, in the rock area somewhere. I can't be sure of the  
3 place, the exact place."

4 Q Did you walk up and show them exactly where the coat  
5 was, or what transpired?

6 A No, sir. We walked up and down the beach. We went  
7 up and then we came back, and I couldn't point out the exact,  
8 you know, place where it was.

9 Q What did you do after you pointed this out, Mike?  
10 What happened next?

11 A They asked me about the purse, and I told them I  
12 didn't know anything about it. They asked me about the shoes,  
13 and I didn't know anything about them. Then they asked me  
14 about the knife.

15 Q What about the knife, Mike?

16 A Well, they asked me if I put it up at the house, and  
17 I said I don't know, maybe I could have.

18 Q What did you do then?

19 A We looked up at the house, and we went and looked in  
20 the dorm, we looked up by the store. And as soon as I know I  
21 don't know where the knife was, I knew I didn't do it.

22 Q Did you tell them that?

23 A I told them I don't know where the knife was. I told  
24 Chief Benham I didn't know where it was.

25 Q How long were you at the Lake on Tuesday, Mike?

26 A About an hour, hour and a half.

27 Q Who was all with you at that time?

28 A I think there were three deputies. I couldn't be sure  
29 of the number.

30 Q Were any district attorneys there?

1           A     I think Mr. Pinkerton was, yes.  
2           Q     Was he participating, or what was he doing?  
3           A     I don't know for sure.  
4           Q     Did they find the coat and the keys while you were at  
5 the Lake, Mike?  
6           A     No, sir, they didn't.  
7           Q     Did they find the knife?  
8           A     No, sir, they didn't.  
9           Q     Mike, did you ever see a knife?  
10          A     No, sir.  
11          Q     How do you know you didn't see the knife, Mike?  
12          A     I think I would have remembered it if I saw it.  
13          Q     Mike, after you walked around for awhile, how did you  
14 come back to Reno?  
15          A     In the police vehicle.  
16          Q     Did you have an opportunity at any time before coming  
17 back to go to the dorm, or did you go to the substation or  
18 anything again?  
19          A     No, I think we went straight back to Washoe County,  
20 here.  
21          Q     Mike, did you have an opportunity while you were at  
22 the Lake on Tuesday to talk to anybody other than the police  
23 officials?  
24          A     No, sir, I didn't. There was no other people except  
25 for police officials around.  
26          Q     Did they take you down to the laundry?  
27          A     No, sir, they didn't.  
28          Q     Did they take you up to the store where you got the  
29 sandwich?  
30          A     They took me up around there, but they never took me

1     inside the store.

2           Q     While you were at the Lake, Mike, did they ever take  
3     you over to the South Shore?

4           A     No, sir.

5           Q     Did you talk about the burglary any more at this time?

6           A     No, sir, I didn't.

7           Q     Did they ask you how you got from North Shore over to  
8     South Shore?

9           A     If they did, I don't remember.

10          Q     Did they ask you if you were hitchhiking at all?

11          A     I can't remember for sure.

12          Q     So the only purpose in going to the Lake was to  
13     locate the keys and coat; is that correct?

14          A     I believe so, yes, sir.

15          Q     Do you happen to remember what time you got back  
16     Tuesday?

17          A     Not really, no, sir. I wouldn't say-- I would say  
18     after 12:00, but I couldn't be sure.

19          Q     Mike, what happened after they got you back on  
20     Tuesday?

21          A     Well, Chief Benham and a few other officers, well,  
22     they locked me up for a few minutes and then came back and took  
23     me out again. Then they took me to the D.A.'s office and  
24     everything and took me into the Justice Court.

25          Q     Mike, while you were at the Lake, were they asking  
26     you questions? This is on Tuesday.

27          A     Questions about the purse, the knife, you know, the  
28     items involved.

29          Q     How about on the way down from the Lake, did they  
30     ask you questions then, too?

1           A     I don't really remember.

2           Q     Go on back just a little bit. After Monday night  
3 when they booked you in the Washoe County Jail, you don't  
4 remember having anything to eat, but do you remember sleeping  
5 that Monday night?

6           A     I believe at that time I did get a little sleep, but  
7 I don't know how much.

8           Q     While you were at the Lake, Mike, and the sheriffs  
9 took you up on Tuesday, were you active or just standing around?  
10 What were you doing?

11          A     I wasn't really active, no. I didn't have-- I didn't  
12 have my freedom to go anyplace like that.

13          Q     Were you walking up and down roads or what?

14          A     I was supposed to be showing them where this stuff  
15 was at, you know. I didn't know where the keys or purse, knife--  
16 I knew where the keys were, but-- .

17          Q     Now, you got back Monday afternoon. You said they  
18 took you to the District Attorney's office?

19          A     They took me to the District Attorney's office because  
20 they didn't want me out in the hallway.

21          Q     How long were you in the District Attorney's office?

22          A     We just went through there.

23          Q     And then where did you go from there?

24          A     Into Justice Court.

25          Q     Why did they bring you into Justice's Court, Mike?

26          A     For an arraignment.

27          Q     And they arraigned you on what charges?

28          A     Murder.

29          Q     Did anything transpire while you were in Justice's  
30 Court?

1           A     Chief Benham and I were in an argument at that time  
2 about the Placer County hold. He lied to me, is what it came  
3 down to. And I accused him of it, and he says that he didn't.  
4 He says, "You just misinterpreted my wording."

5           And I said, "If that's the way you work, you know--  
6 I mean, you said I did this, I say I didn't do it. And you're  
7 going to get me, so I don't even need a lawyer or anything.  
8 Just take me to court and give me what you're going to give me."

9           Q     Mike, did you say these exact words: "I killed her",  
10 or did you say, "You said I killed her"? What did you say?

11          A     I can't remember the exact words I used.

12          Q     Who was present at that time?

13          A     Mr. Pinkerton, Mr. Benham and I think the judge was  
14 walking in at that time. I'm not sure.

15          Q     Mike, after you were arraigned, where did they take  
16 you?

17          A     They took me into the jail and put me in a maximum  
18 security section.

19          Q     When was the first time after that, Mike, that you  
20 saw a lawyer?

21          A     I believe it was a few days later.

22          Q     Mike, I have just a few more questions.

23                 Did you kill Trudy Hiler?

24          A     No, sir, I didn't.

25          Q     How do you know you didn't kill her, Mike?

26          A     I can't even kill an animal, how can I kill someone--  
27 a human being?

28          Q     Are you telling me the truth, Mike?

29          A     Yes, sir, I am.

30                 MR. GRELLMAN: I have no further questions.

1           MR. ROSE: Your Honor, I could start, but I would  
2 just be interrupted. I would prefer to start with the  
3 afternoon session.

4           THE COURT: All right. We'll adjourn for the noon  
5 recess at this time. We will reconvene at 2:00 p.m., or  
6 shortly thereafter as is possible.

7           Ladies and gentlemen, you are instructed not to  
8 discuss the case amongst yourselves or with anyone else, or to  
9 form any conclusions concerning the case until it is submitted  
10 to you. And you are not to read or listen to any news media or  
11 other accounts relating to the trial.

12           (Recess.)  
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1 RENO, NEVADA TUESDAY, APRIL 20, 1972 2:15 P.M.

2 --oOo--

3  
4 THE COURT: Be seated, please.

5 Will counsel stipulate that the jury is present?

6 MR. ROSE: So stipulated, your Honor.

7 MR. GRELLMAN: So stipulated, your Honor. Your Honor,  
8 we'd like the Court's permission to call a witness out of order.

9 MR. ROSE: The State has no objection, your Honor.

10 THE COURT: All right, you may do so.

11 MR. GRELLMAN: Your Honor, at this time we'd like to  
12 call Vincent Anselmo to the stand, please.

13  
14 VINCENT ANSELMO

15 called as a witness on behalf of the defendant  
16 herein, being first duly sworn, was examined  
17 and testified as follows:

18  
19 DIRECT EXAMINATION

20 BY MR. GRELLMAN:

21 Q State your name for the record, please.

22 A Vince Anselmo.

23 Q Mr. Anselmo, where do you reside?

24 A Las Vegas, Nevada.

25 Q And is the defendant in this case, Michael, your son?

26 A He is my son.

27 Q What is your occupation, Mr. Anselmo?

28 A I'm the managing editor of the Las Vegas Sun, a  
29 newspaper.

30 Q How long have you been employed in that capacity?



1 A Since 1958.

2 Q Mr. Anselmo, where in Las Vegas do you reside?

3 A 2020 Denvy Avenue.

4 Q That's Las Vegas, Nevada?

5 A That is correct.

6 Q Do you know a man by the name of John Soares?

7 A I do.

8 Q How do you know Mr. Soares?

9 A John Soares and his family were neighbors in 1960,  
10 '61, about '62.

11 Q And neighbors, how close were you resided to where  
12 the Soares resided?

13 A A next-door house. They were renting and we owned  
14 our own home.

15 Q Did you ever know your son Mike to run around with  
16 Mr. Soares?

17 A Yes, I did. I protested many times.

18 Q What was the reason for the nature of your protest?

19 A Well, Mike was much younger, of course, a small boy.  
20 Mrs. Soares worked, John Soares did not work. He would spend  
21 the entire day sitting on the lawn talking to all the kids in  
22 the neighborhood.

23 About that time, much to our surprise, he was picked  
24 up on an armed robbery charge. It shocked the whole  
25 neighborhood.

26 Q Why did it shock the neighborhood?

27 A Well, you think of a neighbor not committing any  
28 crime and so forth. When he was picked up, he robbed a  
29 finance company. He had a small boy in the back seat, and I  
30 think the young boy at that time was maybe three or four years

1 old. My thinking as a newspaperman--

2 MR. ROSE: I'll object to what this man was thinking,  
3 your Honor.

4 BY MR. GRELLMAN:

5 Q Mr. Anselmo, did this cause you great concern?

6 A Yes, it did.

7 Q What did you do in regard to this concern?

8 A Well, at that time Mr. Soares was in the County Jail  
9 awaiting trial, and I spoke to Mike and the other neighbors  
10 spoke to their children, to have nothing to do with John Soares  
11 if he got out.

12 Q And who were some of the other neighbors in that area?

13 A Well, our very close neighbors then were Mr. and  
14 Mrs. Charles Bridges. And next-door, Mr. and Mrs. Larry Steel,  
15 I believe it is.

16 Q Now, Mr. Anselmo, prior to Mike's going to Lake Tahoe,  
17 did you obtain him a job there at Lake Tahoe?

18 A Yes, I did.

19 Q What kind of job was that?

20 A A friend of mine was the general manager at that time  
21 of the Cal-Neva Lodge, Tony Ashley. I called Tony--We'd known  
22 each other quite well in Las Vegas--and asked if he could put  
23 Mike on for the summer, and he said, "Send him up, I'll get him  
24 a job. Don't worry about him."

25 Q Now, prior to Mike's leaving for Lake Tahoe, was  
26 there any conversation between you and him at that time?

27 A About his going to Lake Tahoe?

28 Q Right.

29 A I told him-- He loves the area. He loved the area,  
30 the skiing in the winter, water-skiing in the summer and so

1 forth. Mike had been in and out of trouble many times. I've  
2 helped him all I can, because I'm his father and I believe he's  
3 got a lot of good in him.

4 So I gave him some money, bought him some more clothes,  
5 bought his ticket and told him, "Now, you be a good kid now and  
6 do everything that Tony says up there and you'll love the area,  
7 and be sure and see Chuck and Dorothy Bridges", our former  
8 neighbors from Las Vegas who moved to Incline Village about  
9 1964.

10 Q How much money did you give him before he left?

11 A I think it was around \$50. Might have been a little  
12 more, but I think it was fifty.

13 MR. GRELLMAN: Thank you, Mr. Anselmo. I have no  
14 further questions.

15 MR. ROSE: Mr. Anselmo, just a few questions.

16  
17 CROSS-EXAMINATION

18 BY MR. ROSE:

19 Q Earlier your son testified that he found a father  
20 figure in John Soares. Do you know why that could be?

21 A No, I don't.

22 Q And that he looked up to John Soares.

23 A I think it was hero worship. That's my opinion of  
24 John Soares.

25 Q Well, you have to admit from what you've said that  
26 your son chose a very poor hero?

27 A I think there are many kids in the neighborhood who  
28 looked up to John Soares as some kind of a hero.

29 Q Somehow he had a rapport with kids, I take it?

30 A I don't know John Soares that well. I went to work,

1 came home in the evening and so forth. I know that Mr. Soares,  
2 after he was released from prison, periodically called Mike.  
3 He didn't speak to me. I periodically told Mike to stay away  
4 from him, he's much older and he's no good.

5 Q When was the last time you saw John Soares?

6 A In person?

7 Q Yes.

8 A Oh, I'd say six, seven years ago.

9 Q Do you know where John Soares is now?

10 A No, I have no idea.

11 Q You say that Mike was in and out of trouble. What  
12 type of trouble was he in and out of?

13 MR. POLAHA: Objection, your Honor. This is  
14 eliciting any information other than the proper prior felony  
15 conviction that is before the Court and jury at the present  
16 time, your Honor. The District Attorney cannot go into any  
17 area but for prior felony convictions. This question is calling  
18 for some kind of solicitation from this witness. I object to  
19 that, your Honor.

20 THE COURT: The answer was elicited by you, Counsel.  
21 You may proceed, Mr. Rose.

22 BY MR. ROSE:

23 Q Could you tell us what sort of trouble he was in and  
24 out of?

25 A Curfew violations. He started to go around with  
26 older boys, and he went to Spring Mountain Youth Camp twice.

27 Q Well, there was other trouble than that, wasn't  
28 there, Mr. Anselmo?

29 A Later?

30 Q Well, let's direct your attention to March, 1970.

1 During that month, isn't that when he committed the crime for  
2 which the felony resulted?

3 A I don't recall that.

4 Q You don't recall that?

5 A I don't recall the date.

6 Q But you recall the incident, do you not?

7 A Yes, I do.

8 Q Do you recall in March, 1970 police officers came to  
9 your house in the middle of the night to talk to Michael  
10 Anselmo?

11 A I recall police officers coming, but I don't know the  
12 date.

13 Q Well, if I told you that was March 18th, 1970, would  
14 that refresh your recollection?

15 A I couldn't remember the exact date, no.

16 Q And what did that case have to do with?

17 A He was questioned on a charge, but it was dropped.

18 Q What was that charge that he was questioned on?

19 A It was a rape charge.

20 Q That was a rape charge of Tina Mims, was it not?

21 A I don't know the name.

22 Q And they came to your house in the early morning  
23 hours, did they not?

24 A I believe it was.

25 Q They went into his bedroom and they questioned him  
26 quite extensively, did they not?

27 A Yes, they did.

28 Q And they advised him of his rights then?

29 A I don't recall that.

30 Q In addition to that, can you recall any other trouble

1 that Michael Anselmo was in?

2 A Just one other. He used a credit card that was not  
3 his.

4 Q That's the only trouble that you can recall?

5 A Most of it.

6 MR. POLAHA: Your Honor, I'm going to object to this  
7 line of questioning, and I ask the Court to excuse the jury so  
8 I can lay on the record the nature of my objection.

9 THE COURT: The jury will retire to the jury room,  
10 please.

11 (The jury leaves the courtroom.)

12 MR. POLAHA: Your Honor, right off, I'd like the  
13 court reporter to read back the question that was asked by  
14 Mr. Grellman and the response by Mr. Anselmo which supposedly  
15 opened the door for this type of questioning by the District  
16 Attorney.

17 We're going into the specific acts of misconduct of  
18 the defendant which were not put into evidence by the defense.  
19 He's going into prior arrests, whether or not there was  
20 conviction, which is improper. He's going into innuendos about  
21 the man's character which we did not go into, your Honor.

22 I would like to see if it was opened by us. We did  
23 certainly not--

24 THE COURT: The Court has already ruled on this  
25 objection.

26 MR. POLAHA: Can we--

27 THE COURT: You may, for the purpose of making a  
28 record, have the reporter read it back to you.

29 MR. POLAHA: Thank you, your Honor.

30 (Record read.)

1 MR. POLAHA: Your Honor, the second ground, as far  
2 as any objection, is hearsay. As far as this is, any charge  
3 that the police may have lodged against his son in Las Vegas  
4 would be hearsay to this witness. Obviously, there were no  
5 convictions, obviously the District Attorney does not have  
6 certified copies of any of the result of that prior trouble in  
7 Las Vegas, if in fact there was any.

8 THE COURT: The objection is overruled.

9 MR. POLAHA: Your Honor, that wasn't responsive to--

10 THE COURT: There was no objection at the time,  
11 Counsel, no motion to strike at the time. Examination of the  
12 witness was closed, cross-examination started. If you had an  
13 objection at that time, it should have been made at that time.

14 MR. POLAHA: I understand the Court's ruling at this  
15 time is that Mr. Rose can go into prior specific acts of  
16 misconduct of Michael Anselmo--

17 THE COURT: He can go into what the witness meant  
18 when he said he was in and out of trouble many times.

19 MR. POLAHA: That's also ruled on the hearsay  
20 objection, your Honor, as to that?

21 THE COURT: So far the witness hasn't repeated  
22 anything that anybody else said, Counsel. He has, as I  
23 understand his testimony, testified from his own knowledge.

24 MR. POLAHA: Thank you, your Honor.

25 THE COURT: You may proceed, Mr. Rose. We better  
26 get the jury back, first, I guess.

27 (The jury returns to the courtroom.)

28 BY MR. ROSE:

29 Q Mr. Anselmo, I believe I asked you do you know of  
30 any other incidences that you can recall which you would

1 include in your statement that Michael was in and out of  
2 trouble?

3 A Not since the credit card affair. Could I point out  
4 I don't know if this is--

5 THE COURT: You may say nothing, sir, except in  
6 response to a question from counsel for one side or the other.  
7 BY MR. ROSE:

8 Q You mentioned the Spring Mountain Youth Camp also.  
9 How many times was Michael lodged in that facility?

10 A Twice.

11 Q Do you know the length of his stay there?

12 A Approximately six months each time.

13 Q Could you tell us what that facility is?

14 A It's primarily for young boys, you know, not adults,  
15 who commit some sort of a crime or cannot possibly be controlled  
16 by the parents. And it's a very nice--

17 MR. POLAHA: Objection, your Honor. I'm going to  
18 object to the answer of Mr. Anselmo now, because legally he's  
19 not correct. Anybody that's under the age of eighteen in this  
20 state cannot commit a crime. Now, he's unqualified to make  
21 that statement he just made, because by definition, people are  
22 not sent to Spring Mountain Youth Camp because of a commission  
23 of a crime, because under the Juvenile Court Act there is no  
24 crime.

25 THE COURT: That isn't a correct statement of law,  
26 either, Counsel.

27 MR. POLAHA: Well, sixteen, then.

28 THE COURT: I will allow this witness to state what  
29 he believes to be the purpose of this camp. And this, ladies  
30 and gentlemen of the jury, is what he believes it to be, not



1 necessarily true.

2 BY MR. ROSE:

3 Q Do you know why your son was put in this camp each  
4 time?

5 A Well, I thought the first time would be best for him.  
6 His charges weren't serious, but we thought because I divorced  
7 his mother earlier he might be straightened out all the way by  
8 going up there.

9 Q You said the charges weren't serious. What were those  
10 charges?

11 A I don't recall.

12 MR. POLAHA: Excuse me, your Honor. I'd like the  
13 record to reflect my continuing objection to this type of  
14 questioning.

15 THE COURT: The record will reflect your continuing  
16 objection.

17 BY MR. ROSE:

18 Q How about the second time your son was confined in  
19 this facility?

20 A I think it was for trespassing.

21 MR. ROSE: Thank you, Mr. Anselmo.

22 I have no further questions.

23

24 REDIRECT EXAMINATION

25 BY MR. GRELLMAN:

26 Q Mr. Anselmo, the District Attorney asked you if on  
27 March 18th police officers came to your house; is that correct?

28 A I don't recall the date, but they did come.

29 Q Okay. Were you present when they were questioning  
30 your son?

1           A     Most of the time. Yes, I was a little disturbed.  
2     I mean, so early in the morning.

3           Q     Did they tell you what the charges were at that time?  
4           A     Well, they said he was suspected of rape.  
5           Q     And what happened to the charges?  
6           A     The charges were completely dropped.  
7           Q     Now, Mr. Anselmo, you've indicated your son went to  
8     the Spring Mountain Youth Camp; is that correct?  
9           A     That is correct.

10          Q     Was this during the time that your son was under the  
11     influence of John Soares?  
12          A     John Soares was in and out all the time. As I said,  
13     he went to prison, came back out, and there were times, many  
14     times he would pick up Michael at school. And I would find out  
15     about it and sit on Mike and tell him to stay away from John  
16     Soares.

17          Q     Do you know of your own knowledge whether or not  
18     Soares was the influence that caused your son to get into  
19     trouble?  
20          A     I don't know, but I think he had a very bad character.  
21     That's my own personal opinion.

22               MR. ROSE: I'll ask that the character of John Soares,  
23     your Honor, be omitted. I don't know if this witness can speak  
24     to that.

25               THE COURT: Well, he said it was his opinion.  
26               MR. ROSE: Okay, fine. I'll let it stand then.

27     BY MR. GRELLMAN:

28          Q     Mr. Anselmo, was your son running around with John  
29     Soares prior to the time that he went to Spring Mountain Youth  
30     Camp at any time?

1 A Off and on, yes.

2 Q Did you talk to him about this?

3 A My son?

4 Q Right.

5 A Numerous times.

6 MR. GRELLMAN: Mr. Anselmo, no further questions.

7 Thank you.

8 MR. ROSE: I have no further questions, your Honor.

9 THE COURT: You may step down, sir.

10 MR. GRELLMAN: Your Honor, we have no further  
11 witnesses at this time.

12 MR. ROSE: Your Honor, I take it we would be calling  
13 the defendant to the stand for some cross-examination.

14 THE COURT: You want to start your cross-examination  
15 now?

16 MR. ROSE: I would like to, yes.

17 THE COURT: You may.

18

19 MICHAEL PHILIP ANSELMO

20 the defendant herein, called as a witness on  
21 his own behalf, having been previously duly  
22 sworn, was examined and testified as follows:

23

24 THE COURT: You are still under oath, Mr. Anselmo.

25 THE WITNESS: Yes.

26

27 CROSS-EXAMINATION

28 BY MR. ROSE:

29 Q Mr. Anselmo, could you tell me the very first time  
30 that you can recall meeting John Soares?

1 A It was in Las Vegas, maybe eight, nine years old.  
2 Q That was the first time you can recall meeting him?  
3 A To the best of my knowledge, yes, sir.  
4 Q And he lived in the neighborhood with you?  
5 A Yes, sir.  
6 Q And you got to be quite close to him?  
7 A Yes, sir.  
8 Q And you said that he became a father figure to you?  
9 A To a sort, yes, sir.  
10 Q Now, is that your own word, father figure, or has  
11 someone told you about father figure?  
12 A My own word, sir.  
13 Q That's your own word. And he became a father figure  
14 to you because of what reason?  
15 A Well, I never really did anything with my own father.  
16 He was busy most of the time with work and everything. And  
17 John used to take us out to the lake and up to the mountains  
18 and, you know, used to play football with us and everything.  
19 Q Well, in fact, your relationship with your father was  
20 very poor, was it not?  
21 A I wouldn't say it was poor, no, sir.  
22 Q Well, isn't it true that it got so bad that he asked  
23 you to leave the house?  
24 A He never really asked me to leave, no, sir.  
25 Q In fact, not even asked you, threw you out of the  
26 house?  
27 A No, sir, he's never threw me out of the house.  
28 Q But in September of 1970, you left the house, didn't  
29 you?  
30 A I wouldn't recall if it was in September. I left many

1 times, lived on my own.

2 Q Okay. When you went to live on your own, where did  
3 you go?

4 A Lived in San Francisco. All over.

5 Q When you say "all over", San Francisco is just one  
6 place. Can you recall other places for me?

7 A Merced. All over the Las Vegas area.

8 Q How long did you live in Merced?

9 A Not long. Only stayed there a couple of weeks.

10 Q How about in San Francisco?

11 A I really couldn't say how long, sir.

12 Q So you've been doing quite a bit of traveling on your  
13 own, have you not?

14 A Yes, sir.

15 Q And you had to shift for yourself on your own, have  
16 you not?

17 A Yes, sir.

18 Q And you had to take care of yourself?

19 A Yes, sir.

20 Q Now, on direct examination you said that you were  
21 closer to your sister than your brother. Was that a fair  
22 statement of what you said?

23 A Yes, sir.

24 Q That was because you said your sister and you had  
25 the same problems?

26 A Yes, sir.

27 Q What are those problems?

28 A Communication, more than anything.

29 Q Communication with whom?

30 A People in general.

1 Q And she had this communication problem, too?

2 A Yeah. Well, she was starting to get, you know,

3 involved in things that she shouldn't have been getting

4 involved in.

5 Q Was that your problem, too?

6 A To a sense, yes, sir.

7 Q And you stated that you spent time in the outdoors.

8 Is that a fair statement?

9 A Yes, sir.

10 Q And isn't it true that when you arrived at Lake Tahoe,

11 the first couple of days you spent a great deal of time walking

12 in the outdoors?

13 A Not a great deal of time, no, sir.

14 Q Well, didn't you walk quite a bit down by the lake

15 Monday, Tuesday and Wednesday?

16 A No, sir.

17 Q You didn't. So when Louis Padilla told us that you

18 told him that, you never said that to him?

19 A I don't believe so, no, sir. Not that I remember.

20 Q So Louis Padilla would be wrong in telling us that?

21 A I couldn't say he was wrong. I might have told him.

22 I'm not sure if I did, I'm not sure if I didn't.

23 Q Now, let's go back to John Soares. You met him in

24 Las Vegas, and I take it you became quite friendly with him?

25 A Yes.

26 Q You struck up a relationship?

27 A Yes, sir.

28 Q Then you said what you called a father figure, he

29 became a father figure to you?

30 A In a sense, yes, sir.

1 Q Now, you said that on Tuesday, I believe, you saw--  
2 of the week that Trudy Hiler's body became missing and then was  
3 found, you saw him at the Park Lane Shopping Center?  
4 A Yes, sir.  
5 Q Was that on a Tuesday now?  
6 A Yes, sir.  
7 Q Okay. I want to know prior to that time when was  
8 the last time you had seen him?  
9 A Before I got in that credit card trouble.  
10 Q And you got in that credit card trouble in March of  
11 1970, did you not?  
12 A I'm not sure of the date or the month.  
13 Q Well, was it before you committed the credit card  
14 offense or when you were sentenced on it?  
15 A Before.  
16 Q Before which?  
17 A I went to jail for it.  
18 Q Okay. Now, when did you go to jail for it?  
19 A I don't remember exactly when I went to jail. I know  
20 I pled guilty to it in October.  
21 Q When did you get out of jail?  
22 A June 15th.  
23 Q Could you tell me how you saw John Soares the last  
24 time you saw him prior to that Tuesday?  
25 A How I saw him?  
26 Q Where you saw him, how you came to meet him.  
27 A Oh, at Lake Mead water-skiing. You mean in Las Vegas  
28 after I got picked up, don't you?  
29 Q Yes, before you started serving your time.  
30 A It was at Lake Mead.

1 Q Okay. That was how many weeks or months before you  
2 went to jail for the eight months?

3 A I couldn't say. It was awhile. I really couldn't  
4 give you times.

5 Q It was awhile. You couldn't give any estimate at all?  
6 Would it be a couple of days or a couple of months?

7 A It was-- I really couldn't say for sure one way or  
8 the other. It was more than a couple of days, more than a  
9 couple of weeks.

10 Q Then the next time you saw him after that was in  
11 Park Lane Center?

12 A In Sears, yes, sir.

13 Q Sears. And you just happened to be walking through  
14 and you met him?

15 A Well, I was down there to buy a pair of pants and  
16 kind of ran into him.

17 Q And he was in a hurry and had to leave?

18 A We talked for a minute or two, but he had to do  
19 something. He had some stuff to do. We really didn't talk  
20 that much. I just told him I was up here.

21 Q And the next time you saw John Soares was when he was  
22 coming out of the bushes that Thursday morning?

23 A I believe so, yes, sir.

24 Q To the best of your recollection, that's the next  
25 time you saw John Soares?

26 A The best I can remember, yes.

27 Q When he said he just killed a girl up in the bushes  
28 and wanted you to come look at it?

29 A He didn't say that at that time, no, sir.

30 Q What did he say at that time?



1           A     He asked me how long I'd been there, and not to say  
2 anything about it. I didn't know what he was talking about.  
3           Q     Now, did you ever know Trudy Hiler while she was  
4 alive?  
5           A     Not personally, no, sir.  
6           Q     Did you ever know her to see her while she was alive?  
7           A     I could have seen her but, you know, I could have  
8 seen her. I can't be sure.  
9           Q     You can't be sure?  
10          A     I could have seen her in the club. I see a lot of  
11 people in the club. It's hard to remember everybody, each and  
12 every one of them.  
13          Q     But you don't have any recollection of seeing Trudy  
14 Hiler while she was alive?  
15          A     I don't, you know. I might have seen her in the club  
16 but, you know, I might even talked to her. I don't know, you  
17 know, for sure, because I talked to a lot of people, I saw a  
18 lot of people.  
19          Q     You just don't recall?  
20          A     I don't recall, no, sir.  
21          Q     Ever seeing her while she was alive?  
22          A     Not while she was alive, no, sir.  
23          Q     Do you recall being examined by a psychiatrist, a  
24 Leslie Gould, at the request of your attorneys?  
25          A     Leslie Gould?  
26               MR. POLAHA: Your Honor, I'm going to object to this  
27 line of inquiry for two reasons: One,--  
28               THE COURT: Should we excuse the jury?  
29               MR. POLAHA: I think so, your Honor.  
30               THE COURT: The jury will retire to the jury room.

1 (The jury leaves the courtroom.)

2 MR. POLAHA: Your Honor, one, this area was not  
3 covered on direct examination. He's going into an area outside  
4 of the direct examination.

5 Two, he's going into an area of a privileged  
6 communication, doctor-client.

7 Now, the statute of Nevada, Nevada Revised Statute,  
8 whatever it is, says that if a court order for an investigation  
9 for a psychiatric examination, then there is no privilege. And  
10 if we're going to get into that area on this case, your Honor,  
11 then I would like time to file briefs to show where that  
12 statute has applied to all of the clients of the Public Defender  
13 who cannot afford their own psychiatrist and is a denial of  
14 equal protection of the law. Because if he could afford a  
15 psychiatrist and we could have gotten him a private psychiatrist,  
16 nothing contained in that report would have been brought to the  
17 District Attorney's knowledge.

18 But because he was a client of the Public Defender's  
19 office, we had to get a court order to release County funds to  
20 pay the psychiatrist for examining him. The District Attorney  
21 is allowed to see that report, therefore waiving the privilege.

22 I think this is a denial of due process under the  
23 equal protection of the laws, your Honor. And those are the  
24 reasons for my objection to this line of inquiry.

25 THE COURT: Mr. Rose?

26 MR. ROSE: Your Honor, we supplied them with the  
27 reports we have, just as they supplied us pursuant to statute.  
28 And here's the report from Leslie Gould. He stated--

29 MR. POLAHA: Objection, your Honor. We're talking  
30 about Constitutionality or the privilege, not covered by direct

1 examination. We're not going into contents of that letter.

2 MR. ROSE: I'm just going to impeach him to show when  
3 he says he's never saw Trudy, he made a prior inconsistent  
4 statement to the psychiatrist. He said he knew her as a student  
5 at Chico State.

6 MR. POLAHA: I know what you're trying to do. I say  
7 you can't do it, a denial of Constitutional rights.

8 MR. ROSE: Once he takes the witness stand, your  
9 Honor, his credibility is in issue.

10 THE COURT: There is no question about that. The only  
11 question is whether you can use this report or not. And I  
12 think for this purpose, you can use it, and I'm going to  
13 overrule the objection.

14 I'm not going to allow you time to file a brief. You  
15 have other remedies after the trial is over.

16 So far, Mr. Rose, we have ruled only that you can use  
17 this for prior inconsistent statements on the question of  
18 credibility.

19 MR. ROSE: That's the only reason I'm going to, your  
20 Honor.

21 THE COURT: Mr. Bailiff, you may return the jury.  
22 (The jury returns to the courtroom.)

23  
24 CROSS-EXAMINATION

25 (Resumed)

26 BY MR. ROSE:

27 Q Do you recall being examined by a Dr. Leslie Gould,  
28 the psychiatrist?

29 A I don't recall anyone by that name. I saw several  
30 psychiatrists.

1 Q Since you were arrested on this charge?  
2 A Yes, sir.  
3 Q Do you recall ever making a statement to any of those  
4 psychiatrists wherein you stated that you had known Trudy Hiler  
5 at Chico State College where she was a student?  
6 A I can't be sure whether I did or whether I didn't,  
7 no, sir.  
8 Q But you wouldn't have made that statement, would you  
9 have, if it wasn't true?  
10 A Well, Mr. Rose, the most psychiatrists I talked to,  
11 I didn't trust, to begin with, because of prior activities  
12 with psychiatrists.  
13 Q So you don't trust psychiatrists, either?  
14 A No, sir.  
15 Q And you don't trust law enforcement officials, I take  
16 it, also?  
17 A I do, yes, sir.  
18 Q Well, you just told us on direct examination you  
19 did not trust law enforcement officials and they always are  
20 hassling you?  
21 A I did not trust Chief Benham. Now, every other  
22 officer I have ever dealt with in Las Vegas were always honest  
23 and truthful and they never lied about it. When they said  
24 something they meant it.  
25 Q How about those individuals like Gordon Jenkins who  
26 came here and said that you confessed to the crime?  
27 A He was working for Chief Benham.  
28 Q I see. It's not just Chief Benham, it's everybody  
29 under him now?  
30 A I was so confused at that point from, you know, I

1 didn't know who to trust or what to trust.

2 Q But you really wouldn't have made that statement,  
3 would you have, to your psychiatrist that you knew Trudy at  
4 Chico State College?

5 A He was not my psychiatrist.

6 Q Leslie Gould was not your psychiatrist?

7 A I don't have a psychiatrist of my own psychiatrist,  
8 no, sir.

9 Q Didn't Leslie Gould examine you?

10 A I was examined by many psychiatrists while in jail.

11 Q And I want to know yes or no whether you ever made  
12 that statement to the best of your recollection to any  
13 psychiatrist who examined you?

14 A I may have.

15 Q But if you made that statement, it would have been  
16 a lie?

17 A Yes, sir, it would have.

18 Q How big was Trudy Hiler?

19 A I don't know. I can't really say.

20 Q You have no idea?

21 A Well, I don't recall seeing her standing up or walking  
22 around, no, sir.

23 Q Laying down where you saw her, it was difficult to  
24 judge her size?

25 A In the position, yes, sir.

26 Q Do you have any idea whether she was smaller or bigger  
27 than you?

28 A I couldn't answer that truthfully one way or the  
29 other. I don't know.

30 Q Now, Tuesday night on the week in question, you were

1 with a Mr. Thompson, was it?

2 A I believe it was Tuesday, yes, sir.

3 Q And you didn't work at all Tuesday, did you?

4 A No, sir.

5 Q Okay. So what you'd been doing then is going out that

6 evening with Mr. Thompson?

7 A I believe it was Tuesday I went out with him. I

8 cannot be positive that was the day, but I believe it was.

9 Q Okay. Now, how long were you with him Tuesday night?

10 A An hour and a half, maybe two hours.

11 Q Okay. When did you meet him on Tuesday night?

12 A Before 12:00 o'clock.

13 Q After you left him on Wednesday morning, what did you

14 then start to do? Is that when you started walking around the

15 parking lot?

16 A No, sir, I went to sleep.

17 Q Now, you heard Patsy Brent testify that Wednesday

18 morning at 3:30 she saw you in the parking lot. You heard that

19 testimony, didn't you?

20 A Yes, sir.

21 Q And she clearly identified you as the person?

22 A She identified me, but she said I had long black curly

23 hair. My hair was not that long at that time and it was not

24 curly.

25 Q Were you in the parking lot at the time she stated?

26 A No, sir. I was asleep at that time.

27 Q And so she's wrong, too, now?

28 A She could have made-- There were quite a bit of--

29 There is no lights in any of the parking lots around there,

30 except the big one.

1 Q She said it was light, did she not?  
2 A She said there was light reflected from the sign.  
3 Q And at that time your hair was quite a bit longer  
4 than it is today, wasn't it?  
5 A Yes, sir.  
6 Q And at that time, according to your testimony, you  
7 were supposedly asleep?  
8 A Yes, sir.  
9 Q Now, from Wednesday on till Friday, you've told us  
10 generally what you've done, where you were and what's happened  
11 to the best of your ability; is that correct?  
12 A Yes, sir.  
13 Q Then when you were taken into custody Saturday  
14 morning around 9:00 o'clock, or at least told that you were a  
15 suspect in this case, that afternoon you were questioned by  
16 Robert Galli, were you not?  
17 A I don't recall whether it was Saturday or not, but  
18 I know I was questioned by him.  
19 Q It was the date that you were taken down to Sparks?  
20 MR. POLAHA: Objection to the form of that, your  
21 Honor. Is the District Attorney testifying or asking a question?  
22 THE COURT: Please phrase it in the form of a  
23 question, Mr. Rose.  
24 BY MR. ROSE:  
25 Q Was it the day you were taken down to Sparks?  
26 A It could have been, yes, sir. I kind of lost track  
27 of, you know, the days and-- .  
28 Q At that time, you told us that you told Sheriff Galli  
29 the truth to the best of your ability?  
30 A Well, I did talk to Sheriff Galli and-- Well, at the

1 time I was nervous and everything, but I believed it was fairly  
2 accurate.

3 Q To the best of your ability, just a day or two after  
4 everything had happened; is that correct?

5 A Well, my ability at that point wasn't too good.

6 Q And you said that you told him everything to the best  
7 of your knowledge and you couldn't understand why they didn't  
8 let you go free after you had told them about John Soares?

9 A I never said I couldn't understand why. At that time,  
10 like I said, I was on drugs, on a hallucinogenic drug. And from  
11 what I can remember, I believe I told him fairly close. I'm  
12 not sure it was completely accurate, no, sir.

13 Q But you did tell them that day about John Soares,  
14 did you not?

15 A Yes, sir.

16 Q And you did it to the best of your ability?

17 A Well, like I said, my ability was not that good.

18 Q But how is it that you can remember some things very  
19 clearly and then other times you have lapses?

20 A Nine months, you get to think about a lot of things.  
21 The only thing that's been in my mind for the past nine months  
22 is this whole thing.

23 Q I can believe that, Mr. Anselmo.

24 MR. POLAHA: Objection, your Honor. Ask the Court  
25 to strike the counsel's comments.

26 THE COURT: The objection is sustained. The comment  
27 will be stricken. The jury will disregard it.

28 BY MR. ROSE:

29 Q Do you recall on that Saturday when Bob Galli was  
30 questioning you that a court reporter was taken in to take down



1 a statement that you made?

2 A I believe there was a court reporter there.

3 Q And again, you did that to the best of your ability  
4 with your limitations, that limitation being that you were on  
5 drugs?

6 A Yes, sir.

7 MR. POLAHA: Excuse me, your Honor. I would also  
8 take issue with that latest statement of the District Attorney.  
9 As I recall the testimony, the limitations were drugs and a  
10 long time without sleep. So that wasn't entirely a correct  
11 statement of the testimony of Mr. Anselmo.

12 THE COURT: I'm not going to try to restate the  
13 testimony. Mr. Rose asked him if that was correct, and he said  
14 yes to the question. I'll let it stay at that, and the  
15 objection is overruled.

16 BY MR. ROSE:

17 Q Mr. Anselmo, have you had a chance to look at the  
18 copy of the statement made on July 17th, 1971?

19 A Briefly.

20 Q And do all the answers in there reflect what you said  
21 that you can recall?

22 A I don't know.

23 Q You have told us that on Wednesday night, Thursday  
24 morning, the first time you saw John Soares was when he was  
25 coming out of the bushes?

26 A First time that night, yes, sir.

27 Q I'm going to give you a copy of the statement,  
28 Mr. Anselmo, and ask you to turn to Page 7 and 8, if you will,  
29 and read those two pages.

30 MR. POLAHA: Excuse me. What statement is that,

1 Counsel?

2 MR. ROSE: That's the July 17th statement to Bob  
3 Galli.

4 THE WITNESS: Seven and eight?

5 THE COURT: Just read them to yourself, Mr. Anselmo.

6 BY MR. ROSE:

7 Q I'm referring to Line 21 on Page 7 over to Line 8.

8 A Line 8?

9 Q Yes, over to the next page, Line 5.

10 Mr. Anselmo, please read the top, also, on Page 7,  
11 Line 3 down to--

12 A Line 3?

13 Q -- the end of the page.

14 A "During the day, I-- "

15 Q No, no. Read them to yourself.

16 THE COURT: Don't read them aloud, Mr. Anselmo. Just  
17 read them to yourself and make yourself familiar with them.

18 THE WITNESS: Yes.

19 BY MR. ROSE:

20 Q Now, did not Bob Galli ask you these questions and  
21 you give him these answers: --

22 A It says here it does, yes, sir.

23 Q Well, I'm going to read them to you. I'm going to  
24 ask you if that's the questions you were asked and the answers  
25 you gave.

26 A I don't recall every question I was asked and every  
27 answer I gave.

28 THE COURT: Mr. Anselmo, wait until Mr. Rose reads  
29 the question and answer and asks you a question, and then you  
30 respond to the question.

1 BY MR. ROSE:

2 Q "Q Well, during the day of Wednesday, what did  
3 you do during that day?

4 A My probation officer woke me up at 12:00  
5 o'clock and I talked to him for awhile. Saw John  
6 out in the hotel there and talked to John for awhile.

7 Q John who?

8 A Soares.

9 Q What did you and John talk about?

10 A Nothing really at that time. Just bullshitted  
11 around.

12 Q About what time of the day was that?

13 A That was just about 1:00 o'clock, after I  
14 got through with the probation officer and saw him.

15 Q In the afternoon?

16 A Yes. Then I went back about 1:30 and went  
17 to sleep until 7:00 o'clock that night.

18 Q Okay. 7:00 o'clock in the evening on  
19 Wednesday evening you woke up; is that correct?

20 A Yes.

21 Q Then what did you do?

22 A I went over to the hotel, got something to  
23 eat, and John was over there and he talked for awhile,  
24 and he said he had to go someplace. I went in the  
25 playroom, played around for awhile and left there  
26 about 12:45, quarter to 1:00 in the morning. Then  
27 on my way back, going up towards the dorm, John was  
28 coming down. Told me what he did and took me out  
29 there."

30 Were you asked those questions and did you give those

1 answers to Bob Galli on July 17th, 1971?

2 A It says here I did.

3 Q I'm asking you to the best of your recollection

4 whether you gave them?

5 A I can't recall every question he asked me and every

6 question everybody else asked me.

7 Q Now, could you tell me precisely where you saw

8 John Soares coming down from the woods?

9 A Not the precise spot. It was-- Well, you make a

10 curve and then, you know, in between the curve there.

11 Q Could you come down and draw it to the best of

12 your ability?

13 A Yes, sir.

14 I was coming down through-- I was coming down through

15 here, through that turn in the curve.

16 Q Could you show us where the Cal-Neva is. That

17 doesn't show us a whole lot.

18 A It would be up here.

19 Q And where is the employees parking lot?

20 A I guess it would be down here.

21 Q Where are the dorms located?

22 A Over here.

23 Q And where is that Crystal Bay Drive that goes down?

24 A Right here.

25 Q That's the drive?

26 A Yes.

27 Q Okay. And you saw John Soares where, now? Could you

28 put an X there?

29 A I can't put in the exact spot.

30 Q To the best of your recollection?

1           A     It was by a tree clearing there.

2           Q     How did you happen to be out walking around there?

3     That's quite a ways from the dorm.

4           A     On my way back to the dorm, I heard like a scream,

5     like a chimpanzee scream. When it comes to things like that,

6     I'm curious.

7                     So I wanted to see what it was, see if I could find

8     it.

9           Q     You started out into the night. Were there any

10    lights there at all?

11          A     Not that I recall, no, sir.

12          Q     And this was about what time, about 1:00 o'clock

13    in the morning?

14          A     Twenty after 1:00, twenty-five after 1:00.

15          Q     Was that at that time that you met John Soares?

16          A     Yes, sir.

17          Q     And is that a road that crosses there?

18          A     There is a road that crosses the intersection

19    somewhere.

20          Q     Where would that be?

21          A     I'm not sure of the place. I wouldn't put it in

22    there, couldn't even put it in there.

23          Q     Then he took you to a body?

24          A     First he asked me what I was doing there.

25          Q     He asked you what you--

26          A     How long I'd been there and everything.

27          Q     And he took you to a body?

28          A     Yes, sir.

29          Q     Could you mark where that body would be on that map?

30          A     I guess it would be over here somewhere. There's a

1 trail like that, leads like an old animal trail.

2 Q Would you put a B there for body.

3 Okay. Could you put an X as best you can where  
4 you first saw John Soares.

5 So when you met John Soares, you were pretty close  
6 to the body then?

7 A I was on the road.

8 Q You were on the road walking down the road and he  
9 was coming down the road going toward the Cal-Neva?

10 A Well, he was coming down from the bushes.

11 Q Out of the bushes?

12 A Yes, sir.

13 Q And was he coming out of the bushes near the body?

14 A I wouldn't say it was near the body, no, sir.

15 Q Well, when you first saw John Soares, how far was  
16 that from the body to the best of your recollection?

17 A I couldn't give you any idea. Maybe twenty-five  
18 yards, thirty yards.

19 Q So you are twenty-five or thirty yards away from  
20 the body, and he asked you how long you'd been there?

21 A Yes.

22 Q And then he took you to the body?

23 A He asked me how long I'd been there. I told him  
24 I just got there. And he told me not to mention anything  
25 about it. And I didn't know what he was talking about at  
26 that point.

27 Q Then what did he say?

28 A Well, then he took me up there and he told me to  
29 shut up about it or I'd end up like she was.

30 Q Okay. You may take the stand again, Mr. Anselmo.

1 Thank you.

2 THE COURT: Gentlemen, I think it's time for a recess.

3 We will be in recess for ten minutes. The jury  
4 are instructed not to discuss the case among yourselves or  
5 with anyone else, or to form any conclusions concerning the  
6 case until it is submitted to you. And you are not to read  
7 or listen to any news media or other accounts relating to  
8 the trial.

9 (Recess.)

10 THE COURT: Be seated, please.

11 Will counsel stipulate that the jury is present?

12 MR. ROSE: So stipulated, your Honor.

13 MR. GRELLMAN: So stipulated, your Honor.

14 THE COURT: You may proceed.

15

16 CROSS-EXAMINATION

17 (Resumed)

18 BY MR. ROSE:

19 Q Now, after John pointed out the body to you, that  
20 being the body of Trudy Hiler, in the early morning hours  
21 of Tuesday, at that time he said he had something else to do  
22 and left, did he not?

23 A Not at that exact moment, no, sir.

24 Q What did he do?

25 A Told me to keep my mouth shut about it or I'd  
26 end up the same way. And he had me get rid of the coat.

27 Q And the keys that you subsequently found?

28 A Well, I don't know if he knew the keys were in the  
29 pocket or not.

30 Q Now, in this statement that you made to Bob Galli

1 on July 17th, you said nothing about the threat made to you  
2 by John Soares. Was that just an inadvertent omission?  
3 A I don't know what you mean.  
4 Q Did you just forget about telling him that.  
5 A I don't know if I forgot about telling him it. I  
6 don't know if I told him it for sure. I couldn't say.  
7 Q You said nothing about Soares making you throw the  
8 coat away or the jacket away, the jacket or the keys away?  
9 Nothing in here about that? Did you just forget to tell him  
10 that, too.  
11 A I don't know.  
12 Q Well, if it's not in there, you must have forgotten  
13 it; is that correct?  
14 A Yes, sir.  
15 Q Don't you think that's a pretty important part of  
16 the case?  
17 A I guess so, yes, sir.  
18 Q And pretty important part of your statement?  
19 A If he asked me, I imagine I told him. If he didn't,  
20 I guess I didn't.  
21 Q You didn't think to volunteer that portion?  
22 A I don't know, really.  
23 Q Now, when you were shown the body, what position was  
24 it in?  
25 A She was on her back at the time.  
26 Q She was on her back?  
27 A Yes, sir.  
28 Q And were her eyes open or closed?  
29 A Open.  
30 Q And then you went down and threw the coat-- the



1 jacket into a hole? What is it that you threw it into?

2 A I can't really say. I say I threw it into a hole  
3 or out in the middle of the lake.

4 Q You just don't know?

5 A At that time I was scared, you know.

6 Q You were scared about what?

7 A John, I guess, mainly.

8 Q Well, if he was such a father figure to you, why  
9 would you be scared of him?

10 A 'Cause the way he acted. He never acted that way  
11 before.

12 Q This was a change of character?

13 A He acted different. It was a different side of him.

14 Q You had never seen this side before?

15 A I'd seen him in fights before, but, you know, things  
16 like this.

17 Q But you were afraid of him and you took this jacket  
18 down because you were afraid of him?

19 A Yes, sir.

20 Q Did you ever tell anyone else, any law enforcement  
21 officer prior to that day how that jacket got there?

22 A I don't know. I can't answer that one way or the  
23 other.

24 Q Did you ever tell anyone that John Soares made you  
25 take the jacket down prior to today?

26 A Law enforcement officers, I couldn't say for sure.

27 Q And I take it you came back, and when you came back  
28 to around the body, where was John Soares?

29 A When I came back after the jacket, he was on the  
30 roadway.

1 Q Then what did he do?  
2 A Walked up to the employees parking lot, or by the  
3 employees parking lot.  
4 Q You both walked up together?  
5 A Yes, sir.  
6 Q Then he pointed out where the car was?  
7 A He mentioned something about the car. I can't  
8 exactly recall exactly what he said.  
9 Q At that time did you notice the drive shaft in the car  
10 being down?  
11 A No, sir.  
12 Q Did you ever notice that?  
13 A Not till I was told about it.  
14 Q And then at this time you were very sick, weren't  
15 you, sick and afraid?  
16 A Yes, sir.  
17 Q But in spite of being sick and afraid, you went up  
18 to the store and got a Coke?  
19 A I went up and bought a Seven-up, yes, sir.  
20 Q Even though you were sick and afraid?  
21 A That settles your stomach.  
22 Q And you needed your stomach to be settled and you  
23 wanted to drink a Coke?  
24 A Not a Coke, no, sir.  
25 Q What?  
26 A Seven-up.  
27 Q And you bought a Seven-up, and then you went down and  
28 talked to a sheriff from Placer County, a deputy sheriff?  
29 A Yes, sir.  
30 Q Then you went back to the body?

1 A No, sir, I didn't, not at that time.  
2 Q What did you do?  
3 A I went to the dorm and got dressed.  
4 Q Pardon?  
5 A I went to the dorm and got dressed.  
6 Q Then what did you do?  
7 A Left the Placer County-- At first, I didn't have  
8 any intentions on going to Placer County. I left for Carson  
9 City.  
10 Q So you didn't go and visit the body at that time?  
11 A Not at that time.  
12 Q Mr. Anselmo, please turn to Page 4 and read that  
13 page of that statement that you gave Sheriff Galli on July 17th,  
14 and a few sentences on Page 5, if you would. Page 4 will be  
15 okay, and the first sentence on Page 5.  
16 Do you remember being asked this question and giving  
17 these answers:  
18 "Q Would you be willing to relate in your own  
19 description as to what the incident that you know about?"  
20 And you gave this answer:  
21 "A Just ran into John Soares, and he was coming  
22 back down from--"  
23 MR. POLAHA: Excuse me, your Honor. That's a  
24 misquote or a mispronunciation of the name on Page 4.  
25 S-u-a-r-e-z to me is Suarez, not Soares.  
26 MR. ROSE: Suarez. Okay. We'll say Suarez this  
27 time.  
28 BY MR. ROSE:  
29 Q "Just ran into John Suarez, and he was coming  
30 down back from like out of brush there, area just up

1 above the Cal-Neva. And he told me that he killed a  
2 girl, and he took me up there. Just said he strangled  
3 her and he stabbed her. And each time he stabbed  
4 her, he killed her again and again and again.

5 Then he covered up her body, which was nude,  
6 covered her up with trees and branches and everything.  
7 And we both walked down. And he says he had to go  
8 somewhere.

9 And I walked up to get something to drink at the  
10 drug store by the Crystal Bay Club. I came back down.  
11 There were two girls, the two roommates of Trudy, had  
12 the police officers below, or the Sheriff's Department,  
13 pulled over there on the road. Was telling them that their  
14 roommate was missing and her car was there and everything  
15 else.

16 I wanted to tell them, but I was just too afraid  
17 to tell them, so I asked them about a Sheriff's card  
18 instead. Asked them about registration, whether I  
19 had to register in California as an ex-felon if I  
20 was working. Going to be over there once in awhile.

21 And I went back to the dorm and drank a Coke,  
22 and went out to the body for awhile and uncovered  
23 the body, closed her eyes and turned her back over  
24 on her stomach. But it looked like she was asleep.  
25 Kind of covered her legs so she wouldn't get cold.

26 And I came back down, I guess, about 4:00 o'clock  
27 after just sitting up there and talking to her."

28 Do you recall making that statement to Bob Galli?

29 MR. GRELLMAN: Your Honor, I'll object. I'll ask  
30 the District Attorney to read that entire statement. He's the

1 one that placed it into issue and I'd like to have him finish  
2 through the period, please.

3 THE COURT: All right, please finish through the  
4 period.

5 BY MR. ROSE:

6 Q "And I came into time keeping, and I wanted to  
7 tell him, and I couldn't do it so I just went upstairs  
8 through the casino, period."

9 Do you recall being asked that question and giving  
10 that lengthy answer?

11 A Not really, no, sir.

12 Q But which is correct? Did you go back to the body  
13 or did you not?

14 A At that time I don't believe I went back to the body.

15 Q And you don't recall going back up and closing her  
16 eyes and turning her over?

17 A I did close her eyes, I did turn her over but I  
18 can't remember exactly when it was, no, sir.

19 Q You seem to remember everything so well on direct  
20 examination. Now think hard and can you tell me when you went  
21 up there and closed her eyes?

22 A I couldn't say exactly when.

23 Q And when you went back up there to close her eyes,  
24 did you talk with her?

25 A Yes, sir.

26 Q What did you talk about?

27 A Things would be all right, things would work out.

28 Q Like what things were going to work out, Mike?

29 A The whole matter.

30 Q The whole matter. You mean your involvement with

1 this homicide?

2 A No, sir.

3 Q Why didn't you just go to the police and tell them  
4 that?

5 A I was afraid to.

6 Q And it was your fear of John Soares or Suarez?

7 A Partially, yes, sir.

8 Q Now, you said you went to Lake Tahoe, South Lake Tahoe,  
9 what you call South Beach, and let's call it South Beach,  
10 that's the south of the lake, that evening. Is that what you  
11 said, and as I recall that's what you said on--

12 A That evening.

13 Q -- on direct testimony?

14 A Early morning. Past 12:00 o'clock.

15 Q Okay. Early morning hours of Thursday, July 15th.

16 Now, you said that you went there, you hitchhiked there.

17 Okay.

18 Now, on Page 5 of that statement from Line 4, you're  
19 continuing your statement down to Line 15.

20 Did you not continue your answer by saying this:

21 "By then John was back in the casino playing  
22 twenty-one. And he asked if there were any way to go  
23 to Carson City. He had to go to South Beach first.

24 So I said okay, and we went.

25 And while we were there in South Beach, he burglarized  
26 a restaurant or a hotel. He tried to burglarize one.  
27 Made me go up to it. The guy was awake, and we went  
28 to another one.

29 And he went up to that one and went in through  
30 a window where some people were staying at the hotel

1 getting ready to leave and were watching what I was  
2 doing. I told him-- I went back to the hotel, back  
3 to the Sahara Club and caught a bus and went to  
4 Carson City."

5 Now, did you continue to make that statement to  
6 Bob Galli?

7 A I believe I did, yes, sir.

8 Q But that's totally inconsistent with what you told  
9 us today?

10 A Well, there's a reason for it, too, sir.

11 Q What's that?

12 A I wanted John to get, you know-- John did it. I  
13 mean, John killed her, and I wanted him to get picked up for  
14 it. I couldn't see it.

15 Q You were also trying to pin the burglary on him,  
16 too, that you did yourself?

17 A I admitted to the burglary.

18 Q Not on July 17th in front of Bob Galli. You said  
19 that you with Soares did it?

20 A I did the burglary by myself.

21 Q Then this statement you gave Bob Galli, trying to  
22 put it onto Soares, was not true?

23 A The statement about John doing it is true, yes, sir.

24 Q Well, you told us that you committed the burglary  
25 by yourself on direct examination?

26 A The burglary, I did do.

27 Q How did you get down there? Did you hitchhike  
28 down?

29 A Yes, sir.

30 Q And John drove down?

1           A     John wasn't even there.

2           Q     You met him at South Beach?

3           A     No, sir.

4           Q     How did he get to South Beach then?

5           A     He wasn't in South Beach.

6           Q     Oh. What burglary did John commit then?

7           A     As far as I know, he never committed a burglary in

8 South Beach.

9           Q     But on July 17th you were telling Bob Galli that

10 he was implicated in a burglary at South Beach and that you

11 two had driven down to South Beach together. Don't you recall

12 making that statement?

13          A     I made that statement, yes, sir.

14          Q     But that's not true?

15          A     No, sir, it isn't.

16          Q     That's a false statement?

17          A     Yes, sir.

18          Q     Okay. And you also went on and you later in the

19 statement described the car that he drove. You said it was

20 a Chevy Impala. Do you recall that?

21          A     Not completely.

22          Q     You said it was show purple. But that wasn't true

23 either, was it?

24          A     He does have an Impala, yes, sir.

25          Q     What color is it?

26          A     Show purple.

27          Q     But you didn't drive down to South Beach with him?

28          A     No, sir.

29          Q     And in fact, you testified on direct examination that

30 you hitchhiked down to Carson City?



1           A     I did hitchhike.  
2           Q     But in this statement you just said you took a bus?  
3           A     Yes, sir.  
4           Q     You said you took the 8:00 o'clock bus?  
5           A     If that's what it says, I guess I said it.  
6           Q     But that's not true either?  
7           A     No, sir, it isn't.  
8           Q     Now, you said on direct examination that Soares  
9 told you how he killed Trudy Hiler. How did he kill her?  
10          A     He said he hung her and he stabbed her.  
11          Q     Did he say where he killed her?  
12          A     No, sir, he didn't.  
13          Q     Did he say whether or not he met her at her car?  
14          A     No, sir, he didn't.  
15          Q     Now, after you went to South Beach, committed this  
16 burglary you told us about, you then went down to Carson City.  
17 Then thereafter, you went over to Reno; is that not true?  
18          A     It's true, yes.  
19          Q     And then you came on back to Lake Tahoe?  
20          A     Yes, sir.  
21          Q     You said sometime before 2:00 o'clock?  
22          A     Yes, sir.  
23          Q     You met Louis Padilla?  
24          A     Yes, sir.  
25          Q     At that time you went back up and visited the body  
26 again, did you not?  
27          A     I don't think so. I think I remained with Louis at  
28 that time.  
29          Q     Then went to work at 3:00?  
30          A     Yes, sir.

1 Q Without going up to the body?

2 A I believe so. I believe I remained with Louis from  
3 the time I got back.

4 Q Could you turn to Page 18 and 19 of that statement,  
5 and from Line 18 on Page 18 over to Line 12 on Page 19.

6 Were you not asked by Sheriff Galli these questions  
7 and did you not give these answers, starting at Line 18:

8 "About what time did you arrive back in Lake Tahoe?  
9 "I'd say a little before 2:00.  
10 "Did your parole officer leave you there?"

11 MR. POLAHA: Excuse me, your Honor. I'm going  
12 to object to the form of this question. This question contains  
13 several little questions, and the question was did you, were  
14 you or were you not asked these questions.

15 I would ask the Court to ask Mr. Rose to ask him  
16 one question and then the main question: "Do you recall  
17 being asked and answering in certain such a way", rather  
18 than incorporating twenty questions into one question.

19 THE COURT: May I see the transcript, please.

20 MR. ROSE: Of course, your Honor. I think the  
21 Court has a copy.

22 THE COURT: I have one, but I don't want to get it  
23 out now. I just want to look at it briefly.

24 You may read them all in sequence, but read them  
25 slowly. Mr. Anselmo, if you have any comments to make as he  
26 proceeds, you may make them. In other words, if there is  
27 something in there that you want to say and you didn't say,  
28 you may say so while he's asking the questions.

29 MR. POLAHA: Thank you, your Honor.

30 THE COURT: We'll be here all afternoon, Counsel,

1 if we take them one question at a time.

2 MR. POLAHA: All right, your Honor. Thank you.

3 BY MR. ROSE:

4 Q I'll continue, Mr. Anselmo.

5 "Did your parole officer leave you then?

6 "A Yes.

7 "What did you do then after he left?

8 A I went up, talked to Trudy.

9 Q About what time was that?

10 A Before 2:00 o'clock.

11 Q Somewhere around 2:00 o'clock or before  
12 or after?

13 A Somewhere around there. I'm not sure of  
14 the exact time.

15 Q How long did you talk to Trudy?

16 A About ten, fifteen minutes. I had to get  
17 ready for work.

18 Q What time were you supposed to be at work?

19 A At 3:00 o'clock. I had to be on the floor  
20 at a quarter to 3:00, 2:45."

21 Do you remember being asked those questions and  
22 giving those answers?

23 A Not completely.

24 Q Well, do you remember going up to the body at that  
25 time? Apparently, you don't.

26 A I know I didn't go up to the body at that time because  
27 if I remember right, Louis and I played pool when I got back.

28 Q And didn't Sheriff Galli ask you at that time, "What  
29 did the body look like at that time?" And didn't you respond  
30 to him, "Well, it had flies all around it and I tried to push

1    them away"?

2           A     I don't really recall, no.

3           Q     Would you read from where I was reading on Page 19,  
4   the next three or four lines from it. Line 9--

5           MR. POLAHA: Excuse me, your Honor. I'm going to  
6   object. I think the question asked was answered. Did he  
7   say that, and he got in evidence what he wanted, and the  
8   response was, "I don't really recall."

9           THE COURT: Well, I think he's entitled to ask it  
10   on the basis of the transcript, Counsel. Objection is overruled.  
11   BY MR. ROSE:

12          Q     Now, were you then asked these questions by Sheriff  
13   Galli:

14                "Q   All right. You went up and talked to Trudy.  
15   What did she look like then?

16                A    Like she was asleep. There were flies all  
17   around. Pushed them away."

18                Did you not make that statement to Sheriff Galli?

19                A    It says I did.

20                Q    Is that true or false?

21                A    If it says I did, I guess I said it.

22                Q    And is it not true at that time you told her that  
23   you had gotten your work card from the sheriff when you talked  
24   to her and that everything was going to be okay?

25                A    If the transcript says it, yes, sir.

26                Q    The transcript two days later also says that you  
27   admitted killing her, and if the transcript says it, is it  
28   right in this case, too?

29                A    I'm not saying that this transcript is completely  
30   right.

1 Q But if the transcript says that about this  
2 particular thing, you'll accept that, I take it?

3 MR. POLAHA: Excuse me, your Honor. I'm going to--

4 MR. ROSE: I'll withdraw the question.

5 BY MR. ROSE:

6 Q Now, you went to work at 3:00 o'clock on Thursday  
7 and worked through 11:00 o'clock that Thursday night?

8 A Yes, sir.

9 Q And we're getting right into Friday morning. And  
10 it's at that time I believe you told us that after you got  
11 off work, you went back up and sat with the body again?

12 A I walked a girl home that night.

13 Q This is Friday morning?

14 A Well, after I did get off work on Thursday--

15 Q Right, 11:00 o'clock at night?

16 A The first night I worked, I went back up, yes.

17 Q And you sat with the body till around 4:00 o'clock  
18 the next morning, which was Friday morning?

19 A No, sir.

20 Q You didn't?

21 A No, sir.

22 Q And you didn't go and pretend you were asleep so  
23 your roommate wouldn't miss you and then run back and sit with  
24 the body again until about 10:30 in the morning?

25 A I went up there. My roommate got back. I'm not sure  
26 what time my roommate got back. I was back before he was.

27 And he laid down for awhile until he fell asleep,  
28 and then I went back out, yes, sir.

29 Q And you went back out up to the body?

30 A Yes, sir.

1 Q That Friday morning you went up and sat with the  
2 body for several hours, did you?  
3 A Yes, sir.  
4 Q Did you talk to the body?  
5 A Talked more to myself, yes, sir.  
6 Q You talked some to the body?  
7 A I guess you could call it that, yes.  
8 Q Could you tell us what you said to the corpse of  
9 Trudy Hiler?  
10 A Not really.  
11 Q You don't recall that?  
12 A Yes, sir.  
13 Q Well, why don't you tell me then?  
14 A Really it wasn't anything of any importance.  
15 Q You just talked about what happened that day?  
16 A I didn't know what to do about all this, you know.  
17 Q Now, the day before, this would be Thursday the 15th,  
18 you had seen your parole officer and also Sheriff Galli  
19 himself to get a work card; is that not true?  
20 A Yes, sir.  
21 Q Now, didn't you have any idea that you might have  
22 told them about the body being up there?  
23 A I couldn't tell them.  
24 Q You just couldn't tell them. And that was because  
25 you were afraid of John Soares?  
26 A Afraid of that and other factors, yes, sir.  
27 Q What are the other factors?  
28 A Sheriff's Department.  
29 Q You were afraid of the Sheriff's Department. Is  
30 that true?

1           A     Yes, sir.

2           Q     You just told me that you trust all law enforcement  
3 officers except Tom Benham, about an hour ago?

4           A     Not all-- I don't like jail. I'm afraid of jail.

5           Q     Who was going to put you in jail if you didn't do  
6 it and John Soares did?

7           A     They would. The Sheriff's Department would.

8           Q     They would put you in jail if you reported the body?

9           A     Yes, sir.

10          Q     The only reason people go to jail is because they're  
11 guilty of the crime charged.

12          A     No, sir.

13               MR. POLAHA: Objection, your Honor. That's--

14               THE COURT: Sustained. The remark will be stricken  
15 and the jury will disregard it.

16 BY MR. ROSE:

17          Q     But you were afraid they were going to put you in  
18 jail?

19          A     Yes, sir.

20          Q     Along with John Soares for this murder?

21          A     Put me in for violation of probabion.

22          Q     What was the violation of probation?

23          A     Being with an ex-felon.

24          Q     Well, if you met an ex-felon and he just said he  
25 killed somebody and you turned him in, I would think that they  
26 would be happy, be very proud of you. Don't you feel that?

27          A     Well, I associated with him for a few minutes on  
28 Tuesday. I didn't think that way, no, sir.

29          Q     Mr. Anselmo, isn't it really true that you thought  
30 they were going to put you in jail because in truth and in

1 fact you killed Trudy Hiler?

2 A I didn't kill her.

3 Q You didn't kill her?

4 A No, sir, I didn't.

5 Q But you felt they'd put you in jail for it?

6 A I felt they'd put me in jail, yes, sir.

7 Q And you had a compunction to keep going back and  
8 talking to the body?

9 A I don't know if it was a compunction.

10 Q Why did you go up there then and talk to the body?  
11 It's an unpleasant sight.

12 A I felt sorry for her.

13 Q You felt sorry for her. I'm going to show you  
14 State's Exhibits in evidence G-8, G-7, G-6, G-5 and G-4,  
15 and I want you to tell me whether or not they depict the  
16 body after you turned it over.

17 A Yes, sir.

18 Q Is that the body that you went up and talked to?

19 A As far as I can tell.

20 Q Now, you touched the body to turn it over, did you  
21 not?

22 A Yes, sir.

23 Q You touched the body to pull the eyelids down.  
24 Did you ever touch it for any other purpose?

25 A No, sir, I didn't.

26 Q Well, isn't it true that when you went up to talk  
27 to the body you sometimes would put her head in your lap?

28 A No, sir, I didn't.

29 MR. ROSE: With the Court's indulgence one moment,  
30 your Honor.



1 BY MR. ROSE:

2 Q Mr. Anselmo, will you turn to Page 28 in that  
3 statement and read from Line 8 to Line 14.

4 Were you asked these questions and did you give  
5 these answers.

6 MR. POLAHA: Objection, your Honor. I know what the  
7 District Attorney's after. He gets the same answer on beginning  
8 with the second line-- the second sentence on Line 12, because  
9 that's the heart of the--

10 MR. ROSE: Okay, fine. I don't see anything wrong  
11 with that.

12 BY MR. ROSE:

13 Q Did you give this answer to a question by Sheriff  
14 Galli with regard to touching the body: "ANSWER: None  
15 whatsoever. The only times I ever touched her was when I closed  
16 her eyes and put her head on my lap or something to talk to  
17 her."

18 A If I did say it, it was wrong.

19 Q You didn't do that?

20 A No, sir, I didn't.

21 Q That would be a lie?

22 A I didn't put her head in my lap.

23 Q Now, Friday night when you got off work you walked  
24 a girl home?

25 A Yes, sir.

26 Q At that time did you go on up and talk to the body  
27 again?

28 A I don't believe so, no, sir.

29 Q But it was at that time that you felt a real  
30 compulsion to tell somebody or to get that corpse of Trudy Hiler

1 found?

2 A Yes, sir.

3 Q What was that compulsion? Was it because the flies

4 were gathering around the body, as you said?

5 A I felt it wasn't right for her to be laying out there.

6 Q It took you what, two days to reach this conclusion?

7 A No, sir, not really. I was afraid, you know.

8 Q Afraid of what?

9 A Of John, afraid of what had happened, afraid of

10 everything that was going on.

11 Q And that was the time when you went down and told

12 Randall Rose, or one of the security people that you had seen

13 somebody dragging a girl down the road?

14 A Yes, sir, I did.

15 Q And you and this security guard went and then searched

16 for the body?

17 A Yes, sir.

18 Q Or some foul play at that time?

19 A Yes, sir.

20 Q And you said on direct examination you kept trying

21 to lead them to the body?

22 A Yes, sir.

23 Q And Finally, ultimately, you had to say that you

24 found it?

25 A Yes, sir.

26 Q That was in the early morning hours of Saturday?

27 A Yes, sir.

28 Q Now, at that time on Friday night or early Saturday

29 morning did you see John Soares dragging another girl down the

30 road?

1           A     No, sir, I didn't.

2           Q     Did you ever make that statement?

3           A     Friday night, yes, sir, I did.

4           Q     What did you say?

5           A     I told the security guard I saw a man dragging a  
6 girl down Crystal Bay Road.

7           Q     Didn't you tell the next day Sheriff Galli in this  
8 court-reported statement that you saw John Soares dragging  
9 another girl down?

10          A     I may have, yes, sir.

11          Q     Well, did you or did you not?

12          A     No, sir. It was the only way I could figure out  
13 to try and get them down there.

14          Q     But you told Bob Galli that man was John Soares, that  
15 John Soares was dragging a second girl down the road, a cocktail  
16 waitress. Do you recall making that statement?

17          A     Yes, I do.

18          Q     Why did you tell Bob Galli that?

19          A     Because it was the only way I could figure to get  
20 them down there to try to find Trudy.

21          Q     Why did you have to say it was John Soares?

22          A     I don't know. I guess I just related him killing  
23 her. I really don't know for sure.

24          Q     But you told the sheriff about John Soares dragging  
25 a second girl on Friday night down the road, and you just did  
26 that because you wanted to what, pin another rap on John Soares?

27          A     No, sir. I knew they'd find out that there wasn't  
28 a second one.

29          Q     Well, couldn't you have just said it was somebody  
30 other than John Soares, just somebody rather than trying to put

1 another alleged crime on John Soares?

2 A I guess I didn't think of it.

3 Q Now, in your direct testimony this morning you said  
4 that you never saw the knife that was used by John Soares. Was  
5 that statement true?

6 A Yes, sir, as far as I know.

7 Q Well, let's read Page 27-- Hold it a second.  
8 Yes, Page 21 from Line 6 to Line 12. Now, were you  
9 asked these questions and did you give these answers:  
10 "He had a knife at the back of her neck and he had  
11 his hand over her mouth, told her to shut up and go  
12 with him.  
13 "Q What kind of knife? Describe the knife to me?  
14 "It looked like a letter opener, but it was thinner,  
15 about half an inch wide but really thin and long. It  
16 was silver and I believe it was a silver handle."  
17 Now, if you never saw a knife, Mr. Anselmo, how  
18 could you make that description?

19 A I don't know.

20 Q In truth and in fact, you knew what the knife looked  
21 like 'cause you used it?

22 A No, sir.

23 Q Did John Soares ever say to you that he wanted you  
24 to come along Friday night to see him kill another cocktail  
25 waitress or kill somebody?

26 A No, sir.

27 Q 'Cause he saw a beauty in killing? Did he ever make  
28 that statement to you?

29 A Yes, sir.

30 Q He wanted you to follow him Friday because he loved

1 it?

2 A No, sir.

3 Q He never made that statement to you?

4 A Not that I recall.

5 MR. ROSE: With the Court's indulgence, your Honor.

6 MR. POLAHA: Your Honor, unless the District Attorney  
7 can produce from the statement he's looking at the excerpts  
8 containing those last two statements, I would ask the Court  
9 respectfully to strike that question. Because his course of  
10 questioning, with the Court's permission, was read from there,  
11 did he ever make that statement, and then read it to the jury.  
12 Thus he's bringing up the impression that these last two  
13 statements about love and beauty are contained in there, your  
14 Honor.

15 THE COURT: Well, I haven't excluded other questions  
16 he might ask, but it was my impression that this is contained  
17 in the transcript. If it is not, Mr. Rose, please let us know.

18 We're going to take one more recess this afternoon,  
19 gentlemen, and I think this would be a good time to do it. It  
20 will give you an opportunity to look over the transcript.

21 MR. ROSE: Thank you, your Honor.

22 THE COURT: We'll be in recess for ten minutes.

23 The jury are instructed not to discuss the case among  
24 yourselves or with anyone else, or to form any conclusions  
25 concerning the case until it is submitted to you. And you are  
26 not to listen to or read any news media or other accounts  
27 relating to the case.

28 (Recess.)

29 THE COURT: Be seated, please.

30 Will counsel stipulate that the jury is present?

1 MR. ROSE: So stipulated, your Honor.

2 MR. POLAHA: Yes, your Honor.

3 THE COURT: You may proceed.

4

5 CROSS-EXAMINATION

6 (Resumed)

7 BY MR. ROSE:

8 Q Mr. Anselmo, will you turn in that statement to  
9 Page 34, Line 1 through Line 18 and please read that.

10 Mike, were you not asked these questions and did  
11 you not give these answers:

12 "MR. PINKERTON: Mike, when you were riding over to  
13 South Beach--"

14 MR. POLAHA: Excuse me, your Honor. I'm going to  
15 object to this. I think we have a question unanswered, and I  
16 had made an objection to that question and I think the proper  
17 place of starting is by rereading the question and let the  
18 witness answer. And then if he could refresh his memory or  
19 impeach whatever he wants to do. At that time we could--

20 THE COURT: Your objection was to a question which  
21 was asked without reference to the transcript?

22 MR. POLAHA: That is correct, your Honor.

23 THE COURT: And I inquire of you now, Mr. Rose, is  
24 this portion of the transcript on which that question was  
25 based?

26 MR. ROSE: Yes, it is.

27 THE COURT: Under those circumstances, I will let  
28 him proceed.

29 MR. POLAHA: All right.

30 MR. ROSE: I think, your Honor, you have to read the

1 first two or three lines to get oriented what you're talking  
2 about.

3 THE COURT: All right.

4 BY MR. ROSE:

5 Q "MR. PINKERTON: Mike, when you were riding over to  
6 South Beach with John and he was talking about Trudy,  
7 what did he say exactly?

8 "THE WITNESS: He just kept on talking about how  
9 he strangled her and he stabbed her, and each time--  
10 everytime he stabbed her, she died.

11 "MR. PINKERTON: Where did he say he first saw  
12 her?

13 "THE WITNESS: He never really said. He never  
14 even said where he had-- where he got her from. He  
15 just said he stabbed her and just talked about the  
16 thrill of the whole thing that he got. I mean, he  
17 just--

18 "MR. PINKERTON: Did he say this was the first  
19 person he had ever killed?

20 "THE WITNESS: No. I mean, he just says he  
21 wanted to show me what it was like, because he said  
22 there was a beauty in it and he loved it. And that's  
23 what he wanted to do Friday night when he had that girl.  
24 That's why he wanted me to follow him."

25 Now, John Soares never made that statement to you,  
26 did he?

27 A I--

28 MR. POLAHA: Your Honor, I'm going to object to this  
29 procedure. The purpose of his reading the questions and answers  
30 was to ask him if he ever made a statement about love and

1 beauty. Now, that still is unanswered. Now, I thought--

2 THE COURT: I will sustain the objection.

3 MR. POLAHA: Thank you, your Honor.

4 THE COURT: Before you proceed, Mr. Rose, I think  
5 you should ask the witness whether these questions were asked  
6 of him and if he gave these answers.

7 MR. ROSE: Okay, fine.

8 BY MR. ROSE:

9 Q Were you asked these questions and did you give  
10 these answers?

11 A I believe so, yes, sir.

12 Q But you just told me before that John Soares never  
13 said anything to you about he saw beauty in killing and he  
14 wanted you to come with him Friday night.

15 MR. POLAHA: Objection, your Honor. This is  
16 argumentative. It's not a question.

17 THE COURT: Please phrase your questions in the  
18 form of questions, Counsel.

19 BY MR. ROSE:

20 Q Didn't you deny that, that John wanted you to come  
21 with him Friday night? You said no, that was never the case?

22 A He didn't want me to come with him Friday night, but  
23 I-- he-- I was asked those questions, yes, sir.

24 Q And you gave those answers?

25 A I guess so, yes, sir.

26 Q You said that John Soares was what, six foot two?

27 A Fairly big, yes, sir.

28 Q About six foot two and about two ten? Is that a  
29 correct statement of what your direct testimony was?

30 A That's about his size, yes, sir.



1 Q Okay. Could you turn to Page 13, Line 22, and were  
2 you not asked these questions and did you not give these  
3 answers:

4 "QUESTION: What does John look like?

5 "ANSWER: He's about five eight, five nine, maybe  
6 weighs 180, 190, though built kind of broad and dark  
7 curly hair, combs it straight back, is black."

8 Were you not asked that question and did you not  
9 give that answer?

10 A I don't see why I'd give an answer like that if I  
11 was asked the question because he doesn't look like that.

12 Q Now, you mentioned that there was someone with a  
13 purse, I believe, on the early morning hours of Saturday on  
14 your direct examination that you saw running?

15 A Yes, sir.

16 Q And Randall Rose ran after him, or the security  
17 guard, anyway?

18 A Yes, sir.

19 Q Now, that person wasn't John Soares, was he?

20 A I don't have any idea.

21 Q You don't know whether that was or was not John Soares?

22 A I couldn't say honestly one way or the other.

23 Q Could you turn to Page 34, Line 19 to Line 1 of the  
24 next page?

25 Now, were you not asked this question by Mr. Whitmire:

26 "I have one question: Was the person that you seen  
27 up by the high rise parking lot this morning with the  
28 purse, was that John?

29 "THE WITNESS: No.

30 "MR. WHITMIRE: Are you sure?

1           "THE WITNESS: Not completely positive, no. Can't  
2 be absolutely positive. He had the same color hair,  
3 was built about the same, but John was wearing a black  
4 shirt and this guy had a white sweater."  
5           Did you not respond that way to those questions asked?  
6           A     I may have, yes.  
7           Q     But this man with a purse, whoever he may be, had  
8 nothing to do with the murder of Trudy Hiler?  
9           A     I don't even know who that man was.  
10          Q     Because you told us that John Soares did it?  
11          A     If it was John, he did it. If it wasn't John,-- .  
12          Q     You told us that John did it?  
13          A     Yes, sir.  
14          MR. POLAHA: Objection, your Honor. The District  
15 Attorney is misreading the statement, and he's arguing with  
16 the witness at the present time.  
17          THE COURT: Sustained as to argumentative questions.  
18 BY MR. ROSE:  
19          Q     Mr. Anselmo, you've mentioned that you took some acid  
20 Wednesday that you brought from Las Vegas?  
21          A     Yes, sir.  
22          Q     When did you take it Wednesday night?  
23          A     I was inside the casino.  
24          Q     And you had brought it with you from Vegas, I take  
25 it?  
26          A     Yes, sir.  
27          Q     And is that the first time you had dropped acid,  
28 taken acid since you were released from the County Jail?  
29          A     No, sir.  
30          Q     How many times did you take acid between the time you

1 got out on June 15th until July 15th, in that month?

2 A I really can't give you an exact number.

3 Q Well, could you give me your best estimate?

4 A Maybe five or six times.

5 Q When you were taking acid, what quantity were you

6 taking?

7 A It depends on the time.

8 Q Okay. On that Wednesday what did you take?

9 A I really couldn't say the exact amount. Five, maybe

10 six hits of it.

11 Q Five or six what?

12 A Hits of it.

13 Q What would a hit consist of?

14 A It depends. It was still in powder form. It wasn't

15 in capsules or in tabs.

16 Q And you took it in the club Wednesday night?

17 A Yes.

18 Q Do you recall what time?

19 A No, sir.

20 Q Were you with Louis Padilla then? Was it after you

21 left Louis Padilla?

22 A It was after I left Louis.

23 Q So that would put it close to midnight?

24 A Somewhere around there. Maybe before, maybe after.

25 I couldn't say for sure.

26 Q Now, as far as LSD affects you and as far as it

27 affected you that particular night, when did you start to feel

28 some effects of LSD?

29 A I don't know, maybe an hour after I took it. Thirty

30 minutes. I really couldn't say.

1 Q And from your direct testimony this morning, you said  
2 that those effects stayed with you at least until Saturday?

3 A Longer than that, sir.

4 Q All through the next few days?

5 A Yes, sir.

6 Q And what are those effects?

7 A Just different effects. I mean, like on acid, I  
8 don't myself, I don't have a color trip. But things seem to be  
9 real, things don't seem to be real, you know. And then there  
10 was a speed quantity in the acid.

11 Q Well, couldn't it be that your memory was so blurred  
12 from taking acid that you just imagined that John Soares told  
13 you about a body and said those things to you?

14 A No, sir.

15 Q That's not true. That's not possible, and that in  
16 truth and in fact you were under the effects of LSD and you were  
17 the one that killed Trudy Hiler?

18 A No, sir.

19 Q That could not happen on an LSD trip?

20 A I couldn't say it could happen, I couldn't say it  
21 couldn't happen. I know it didn't happen in my case.

22 Q Now, I take it that you used acid, as you've said,  
23 five or six times prior to coming to Lake Tahoe but after being  
24 released from the County Jail?

25 A Yes, sir.

26 Q Now, you were eight months in the County Jail. Did  
27 you use any narcotics or dangerous drugs while you were there?

28 A Yes, sir.

29 Q For any consistent period of time?

30 A Whenever it was possible to get ahold of.

1 Q What were you using?  
2 A Mescaline.  
3 Q Prior to going to jail, did you use LSD for any  
4 consistent period of time?  
5 A I've used it since I was around twelve years old.  
6 Q Now, directing your attention to the year and a half  
7 before you went to jail, how frequently, if any, did you use  
8 LSD.  
9 A Not really all that frequently.  
10 Q And prior to going to jail, did you use any marijuana?  
11 A Yes, sir.  
12 Q What was the frequency for the year prior to you  
13 going to jail?  
14 A Every day.  
15 Q Every day. Didn't that get a little expensive?  
16 A No, sir.  
17 Q Why is that?  
18 A I bought it from Mexico.  
19 Q Now, Sunday you were questioned, Sunday being July 18th,  
20 by Chief Benham. Do you recall that questioning?  
21 A Not really.  
22 Q And then you were questioned by Fred Pinkerton of the  
23 District Attorney's Office. Do you recall that questioning?  
24 A I know I was questioned by these people, but I really  
25 don't know what went on during that questioning.  
26 Q Then Sunday morning or Monday morning-- Well, Sunday  
27 evening you were taken to the hospital, and you say you don't  
28 recall that but you recall waking up there?  
29 A Yes, sir.  
30 Q Okay. Then let's go over to July 19th, that Monday

1 morning, you were awakened were you not and questioned?

2 A I wasn't awakened, no, sir.

3 Q Were you awake?

4 A I was awake, yes, sir.

5 Q Okay. Did Gordon Jenkins begin questioning you again?

6 A Yes, sir.

7 Q And he questioned you awhile, and then at that time  
8 you admitted the killing of Trudy Hiler, did you not?

9 A Yes, sir.

10 Q And you made those statements?

11 A Yes, sir.

12 Q And he asked you or stated in a question form "Soares  
13 wasn't there", did he not?

14 A I believe so.

15 Q And you said, "I was there. I was with her."

16 In other words, in that statement you took Soares  
17 right out of the picture, didn't you?

18 A It was the only way I'd ever get any rest.

19 Q And then a court reporter was called in and you made  
20 the same statement again that you and Trudy were alone in the  
21 car?

22 A I told them the truth to begin with, and they wouldn't  
23 leave me alone. The only way I could ever get any rest.

24 Q Mr. Anselmo, really you've told me that an awful lot  
25 of statements in this statement which you originally made are  
26 not now true?

27 A At the time I was under a hallucinogenic drug. I  
28 wasn't completely aware of what was going on.

29 Q And you were also under the influence of this  
30 hallucinogenic drug when John Soares came up to you and told

1 you about the body?

2 A In a different stage.

3 Q And you also told Gordon Jenkins that Trudy programed  
4 you to do this, didn't you?

5 A Yes, sir.

6 Q And you also said, "I just couldn't stop"?

7 A I don't know if I made that statement or not.

8 Q And isn't it true that Gordon Jenkins left the  
9 questioning room but it was being monitored outside, and at that  
10 time you made this statement: "I've got to die. I promised her  
11 I'd die and now I've got to die"?

12 MR. POLAHA: Excuse me, your Honor. I'm going to  
13 object and ask the Court to strike all these references to  
14 Gordon Jenkins. We have the statement in evidence. The facts  
15 are the question about Soares not being there, it's not in  
16 my copy which is in evidence.

17 THE COURT: I don't believe that's the interrogation  
18 he's referring to.

19 MR. ROSE: No, your Honor. This is before they went  
20 in and took a transcribed statement which was quite a bit  
21 shorter than the lengthy interrogation reported.

22 MR. POLAHA: He said they asked him once and then  
23 they asked him again when Dick Tuttle got there, "Was Soares  
24 there?" and he said "No."

25 That is not in here. These other questions, I was  
26 trying to find that one. That wasn't in there. I don't think  
27 any of those questions he asked right now are in there.

28 THE COURT: Let's excuse the jury while we settle  
29 this matter.

30 You will retire to the jury room, please.

1 (Jury retires to jury room.)

2 THE COURT: Mr. Rose, what are you basing your  
3 questions on?

4 MR. ROSE: My questions are on the statements made to  
5 Gordon Jenkins which were not reported by a court reporter that  
6 were tape recorded and which Mr. Polaha has a copy. The only  
7 time I did make one reference to when I asked about John Soares  
8 being there and said this was repeated when the court reporter  
9 was there. I went back and was asking about the questions  
10 which were not being court reported.

11 THE COURT: It is your contention, Mr. Polaha, that  
12 unless there is a transcript, the District Attorney can't ask  
13 a question of the witness as to whether he said something or  
14 not?

15 MR. POLAHA: No such contention whatsoever, your  
16 Honor. But I'm going-- I know what the District Attorney is  
17 trying to do, or what it appears to me what he's trying to do.  
18 He's trying to lay groundwork for impeachment, and he's going  
19 to ask the Court to let's all go down and bring in that tape  
20 recorder and listen to it.

21 They admit on those transcriptions that they cannot  
22 hear most of what's been said on those tapes. The different  
23 people who were there when the tape recordings were made, were  
24 transcribing, he got lines going all through the transcripts.  
25 So they are not reliable, your Honor.

26 THE COURT: We haven't got to this question of whether  
27 we're going to allow a tape recording in evidence, Counsel.  
28 The question is are you contending that even if there was no  
29 record of this alleged conversation, the District Attorney  
30 could not ask these questions?



1 MR. POLAHA: No, no, your Honor, I'm not alleging  
2 that. I'm alleging that he prefacts the question asked of  
3 Mr. Anselmo about the first question I made objection to.

4 He said, "Mike, when you were talking to Gordon Jenkins,  
5 you said something about killing and loving or something like  
6 that. Then later Dick Tuttle came in and recorded it. Do you  
7 remember making that statement?"

8 Then he went on from there, leading the jury to  
9 believe that everything he says is in the transcript. It is  
10 not.

11 THE COURT: In connection with this series of questions  
12 which Mr. Rose has just asked, he has made no reference to any  
13 transcripts.

14 MR. POLAHA: I beg your pardon, your Honor. I think  
15 he did. Can we have the reporter read that back, the first--

16 THE COURT: He asked if in the interview or  
17 interrogation by Gordon Jenkins whether or not he said this.  
18 Isn't that correct?

19 MR. ROSE: Yes, your Honor. And I'll clarify it with  
20 the question, "Just before the court reporter came in when you  
21 were being interviewed by Gordon Jenkins, did you make this  
22 statement?"

23 THE COURT: I would like to avoid going back and  
24 reading the testimony again, if we can.

25 MR. POLAHA: All right, your Honor. If he qualifies--

26 THE COURT: If you want to have it read, I will do  
27 that. But I think, Mr. Rose, you should make it clear--

28 MR. ROSE: I will, your Honor.

29 THE COURT: -- what you are doing. As far as I'm  
30 concerned, I believe the law is that he can manufacture a

1 question if he wants to.

2 MR. POLAHA: Sure, I understand that, your Honor.

3 THE COURT: There's no objection to asking the  
4 questions unless they're misleading in some way.

5 MR. POLAHA: But what he's doing and I'm objecting to  
6 this, I guess, is the heart of my objection, says, "Well,  
7 Mr. Anselmo, did you remember making this statement?"

8 He says, "I don't remember."

9 "Well, let me read it to you."

10 Then he reads the statement into evidence. "Do you  
11 remember that?"

12 "Well, I guess so, if it's down there."

13 Then he does this. He's been doing this all the way  
14 on cross-examination. Then he gets to an area when it's not  
15 in there--

16 THE COURT: I beg your pardon, Counsel. He was using  
17 a transcript of July 17th when he was doing that. He has now  
18 proceeded to Monday the 19th, and as far as I know, has not  
19 referred to a transcript of that day.

20 MR. POLAHA: He did, your Honor. One of the first  
21 questions--

22 THE COURT: He referred to statements of that day.  
23 My ruling on the objection is it's overruled as long as  
24 Mr. Rose makes it clear whether he's referring to a transcript  
25 or not and asks these questions.

26 MR. POLAHA: All right, your Honor, thank you.

27 THE COURT: You may return the jury, Mr. Bailiff.

28 (Jury returns to the courtroom.)

29 THE COURT: You may proceed, Mr. Rose.

30 MR. ROSE: Thank you.

1 BY MR. ROSE:

2 Q Now, directing your attention to July 19th when you  
3 were being interviewed by Gordon Jenkins, and this is prior to  
4 the court reporter coming in and taking the statement that was  
5 read previously in court, did you make this statement: "I was  
6 supposed to die"?

7 A I don't recall making that statement.

8 Q And then when Gordon Jenkins stepped out of the  
9 interview room, did you make this statement: "I've got to die.  
10 I promised her I'd die and now I've got to die"?

11 A I don't recall making that statement.

12 Q Do you recall making any statement about promising  
13 Trudy that you would also die?

14 A No, sir.

15 Q Do you recall making any statement that Trudy said to  
16 you not to worry, "Just lie down and let it cool. Just do  
17 whatever you have to do, Mike"?

18 A I don't recall it, no, sir.

19 Q Now, thereafter a court reporter came in and took  
20 down a statement that has been read into evidence and admitted  
21 into evidence, and you heard that statement, did you not,  
22 Mr. Anselmo?

23 A Yes, sir.

24 Q And that statement, does that reflect the answers you  
25 gave to the questions that were asked?

26 A Yes, sir.

27 Q But you are saying now that that was not true?

28 A I was tired, I was confused. It was the only way I  
29 could get any rest, Mr. Rose. They were confusing me with the  
30 questions. They wouldn't give me time to think about anything.

1 They wouldn't give me time to rest. They continuously said  
2 things and then denied them.

3 Q Continuously. You've made one allegation with regard  
4 to Tom Benham. What else did they say and then deny?

5 A A lot-- Like everything would be all right. "We  
6 won't charge you with the burglary, you know. Don't worry about  
7 it." Things like this.

8 Q That was only one instance. Where else did they  
9 deceive you?

10 A That was several incidences in the car up at the Lake,  
11 when they said don't worry about anything, you know. Things  
12 like this.

13 And then they start firing questions at you a thousand  
14 miles an hour, don't give you time to think when you're tired  
15 and loaded. You can't think, not clearly.

16 Q You say "loaded". What do you mean?

17 A On drugs.

18 Q Now, Mike, from Saturday morning when they brought  
19 you down to Sparks, that was July 17th, till the time when you  
20 made the court-reported statement to Gordon Jenkins on the 19th,  
21 about two days, two and a half days, you were offered food,  
22 were you not?

23 A Yes, sir.

24 Q And you were offered food every evening, were you  
25 not?

26 A Most of the time, yes, sir.

27 Q But you refused to eat?

28 A Well, I did ask for a tray but they didn't have time  
29 to get it to me at one point.

30 Q When was that?

1           A     I can't recall the day.

2           Q     Isn't it true that generally during those two days  
3 you were given food?

4           A     I couldn't eat.

5           Q     So it was you who were refusing the food?

6           A     More or less.

7           Q     And you had the opportunity to think and rest and  
8 recuperate? You were alone in your cell, were you not?

9           A     How do I think in a cube? It's impossible to do.

10          Q     Well, Mr. Anselmo, you were no stranger to confinement?

11          A     Confinement of that sort, I am.

12          Q     What sort is that?

13          A     A cubicle like that.

14          Q     When were you in the cubicle?

15          A     All the time I was there when they weren't talking to  
16 me.

17          Q     In Sparks and in the Sheriff's Office?

18          A     In Sparks and the Sheriff's Office till they quit  
19 questioning me, until they moved me.

20          Q     And you were really no stranger to being in police  
21 custody?

22          A     To that sort I was.

23          Q     Do you recall being advised Saturday morning of your  
24 rights by Lorne Butner?

25          A     Yes, sir.

26          Q     And you acknowledged your rights then, did you not?

27          A     I believe so.

28          Q     And you were advised of your rights many times  
29 thereafter, were you not?

30          A     At times, yes, sir.

1 Q In fact, Mr. Anselmo, you know your constitutional  
2 rights, don't you?

3 A Yes, sir.

4 Q Then if you weren't advised, you knew them?

5 A If I would have thought about them, I would have known  
6 them, yes, sir.

7 Q Now, in the statement you gave on July 19th that was  
8 transcribed, you said that Trudy Hiler had the acid. That was  
9 not true, was it?

10 A No, sir.

11 Q And that you both dropped acid in the club. That was  
12 not true either, was it?

13 A I did drop acid with a girl, but I don't know if it  
14 was Trudy or not.

15 Q And isn't it true that after you made the statement  
16 that Dick Tuttle took down as a court reporter, you felt very  
17 relieved then?

18 A I don't know if I felt relieved. I couldn't say that,  
19 no.

20 Q Isn't it true that at that time you went in and ate  
21 two chicken dinners?

22 A No, I didn't.

23 Q You deny that?

24 A I don't remember eating two chicken dinners.

25 Q Did you eat that night, that being Monday night?

26 A I don't remember.

27 Q Now, the next morning you went up to the Lake, did  
28 you not?

29 A I believe it was Tuesday.

30 Q And you went up there Tuesday morning. Do you know

1 who went with you?

2 A Chief Benham and two other deputies.

3 Q And you went up there and what was your purpose for  
4 going up there?

5 A I was supposed to show them where the coat and things  
6 were placed.

7 Q The coat and things. Or was it just the knife?

8 A Coat and keys and knife.

9 Q Well, was it all three of them or just the knife?

10 A I believe it was all three. I can't be positive if  
11 they asked for the knife or what.

12 Q Was there any reluctance on your part to take them up  
13 there and show them these items?

14 A Not really, no.

15 Q And while you were up there, you did find-- or point  
16 out a general location for the coat, did you not?

17 A I don't know if it was a general location. I pointed  
18 to the beach. We walked along the beach, the rock area, and I  
19 said, "It's along here somewhere."

20 No, I know I didn't point out the exact position.

21 Q And did you show them the general area where the keys  
22 were located?

23 A Between an area, yes, sir.

24 Q And then when you came back, you went on a search for  
25 the knife, did you not?

26 A Yes, sir.

27 Q And you told them a few places where you thought you  
28 might have thrown it or put it?

29 A No, sir. They asked me if it was up at the house and  
30 I said it could be. Or if I took it to the dorm with me or to

1 the store with me.

2 Q What did you say?

3 A I said it could be. Something like that. I don't

4 remember my exact words. Or I didn't remember their exact

5 words.

6 Q Well, didn't you in fact on Monday afternoon draw

7 Gordon Jenkins a diagram of where the knife should be?

8 A I don't recall it, no.

9 Q Now, up at the lake were you under any compulsion or

10 anything? You said that you felt you were being forced in some

11 manner or form. You weren't being forced, were you, to go up

12 to the lake?

13 A I don't understand what you're saying.

14 Q Did anyone force you to go up to the lake?

15 A Not physically, no.

16 Q Well, when you say "not physically", you're kind of

17 implying that there's some sort of force other than physical.

18 Was there?

19 A In a way, I'd say there was.

20 Q Now, when you found the coat and the jacket, why didn't

21 you tell Chief Benham or someone else that you had put it there

22 because John Soares had forced you to?

23 A I didn't find the coat and the jacket.

24 Q Well, when you pointed out the areas where they were?

25 A I really don't know.

26 Q You certainly couldn't have been afraid at that time,

27 were you?

28 A Well, at that point things were more or less starting

29 to make more sense than anything.

30 MR. ROSE: Your Honor, I have about twenty minutes



1 more. I don't know if the Court wants to continue or take a--

2 THE COURT: Well, I think were going to obviously  
3 have to go into tomorrow anyway and we might just as well  
4 adjourn this afternoon and take up tomorrow morning, unless  
5 counsel has some objection?

6 MR. POLAHA: I have no objection, your Honor.

7 THE COURT: All right, we'll adjourn at this time  
8 until 10:00 a.m. tomorrow morning.

9 The jury are instructed not to discuss the case among  
10 yourselves or with anyone else, or to form any conclusions  
11 concerning the case until it is submitted to you. And you are  
12 instructed not to read or listen to any news media or other  
13 accounts relating to the trial.

14 (Whereupon the proceedings were adjourned until the  
15 following morning.)

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1           RENO, NEVADA   FRIDAY, APRIL 21, 1972   MORNING SESSION

2                           --oOo--

3  
4           THE COURT:   The Clerk will please call the roll of  
5 the jurors.

6                   (The roll of the jury was called by the Clerk.)

7           THE COURT:   Are you ready to proceed, gentlemen?

8           MR. ROSE:    Ready for the State, your Honor.

9           MR. POLAHA:   Ready for the defendant, your Honor.

10          THE COURT:   As I recall, yesterday afternoon  
11 Mr. Anselmo was on the stand on cross-examination, is that  
12 correct?

13          MR. POLAHA:   That is correct, your Honor.

14          Michael, will you please take the stand.

15          THE COURT:   You are still under oath, Mr. Anselmo.

16  
17                           CROSS-EXAMINATION

18                           (Resumed)

19          BY MR. ROSE:

20           Q    Mr. Anselmo, when I left off yesterday, we were  
21 talking about going up Tuesday to the Lake Tahoe scene and  
22 trying to find the knife and you pointing out where the jacket  
23 and the keys had been dropped and then thrown; do you recall  
24 that?

25           A    Not pointing out the exact position of those items,  
26 no.

27           Q    Did you point out the general area where these items  
28 were?

29           A    Yes, sir.

30           Q    To whom did you do that?

1           A     Chief Benham and some other officer.  
2           Q     I'm going to show you State's Exhibit C in evidence.  
3     I want you to look at this and tell me if that's the jacket?  
4           A     I couldn't say if it was the jacket or not.  
5           Q     Why not?  
6           A     Because I just couldn't say.  
7           Q     You just can't say one way or the other?  
8           A     I couldn't say for sure one way or the other.  
9           Q     You did take a jacket down to the lake and drop it?  
10          A     Yes, sir.  
11          Q     Can you tell whether or not it looked like this one?  
12          A     It was similar, yes, sir.  
13          Q     But you couldn't say that this was the jacket?  
14          A     No, sir, not definitely one way or the other.  
15          Q     When it was handed to you by Soares as you state, how  
16     did he hand it to you? Did he just throw it to you or give it  
17     to you gently?  
18          A     I picked it up.  
19          Q     You picked it up from where?  
20          A     It was laying across a bush, a branchlike thing.  
21          Q     It was just laying across a branch?  
22          A     Yes.  
23          Q     You said the other clothing was scattered all over  
24     the area, did you not?  
25          A     It wasn't scattered all over the area, no.  
26          Q     Where was it?  
27          A     In the same general area of the rock.  
28          Q     Could you describe that clothing as best you can  
29     recollect?  
30          A     To tell you the truth, I never really paid that much

1 attention.

2 Q You never paid that much attention to the scattered  
3 clothing?

4 A No. Not really, no.

5 Q What were you paying attention to at that time,  
6 Mr. Anselmo?

7 A John, mostly.

8 Q To John. Now, did you see the clothing that was  
9 scattered and this jacket hanging over a branch before or after  
10 you saw the body?

11 A I'm not sure. I couldn't say definitely one way or  
12 the other. I don't know what I noticed first. I imagine it  
13 was probably the body.

14 Q The body. He took you to the body and then you saw  
15 the clothing. Didn't you have to walk past this scattered  
16 clothing to the body?

17 A It was all right there in a small area.

18 Q This would be right near where the body was laying?

19 A Yes, sir.

20 Q By the rock?

21 A Yes, sir.

22 Q Well, wasn't there a lot of heavy foliage up there?

23 A In areas, yes.

24 Q Isn't right around the rock very heavy foliage?

25 A Around it.

26 Q Where were the clothes in relation to the body?

27 A There's a space between the rock and the bushes.

28 Q How big is that space?

29 A I couldn't give you the exact space.

30 Q Give me your best estimate.

1           A     A few feet from the rock.

2           Q     That's where the clothes were scattered right by the  
3 bush-- I mean right by the body?

4           A     Yes.

5           Q     I'm going to show you State's Exhibit D for  
6 identification. I want you to tell me whether or not these  
7 are the clothes that were scattered?

8           A     I couldn't definitely say, Mr. Rose.

9           Q     You couldn't say one way or the other?

10          A     One way or the other.

11          Q     I want you to look at them and tell me whether or not  
12 they are?

13          A     How could I say? I never really paid that much  
14 attention to them as I told you before.

15          Q     Well, what happened to those clothes? You went back  
16 up to the body at a later date. Were the clothes there at that  
17 time?

18          A     No, they weren't.

19          Q     They were not?

20          A     No, they weren't.

21          Q     Do you know what happened to them?

22          A     I couldn't say definitely, no.

23          Q     So when you went back to the body the next time the  
24 clothes were gone?

25          A     Yes, sir.

26          Q     You can't say for sure one way or the other whether  
27 or not these were the clothes that you saw scattered around?

28          A     Like I said, I wasn't paying that much attention to  
29 the clothes or to the jacket or really to anything.

30          Q     But you did carry the jacket all the way down to the

1 lake?

2 A Yes, sir.

3 Q You can't tell me whether or not this was the jacket?

4 A I didn't inspect it at the time.

5 Q You must have looked at it in some way?

6 A A lot of jackets look alike.

7 Q The keys fell out of this jacket, I take it?

8 A Yes, sir.

9 Q They fell out of which pocket, the left pocket or

10 the right pocket?

11 A I don't know.

12 Q Did you feel the keys in the jacket prior to your

13 walking down to the lake?

14 A No, sir.

15 Q Where did they fall out, just when you were about

16 ready to drop the jacket?

17 A No. On the steps on the way down.

18 Q Did they stay on the steps or did they roll down?

19 A They stayed on the steps.

20 Q Why didn't you drop the keys in the same place you

21 dropped the jacket?

22 A I don't know really.

23 Q When you came back you said that John was standing in

24 the road. That's coming back from dropping the jacket?

25 A Yes, sir.

26 Q And at that time you did not go back to the body?

27 A No, I didn't.

28 Q So, then the clothes were removed; so, John had to do

29 it when you were down by the lake?

30 A I imagine, yes, sir.

1 Q Did you ever see these pair of shoes before?  
2 A No, sir. I never even saw the shoes.  
3 Q You never, ever saw any shoes?  
4 A No.  
5 Q Now, when you first saw the body or the corpse, was  
6 there any blood on it?  
7 A I don't believe so.  
8 Q Now, it was on its back looking face up, was it not?  
9 A Yes, sir.  
10 Q You didn't see any blood at all on it?  
11 A I don't believe so.  
12 Q Did you see any knife wounds or knife marks?  
13 A No. I couldn't be sure.  
14 Q How about when you went back and talked to the corpse  
15 at several different times in the next two days thereafter; did  
16 you see any knife wounds on the corpse?  
17 A No. At that time she was on her stomach.  
18 Q You never turned her over?  
19 A I didn't turn her back over, not from her stomach to  
20 her back.  
21 Q You turned her from her back to her stomach?  
22 A Yes, sir.  
23 Q You never turned her over thereafter?  
24 A Yes, sir.  
25 Q So that would mean that you only saw her stomach or  
26 the front of the corpse one time?  
27 A It would be two times.  
28 Q Two times, when was that?  
29 A Well, the first time and when I went back to turn her  
30 back over.

1 Q You never saw any wounds on the body?  
2 A I really didn't look.  
3 Q You really weren't looking?  
4 A No.  
5 Q If you weren't looking, why were you going back to  
6 talk to the body, talk to the corpse?  
7 A To try and figure out what to do, I guess.  
8 Q It is your testimony that you never saw the knife  
9 wounds?  
10 A I couldn't say I definitely did, no, sir.  
11 Q Now, Mr. Anselmo, I'd like you to come down here and  
12 as best you can recollect, show the jury where you found the  
13 body.  
14 A It was right by the rock.  
15 Q You've seen this map before?  
16 A Yes, sir.  
17 Q That would be right here?  
18 A Yes, sir.  
19 Q And the clothes were right next to the corpse?  
20 A Yes, sir.  
21 Q That is the only articles of clothing or jackets or  
22 purses that you saw?  
23 A Yes, sir.  
24 Q Did you ever see those items thereafter?  
25 A No, sir.  
26 Q Could you tell the jury how you got down to this  
27 approximate location, if that be the location where the coat  
28 was thrown?  
29 A Straight down the road there, at the end of the road  
30 there's a stairway leading from a house.



1 Q Down to the end of Crystal Drive?  
2 A Yes, sir.  
3 Q It ends?  
4 A There's a house there and there's a house at the end  
5 of the block.  
6 Q Which way did you get down there?  
7 A A stairway and a dock.  
8 Q You went down the stairway?  
9 A Yes, sir.  
10 Q How long did you think it took you to get down and  
11 get back?  
12 A I don't know; maybe ten, fifteen minutes.  
13 Q Now, was John doing anything with this corpse while  
14 you were there?  
15 A No, sir, he wasn't.  
16 Q Did he stand there and look at it?  
17 A He was talking most of the time.  
18 Q What was he saying to you at that time?  
19 A Just different things.  
20 Q I'm going to show you State's Exhibit A in evidence.  
21 Do you recognize these keys?  
22 A No, I don't.  
23 Q You don't recognize them at all?  
24 A I never-- I just picked them up. You know, I never  
25 examined them or anything.  
26 Q You don't know whether you've ever seen these before  
27 or not?  
28 A No, not really.  
29 Q You cannot tell me whether they were the keys that  
30 you threw into the lake?

1           A     Not definitely.  
2           Q     Do they appear to be the same?  
3           A     I really couldn't say. I never examined them.  
4           Q     Now, Mr. Anselmo, have you reviewed your testimony of  
5 yesterday with your attorneys at any time?  
6           A     We talked about it.  
7           Q     You talked about it last night, did you not?  
8           A     Yes, sir.  
9           Q     You talked about it before you testified, did you not?  
10          A     Briefly.  
11          Q     Briefly?  
12          A     Yes.  
13          Q     How about last night, was that briefly?  
14          A     That wasn't before I testified.  
15          Q     How about before you testified, you only talked  
16 briefly with your attorneys?  
17          A     It wasn't that long. We really didn't talk that much  
18 on that subject.  
19          Q     They put you on the stand only talking to you briefly?  
20          A     Well, on different occasions we talked.  
21          Q     But you at least reviewed all the essential facts  
22 in this case, did you not?  
23          A     I don't know if it was all the essential facts. They  
24 just told me to get up here and tell the truth the best I  
25 remember it.  
26          Q     Needless to say, that's all we're looking for, is it  
27 not, Mr. Anselmo?  
28          A     Yes, sir, it is.  
29          Q     When you were up at the lake and this was when you  
30 were up at the lake with Tom Benham and showing him all these

1 items or the approximate locations to the best of your  
2 recollection, how long were you at Lake Tahoe, not in  
3 transportation, but how long at Lake Tahoe?

4 A I couldn't say. I wasn't wearing a watch or anything.

5 Q It would not be an entire day, would it?

6 A Not an entire day, no, sir.

7 Q At that time did you not, in addition to showing  
8 where you thought that the jacket should be and the keys should  
9 be, thereafter-- Pardon me, I lost my train of thought. When  
10 you were up there, you were up there for what; not a full day?

11 A No, sir.

12 MR. POLAHA: I'm going to object. I can't follow  
13 counsel. Are we talking about when he went up there with  
14 Benham?

15 MR. ROSE: With Benham on Tuesday.

16 BY MR. ROSE:

17 Q When you were up there with Benham, were you up there  
18 a whole day?

19 A No, sir. Not a full day.

20 Q And when you identified the general area where the  
21 jacket was for Tom Benham and the general area where you thought  
22 the keys were, did you then go back to the scene?

23 A I can't recall definitely.

24 Q You don't recall going back to the scene and saying  
25 to Tom Benham this is the clearing where I killed her?

26 A I don't believe so. I don't know if we went back or  
27 if we didn't go back one way or the other, I couldn't say  
28 definitely.

29 Q You don't even recall going back to the scene?

30 A Not clearly, no, sir.

1           Q    Do you recall going back and showing him exactly  
2 where the body was found, where you found the corpse?

3           A    I may have, but I don't definitely recall it. I  
4 couldn't say for sure.

5           Q    Do you recall telling him that, "I killed her here",  
6 and that "I carried the body over here to the rocks"?

7           A    No, sir, I don't.

8           Q    Mr. Anselmo, I've noticed when I showed you the coat  
9 there was some reluctance by you to examine it or even touch it.  
10 Why is that?

11          A    I can just look at it from here. I can't say for  
12 sure one way or the other. I don't inspect coats unless I'm  
13 buying them.

14          Q    Now, after you went to Lake Tahoe you came down to  
15 Reno again, did you not, and that was on that Tuesday when you  
16 had identified where you thought some of these items might be?

17          A    Yes, I did.

18          Q    Shortly thereafter, you were taken into the Justice  
19 Court for arraignment, were you not?

20          A    Yes, sir, I did.

21          Q    At that time, you told us that-- Chief Benham and  
22 Frederick Pinkerton, the Chief Criminal Deputy, then were with  
23 you?

24          A    That's the two I remember, yes, sir.

25          Q    At that time, is it true that you started an  
26 argument in the Justice Court before the judge came in with  
27 regard to Tom Benham and the supposed promise he had made you?

28          A    Yes, sir.

29          Q    How long did that last?

30          A    Just a few minutes.

1 Q You are sure of that?  
2 A There was-- We had a verbal conversation, a high-tone  
3 conversation.  
4 Q A high-tone?  
5 A I know it was high tone. I was upset about it.  
6 Q Do you consider screaming back and forth--  
7 A Screaming, I wouldn't say.  
8 Q -- in a loud voice?  
9 A Not that loud. In an upset voice.  
10 Q In an upset voice. You were arguing with Tom Benham?  
11 A It depends on what you consider arguing.  
12 Q But you were expressing your displeasure?  
13 A Yes, sir, I was.  
14 Q And then did you make any statement to him either  
15 precisely or in these general words: "I killed her. I just  
16 want to go to prison and get the whole thing over. I want to  
17 die. I don't want an attorney"?  
18 A Well, the way you word it, no.  
19 Q You tell me what you said?  
20 A I told him that, "You said I've killed her, and the  
21 way you work you are going to find me guilty anyway. I don't  
22 need an attorney; so, why don't you go ahead and do what you're  
23 going to do." I don't know if it was the exact words, but it  
24 was something like that. That was the meaning that came out.  
25 Q Are you sure you made that statement, Mr. Anselmo?  
26 A Not those exact words, no.  
27 Q That general tone?  
28 A That general-- Not in a tone, but in the general  
29 phrase.  
30 Q So you didn't simply say: "I killed her. I have to

1 die. I don't want an attorney. Take me to prison and get it  
2 over with"? You did not make that statement?

3 A I don't recall making it, no, sir.

4 Q Mr. Anselmo, don't you remember right with Fred  
5 Pinkerton I was there also?

6 MR. POLAHA: Objection. The District Attorney is not  
7 under oath. The District Attorney is not a witness in this  
8 courtroom. These questions have been asked and answered about  
9 five times.

10 THE COURT: Objection is overruled.

11 THE WITNESS: Like I say, the only two people I  
12 remember is Chief Benham and Mr. Pinkerton. I don't remember  
13 even if the judge was there at that time.

14 BY MR. ROSE:

15 Q Now, you heard counsel make his opening statement,  
16 and in his opening statement he said that he was going to show  
17 that you could not have possibly committed this crime.

18 MR. POLAHA: Objection. What the District Attorney is  
19 doing is arguing. He doesn't know what I had in mind. This is  
20 an improper question. I object on those grounds.

21 THE COURT: Objection overruled. He didn't say what  
22 you had in mind. He simply said what you said. You may ask  
23 your question.

24 BY MR. ROSE:

25 Q Now, at the time that Trudy Hiler was killed, you were  
26 at the Cal-Neva, were you not?

27 A I was inside the club, I imagine. I can't say exactly  
28 what time she was killed or what time she wasn't killed.

29 Q You were in the general area, were you not?

30 A Lake Tahoe is the general area, yes.

1 Q I'm talking about the Cal-Neva of Lake Tahoe.  
2 A Yes, sir.  
3 Q At the time she was killed, you were in that general  
4 area?  
5 A At the time they say she was killed, yes, sir, I was.  
6 Q Not only the time they say, but the time John Soares  
7 says?  
8 A Yes, sir.  
9 MR. ROSE: Thank you, your Honor. I have no further  
10 questions.

11  
12 REDIRECT EXAMINATION

13 BY MR. POLAHA:

14 Q Mike, yesterday the prosecutor went over his  
15 statement purportedly made by you to Sheriff Galli and taken  
16 down by Richard Tuttle. Do you recall the date or the time  
17 that that statement was taken?  
18 A In the evening.  
19 Q Sunday evening or Saturday?  
20 A Saturday.  
21 Q The first page states the time being 6:05, Saturday,  
22 p.m. as the commencement time. Is that approximately right or  
23 is that right?  
24 A I imagine so, yes, sir.  
25 Q Did you have this conversation with Sheriff Galli and  
26 all the other gentlemen present after you had your interview  
27 or interrogation or whatever with Gordon Jenkins?  
28 A If it was 6:05, yes, sir, it would be after.  
29 Q You talked to Jenkins in the earlier part of the day,  
30 didn't you?

1           A     Yes, sir.

2           Q     That's the conversation that was-- the interrogation

3           that was interrupted by Jenkins because you said you hadn't

4           slept for thirty-six hours, is that correct?

5           A     Yes, sir.

6           Q     Did you work Friday night?

7           A     Yes, sir.

8           Q     Did you work Thursday night?

9           A     Yes, sir.

10          Q     Did you work Wednesday night?

11          A     No, sir.

12          Q     When was the last time you had slept prior to

13          Saturday night?

14          A     Wednesday evening.

15          Q     Now, what time did you awaken Wednesday evening or

16          whenever?

17          A     It was around 7:00 o'clock, somewhere around in there.

18          Q     This is p.m., is that correct?

19          A     Yes, sir.

20          Q     Now, there's also some testimony elicited about the

21          taking of some kind of drugs. Now, did you take drugs

22          Wednesday?

23          A     Yes, sir.

24          Q     Did you take drugs Thursday?

25          A     Yes, sir.

26          Q     How about Friday and Saturday?

27          A     No, sir.

28          Q     So you did have some kind of a drug in you Wednesday

29          and Thursday, is that correct?

30          A     Yes, sir.



1 Q Do you recall the time that Gordon Jenkins terminated  
2 his interrogation?

3 A No, sir.

4 Q In between Gordon Jenkins' interrogation and Sheriff  
5 Galli's interrogation-- I take it, was the court reporter  
6 present right there as soon as you met Sheriff Galli?

7 A I couldn't say definitely one way or another.

8 Q I beg your pardon?

9 A I couldn't say definitely one way or another.

10 Q In the between time Keller and Whitmire also  
11 interrogated you, is that correct?

12 A I talked to two deputies. I don't know if it was  
13 those two.

14 Q Now, did you have a car?

15 A No, sir.

16 Q In other words, when you left the building, you did  
17 not open the door, turn in the key and boom, drive away? You  
18 had to walk, do some walking during this day; is that correct?

19 A Yes, sir.

20 Q What time were you put in the patrol car?

21 A It was early morning hours. It was still dark.

22 Q Now, let's see, according to the testimony that was  
23 here at 1:10 and 1:30 was the first time that the security  
24 guards were involved; is that correct?

25 A Somewhere around there, yes, sir.

26 Q You were more or less being asked about what happened  
27 from that time until Tuesday; is that correct?

28 A Yes.

29 Q Now, everybody else was asked about your demeanor  
30 when you were being questioned. Let me ask you this: When

1 Sheriff Galli was questioning, were you bright, alert, quick-  
2 witted?

3 A No, sir.

4 Q Throughout all the questioning did you have any  
5 particular purpose in mind?

6 A Yes, sir.

7 Q What was that?

8 A Well, I kept on telling him about John. I told them  
9 the truth about John, and they never did anything about it.

10 Q How about your body? The District Attorney said,  
11 well, isn't it true that you refused to eat. Now, let me ask  
12 you this: Did your body get any nourishment either voluntarily  
13 or involuntarily? Did you get any nourishment during this  
14 period?

15 A No, sir.

16 Q How about the demeanor of the authorities that were  
17 questioning you, were they saying, hey, Mike, tell us about it,  
18 what has happened, how it happened, or what did they do? Did  
19 anybody say, hey, Mike, you did it, tell us about it?

20 A I was told that quite often.

21 Q By whom?

22 A Sergeant Jenkins, mostly.

23 Q How about Fred Pinkerton, do you remember him?

24 A I couldn't say definitely.

25 Q Some type of issue, I guess, was raised about your  
26 walking down to the lake, evidently Monday, Tuesday and  
27 Wednesday when you first got up to the lake. Mike, what is  
28 the attraction up at Lake Tahoe?

29 A The lake.

30 Q You stated about this relationship between yourself

1 and Soares and the term came out, father figure. Tell me,  
2 when you met Soares in Sears, was this man still in this role  
3 as a father figure?

4 A No, sir. I was younger then, you know. It's  
5 different now. It was a friendship-type thing.

6 Q The District Attorney asked about this sudden change  
7 of character of Soares. Prior to this time, there was this  
8 father figure thing as you represented, and all of a sudden, it  
9 was a guy you were afraid of. Tell me, did Soares ever point  
10 out a dead person to you before?

11 A No, sir.

12 Q Did he ever tell you he was going to kill you if you  
13 said anything to the authorities before?

14 A He never made any type of threats.

15 Q Now, in this statement that the District Attorney  
16 went over, you stated that you were with the body Thursday  
17 morning around 4:00 o'clock. Do you remember saying that and  
18 being asked that question yesterday?

19 A Yes, sir.

20 Q You also made that statement in that very same  
21 statement you were in South Lake Tahoe committing a burglary.  
22 Do you recall making that statement?

23 A Yes, sir.

24 Q Did you in fact commit that burglary?

25 A Yes, sir.

26 Q Did you tell the authorities here in Reno or Washoe  
27 County about having committed that burglary?

28 A Yes, sir.

29 Q Did you tell them some of the details of that  
30 burglary?

1 A Yes, sir.  
2 Q Were you in fact later arrested for that burglary?  
3 A Yes, sir.  
4 Q Were you told what time the burglary took place?  
5 A No, sir.  
6 Q Were you afraid of John Soares because of the facts  
7 of that particular morning?  
8 A Yes, sir.  
9 Q Were you upset over the death of this young girl?  
10 A Yes, sir.  
11 Q Were you concerned about this young girl?  
12 A Yes, sir.  
13 Q When did the fear of John Soares subside and the  
14 concern for the girl come to the forefront?  
15 A Friday night.  
16 Q Mr. Rose yesterday repeatedly asked why did you not  
17 go to the authorities. Was it not you who went to the  
18 authorities Saturday morning?  
19 A Yes, sir, it was.  
20 Q Now, throughout this period, what was your status?  
21 What kind of position were you as an individual in relation  
22 to the State authorities? Now, to clear that up--  
23 A Criminal.  
24 Q I beg your pardon?  
25 A A criminal.  
26 Q You were on probation, were you not?  
27 A Yes, sir.  
28 Q The District Attorney also made a statement yesterday,  
29 "Do you think that the police would put an innocent man in jail  
30 if he would tell them about a commission of a crime?"

1 Now, where are you residing right now?

2 A Washoe County Jail.

3 Q You were in jail before even making any statements  
4 Monday, were you not?

5 A Yes, sir.

6 Q Are there any guys in jail over there that can't make  
7 bail?

8 A Quite a few.

9 MR. ROSE: Objection, your Honor, about bail. I don't  
10 think that's relevant or competent.

11 THE COURT: Sustained. The jury will disregard it.

12 BY MR. POLAHA:

13 Q Mike, was this a carefree period in your life?

14 A No, sir, it wasn't.

15 Q There was a lot of stress, wasn't there?

16 A Yes, sir.

17 Q Quite a bit of time was spent yesterday concerning  
18 the statements that you made to the security personnel up at  
19 the Cal-Neva, namely, "Hey, some guy is dragging a girl into  
20 the bushes." Now, was this a true story?

21 A No, sir, it wasn't.

22 Q Why did you say this story?

23 A So I could get them up there to find her body.

24 Q So there was nothing whatsoever true in that story?

25 A No, sir, there wasn't.

26 Q You wanted to solicit--

27 MR. ROSE: Objection.

28 THE COURT: I didn't hear the question.

29 MR. POLAHA: I didn't finish it, your Honor, but I'll  
30 strike it.

1 THE COURT: All right.

2 BY MR. POLAHA:

3 Q Mike, the District Attorney asked you yesterday  
4 based upon your prior contacts with the police in Las Vegas  
5 that you are aware of your Constitutional rights. You said  
6 yes, you were aware of your Constitutional rights. What are  
7 your Constitutional rights under the 26th Amendment?

8 A I don't know.

9 Q How about your 14th Amendment rights?

10 A I don't know.

11 Q How about the 6th, 5th, 4th? Do you know those?

12 A I just thought your Constitutional rights were that  
13 little piece of paper.

14 Q You also said that when they took you to Tahoe you  
15 were under no physical compulsion, but what you are saying is  
16 you are implying that there was some type of compulsion. Now,  
17 Mike, you were in custody, were you not, Saturday morning early?

18 A Yes, sir.

19 Q Did you ever get a chance to be taken out of jail and  
20 go back up to the Lake in this one period?

21 A Not until Tuesday, no, sir.

22 Q How many felony convictions do you have, Mike?

23 A One, sir.

24 Q What is that?

25 A Misuse of a credit card.

26 Q Where was the conviction?

27 A Las Vegas, Nevada.

28 Q Mike, yesterday the District Attorney went through  
29 the statement as I stated, and he brought out many, many  
30 references of what you were telling the Sheriff and other people.

1 By that, I mean Jenkins and whoever the District Attorney said  
2 he was talking to, and you said you met Soares here, here, here  
3 and here. Were those statements true?

4 A The only one that was true was Wednesday night,  
5 Thursday morning.

6 Q In what respect was that true?

7 A Trudy Hiler.

8 Q How about these other references to Soares? Now,  
9 what was the purpose? What did you have in mind?

10 A They weren't true. I guess I just wanted him picked  
11 up so bad, you know, for what he did.

12 Q How about the police, did they seem interested in  
13 getting Soares?

14 A No, sir.

15 Q Were they pooh-poohing your story right away and  
16 said, come on, Mike, tell us why you did it?

17 A It didn't take long for them to get back on the old  
18 track again.

19 Q Well, let me ask you this: Did they believe your  
20 story about John Soares?

21 A I don't believe they did, no.

22 Q You mentioned something yesterday about after having  
23 been taken to Lake Tahoe with Chief Benham-- anyway, it had  
24 something to do with the finding of the knife. Did they find  
25 the knife up there?

26 A No, sir.

27 Q Did you know where the knife was?

28 A No, sir, I didn't.

29 Q Did Soares even show you the knife?

30 A No, sir.

1 Q Well, where did you find out about the knife? Who  
2 told you about the knife?

3 A Detectives.

4 Q Which detectives?

5 A I believe Gordon Jenkins.

6 Q What else did he tell you about it?

7 A I don't know. I heard several of them talking about  
8 the car and, you know, little things.

9 Q Mike, also in your statement, you said something  
10 about after having spoken with the probation officer you came  
11 about 2:00 o'clock. Now, as I understand your testimony, this  
12 was Thursday, was it not?

13 A Yes, sir.

14 Q Then it says you went up to the body for a few  
15 minutes and told her everything was going to be all right,  
16 and then you went to work. Were you here-- Obviously you  
17 were-- when Padilla testified?

18 A Yes, sir.

19 Q Didn't he say he saw you on Thursday?

20 A Yes, sir.

21 MR. ROSE: I'll object, that's restating the evidence.  
22 Let the jury weigh whether or not he said that.

23 THE COURT: I will allow him to state what he recalls  
24 the testimony to be, and the jury is instructed, of course,  
25 that it's your recollection of the testimony which is of  
26 significance in this case, and not that of the attorneys or  
27 the witnesses or anyone else. You must decide what the  
28 testimony was.

29 BY MR. POLAHA:

30 Q Do you remember meeting Louis Padilla Thursday?



1       A     When I came back from Reno with my probation officer,  
2 he dropped me off and I had to go in and pick up stuff in time  
3 keeping-- or in housekeeping. I believe that I remained the  
4 rest of the day with Louis until I went to work.

5       Q     How about the description of John Soares in the book  
6 here? How well did you know Soares?

7       A     Quite a long time. Ten, eleven years, I'd say.

8       Q     Were you here when Sergeant Whitmire testified?

9       A     Yes, sir.

10      Q     Do you recall me asking Sergeant Whitmire whether  
11 Soares was physically built like you, like me, or like himself?

12      A     Yes, sir, I do.

13      Q     Here you've got he's about five eight, five nine, and  
14 maybe weighs 180, 190. He's built kind of broad with curly  
15 hair, straight back. Does that look like Soares?

16      A     I'd say he's taller than that and he's heavier than  
17 that.

18      Q     He's got black, curly hair, long, that part is Soares.  
19 The five eight, nine, is that Soares?

20      MR. ROSE: I'll object to that, obviously a leading  
21 question.

22            THE COURT: Sustained.

23      BY MR. POLAHA:

24      Q     Is he five eight?

25      A     No, sir. I couldn't say he definitely is or  
26 definitely isn't.

27      Q     Once again this statement was given after Gordon  
28 Jenkins already said, I'm going to terminate my interrogation  
29 because of lack of sleep?

30      MR. ROSE: I'm going to object again because that's

1 obviously leading.

2 THE COURT: Sustained.

3 BY MR. POLAHA:

4 Q Mike, yesterday one of the other things that you were  
5 questioned on quite numerously is the returning of you to the  
6 rock where the body was. Now, can you tell us with precision  
7 when you went back to the body, how many times, and when?

8 A Not with precision, no, sir.

9 Q So what you're saying is a rough estimation or a  
10 guess?

11 A It would have to be a guess more than anything.

12 Q Oh, Mike, from your testimony elicited this morning  
13 by the prosecutor, you didn't or did you see the stab wounds  
14 on the girl?

15 A I don't remember seeing any. I wasn't looking for  
16 them, really.

17 Q Do you recall telling Gordon Jenkins that you  
18 stabbed her three or four times?

19 A I believe one of the statements it does say that,  
20 yes, sir.

21 Q We went through yesterday that all the things in that  
22 statement that aren't true. Let's go through the statement of  
23 Gordon Jenkins and the fact of his statement about "Yes, I  
24 killed her." Is that true?

25 A No, sir, it isn't.

26 Q That's one of the other ones in the statement that  
27 are not true. Mike, do you consider yourself a religious  
28 person?

29 MR. ROSE: I'll object to that, your Honor. I don't  
30 see what that has to do with this deliberation one way or the

1 other.

2 THE COURT: Overruled.

3 BY MR. POLAHA:

4 Q Mike?

5 A I believe in God. I don't go to church every Sunday,  
6 but I believe in God in my own way, yes, sir.

7 Q Do you pray?

8 A Yes, sir.

9 Q Mike, do you remember the oath that was administered  
10 to you?

11 A Yes, sir, I do.

12 Q With that in mind, can you look at the jury and tell  
13 them you did not kill Trudy Hiler?

14 A Yes, sir, I can.

15 Q Tell them.

16 A I did not kill Trudy.

17 MR. POLAHA: No further questions.

18

19 RECROSS EXAMINATION

20 BY MR. ROSE:

21 Q Mike, yesterday you said the last time you took  
22 drugs was Wednesday. You were working on Wednesday. Now, you've  
23 moved it up to Thursday?

24 A I took drugs on two occasions.

25 Q Why didn't you tell us that on direct examination  
26 yesterday?

27 MR. POLAHA: Objection, your Honor. Argumentative.

28 THE COURT: Well, I'm going to overrule the  
29 objection. I don't think you mean direct examination, do you?

30 MR. ROSE: Yes, I believe they brought it out on

1 direct examination that he took acid on Wednesday.

2 THE COURT: You may proceed.

3 BY MR. ROSE:

4 Q You mention nothing about Thursday; why was that?

5 A If I didn't mention it, I made a mistake then, because  
6 I did take it on two different occasions.

7 Q When did you take it Thursday?

8 A I couldn't give you the exact time.

9 Q Where did you take it?

10 A In the dormitory on Thursday.

11 Q About what time?

12 A I couldn't give you the exact time.

13 Q How much did you take?

14 A Like I said before, it was in powder form. I hadn't  
15 capped it, so I couldn't say how many hits it was or what the  
16 exact quantity was.

17 Q This was still some of the LSD you had left over from  
18 Las Vegas?

19 A Yes, sir.

20 Q Was this the last of your supply?

21 A No, sir, it wasn't.

22 Q That was the last time now was Thursday that you took  
23 it?

24 A Yes, sir.

25 Q And not Wednesday?

26 A I did take it Wednesday.

27 Q But Thursday was the last time?

28 A Yes, sir.

29 Q Now, you've said that there's some confusion, I  
30 think, in terminology. You told us Thursday morning you

1 committed the burglary?

2 A Thursday morning I did.

3 Q Then you told me in this statement Thursday night  
4 after you got off work you went up to see the body again, the  
5 corpse of Trudy Hiler.

6 A Thursday morning and Thursday night are two different  
7 things.

8 Q That's exactly right. That's what I'm trying to  
9 clarify. Thursday morning you committed the burglary at  
10 South Beach?

11 A Yes, sir, I did.

12 Q Thursday night after you got off work you went up  
13 and sat with the body again?

14 A Yes, sir.

15 Q Until Friday morning?

16 A Yes, sir.

17 Q Now, you stated that you-- We just have to take a  
18 rough guess how many times you went back and talked to the  
19 corpse or visited. How many times did you?

20 A I couldn't say definitely, because sometimes I may  
21 have gone back there without even realizing it. I couldn't  
22 give you an exact amount, and I wouldn't even try.

23 Q When you took LSD on Wednesday and then again on  
24 Thursday, and now directing your attention to Thursday, did it  
25 give you an additional effect?

26 A Not really, no.

27 Q What effect did it give you when you took it on  
28 Thursday?

29 A Well, the only reason why I took it was trying to  
30 bring myself down was the only purpose.

1 Q You took more acid to come on down?  
2 A Yes, sir.  
3 Q Did that succeed?  
4 A No, sir, it didn't.  
5 Q It even put you on a bigger high, did it not?  
6 A I don't know if you can consider it a bigger high.  
7 It confused things more, yes.  
8 Q So, Wednesday evening up through Thursday, then to  
9 Friday, you were under the effects of LSD?  
10 A Longer than that I'd say.  
11 Q Why is that?  
12 A I can't say why. It lasts longer than that before.  
13 Q You mean the effects last longer than a few days?  
14 A At times they do.  
15 Q At times they do, and at times they don't?  
16 A Sometimes they last a lifetime to some people.  
17 Q But you had been taking it for five or six times the  
18 last month as you told me?  
19 A Yes.  
20 Q So you were under the influence according to your  
21 testimony all the time?  
22 A No, sir. Some trips are eight hours and some can be  
23 a week. Some can be a month.  
24 Q Could it be that you were just hallucinating through  
25 Wednesday night, Thursday, Friday?  
26 A No, sir. Because hallucination you can tell.  
27 Q And that some of your testimony is really the result  
28 of hallucinating?  
29 A No, sir. Because hallucination you are trying to  
30 bring-- you are trying to say hallucination is something that

1 it isn't. At least it isn't to me, in my mind.

2 Q What's in your mind and what's really facts may be  
3 two different things, may it not, when you are under the  
4 effects of LSD?

5 A I don't understand what you are saying.

6 Q Hallucination is something that distorts what's  
7 happening, and you see something that's not there; isn't that  
8 generally what hallucination is?

9 A To some people, I imagine it may be.

10 Q How about to you?

11 A To me?

12 MR. POLAHA: Excuse me, your Honor. May I have that  
13 question read back? I think that's calling for conclusion on  
14 the part of this witness and he's not qualified as an expert.

15 THE COURT: I beg your pardon, how it affects him?

16 MR. POLAHA: I didn't hear the question. That's the  
17 pending question right now?

18 THE WITNESS: To me?

19 BY MR. ROSE:

20 Q How does it affect you?

21 A To me on different occasions it affects me different  
22 ways. It depends on my state of mind.

23 Q You've hallucinated, haven't you?

24 A Not a color trip. A mind trip, yes, sir.

25 Q A mind trip where you imagine things that really  
26 weren't true and really didn't happen?

27 A No, sir.

28 Q You mean to tell me when you take LSD you never  
29 hallucinate?

30 A Well, there's two purposes that I know of that I am

1 aware of for LSD.

2 Q What's that?

3 A One's a mind trip, a trip to where you do mostly  
4 thinking, and one is where a person can get himself into a  
5 color trip.

6 Q And you take a mind trip, you are not a color-trip man?

7 A I haven't been able to get into that. I haven't  
8 tried to.

9 Q Okay. Now, when you say a mind trip, what do you  
10 mean by that?

11 A Kind of opens up your mind, opens up your thoughts  
12 more than anything.

13 Q You are trying to say it helps you think?

14 A If your mind is relaxed, yes.

15 Q And it doesn't, to you, cause any hallucinations?

16 A I've never had an hallucination trip from LSD.

17 Q But you were under the effects of LSD Wednesday night,  
18 Thursday and Friday?

19 A I'd say longer than that.

20 Q How much longer?

21 A I'd say I started coming down once I got-- Well, they  
22 put me in the hole and in Washoe County Jail, and I imagine  
23 that's when I started coming down. That's when things started  
24 to make more sense.

25 Q Isn't it really true that you started coming down  
26 over the weekend, and your statement that you made Monday,  
27 which was transcribed, was when you came down?

28 A No, sir, it wasn't.

29 MR. ROSE: I have no further questions.

30 THE COURT: We're going to take our morning recess



1 at this time, ladies and gentlemen. We'll be in recess for ten  
2 minutes. The jury is instructed not to discuss the case amongst  
3 yourselves or with anyone else or to form any conclusions  
4 concerning the case until it is submitted to you, and you are  
5 not to read or to listen to any media or other accounts relating  
6 to the case.

7 (Recess.)

8 THE COURT: Be seated, please.

9 Will counsel stipulate to the presence of the jury?

10 MR. ROSE: So stipulated, your Honor.

11 MR. POLAHA: So stipulated, your Honor.

12 THE COURT: Are you ready to proceed?

13 MR. POLAHA: Yes, your Honor. We have no further  
14 questions of the defendant, Michael Anselmo, your Honor.

15 THE COURT: And you have no further questions?

16 MR. ROSE: I have none, your Honor.

17 THE COURT: Do you have another witness, Counsel?

18 MR. POLAHA: We have not, your Honor.

19 The defense rests.

20 THE COURT: Well, I suppose that the next step is to  
21 settle jury instructions.

22 MR. ROSE: Your Honor, we'd like a chance for rebuttal.

23 THE COURT: That's why I asked you if you had any  
24 further witnesses.

25 MR. ROSE: I thought you meant any questions to  
26 examine Mr. Anselmo. Any witnesses, yes, I do. I have one or  
27 two.

28 THE COURT: Are you going to have rebuttal witnesses,  
29 Counsel? I'm trying to find out where your schedule stands.

30 MR. POLAHA: At the present time, let's say no. I

1 don't know what the State's witnesses will be, your Honor.

2 THE COURT: All right. You may call your first  
3 witness.

4 MR. ROSE: The State's first witness in rebuttal will  
5 be John Soares.

6 JOHN EDWARD SOARES  
7 called as a rebuttal witness on behalf of the  
8 State, being first duly sworn, was examined  
9 and testified as follows:

10  
11 MR. ROSE: Please take the stand.

12 DIRECT EXAMINATION

13 BY MR. ROSE:

14 Q Please state your full name and address?

15 A John Edward Soares, 1118 Freeman, Santa Ana, California.

16 Q What is your age, Mr. Soares?

17 A Forty-two.

18 Q How tall are you?

19 A Five ten.

20 Q How much do you weigh?

21 A About 175.

22 Q Are you married?

23 A Yes.

24 Q To whom are you married?

25 A Catherine Soares.

26 Q Do you have any children?

27 A I have four children.

28 Q Up to the recent past, have you been living with her?

29 A Yes.

30 Q What is your occupation?

1           A     I'm a barber.  
2           Q     A barber?  
3           A     Yes, sir.  
4           Q     Do you know Michael Anselmo?  
5           A     Yes, I do.  
6           Q     Do you see him here in court?  
7           A     Yes, I do.  
8           Q     Could you point him out to us?  
9           A     Yes, the gentleman over there.  
10          Q     Could you be more specific than that? Could you  
11 describe what he's wearing?  
12          A     A purple-and-white tie, a dark suit, dark hair.  
13               MR. ROSE: May the record show that the defendant  
14 has been identified, your Honor.  
15               THE COURT: The record will so show.  
16 BY MR. ROSE:  
17          Q     When did you first come to make the acquaintance of  
18 Michael Anselmo?  
19          A     Approximately in the fall of 1960, in Las Vegas,  
20 Nevada. We leased a home next door to his parents, his family.  
21          Q     And did you know him very well?  
22          A     Quite well.  
23          Q     And how did you get to know him?  
24          A     Well, I had a son-- my oldest son Billy is Mike's  
25 age, Mike Anselmo's age. And naturally, the two kids played  
26 together, living next door, and I think they even went to the  
27 same school. And just-- I don't know, I just took a liking  
28 to Mike when he was a youngster, and every time we'd go  
29 somewhere, go to the bowling alley or any kind of Little League  
30 Baseball or anything, Mike was always invited to go with us;

1 and he always just spent a great deal of time with our family.

2 Q When you say "with us", are you referring to your  
3 family?

4 A Yes, sir.

5 Q Now, when was the last time you saw Michael Anselmo?

6 A I believe it was in the fall of '66 or possibly '67  
7 in Las Vegas.

8 Q And could you tell me when that was?

9 A When?

10 Q Yes; where it was, rather?

11 A Well, my boys were living in-- at that time were  
12 living in Phoenix, Arizona. And Billy, having been so close  
13 to Mike, wanted me to take him to Las Vegas so they could visit  
14 with Mike.

15 So I took he and my other son John, who is fifteen  
16 years old now, and we drove to Las Vegas to spend a couple of  
17 days there. It was probably a weekend that we went up there.

18 And I went to Mike's home, and his mom told me that  
19 he was probably at the shopping center where his oldest brother  
20 was employed.

21 So we went down to the shopping center, and Mike  
22 was out in the parking lot with a couple of his friends, and  
23 that's where I saw him. And we visited with him probably an  
24 hour, hour and a half. And I haven't seen him since that date,  
25 other than right now.

26 Q Has he changed from that date up to the present time?

27 A Not really. He's grown a little taller, but he's  
28 basically the same appearing person.

29 Q Mr. Soares, have you ever been convicted of a felony?

30 A Yes, I have.

1 Q How many?  
2 A Two felony counts.  
3 Q And could you tell me what the first one and then  
4 the second one is.  
5 A In the summer of '60, I was convicted of robbery in  
6 Las Vegas. And approximately a year ago, I was convicted of  
7 interstate transportation of stolen Picasso etchings in  
8 Oklahoma City. And as of now, I'm in transit under Federal  
9 authority.  
10 Q In transit to where?  
11 A Terminal Island.  
12 Q What is that?  
13 A It's a Federal institution in Los Angeles.  
14 Q When did you come into custody of the U. S. Marshal?  
15 A On the 20th of this month.  
16 Q And when did you surrender yourself?  
17 MR. POLAHA: Objection, your Honor, that's a leading  
18 question.  
19 MR. ROSE: "When did he surrender himself?"  
20 MR. POLAHA: We don't know if he was picked up or  
21 surrendered himself.  
22 THE COURT: We know he's in custody, counsel.  
23 MR. POLAHA: Yes, but he's in custody too, but they  
24 picked him up.  
25 THE COURT: If he didn't surrender himself, he may  
26 say so.  
27 BY MR. ROSE:  
28 Q Did you surrender yourself?  
29 A I boarded a plane to Oklahoma City on the 19th, and  
30 I surrendered myself at 9:00 o'clock yesterday morning.

1 Q And then where were you brought?  
2 A Left Oklahoma City at 5:05 last night and flew to  
3 Reno, Nevada, in the custody of two U. S. Marshals.  
4 Q Are you presently under custody?  
5 A Yes, sir.  
6 Q In the summer or fall of 1970, were you ever at Lake  
7 Mead?  
8 A No.  
9 Q Were you ever water-skiing at Lake Mead during that  
10 time?  
11 A I don't know how to water-ski.  
12 Q Have you ever tried to water-ski?  
13 A I can't even swim. I'm afraid of water.  
14 Q Now, directing your attention to the summer of 1971,  
15 that was last summer, June, July, August, were you ever in the  
16 Lake Tahoe area?  
17 A No, sir.  
18 Q Being more specific, in July of 1971, were you ever  
19 at the Cal-Neva Lodge area?  
20 A No, no.  
21 Q In July of 1971, any time during July, were you ever  
22 in the Park Lane shopping center?  
23 A No, sir. I don't know where it is.  
24 Q Did you ever kill, murder, a female on or about  
25 July 15th, 1971, in the Lake Tahoe area?  
26 A No, sir, I did not.  
27 Q Did you ever kill anyone?  
28 A No, sir.  
29 Q At all?  
30 A No, sir. That's strictly against my principles.

1 Q Did you ever tell Mr. Anselmo at Lake Tahoe last  
2 summer, "Keep your mouth shut about this or you'll end up like  
3 her"?

4 A No, sir. No, this is the first time I've seen Mike  
5 since '66. I haven't seen him since then.

6 Q Did you ever walk out of the brush and then take Mike  
7 in July of 1971 and show him a body?

8 A No, sir, I did not.

9 Q Do you know of anyone named Trudy Hiler?

10 A No, sir.

11 Q Mr. Soares, I'm going to show you a jacket that's  
12 marked in evidence. I want you to take a look at it, State's  
13 Exhibit C for identification. Would you take a look at that.

14 Have you ever seen that jacket before?

15 A No, sir.

16 Q In July of 1971, did you ever direct Michael Anselmo  
17 to go down and throw it in the lake?

18 A No, sir.

19 Q Did you ever tell Michael Anselmo to throw anything  
20 in Lake Tahoe at any time?

21 A No, I did not.

22 Q Did you ever at any time threaten Michael Anselmo  
23 to keep his mouth shut?

24 A No, sir.

25 Q At any time during your life?

26 A No, sir.

27 Q Are you aware of the allegation made against you in  
28 this court yesterday by Michael Anselmo?

29 A Well, Mr. Rose, I read the newspapers and I was  
30 reluctant when I first learned of this case to have--

1 MR. POLAHA: Objection, your Honor. This is not  
2 responsive to the question. The question was--

3 THE COURT: Sustained.

4 MR. POLAHA: -- "Were you aware."

5 BY MR. ROSE:

6 Q Are you aware of those allegations?

7 A Yes, I am.

8 Q Were you reluctant to testify?

9 A Yes, I was.

10 Q But you are testifying?

11 A Naturally. I had no part in this, and I think it's  
12 just right that I come up here and have an opportunity to try  
13 to set a few of these facts straight.

14 Q Do you have any idea or know any reason why Michael  
15 Anselmo would identify you as the murderer of Trudy Hiler?

16 MR. POLAHA: Objection, your Honor. That's obviously  
17 calling for a conclusion on the part of the witness as to  
18 this man's state of mind, and he is in no way qualified to do  
19 that.

20 THE COURT: Overruled. The question is whether he  
21 knows of any reason.

22 THE WITNESS: Yes, I think it stems--

23 MR. POLAHA: Now he's thinking about this man's  
24 doing, your Honor, thinking.

25 THE COURT: Sir, I don't want you to speculate as to  
26 what might be in Mr. Anselmo's mind. You may answer, if you  
27 know of any reason, yes or no.

28 THE WITNESS: I know of no reason why Mike would try  
29 to implicate me in this case.

30



BY MR. ROSE:

1           Q     Did you ever have a fight or a quarrel with Michael  
2 Anselmo?

3           A     No.

4           Q     Up to this time, until this trial, would you describe  
5 your relationship with Michael Anselmo?

6           A     Well, when Mike was-- Mike was a young boy and  
7 living next door to us, he did spend a great deal of time with  
8 my oldest son Billy, who is Mike's age. As I said earlier,  
9 we used to take Mike with us as often as his parents would let  
10 him go.

11                   I even took Mike to California once, and spent the  
12 summer. He spent the biggest portion of the summer with us,  
13 fishing and camping in the Sequoias. I was attached to Mike  
14 as a youngster. He was just one of those mischievous little  
15 boys that you just like, you know. And he just spent a lot of  
16 time with us. I-- You might say I loved him as a kid.

17           Q     Was there anything wrong with your relationship, or  
18 a problem with your relationship up to the present time as far  
19 as you know?

20           A     The only thing that as far as our relationship was  
21 concerned was when I was incarcerated in 1960 or '61, Mike  
22 wrote me a couple of letters, and that his parents, his father,  
23 scolded him and told him that he was not allowed to write to me.  
24 And his father in fact wrote me a letter and advised me not  
25 to correspond with Mike because I was having a bad effect on  
26 his-- He, for some reason, idolized me. I don't know.

27                   His father claimed he idolized me because I was in  
28 the newspapers for a robbery in Las Vegas. But I always  
29 felt that it was because I treated him and gave him love and  
30 affection like his father should have given him.

1           Q     You said "this robbery". Is that the one you were  
2 convicted of in 1960 that you've testified to?  
3           A     Yes, sir.  
4           Q     Mr. Soares, I want you to look at this clothing here,  
5 look at it carefully, and tell me if you've ever seen that  
6 clothing before.  
7           A     No, sir, I've never seen these items.  
8           Q     Did you ever see this purse before?  
9           A     No, sir.  
10          Q     Have you ever seen those keys before? I'd like you  
11 to look at them carefully.  
12          A     Not to my recollection.  
13          Q     Did you ever own a show-purple Chevy Impala?  
14          A     Yes, I did.  
15          Q     And when was that?  
16          A     1965.  
17          Q     And how long did you have it?  
18          A     One year. Traded it in on a '66 when the new ones  
19 came out.  
20          Q     Did you trade that in, in what year?  
21          A     In the fall of '66 when the '66 Chevies came out.  
22          Q     Thereafter, after '66, have you ever owned a Chevy  
23 Impala that was show-purple?  
24          A     No, sir.  
25          Q     Now, during July of 1971, where were you?  
26          A     Los Angeles, Gardena.  
27          Q     And with whom were you living?  
28          A     My mother-in-law and my wife.  
29          Q     And how long were you there, the entire month of  
30 July?

1           A     Yes.   At that time, we were looking for a home.

2                   The first part of the month, we were trying to lease  
3 a home in Newport Beach. And I met a real estate salesman  
4 out there, and he convinced me that I should buy a home. So  
5 we started looking at houses, and sometime, I don't know  
6 exactly, but during the month of July, we decided on a house  
7 there and went ahead and bought it.

8           Q     And this would be where?

9           A     In Santa Ana.

10          Q     Did you move into the house in Santa Ana?

11          A     Yes.

12          Q     When was that?

13          A     I think it was the first of October.

14          Q     Mr. Soares, could you look at this jury and tell  
15 them that you, in July of 1971, you did not murder Trudy Hiler?

16          A     I didn't kill Trudy Hiler. I was not in the Lake  
17 Tahoe area or even in the State of Nevada during the month of  
18 July or any part of the summer, for that matter.

19                   During the month of July, my oldest son, Billy,  
20 and his wife, who was his fiance at the time, spent probably  
21 some time from the 4th of July to the end of July with my  
22 wife--

23                   MR. POLAHA: Objection, your Honor. He's going beyond  
24 the limits of the question.

25                   THE COURT: Sustained.

26 BY MR. ROSE:

27          Q     Mr. Soares, did you ever murder anyone?

28          A     No, sir, never have.

29          Q     Did you ever rape anyone?

30          A     No, no.

1 Q Did you rape anyone at Lake Tahoe in July of 1971?

2 A No, no, sir.

3 MR. ROSE: I have no further questions of Mr. Soares.

4 Thank you.

5 Your witness.

6 MR. POLAHA: Thank you, Mr. Rose.

7 Your Honor, before we begin cross-examination of  
8 this witness, I'd ask the Court for a recess because it will be  
9 a lengthy cross-examination, and it is twenty of 12:00.

10 THE COURT: You're sure you wouldn't like to spend  
11 the next twenty minutes getting started?

12 MR. POLAHA: I would like to spend the next twenty  
13 minutes talking to my co-counsel, your Honor, if it please the  
14 Court.

15 THE COURT: All right, we'll be in recess until  
16 2:00 p.m. this afternoon or as shortly thereafter as we can  
17 reconvene.

18 The jury are instructed not to discuss the case among  
19 yourselves or with anyone else, or to form any conclusions  
20 concerning the case until it is submitted to you. And you are  
21 not to read or listen to any news media or other accounts  
22 relating to this trial.

23 (Recess.)

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