

hands, to some degree, depends the result as to the clarity of the print; is that correct?

A. That is correct.

Q. Will you explain that a little more in detail, please?

A. If the surface that we are attempting to develop a fingerprint from has a certain amount of foreign matter on it, such as dust or grease, or something to that effect, [fol. 343] well, our print that we develop will not be termed as very good, but on a good, clean surface, where this foreign matter does not exist, why, the print will come out practically as good as the rolled ink impression.

By the Court:

Q. What would be the effect, Mr. Larbaig, of foreign matter on the fingers that touched a surface?

A. If foreign matter on a finger would touch that surface, why, it would not leave an impression in that area that this foreign matter was on, for the reason that—say, the portion of the finger was covered with a slight coat of dust and placed upon this surface, the dust stuck to the finger would absorb that moisture; when placed up there it wouldn't leave anything beyond the point of that dust. In other words, this would only get a portion of the print, or would keep it from going onto that other surface.

By Mr. Roll:

Q. Now, Mr. Larbaig, I do not want to go into all the details of fingerprint classification—I don't want to spend a lot of time on that subject, but will you tell us, generally, what is meant by fingerprint classification?

A. You are referring to the full classification of the full ten fingers, or just of a single print?

The Court: Just take—I think what Mr. Roll is getting at is, in other words, you ultimately arrive, after you have taken a fingerprint, at a sort of fraction, it looks like a [fol. 344] fraction, at any rate, a number, which is a classification number. Generally, what is that based on? In other words, what I am trying to get at, what valuation is given to the separate prints, without going into too much detail?

[fol. 345] A. Well, our first step—right at the present time we have so many different extensions—but our first,

primary step is where—this second one with reference to the whorl pattern that I drew on the board—it all depends upon which one of these ten sections of this card, as to where it appears—wherever they appear in any one of these sections, they have a numerical value, and that will arrive at your primary classification, such as we have a classification that starts at one over one. In that classification there is a known type of this whorl pattern in any one of the ten fingers, that is what we classify as one over one. But if the whorl goes down—appears in any one of these, it will start one over two or one over three, clear up to classification 32. That means 32—you have a whorl in half of the fingers, and we come up to where we have 32 over 32, we have a whorl in every finger.

Q. Let me ask you this question—I think it probably will simplify it. Suppose you had here, Mr. Larbaig—we will take some one rolls my prints here in the courtroom, and that my fingerprint card, one like you have got there, was over on file in the police department; now, that card was sent over to the police department, that was rolled here, with no name and nothing on it; what steps would they take to find out whose prints they were over in the police department?

A. It would be classified just as I got through stating, [fol. 346] in what we term as primary, secondary, sub-secondary and final counts, classified in that respect, and search through the file and we arrive at the different patterns as to their valuation, counting of the ridges that intervene between the delta and the core. In this one instance we would count from right to left, and in this one from left to right. Then, the whorls, there is no ridge counting, but it is tracing. We trace from this delta to the delta on the opposite side. If it only had two deltas, we would arrive then as to whether it would mean a certain thing in our classification.

Q. Now, in the example I gave you, the card that was already on file over there in the police department, if I understand from your previous answer, Mr. Larbaig, would be filed over there under a certain classification; is that correct?

A. That is correct.

Q. That is, you would classify the print that was sent over there, look into the file, and then make a comparison between the one in that file and my finger; is that it?

A. That is correct.

Q. When you use the term comparing fingerprints, what do you mean by comparing fingerprints, generally?

A. Well, in the group of ten we compare patterns. When we get down to one print, it is to find similar prints of identity.

[fol. 347] Q. Now, with reference to this situation, Mr. Larbaig, counsel yesterday asked Mr. Ferguson, the gentleman that testified to taking some photographs there of fingerprints, if he made an examination of the body of the deceased for prints. Now, I will ask you if you could get fingerprints off the body of a person?

A. No, not with modern methods, no, sir.

Q. In other words, the only fingerprints you could get off would be the fingerprints of the deceased; is that correct?

A. Yes, sir.

Q. In other words, if I come up and touch you I do not leave any fingerprints on you?

A. No.

Q. Counsel also asked Mr. Ferguson if he made an examination of the coat on the body for prints. Now, can you take an object like a coat, such as I have, some garment, cloth, and take fingerprints off of that?

A. Not a print that could be identified, no sir.

Q. Take an electric cord, similar to the one we have here, the one which is in evidence—may we have that?

The Clerk: Which is it?

Mr. Roll: The electric light cord.

The Court: No. 5.

(Exhibit No. 5 handed to Mr. Roll by the clerk.)

By Mr. Roll:

[fol. 348] Q. People's Exhibit No. 5 If I touch that, can you get a fingerprint off of that?

A. No, sir.

Q. How about an object like this blotter here, can you get a fingerprint off of that?

A. No, sir, you cannot.

Q. Mr. Larbaig, I am going to show you here People's Exhibit No. 20, which has been introduced into evidence. I will ask you to examine People's Exhibit 20 and state whether or not you have seen People's Exhibit 20 before?

A. I have.

[fol. 349] Q. Will you examine People's Exhibit No. 19-A, B and C, the three photographs there, and state whether or not you have seen those before?

A. I have.

Q. Now, Mr. Larbaig, did you cause to be made what we may term some blown-up photographs or enlargements from the negatives of People's Exhibit No. 20?

A. I did.

Q. Do you have those in your possession at this time?

A. They are right on the desk in front of you.

The Court: By the way, while Mr. Roll is getting those, those photographic enlargements are made the same way that a photographer makes an enlargement when you take a little snapshot which we like, a particular picture that we want, and take one for our home from the print?

A. That is true.

By Mr. Roll:

Q. Now, do you have in your possession at this time—we will start with People's Exhibit 19-C—an enlargement of People's Exhibit 19-C?

A. I have.

Mr. Roll: Now, I will ask that this enlargement of People's Exhibit 19-C be marked People's exhibit next in order.

The Court: 24.

By Mr. Roll:

Q. Now, with reference to this enlargement of 19-C, the print which is shown there is what portion of People's [fol. 350] Exhibit 19-C? Will you indicate that, please? Just point out.

A. Is the centermost portion.

Q. If you will just bring that down so we can have it shown to the jury—take the little picture there—if I understand your testimony, this photograph here is an enlargement of this print here in People's Exhibit 19-C; is that correct?

A. That is correct. The dark area is the top.

Q. I will repeat that again. If I understand, this portion I am now pointing to on People's Exhibit 19-C is enlarged and shown in this Exhibit No. 24; is that correct?

A. That is correct.

Q. All right. Now, Mr. Larbaig, did you take and make any enlargements of either People's Exhibit 22 or People's Exhibit 23?

A. I had one of the impressions of People's Exhibit 22 enlarged.

Q. Do you have that picture with you?

A. I have.

Q. May I see that one, please?

(Witness hands Mr. Roll a picture.)

Mr. Roll: I will ask that that be marked People's exhibit next in order.

The Court: 25.

By Mr. Roll:

Q. And of what finger—this shown in People's Exhibit [fol. 351] 25 is an enlargement taken from this card here?

A. It is the center one in the upper row.

Q. This photograph here is an enlargement of this finger of the right hand; is that correct?

A. Yes.

Q. This is one of the rolled impressions that you took of the defendant, that you testified concerning?

A. That is correct.

The Court: Well, while we are at it, which finger it is?

A. It is the right middle finger.

By Mr. Roll:

Q. This finger here (indicating)?

A. That is correct.

Q. Now, Mr. Larbaig, after making these enlargements, People's Exhibit 25,—after these enlargements were made, People's Exhibits 24 and 25—withdraw that. Have you made a comparison, Mr. Larbaig, between the print which is exemplified by People's Exhibit 19-C, that being the print that Mr. Ferguson testified was on the inside of the garbage door—

Mr. Roll: May I have that door, please?

(Exhibit referred to handed to Mr. Roll.)

Q. My recollection is that Mr. Ferguson testified that People's Exhibit 19-C is a photograph of this fingerprint

on the door, which has been marked in evidence. Now, I will ask you—

[fol. 352] The Court: The inside metal portion of the door.

Mr. Roll: Yes, your Honor.

Q. I will now ask you if you have made a comparison between that fingerprint which is exemplified by the fingerprint on Exhibit 19-C and any fingerprint which appears upon Exhibit 22, being the fingerprint card which you rolled of the defendant on the 31st day of August, 1944, at 2 p. m.

A. I did.

Q. What conclusion did you come to after making that comparison?

A. In my opinion, the print on the photograph marked 19-C and one of the prints on People's Exhibit 22 were both made by the same finger, which is the right middle finger of the defendant, Adamson.

Q. Now, in order to be able to present this matter to the court and jury, did you cause to be prepared these enlargements, People's Exhibit 25 and People's Exhibit 24, of these two fingers that you have just testified concerning?

A. I did.

Q. And I notice on these two prepared ones you have some red lines. Will you indicate just generally, first, what the purpose of the red lines is?

A. The red lines are pointing out the points of identity, similar points of identity. They are marked out on both, [fol. 353] the enlargement of the rolled ink impression and the one print that was photographed on the door, the marks, which are fifteen in number, indicating fifteen points of similarity in these two prints.

Q. Now, in fingerprint work, when you are making a comparison of one known print and one unknown print, before you come to the conclusion that they are the prints of the same individual, how many points of identity, under the American system, are necessary, a minimum?

A. Well, the modern, up-to-date book of today says it should be at least twelve, ten to twelve.

Q. From ten to twelve?

A. Yes.

Q. You have on this comparison, putting it in red ink, fifteen; is that correct?

A. That is correct.

Q. Are there, without going into some of the others, if an individual were to stop and make an additional study, would there be some other additional points of identity?

A. There are additional—

Mr. Safer: Just a minute. Unless he has made an additional study, that calls for a conclusion.

The Court: May I have the question?

(Question read.)

The Court: I think the question should be reframed. Sustained.

[fol. 354] By Mr. Roll:

Q. Are there additional points besides the fifteen?

A. There are.

Q. You come down here—I will hold one and you hold the other, and point out to the jury, as best you can—I will hold one and you hold the other—hold it up so the jury can see—which one do I hold in my hand?

A. That is an enlargement of the rolled ink impressions that I took of the defendant. The points of identity are marked in the same way on each side of the prints; I have them numbered. Each one indicates what is being placed there in the ridge area. Point No. 1 is a forking ridge, meaning that one solid ridge splits and then goes on its own course.

Q. This (indicating) is what you are indicating when you are speaking of that; is that right?

A. That is right.

Q. Right at this point, where you call it the forking of a ridge, is that evident in both of these exhibits which we have here in front of the jury?

A. Yes.

Q. Now, come down to No. 2. What does No. 2 show?

A. No. 2 shows the same thing, but it is inverted, the forking of a ridge. It is headed down in the other direction.

Q. Just bring that down here so we can see. Now, in [fol. 355] this No. 1, you called that the forking of the ridge; is that correct?

A. That is right.

Q. The part I am indicating here is point 1 and that same point——

A. The same point over on the righthand side.

Q. No. 2?

A. No. 2 is the central area, and that is inverted, forking of the ridge.

Q. All right, No. 3. Take No. 3, down in that section, and tell the jury what it is.

A. Point No. 3 is an ending of a ridge in between two solid ridges. It is an abrupt ending. Point No. 4—May I still go a step further on that one, ending in a downward direction.

Q. All right, point No. 4.

A. Point No. 4 is another abrupt ending ridge, ending in a downward direction; point No. 5 is also an abrupt ending ridge on the lefthand side of the pattern; it is also an abrupt ending ridge. One ridge away from that is also another abrupt ending ridge marked No. 6; point No. 7 is a bifurcation in the upward direction; point No. 8 is an abrupt ending ridge; point No. 9 is also an ending ridge. Point No. 10 is——

The Court: May I suggest something, gentlemen?

Mr. Roll: Yes, your Honor.

[fol. 356] The Court: I realize it is impossible to have the entire twelve jurors see the entire transaction. I wonder whether you could not give the ladies on the end a little break there and show them one or two of those items.

Mr. Roll: Move farther down here. Start with point No. 10, if you will.

A. Point No. 10 is an ending ridge, ending in the upward position.

Q. That is shown in both of the pictures?

A. Both of these; they are identically marked.

Q. Point No. 11?

A. Point No. 11 is an ending ridge, ending in the upward direction.

Q. Point No. 12?

A. Point No. 12 is a ridge, an ending ridge, in the upward direction.

Q. 13?

A. Point No. 13 is an ending ridge towards the center of the pattern in an upward direction.

Q. Point No. 14?

A. Point No. 14 is a bifurcation or a forking of the ridge in the center portion of the pattern, inverted.

Q. Now, you may have covered the reason for your opinion in going over these various points there, the fourteen points, but will you tell us again the reason for your opinion, when you said that the fingerprint, the photograph of the [fol. 357] one on the door, the back side of the door, of the right middle finger is the same print of the fingerprint card, the right middle finger of the defendant? Will you give us the reasons?

Mr. Safier: Just a moment. May I have that question read?

The Court: He asked for the reasons for his opinion.

Mr. Safier: Oh, I see.

A. My reason is mainly of these fifteen points of similarity that I have marked, some on the bottom side, some on the left, some on top and some on the right side, of all of these points of similarity in relation to one another.

By Mr. Roll:

Q. Now, with reference to the one which is the enlargement of the photograph which was made of the door, that is People's Exhibit No. 24, in so far as some of the area shown in there, and some of the ridges, that is not as clear as the photograph that represents the enlargement of the rolled right middle fingerprint, which is exemplified by People's Exhibit No. 25. Will you explain, in your opinion, the reason for the differences there of those two prints?

A. People's 25, the rolled inked impression is taken under ideal conditions, the finger is fairly clean and it is just rolled in this ink, but rolled on white paper, and it is under very ideal conditions and the print turns out fairly well, [fol. 358] but on the latent print developed on the back of that door you have foreign matter to contend with, which shows a darkened area on the top of this print which may have been grease of some kind or some foreign matter, and when the powder was applied it adhered to all that surface. There is also light surfaces in there where there probably wasn't much pressure of the finger applied there for the print appears dimmer.

Q. Mr. Larbaig, we have referred considerably here to

the several points of identity. What do you mean when you say “points of identity”?

A. Well, there are similar points of identity, which means that they are identical.

Q. In other words, the same thing shows on each of the two pictures?

A. The same thing shows on each picture.

[fol. 359] Q. Now, directing your attention to one of the other photographs which Mr. Ferguson testified concerning, being People’s Exhibit No. 19-A, I believe that has been described as the outside of the inner garbage door, about 6 inches from the lower side. Did you cause to be made an enlargement of People’s Exhibit 19-A?

A. I did.

Q. And do you have that here with you?

A. I have.

Q. And did you cause to be made—withdraw that. I now offer this as People’s next exhibit, if the court please.

The Court: 26.

Mr. Roll: 26?

The Court: For identification.

By Mr. Roll:

Q. Now, did you cause to be made an enlargement of some fingerprints from the fingerprint card that you rolled of the defendant, People’s Exhibit No. 22?

A. I did.

Q. And do you have that with you?

A. I have.

Mr. Roll: May this be marked People’s Exhibit No. 27?

The Court: 27.

By Mr. Roll:

Q. I notice on People’s Exhibit 26, on the righthand side, so the jury can see what I am indicating when I point, there appears to be two prints and then on the lefthand side a portion of a print down at the bottom and some up at the [fol. 360] top; is that correct?

A. That is correct.

Q. On People’s Exhibit 27, being the one that you say is the enlargement of the fingerprint card that you rolled of the defendant, there are two fingerprints on that enlargement; is that correct?

A. That is correct. They represent the last two fingers in the upper row which represent the right ring and little finger.

Q. In other words, People's Exhibit No. 27 represents what again, now?

A. The right ring and little finger.

Q. All right. Now, Mr. Larbaig, I am going to ask you if you made any comparison between People's Exhibit No. 19-A and—that is the fingerprints there shown—and the fingerprints which appear on People's Exhibit No. 22?

A. I did.

Q. And what conclusion did you come to after making that comparison?

A. In my opinion the prints on photograph marked 19-A, and two of the prints on People's 22 are both made by the same fingers, which are the right ring and little finger of the defendant Adamson.

Q. Now, will you again indicate which two fingers on the card that is so the jury can see?

A. The next to the last and the last one in the upper [fol. 361] row.

Q. And when I say "a card", I refer to People's Exhibit No. 22. Now, in this instance did you prepare enlargements—withdraw that. You have testified, I believe, you prepared enlargements. Did you do this for the purpose of illustrating to the jury in this situation, points of identity?

A. I have.

Q. And on People's Exhibit 27 and 26, Mr. Larbaig, will you state how many points of identity you have numbered there? Just the total number is all I ask you for now.

A. There are fifteen in total.

Q. Are there more there that you have not actually numbered?

A. There are.

Q. Now, Mr. Larbaig, so that there may not be any question arise later on, on People's Exhibit 26 and People's Exhibit 27, I will hold this up,—maybe counsel would like to look at this also—is this photograph here, where you made your comparison and your opinion, is that the same finger that is shown here, the first, the one here center?

A. It is the one shown on the left or in the center of these other two.

Q. In other words, with reference to People's Exhibits 26 and 27, the picture shown, that is the print shown on the bottom side of 27 is the one approximately in the middle of 26 and the one shown on the righthand side of 27 is the [fol. 362] righthand one here; is that correct?

A. That is correct.

Q. I am not going to ask you to go through all the 15 points, Mr. Larbaig, but if you will take about two on this end of the jury, and two on that end of the jury in these prints, just pick out any two you desire, you call the number and I will point to it.

A. I have ten points of identity marked in the one on the righthand side. Point No. 1 is an abrupt ending ridge, ending in an upward direction.

Q. All right, now let's go on down here. Take point No. 1 again.

A. Point No. 1 is an ending ridge going in an upward direction. which is marked with the identical spot with the others.

Q. All right, take some other point and we will go down to this end.

A. Take point No. 10 on this same exhibit is an ending ridge; it is clear in the opposite direction, pointing down.

Mr. Roll: I will now offer into evidence, if the court please, these enlargements which have been previously testified concerning.

The Court: 24, 25, 26 and 27 are marked in evidence.

By Mr. Roll:

Q. I think that leaves us then, Mr. Larbaig, with 19-B, is [fol. 363] that correct? I think we have discussed the other two.

A. That is correct.

Q. Mr. Larbaig, did you make an enlargement of 19-B?

A. I did.

Mr. Roll: I will try this over again: The last print which Mr. Larbaig testified concerning, I believe, was indicated here by the letter A on the door, is that the one which you showed the jury?

A. That is correct.

Q. The one you are now going to testify concerning was indicated by the red "B" on the door?

A. That is correct.

[fol. 364] Mr. Roll: May this enlargement of People's Exhibit No. 19-B be marked 28?

The Court: Marked 28 for identification.

By Mr. Roll:

Q. Did you make an enlargement, Mr. Larbaig, of some of the fingers which are exemplified by People's Exhibit No. 22, being the fingerprints of the defendant which you rolled?

A. I did.

Q. And is this photograph which you now hand me an enlargement of some of the fingers on People's Exhibit 22, the prints you rolled of the defendant?

A. That is correct.

Mr. Roll: May that fingerprint card be marked People's Exhibit No. 29?

The Court: 29. You refer to it as a fingerprint card—

Mr. Roll: I am sorry, your Honor.

The Court: You mean enlargement from the fingerprint card.

Mr. Roll: Yes, your Honor.

The Court: All right.

By Mr. Roll:

Q. Now, Mr. Larbaig, with reference to People's Exhibit 29, we will take that one first; will you hold that up there, sir,—I will hold that, and will you hold the fingerprint card, People's 22, and indicate which pictures you are showing to be enlarged?

A. These three at the bottom with this number appearing [fol. 365] underneath.

Q. C-2554?

A. That is correct.

Q. And which hand is that, sir?

A. That represents the left index, middle and ring finger.

Q. Which hand?

A. The left hand.

Q. The left hand. All right. Now, did you make comparison, Mr. Larbaig, between the fingerprints which are depicted by 19-B, the one taken off the door, and the fingerprint card of the defendant, People's Exhibit 22?

A. I did.

Q. And what opinion did you come to concerning those fingerprints?

A. In my opinion, the fingerprints on photograph marked People's 19-B and several of the fingerprints on People's marked 22 are both made by the same fingers which are the left, index, middle, ring of the defendant, Adamson.

Q. Now, in order to illustrate that situation, you again made these enlargements; is that correct?

A. I did.

Q. On these enlargements you have made points of comparison; is that true?

A. I have.

Q. Now, we might again step down to the front of the [fol. 366] jury, Mr. Larbaig, hold these two exhibits—I have 29 and you have 28—so that we may have the record clear, that one I hold in my hand is the one from the fingerprint card that you rolled?

A. That is right.

Q. And this one is the enlargement of the one on the front of the door, at least one of them?

A. That is correct.

Q. Now, let's start over here on the righthand side of this one fingerprint over here. Now, I notice you haven't any points of identity marked on that. You are, I take it, not testifying that that particular print—there is nothing shown on People's Exhibit 28 to state that that is the same finger that appears on People's Exhibit 29?

A. That is true. I have it marked out in relation to the scar only.

Q. Mr. Larbaig, what is known as the smudging of a print?

A. Well, the main idea of the smudged print is a print that has been placed on a surface and then moved, causing it to smear, and when that is developed with the powder it will appear as just one black smear. That is termed as a smudged print.

Q. Now, *what* is known as slippage?

A. Yes, slippage.

Q. You can illustrate it.

[fol. 367] A. In the case of a door, a person lifting the door, you have a certain movement in this area of the finger when lifting a weight, which will cause this portion of your finger to roll, and you have to put quite a bit of pressure on there to keep it from doing that, and if the weight that you are lifting is not so heavy, why, you will have this portion

of the finger roll, which will cause what he terms a slippage.

Q. Well, is some of that done here?

A. Some of this, on these prints here, is shown as that, and also superimposed. In other words, there are portions of it just placed right over the top of the other, which causes it to be superimposed.

Q. That is People's Exhibit 28?

A. That is correct.

Q. We will start here again on the lefthand side—we had better start over here and then we will come on down. Will you pick out some points there, Mr. Larbaig, of the lefthand side?

A. Starting on the lefthand side?

Q. Yes.

A. On the print I have seven points of identical identity marked out, one referring to a small scar at the white area on—

Q. 29?

A. —29, and also shows as a white area in People's Exhibit 28. Point No. 1 shows as an abrupt ending ridge, ending in a downward direction.

Q. Now, if you want to come on down here, we can go over that scar again.

A. (Exhibiting to the jury) That light area shows injury to the ridge area which also appears on this one here as a light area.

Q. Now, if you want to take some other points, we will take the scar down here so they can see that.

A. The light area which appears on here is the scar, and also appears at point No. 7 on People's Exhibit No. 28. It also has six points of identity marked out as ridge characteristics that are similar.

Q. Now, do you want to take some other point down at this end?

A. Point No. 3 is a forking of the ridge in an upward direction. That is marked by point No. 3.

Q. And, I take it, without going through all of this matter again, Mr. Larbaig, you can point out with reference to the next point you have marked now?

A. There are eleven points of identity marked out on the print.

Q. With reference to the five you have marked out one on the left side. Are there more that you could point out?

A. There are.

Q. As many as ten altogether?
[fol. 369] A. yes.

The Court: This might be a good place to take our recess, Mr. Roll. We will take our morning recess. Ladies and gentleman, keep in mind the admonition heretofore given not to talk about the case or form or express any opinion.

(Short recess.)

By Mr. Roll:

Q. Now, with reference to the last exhibit which you testified concerning, Mr. Larbaig, will you give us your reason for your opinion that the prints which are shown by the photographs taken from the door and the prints that were—the portion of the prints rolled of this defendant, are prints of the one and the same person? Will you give us your reasons for that?

A. My reasons, the points of identity appearing in these positions with relation to one another, also with these scars appearing in the fingers, corresponding with those on the rolled ink impressions.

The Court: May I interrupt just a moment, Mr. Roll?

Mr. Roll: Yes.

(Short interruption on other court business.)

The Court: You may proceed, Mr. Roll.

By Mr. Roll:

Q. Now, Mr. Larbaig, with reference to the fingerprints of different individuals, that is, two different people, so far as known, have two different persons ever had identical fingerprints?

[fol. 370] Mr. Safer: Objected to as calling for a conclusion and opinion of the witness.

The Court: Overruled.

A. No, sir.

By Mr. Roll:

Q. Go ahead and explain that a little bit, if you will, please.

A. There is a possibility of one, two or maybe three points of similar identity. In other words, similar points appearing in a certain small area. But in comparing, like

I have marked out, fifteen in different portions of those patterns, and having similar points of identity appear in the areas all the way around of the patterns, I would say that it would be impossible to find similar points of identity on two different prints.

Q. With reference, Mr. Larbaig, to the diagrams which you put on there at the outset, with reference particularly to the loop and the whorl, what you have intended to depict there is merely what we call in those two—of the four types, the loop and the whorl, a portion of what we call the pattern area; is that correct?

A. That is correct.

Q. That is, around the center of the finger above the joint, you haven't gone out, as you have on the arch or the tented arch?

A. I have not.

Q. Now, so we can have it reproduced later on, will you [fol. 371] come down here and with this chalk—I have attempted to put two rectangles on the board for the purpose of indicating the back or metal side of the door and the front side of the door. Now, take one little diagram there, if you will, and approximately show where this print, which you have testified to, was up in here.

(Witness draws on backboard.)

Q. Now, which print and of what hand, according to your comparison, is depicted there?

A. I identify the one on the back side of the door or metal, as the right middle finger.

Q. All right. Now, taking the other side, will you do the same thing with reference to the front side of the door, show what fingers of the defendant you identify as being on the front side?

A. These representing the hinges and this the knob on the door.

Q. You have got the hinges, I think, in the wrong place.

A. Yes.

(Witness drawing on diagram.)

A. That is the left index, middle and ring fingers.

Q. Now, take the other side.

A. I have identified it as the right ring and little finger of the right hand.

Mr. Roll: You may cross examine.

[fol. 372] Cross-examination.

By Mr. Safier:

Q. Mr. Larbaig, you are connected with the Los Angeles Police Department; is that correct?

A. That is correct.

Q. How long did you say you had been with the Los Angeles Police Department?

A. 19 years and ten months.

Q. Had you done any fingerprint work prior to the time you became associated with the Los Angeles Police Department?

A. I did not.

Q. What courses did you state on direct examination you took in fingerprint study? You testified to some courses, did you not?

A. Well, no, not any specific course. I have taken a short course by the Federal Bureau of Investigation that lasted over the period of a week.

Q. A week?

A. Yes.

Q. When did you take that course?

A. Not very long ago. It was just—I would say it has been within the last six months.

Q. Are there any regular college courses or university courses given in fingerprint study?

A. No. There is a class—I think the lieutenant here with the Sheriff's office, conducted schools, and some of the [fol. 373] other—the lieutenant in our department taught school at the L. A. City College.

Q. Is there a course in fingerprinting at the L. A. City College?

A. There was, but I don't think there is at the present time.

Q. You never took any of these college or university courses, did you?

A. No, sir.

The Court: Just a minute. Let us find out if there are college or university courses, first.

Mr. Safier: He has testified already to one at the L. A. City College, your Honor.

Q. Are there any other college or university courses in fingerprint study, fingerprint work?

A. There is not, to my knowledge, no. Mostly all of these courses are the fundamentals of classification, and I have been with that for seven or eight years, and searching fingerprints, for that amount of time.

Q. All your work is done on the police or prosecution side, is it not?

A. That is true.

Q. Now, it is a fact, is it not, that given two fingerprints for comparison that experts may differ as to whether they compare, as to whether or not they were from the same finger?

A. Yes, that is possible.

[fol. 374] Q. Fingerprint comparison and identification is, after all, a checking of points of similarity, is it not?

A. That is true.

Q. Now, are the patterns that you have indicated on the blackboard, loop, whorl, arch and tented arch, the only four patterns that there are?

A. Well, in that division, yes. But each one of them have different patterns, but they are all considered—as for example, the whorl, that second one that I have there, there is quite a few whorl pattern prints.

Q. Isn't it a fact that there is another distinct pattern called the composite?

A. No, the composite, like I mentioned before, it is considered a whorl pattern. But it is composed of one or more patterns, but we call it the whorl.

Q. Will you explain the difference between what are known as central pocket loops, lateral pocket loops, twinned loops and accidentals?

A. I understood three of them, but I didn't the fourth. Would you repeat that?

Q. Central—tell us, first, what a central pocket loop is?

A. The central pocket loop is—it has the same formation as the ones on the left over there, but it has a tendency to have a small whorl up in the central portion where the core is, and it is called a central pocket loop. As far as [fol. 375] our classification is concerned, we still call it a whorl.

Q. What are lateral pocket loops?

A. A lateral pocket loop is one that has—the pattern goes over a certain area.

Q. What are twinned loops?

A. I don't understand that portion.

Q. Twinned, t-w-i-n-n-e-d loops?

A. No, they call them twin, t-w-i-n.

Q. All right, twin loops?

A. You have two loops—where you have two distinct loops in the pattern they are called twin loops. You have one going down and another one in the upper portion; you have twin loops; that is in the whorl pattern also.

[fol. 376] Q. What are accidental loops?

A. Your accidentals are just what you mentioned a minute ago, the composite—no, they are not. Pardon me. An accidental is a freakish pattern, such as may include two different or distinct patterns in one area, and it is called an accidental. I think it is often termed the same as a composite, carrying one or more patterns.

Q. How many different systems of classification are there in use today in the United States?

A. In the United States?

Q. Yes.

A. Well, I think the United States rely strictly—you mean to the classification or of the full set of fingers?

Q. Well, you said there are two major classifications; is that the single print and the full hand?

The Court: In other words, generally, which one is in general use?

A. The one in general use in classifying the ten fingers is the Henry System.

The Court: Now, with reference to the Larson or single classification, is that universally used or not?

A. Well, I think the universal use for single prints is Batley.

By Mr. Safier:

Q. What systems do the Los Angeles Police use?

A. We use a combination of the Larson, Batley and [fol. 377] Captain—ex-Capt. Barlow. We have a set-up all our own, where we have got three of them combined.

Q. That would be, then, a system that would be peculiar to your own Police Department and that is not in common use, as far as you know, anywhere else in the United States?

A. It is in classification of singles, but it is strictly—but it is mostly strictly Batley.

Q. When a man's fingerprints are taken by the Los Angeles Police Department, are they in every case immediately put into your classification system?

A. You still refer to this set here or the singles?

Q. No, I am not referring to either one. Suppose a man were brought into the Los Angeles Police Department, booked and his fingerprints taken, would they be forthwith put into your classification system?

A. They are brought into the Record and Identification Division of the Los Angeles Police Department and technical clerks classify them, search them through our files, and if they are not found to have a prior record, they are then filed in our files.

Q. I see. Now, how long will it take to—strike that. Assuming you had the fingerprints of somebody that was brought in the Police Department and booked and fingerprinted, how long would it take to find his prints in your system if you had them in your system?

Mr. Roll: Just a minute. Are you talking about from [fol. 378] the fingerprint classification card or talking about something else?

The Court: I think counsel means, supposing Joe Doakes was fingerprinted, how long would it take him to find in their files whether he had previously been fingerprinted, by the same department. Is that the question?

Mr. Safer: That is the question.

The Court: All right.

A. Upon starting in to classify the fingerprints of a card similar to this, why, the average time it takes to search them, to find out if he has a prior record in there, I would say is three minutes.

By Mr. Safer:

Q. I see. Now, you, I believe you testified on direct examination that the fingerprint is made by the impression of the ridges, did you not?

A. Of the ridges?

Q. Is that correct?

A. That is correct.

Q. What substance is it that the ridges leave on the surface that makes the print?

A. It is perspiration through the sweat glands or pores that are in your ridges and the natural oily substance that is secreted by your body.

Q. Have you ever made any study of those oily substances to determine just what it was chemically?

A. I have not.

[fol. 379] Q. Now, I understand from your testimony that a fingerprint cannot be left on a human body?

A. That is true. On skin?

Q. On skin.

A. That is true.

Q. Skin will not take a print?

A. No, sir.

Q. How about wearing apparel?

A. That is possible, to develop a smudge where it had been handled, but not a print that could be identified.

Q. You could not get a print that could be identified off of wearing apparel?

A. In relation to the texture of the material or anything else. The fine material will show maybe a little bit more than a coarse material. The material itself, you can see where it has been handled.

The Court: Well, in the days when the men wore what we used to call hardboiled shirts, very stiff bosoms, and very stiff collars, what would you say about that?

A. That would be possible.

By Mr. Safier:

Q. Can you get a fingerprint off of leather?

A. Certain kinds of leather, yes. Patent leather is the most prominent.

Q. Did you yourself, Mr. Larbaig, photograph any prints from the door that is in evidence here?

[fol. 380] A. Photograph them?

Q. Yes.

A. No, sir, I did not.

Q. Did you make the enlargements from those photographs which you have with you here?

A. No; they were made in my presence.

Q. All you did was make an examination and comparison from those enlargements; is that correct?

A. That is correct.

The Court: Well, did you examine the unenlarged prints, in other words, the normal prints, and the lifted prints also?

A. Primarily my examination was made from the small ones.

The Court: In other words, the enlarged photographs are made really for court use so that everybody does not have to use a magnifying glass?

A. That is true.

By Mr. Safer:

Q. Now, how many points of similarity would you have to find in examining and comparing two fingerprints before you would make an identification that they came from the same finger?

A. For myself, I would be satisfied if the points were exceptional or odd, I would satisfy myself if there were just three or four.

Q. I see. Now, is there a difference of opinion on that [fol. 381] point among experts? Do some experts require a greater number of points of similarity before making an identification?

A. Well, like I said, if the points were odd in characteristics and everything else, I would be satisfied with four, but if there were no odd characteristics, just your natural flow of ridges ending, why, I would rely on ten to twelve points of similarity on different sides and portions of the print.

Q. All right, now, is it or is it not a fact that you might find ten or twelve points of similarity on two prints taken from different persons?

A. No, sir.

Q. You would not find that many?

A. No, sir.

Q. What would be the greatest number of points of similarity that you might find on prints from different people?

A. Two, and possibly three.

Q. Could it be four?

A. I do not believe so.

Q. Is three the greatest number that you have ever, yourself, seen?

A. I do not believe I have seen three.

Q. I see. Now, when you see three points of similarity, do you mean three unusual points of similarity?

[fol. 382] A. Well, three points of similarity in one small area where you would probably have three ridges ending in the same place, in the same space.

Q. Now, assuming one individual; do the patterns of all the fingers of that particular individual fall into the same class?

A. They do not.

Q. Well, might two, three or four of them fall into one class and the rest into another class?

A. No. You are apt to find any of them, you might find one person with all these on their hands on one time.

Q. You might find a person whose prints from each finger fall into one class, might you?

A. You might have loop, whorls, arch and tented arch all on the same hand.

Q. All on the same hand. Now, if you found as many as eight or ten points of similarity in comparing two prints, you would identify it as being from the same finger regardless of the number of points that were not similar; is that true?

A. Well, if they appeared in relation to one another from different sides of the prints, I would be satisfied in my own judgment it belonged to the same party.

Q. And, regardless of how many points you found that were not similar, you would attribute that to some foreign substance or some other cause?

[fol. 383] A. It might be attributed to that, yes.

Q. Well, you would attribute it to something like that—

Mr. Roll: Just a moment. I am going to object to that as a hypothetical question.

Mr. Safier: All right, I withdraw that question.

The Court: I think I get the point counsel is driving at. You may follow the subject up.

Mr. Roll: I have no objection to his following the subject, but the way he was going at it with the last question, I do object to.

By Mr. Safier:

Q. If you take two prints of the same finger and have them rolled, both rolled prints, under ideal conditions, Mr. Larbaig, they would be identical, would they not, in

every respect?

A. Well, no. I don't think you could roll two prints and have them identical.

Q. If they were both done under the same conditions?

A. No.

Q. Both done under similar conditions?

A. I still don't think you could.

Q. What is the reason for that?

A. Well, in the act of rolling your prints you might get more ink on one than you did the other, and you might roll it just a little fraction farther than you would the other. It would be impossible to roll two prints, one right after the other, and get them exactly alike. You might [fol. 384] get one a little wider than the other, and more tip on one than you did the other, or more the lower portion.

The Court: How about pressure?

A. And pressure also.

By Mr. Safier:

Q. Now, assuming one good rolled print and one latent print, if you found in comparison with those prints that you had, say, four points of similarity and perhaps ten or twelve points that did not appear to be similar, you would attribute all of those points that did not appear to be similar to some foreign substance being on the hand or something of that sort, would you not?

A. Well, in any—there are several things that could contribute to the dissimilarities; not having enough of the print, the foreign matter, as you say,—

Q. Well, as long as you have found four points of similarity you would find some way of explaining away the points of dissimilarity, wouldn't you?

A. No, if those four points of identity were outstanding and peculiar, I would be satisfied, but if they were not and there were, as you say, twelve or fourteen points of dissimilarity, I would not make up my mind that they were made by one and the same person.

Q. I see. I will ask you to look at People's Exhibits 24 and 25 and tell me if you find any points of dissimilarity. [fol. 385] A. Yes, there are points of dissimilarity.

Q. Will you state what they are and point them out to the jury?

The Court: Do you want to step down to the jury?

A. First of all, in People's 25, the rolled ink impression is almost twice as wide. That is on account of the rolled ink impression, the fingerprints removed from the door is a print that has just been placed on there and taken off, therefore you won't get this very small area, you don't get the rolled area. That is your first dissimilarity. The print appears in width as very much smaller. It only covers, I would say, one-quarter of the area on the outside that is not included in this print here removed from the door. There is also this dark area at the top which I testified to prior, that indicates some foreign matter on the door, grease or something to that effect, that when those fingerprints are developed on there with this black powder, that the powder will adhere to this portion here and smear that area.

[fol. 386] Also there are lighter streaks through this print appearing in several places that there has not been the pressure put on at those points that there is in some of these other points that were readily developed, but this print here is under ideal conditions, rolled with ink on white paper and you have a direct contrast. Also on this print will appear,—this is developed with black powder, some ridges on this print which may appear along at a certain place or there is possibly some of this powder which has not been—did not come out of that area while brushing will appear to make it look like it was a solid ridge or something like that where they do not appear on this print.

Q. Now, will you point out what is known as the core?

A. The core as on the diagram is your most—centermost portion of that pattern area, the one that comes up in the middle of that, that is your core.

Q. Is it a fact that there is only one core for each finger?

A. In the loop pattern prints, yes, there is one core.

Q. This is a loop pattern print, is it not?

A. Yes.

Q. Now, is it not a fact that the core on these two photographs appear to be different?

A. They appear to be different.

Q. And the core is one of the central points of comparison in examining prints, is it not?

[fol. 387] A. No. It is one of the main points in the classification of a fingerprint for searching, but as far as iden-

tity, is has no more value as to that point as any other point on the card.

Q. On People's 25, on the lefthand side you observe a little white section with a dot in the middle where I am indicating?

A. Yes, that is true.

Q. Can you indicate that on People's 24?

A. I do not believe I can. The element of time between the time that this fingerprint was left on that door and the time this fingerprint was taken, why, anything could have happened.

Q. I see. Now, with reference to all the points on these two photographs that appear to be dissimilar, your explanation is based upon guess and speculation as to the reasons therefor, is it not?

A. That is true. I did not dust the print and therefore I could not tell you.

Q. Now, 28 and 29 go together, do they, Mr. Larbaig? Do these two go together?

A. They do.

Q. I show you People's 28 and 29 and I will ask you if you will point out the points of dissimilarity?

A. Yes, the points of 28 and 29, the prints photographed on the door, the ridges on there—

[fol. 388] Q. Do you want to step down and point it out to the jury?

A. The ridges appearing on this photograph, a photograph from the door appear much different than they do on this photograph here, on account of some portions we have, this area down in low, we have two portions that are superimposed, and also indicates pressure, quite a bit of pressure put on, and also slipping of the finger which I indicated to you people before was a movement of this, and this will not show on these plain impressions placed on that card.

[fol. 389] Q. Examined under the microscope, Mr Larbaig, many other points of dissimilarity could be found?

A. Yes.

Q. In these photographs?

A. Yes, there are quite a few more, on account of the pressure that was applied, which has changed quite a few things in the prints.

Q. Examined under the microscope many other points of dissimilarity could be found between Exhibits 25 and 24?

A. Not so many on that print; that print is a fairly good print.

Q. Other points of dissimilarity could be found, could they not?

A. I think under a glass you could find—not much more than what I have already explained.

Q. Now, People's Exhibits 26 and 27 go together, do they?

A. They do.

Q. Will you point out points of dissimilarity upon these two photographs to the jury, Mr. Larbaig?

A. These are similar to the ones that I just showed the jury, the same thing, pressure and slipping of the fingers; other than that they are the same as these others.

Q. I see. Other points of dissimilarity could be found under a glass as to these Exhibits 26 and 27, could they not?

A. Yes, they could.

Q. Now, did you roll the defendant's prints yourself?
[fol. 390] A. I did.

Q. When?

A. August 31, 1944.

Q. Did you yourself roll his prints prior to that at any time?

A. No, I didn't.

Q. Give me the date upon which you first made an identification of the defendant from the prints taken from the door?

A. I couldn't tell you offhand. I would have to check.

Q. Will you do that during the noon hour?

A. I think Officer Ferguson has it in an envelope.

Mr. Safier: I have no further questions.

Mr. Roll: Well, will that help you any in answering that question he asked (handing a document to the witness)?

A. Yes, sir, it will.

By Mr. Safier:

Q. What was the date when you first made an identification of these prints taken from the door, compared with the defendant's prints?

A. I identified these prints as belonging to Adamson on August 21, 1944.

Q. That is the same date you rolled these prints?

A. No, I rolled these prints ten days later.

Q. You rolled these prints ten days later?

A. They were identified on August 21, 1944 by me.

Q. I see. May I see that just a minute? Now, you can

[fol. 391] answer this yes or no, Mr. Larbaig—

Mr. Roll: Counsel, I think possibly we might approach the bench before you go into that further. If you are going into anything further we are going to get into some other matters.

(Conference at bench between court and counsel out of the hearing of the jurors.)

The Court: Is this all with this particular witness?

Mr. Safer: That will be all, your Honor, at the present time.

The Court: I think before we call another witness, rather than to break in the middle of the witness' testimony, we will take a recess a few minutes early. The jury keep in mind you are not to talk about the case or form or express any opinion. We will take a recess until 1:45 this afternoon.

(Whereupon a recess was taken until 1:45 o'clock p. m. of the same day, Friday, November 17, 1944.)

[fol. 392] Friday, November 17, 1944; 1:45 O'Clock P. M.

The Court: The record will show the jury, counsel and defendant present. You may proceed.

Mr. Safer: Mr. Larbaig will not be back?

Mr. Roll: You excused him.

Mr. Safer: Well, I may want to ask him one question before we rest.

Mr. Roll: Will you take the stand?

CATHERINE T. MAY, called as a witness on behalf of the People, was duly sworn and testified as follows:

The Clerk: What is your name, please?

A. Catherine T. May.

The Clerk: Miss or Mrs.?

A. Mrs.

Direct examination:

By Mr. Roll:

Q. Your full name, please?

A. Mrs. Catherine T. May.

Mr. Roll: Do you want to pull the microphone over?

That's fine, Mrs. May.

Q. Mrs. May, where do you live at the present time?

A. 146 West 87th Street.

[fol. 393] Q. Directing your attention to the month of July, 1944, where were you living during that month?

A. 744 South Catalina Street.

Q. In what apartment were you living, Mrs. May?

A. 409.

Q. Where is that with reference to 410?

A. Directly across the hall.

Q. Were you residing in that apartment alone?

A. Yes, I was.

Q. I understand your husband is in the armed services?

A. He is in the Navy.

Q. And he was at that time, is that correct?

A. Yes.

Q. About how long have you lived there in apartment 409?

A. Since the preceding August.

Mr. Safier: I am sorry, I did not hear the last.

(Answer read.)

By Mr. Roll:

Q. Were you at home, Mrs. May, on the date of Monday the 24th day of July, 1944?

A. Yes, I was.

Q. Now, this is the apartment that you occupied at that time, is that a fair representation of it?

A. That is right.

Q. With reference to the bed which is shown there in apartment 409 on People's Exhibit No. 1, is that the approximate location of the bed when it is out of the closet [fol. 394] and down?

A. Yes, it is.

Q. And with reference to this article of furniture which is shown in the living room of apartment 409, People's Exhibit 1, which is marked "divan," did you have a divan of about that size and proportion there in that location on the 24th of July, 1944?

A. I did.

Q. Now, along in the afternoon of the 24th—withdraw that. Did you know Mrs. Blauvelt?

A. I knew her to speak to her in the hall; I didn't know her well.

Q. By that I take it you had a speaking acquaintance is that correct?

A. Yes.

Q. Now, directing your attention to the daytime there of the 24th after, we will say, 12 o'clock, did you hear anything unusual there in the way of any noises or sounds?

A. Well, early in the afternoon I heard—

Q. You will have to keep your voice up.

A. Early in the afternoon I heard a hammering in the hallway, and still a little later I thought someone was knocking at my door, my door kind of rattled and I listened again and heard another sound, but I knew definitely it was not my door anyone was knocking at, and still later in the afternoon, about 3:30 I heard—

[fol. 395] Q. Wait a minute. Now, let me ask you with reference to this hammering: Can you fix that approximately, what time the noise that sounded like a hammer to you?

A. Well, I could not say the definite time, but I would say it was, oh, perhaps an hour before 3:30 when I heard Mrs. Blauvelt, an hour or an hour and a half.

Q. Now, you started to mention approximately at 3:30 you heard something. What did you hear at approximately 3:30?

A. I heard Mrs. Blauvelt say "What do you want of me."

Q. Where were you in your apartment at that time, do you remember?

A. I was on the divan.

Q. On the divan?

A. Yes.

Q. Did you hear any audible words in reply to Mrs. Blauvelt's voice saying "What do you want of me"?

A. No, I just heard a low mumble; I could not distinguish what it was.

Q. You say you heard a low mumble but you could not distinguish the words?

A. No, I could not distinguish the words.

Q. Can you describe the tone of Mrs. Blauvelt's voice?

A. She sounded frightened; her voice did not sound natural.

Q. What, after that, was the next thing that you recall [fol. 396] hearing?

A. Well, later that evening I heard a key used in the lock of her door and, still later, I heard someone come out of her door and go down the back stairway.

Q. Now, is there any way you can fix the time of these two instances?

A. Well, I can't tell definitely. I would say it was after 6:30 and before 8, or around 8 that I heard the key used, but it was later than that that I heard someone going down the back stairway.

Q. And when you say you heard a key used, can you describe a little more what you mean by that?

A. Well, just as if someone used a key in the lock and turned the lock.

Q. Where were you at that time, do you remember?

A. I was in bed.

Q. You were in bed?

A. Yes.

Q. With reference to the bed, I will ask you—upon the diagram that depicts the approximate location of the bed, where was the head of the bed with reference to the hallway? Was it towards the hallway side or towards the divan side?

A. Towards the hallway side.

[fol. 397] Q. Where were you lying on the bed? Where was your head?

A. My head was towards the closet door, where the bed goes into the closet.

Q. That would be towards the bottom of the diagram, that diagram that is on the board there?

A. Yes.

Q. Now, did you get up and go out yourself or not?

A. No, I didn't.

Q. Now, going back to the first instance there where you heard Mrs. Blauvelt's voice, heard her say, "What do you want of me?"—you weren't able to distinguish any

other words? I understood you to say it sounded like a low mumble?

A. Yes.

Q. Now, with reference to that low mumble, would you say that that low mumble was Mrs. Blauvelt's voice or a different voice?

A. That I couldn't tell. It didn't sound like—I couldn't tell whether it was a man's or a woman's voice even.

Mr. Roll: You may cross examine.

Cross examination.

By Mr. Safier:

Q. Mrs. May, the events to which you have testified on direct examination occurred on what day?

[fol. 398] A. Monday, the 24th of July.

Q. How do you fix that as being the date?

A. Well, after the murder occurred we, of course, noticed the day and the date.

Q. You thought back over those events and fixed it in that fashion?

A. We didn't have to think back; she was found on Tuesday.

Mr. Roll: I did not hear that.

(Answer read.)

By Mr. Safier:

Q. You knew it was the preceding day that you had heard these noises; is that right?

A. Yes.

Q. Now, had you been out of your apartment on the morning of July 24th?

A. How early in the morning?

Q. Well, had you been out of your apartment that morning at all?

A. I didn't get home until about 7:30. I had been out visiting my sister until 7:30 in the morning, when I came home.

Q. You came home at 7:30 in the morning?

A. That is right.

Q. You remained in your apartment the rest of the day?

A. That is right.

Q. Now, the first thing you heard was what appeared to [fol. 399] be some hammering; is that right?

A. Yes.

Q. You fix the time of that hammering as about what hour?

A. Oh, I would say around 2 o'clock.

Q. Around 2 o'clock?

A. Yes, but it is not definite; it could have varied.

Q. Your best estimate is it was around 2 o'clock?

A. Yes.

Q. And the next thing that you heard unusual was what?

A. Was when my door rattled, and I thought perhaps it was a knock at my door.

Q. Did you determine that that actually was your door rattling?

A. Well, I determined it was not a knock at my door.

Q. Well, did you determine it was your door rattling?

A. Well, there was a noise—there was a rattling some place.

Q. How much time elapsed from the time that you heard the noise that sounded like hammering until you heard that other noise that appeared like a knock?

A. I don't remember how long it was.

Q. Now, what time was it you heard Mrs. Blauvelt's voice say, "What do you want of me?"

A. That was at 3:30 in the afternoon.

Q. How do you fix that time?

[fol. 400] A. I looked at the clock.

Q. You looked at the clock after you heard the voice speak or before?

A. Well, that I don't remember.

Q. I see. But you fix the time—

A. It was probably after, because I wouldn't have looked before.

Q. You fix the time as being exactly 3:30?

A. 3:30 or 3:31.

Q. Now, at any time that afternoon did you hear a scream?

A. No, I didn't.

Q. You were home all afternoon?

A. Yes, I was.

Q. Now, what was the next thing that you heard that was unusual?

A. The key being used in the lock—that was not unusual; I just noticed it after hearing the remark in the afternoon.

Q. Then, about what time was it you heard the key in the lock?

A. The time I am not sure of. It could have been any time between 6 and 8 o'clock.

Q. I am sorry; I did not hear.

A. I said it could have been any time from 6 until 8 o'clock. The time I didn't notice.

Q. It was some time between 6 and 8 o'clock. Well, can [fol. 401] you tell us about how much time elapsed from the time that you heard Mrs. Blauvelt's voice until you heard the key in the lock?

A. No, I can't.

Q. Would you say it was before or after 6 o'clock that you heard the key in the lock?

A. After 6.

Q. After 6?

A. Yes.

Q. What was the next thing that you heard?

A. Someone closing the door and going back down, down the back stairway.

Q. How much later did that happen after you heard the key in the lock?

A. I don't remember.

Q. What is your best recollection?

A. I can't say how much later it was.

Q. Well, did you hear the key in the lock and then immediately hear someone going down the stairs?

A. No, I did not.

Q. Would you say it was around 9 or 9:30 in the evening that you heard the door close and someone go down?

A. I don't know what time it was.

Q. Are you able to tell us whether it was before or after 9 o'clock in the evening?

A. No, I could not.

[fol. 402] Q. You could not say?

A. No, I don't think it was after 9, but I am not sure.

Q. Well, from the time that you—withdraw that. Would you say from the time you heard the key in the lock until you heard the door close was a period of about three hours?

A. I don't know.

Q. Can you state whether it was more than one hour?

A. I still don't know.

Q. You still don't know. Now, you remember testifying at the preliminary hearing in this matter, do you not?

A. Yes, I do.

Q. I will ask you to read your testimony on page 17, lines 6 to 21. Will you just read it to yourself, please (handing transcript to the witness). Now, I will ask you if these questions were asked of you and whether you gave these answers:

“Q.— And what was that?

“A.— Earlier in the evening I heard a hammering in the hallway. I thought at the time the janitor was doing work out there, and later on in the afternoon I heard a noise that sounded as though it was knocking at my door, and I listened again, and it was just my door rattling. Then later on in the afternoon, between 3:30 and 4 o'clock, I heard Mrs. Blauvelt say, 'What do you want of me?' and it was either in the hallway or with the door open, because I heard it very distinctly. Then, later that evening—

“Q.— How much later?

[fol. 403] “A.— Oh, I would say it was after 6. The time I am not sure of. I heard a key used in the lock in that door, and still later in the evening, I would say around 9 o'clock or 9:30, I heard that door close and someone go down the back stairs.”

Were those questions asked and did you give those answers at that time?

A. Yes, sir.

Q. Now, did you at any time on that afternoon or that evening open your front door?

A. I went out to get my paper, which was in the hallway in front of my door.

Q. About what time was that?

A. Well, I would say between 5 and 5:30.

Q. I am sorry, I did not hear you.

A. Between 5 and 5:30.

Q. Between 5 and 5:30. At the time you went out to get your paper did you observe whether or not Mrs. Blauvelt's paper was in front of her door?

A. No, I did not.

Q. You did not observe?

A. No.

Q. Was Mrs. Blauvelt's door open or closed?

A. I did not notice that either.

Q. Did you observe whether the door to the garbage disposal compartment in Mrs. Blauvelt's apartment was [fol. 404] open or closed at that time?

A. No, I did not.

Q. You did not observe?

A. No, I did not.

Q. You did not see anyone entering or leaving Mrs. Blauvelt's apartment at any time that afternoon or evening?

A. No, I did not.

Q. Would you say now that it was about 9 or 9:30 in the evening that you heard the door of Mrs. Blauvelt's apartment close and someone go down?

A. I wasn't sure of the time. I said about 9. I have never been sure of the time.

Q. Was your recollection fresher at the time you testified at the preliminary hearing than it is now?

A. Well, I think it would be, yes.

Q. Did you at any time on July 24th see Mrs. Blauvelt?

A. No, I did not.

Q. Did you on July 24th or July 25th see any strangers around the building?

A. I didn't see anyone.

Q. Now, you testified that after you heard Mrs. Blauvelt's voice say, "What do you want of me", that you heard a low mumbling?

A. Yes, I did.

Q. Were you able to tell whether it was a man's or woman's voice?

[fol. 405] A. No, I couldn't tell.

Q. You couldn't tell. When you heard Mrs. Blauvelt's voice say, "What do you want of me", was it in a loud voice?

A. Well, it was not very loud; it was——

Q. Just an ordinary speaking tone?

A. Well, her voice did not sound right; it sounded frightened but it was not a real loud tone.

Q. You didn't make any investigation?

A. No, I did not.

Q. Or any report to the landlady?

A. Not at that time.

Q. From the time that you heard the lock in the door until you heard the door close and someone walking—did you hear someone walking?

A. Yes, I did.

Q. From the time that you heard the key turn in the lock, the door close and someone walking, was it a considerable length of time between those two things?

Mr. Roll: Wait a minute, counsel. I am going to object to that. I believe it assumes facts not in evidence. If I understood the testimony, I think the key-in-the-lock transaction is, the way she testified to here, a different time than the time she heard the door close.

The Court: That is as I understood the witness even on cross examination.

Mr. Roll: That was my understanding on both direct and [fol. 406] cross examination.

Mr. Safier: As I understand her testimony, she said at one time—

The Court: Well, let's find out if there is any question about it: Did you hear the steps, the footsteps, going down the stairs immediately after you heard the door of the apartment—

A. No, I did not.

The Court: That disposes of that.

By Mr. Safier:

Q. Can you give us an approximation of the time that elapsed between the time you heard the key in the lock and the door close and the footsteps?

A. No, I cannot; I haven't any idea what time elapsed.

Q. Well, would it be a matter of five or ten minutes, or a matter of an hour or two hours?

A. I don't know; I don't remember.

Q. You could not tell whether—

A. I know it was not immediately after, but how long a time there elapsed between there I don't know.

Q. What were you doing at the time you heard the key in the lock?

A. I was reading.

Q. You were reading?

A. Yes, and listening to the radio in bed.

Mr. Safer: I did not hear the last part of the answer.
The Court: "I was listening to the radio in bed."

[fol. 407] By Mr. Safer:

Q. You were already in bed at the time you heard the key in the lock?

A. Yes, I was.

Q. How long had you been in bed?

A. I went to bed about 6:30.

Q. About 6:30. Can you say about how long you had been in bed before you heard that key in the lock?

A. No, I can't.

Q. Well, had you been in bed reading for quite some time?

A. I don't know.

Q. What time did you quit reading that night?

A. I don't know.

Q. Well, did you read a whole book that evening?

A. No, I wasn't reading a book; I was reading a magazine.

Mr. Safer: I have no further questions.

Redirect examination.

By Mr. Roll:

Q. Counsel asked you on cross examination if you made any report to the landlady that night, and your answer was, "No, not at that time," in substance. Did you later on say something to the landlady—I don't want the conversation—about this noise?

A. I did the next morning.

Q. You did the next morning?

A. Yes.

[fol. 408] Mr. Roll: That is all. May this lady be excused?

The Court: She may be excused.

(Witness excused.)

Mr. Roll: I wonder, if under the provisions of the Penal Code, if your Honor please, pertaining to experts, if your Honor would be kind enough to call the expert that has been appointed by the court, Mr. Rogers, and ask him some questions as to his qualifications and then allow counsel to examine him.

The Court: Yes. However, it is not under the Penal Code; it is under the Code of Civil Procedure.

Mr. Roll: The Code of Civil Procedure; I am sorry.
The Court: Mr. Harris.

HARRY W. ROGERS, called as a witness by the Court, was duly sworn and testified as follows:

The Clerk: State your name, please.

A. Harry W. Rogers.

The Court: Just for the record, Mr. Rogers was appointed by the court under the provisions of Section 1781 of the Code of Civil Procedure.

Cross examination.

By the Court:

Q. Where do you reside, Mr. Rogers?

A. 731 Nevada Avenue, El Monte.

[fol. 409] Q. Your business or occupation is what?

A. Lieutenant of Identification, Sheriff's Department, County of Los Angeles.

Q. Does that make you head of the Identification Department?

A. Yes, sir.

Q. How long have you been with the Sheriff?

A. It will be seventeen years the 1st of January next.

Q. How long have you been in the Identification Department of the office?

A. About—nearly sixteen years.

Q. Now, prior to your going with the Sheriff's office had you done any work along the line of identification, particularly along the line of fingerprints?

A. No, sir.

Q. When did you commence your interest, studies and reading in that subject?

A. The first year that I went in the department I took a course in fingerprints, and then later that same year I took a Civil Service examination and went into the actual work on December 1st.

Q. You mean there was a special Civil Service examination for Identification Bureau work?

A. Yes, sir.

Q. Who gave the course, Mr. Rogers?

A. The man who was then in charge of the Identification [fol. 410] Bureau, Mr. Adams.

Q. Also in the Sheriff's office?

A. Yes, sir.

Q. Have you taken any other courses or listened to or heard any other lectures on fingerprints, that you now recall?

A. No.

Q. I am referring, when I say lectures, to talks by people who know something about it.

A. Not in the nature of a course. I have heard lectures on various phases of fingerprint work, but not definitely a course.

Q. By that you mean you have heard various speakers—

A. Yes.

Q. Who have spoken on the subject?

A. Yes, sir.

Q. Directly along your particular line?

A. Yes.

Q. Have you attended any schools as a student?

A. Not purely fingerprint schools, no, sir.

Q. Well, are there any purely fingerprint schools, that you know of here in California?

A. Yes, there are several.

Q. You mean they devote themselves directly and exclusively to fingerprints, or as a part of a general course in police science?

[fol. 411] A. Well, both. That is to say, the School of Government, U. S. C., is devoted to general governmental courses. There are thirty-eight police courses, of which one of those is fingerprints.

Q. That is a course that is commonly taken by a great many police officers, sheriffs, and officers around this vicinity?

A. Yes, it is.

Q. Have you ever yourself been an instructor or teacher of the subject of fingerprints?

A. Well, I taught that particular course for a little over four years.

Q. That is a University of Southern California course?

A. Yes, sir.

Q. Have you done any other teaching or instructing?

A. Yes, I instructed in the Police Officer's Training School held at the State College at San Jose a few years ago; I have forgotten the exact date. I have instructed—that was for

a summer course. I have also taught a special course at U. C. L. A. on the subject of fingerprints, which also was a part of the general course of criminology.

[fol. 412] Then I taught in our own department, the Sheriff's Training School, for a period of three years; most weeks one night and some weeks two nights a week.

Q. This may be a little off the subject, but it may explain your last answer. The Sheriff has for some time conducted a training school instructing his deputies in various branches of criminology, penology, police science and so forth?

A. That has been the practice; it has been discontinued now because of war conditions and so on. But up until the outbreak of the war it was the practice of the Sheriff to maintain a training course for his deputies.

Q. Now, is there an organization limited very largely to fingerprint work in this section of the country?

A. Yes, there are two such organizations. There is the California Division of the International Association for Identification, the membership of which is composed of men who are in Sheriff's work, fingerprint people, and also photographers. Then there is a local—that organization meets only once a year, has a convention once a year, at which there are prominent speakers who speak and instruct on phases of identification. Then, locally there is the Southern California Identification Officers' Association, which meets once a month.

Q. Just to cut it a little bit short—the members of these associations get together—these special fingerprint men—[fol. 413] and mostly talk shop?

A. Yes.

Q. With reference to reading, what reading have you done upon the subject of fingerprints?

A. Well, I have read practically everything—do you want me to mention the specific authors?

Q. Well,—

A. I have read practically everything—

Q. Do you know of any book you have not read? Let us put it that way.

A. Well, I have read practically everything, in particular, Galton, Kuhne, Henry, Wentworth, Wilder, Chappelle, Bridges, and also Bately, Crosskey, and I have read but not studied Larsen.

Q. In addition, have you read shorter discussions on the subject, such as would appear in the Journal of Criminology and the bulletins gotten out by the Federal Bureau of Investigation?

A. Yes, I see the bulletin which is gotten out by the Federal Bureau of Identification, a monthly publication; also there is a fingerprint magazine published monthly that comes to my desk each month which I read.

The Court: Your work since you have been in the Department has included—counsel may object to this; I am trying to save a little time—I presume it has included the handling of all fingerprint problems from the locating, origin and all [fol. 414] latent and patent prints, the photographing of prints, the taking of fingerprint cards; in other words, rolled prints of prisoners, comparison and analysis of fingerprints generally?

A. It has.

The Court: I think that is as far as the court should go in this matter. I will turn the witness over to counsel.

By Mr. Roll:

Q. Mr. Rogers, if I may ask you some preliminary questions. I may not go into as much detail as I did this morning, but will you please, briefly in your language, tell us about the structure of the fingers, about fingerprints and what goes to make a latent fingerprint.

A. A latent fingerprint?

Q. Yes.

A. Well, nature has put on the inner surface of the hands and the feet certain papillary ridges, that is to say they are raised above the rest of the surface, and there are pores through which the perspiration is exuded from the skin, from the body. The skin itself, there are two layers of skin, the dermis and the epidermis, and beneath those are certain sweat glands, through which the secretion is exuded through the pores. Now, as to the latent print, it merely means that a person touches an object and the pores on which there is moist perspiration leaves an imprint. That is the secretion has gone upon the object touched. The furrows or valleys or depressions between the ridges, [fol. 415] the lower part, will not leave an impression in a person's hands that are normal. Of course, a person

who is nervous and perspires a great deal, the inner surface of the palms or fingers will be covered with moisture but, normally speaking, it will be only that moisture, that portion which comes through the pores, and we have then an outline of the ridge surface and it is called a latent print because normally it is not visible to the naked eye, but sometimes it will be made visible by throwing a light upon it from the side. In other words, if you put your eye down to the level of that railing you will find many prints there which were put there this morning by persons who have touched that railing. They are not visible as you look at them directly, and to bring those to view by a light so that they may be photographed it is necessary for the fingerprint man to use some agent that will develop or bring out that print so it may be photographed. The agent that is usually used is powder, because it is more convenient, but you can use certain chemicals, you can use iodine on certain surfaces but, as a general thing, he uses a powder that will contrast with the surface upon which the print is believed to be. If it is a white surface he will use black powder, but if it is a black surface he will use a white or gray powder, and what he is doing is trying to get a contrast so that he may photograph that print. One of the main factors in photography is to get a contrast [fol. 416] so as he dusts the powder over that he sees that it is developing a print of a certain type. As he brings it into view he will brush it out very lightly in the direction of the ridges so that he will get a good print. If he fails to do that, if he uses too much powder or brushes the wrong way, he will fill up the portions of the print which has been blank because of the furrows and valleys as they are sometimes called, and that is all that is meant by developing a latent print. Does that complete the answer, or is there something more?

Q. That is fine. Just very briefly, will you tell us what is meant, without going into all of your symbols, when we use the word classification of prints?

A. Well, two things are meant by classification. You have to either speak of the classification of the entire card, which is quite different than the classification of the print. Do you want me to tell both?

Q. Yes, tell them both briefly, if you will.

A. The fingerprint card as it is taken is, as you know, with the thumb in the upper lefthand corner, the right hand

at the top and the left hand in the same way, that is, the thumb under the thumb, and so on, so that at the top we have the rolled impression, the rolled ink impression, of each of the ten fingers. At the bottom we have a plain impression that is put in there for the purpose of checking to see that the prints are in the right order. Now, that classification is based primarily upon the arrangement of [fol. 417] the pattern of the hand. Those patterns which have two deltas, whorl type of patterns, are—the space in which they appear is given a certain classification, for instance, if there is a whorl in the right thumb, that is given a value and all the other prints are in whorls, that is given a value of 1 over 17. I cannot go into the technical part of it, but it is the rule, I believe, that all persons who would have a whorl in the right thumb and no other whorls in the hand would all have a primary classification of 1 over 17, they would all be filed together, and then perhaps a classification given to those. Then the next division is to take the index and the middle finger, and they do this in the case of loops, by counting the ridges. In other words, they are going to be classified and filed according to the size, in other words, if the ridge had only three or four, the loop, for instance, had only three or four ridges intervening between the core and the delta, you would not file that with a print that had ten, eleven, twelve or thirteen. This is a division of size. The index finger was selected originally because nature has, for some reason, placed a greater diversity of pattern in the index than any other finger, therefore it is of secondary importance and called secondary [fol. 418] classification. It is divided further by the type of pattern, the ridge count in the middle finger, the ring finger and finally the number of ridge counts in the little finger in the case of a loop. In other words, if we are using this illustration, 1 over 17 for that whorl, and we found two small loops, there would be a further classification and the final count in the little finger might be one over 36, or might even be more, but that is a pretty big loop, and then it would be filed in a particular compartment, the latter being 1 over 17, it would be divided this way and filed by the count in the little finger. That is the final classification. There are other divisions using the thumb, using, in other words, a ridge count but essentially that is the method used in classifying these fingerprint charts. Do you want me to take up the single, too?

Q. No, I think that will be sufficient on that. In so far as your classification, it is used primarily for the purpose of filing; is that correct?

A. A place to file the print.

Q. In other words, when a fingerprint card, a whole card gets into the office there the classification is made of it and it is put in a certain file, is that right?

A. Well, ultimately.

Q. That is what I mean, ultimately.

A. That is correct.

Q. Now, will you tell us what you mean by comparison of [fol. 419] fingerprints as distinguished between what we have just been discussing?

A. I see. There are three steps in making comparison of fingerprints that is possible. You have this card of a certain person, you have another card or you may have a single print. There are three steps. The first is as to the general type of pattern, the general contour.

Q. Do you want to use the blackboard?

The Court: You may do so.

Mr. Roll: Surely. There is no objection to taking this little sketch out?

The Court: No.

A. It is obvious that if one print were of this type you could see at a glance that it could not be identical with this print, nor could it with this one or this or this print. In other words, the first step is to determine the pattern type and if they are alike you can go further; if they are not alike you are through. Any layman can see that. The next step will be to count the ridges of those patterns which have a central point or core and delta. That is possible both in this type of pattern and in this type of pattern, it is perfectly possible to count those ridges intervening there, and if you had a whorl of that type it would be perfectly possible to count those ridges and if you had four other and 1, 2, 3, 4, 5, 6, 7 of these the next step in comparison is to count the number of ridges intervening [fol. 420] between the core and the delta. Having done that the third and most important step is to check the points of identity, characteristic points within the loop. Assuming you have two loops with four counts in them, we have to examine those prints to see if they have the same

points of comparison, the same points of identity. Now, those points of identity are these. They are very seldom in a case like this that nature has put a continuous ridge which will fill the interspacing, but we will find a forking of the ridges, a bifurcation, you will find an abrupt ending where the ridge ends abruptly and possibly down here there will be two other ridges that come in like this, possibly they will join, and then we have a forking or bifurcation upward. The ridge might even join again, and we have an island or an enclosure. There may be other ridges like this, or maybe a little longer, so those are the characteristic points, the points of identity. Now, those points must occur in the same relative position, that is to say,—I am afraid I cannot use this.

The Court: Well. I think I get the point you are after. In other words, you have drawn a print there indicating an island. If you found an island in your fingerprints which have been picked off the scene of the alleged offense you would locate the island with reference to the core, that would be your first step, would it not?

A. Yes. What I am trying to show, sir——

[fol. 421] The Court: Then what would you do in making your comparison so far as the island is concerned with that fingerprint card, the rolled print?

[fol. 422] A. Well, we first must see if this island in each print is, say, the third ridge of the core at this same point and joining again at this same point, in an island out here,—in other words, the characteristic points must appear in the same analogous location, the same location on each print, so there is not only comparison of points of identity but they must occur in the same print. Now, when you have found, as the judge indicated by comparing the known print, the inked impression of a person with the one which is in question, then when you have found a sufficient number of these points to identify the whorls, bifurcation, abrupt ridge endings, short ridges, and so on, occurring in the same relative position, for instance, this second ridge, bifurcated downward, this second one downward, an island here at the same exact spot, then you know that the two prints are made by the same finger. I think that was the extent of your question.

Mr. Roll: Yes, Mr. Rogers.

Q. Now, let me ask you before you go any further: Do you know whether or not it has been figured out mathematically the chances of any two persons possibly having the same fingerprint or can it happen at all?

A. Yes, it has been worked out. A French mathematician, Balthazer, in about 1912 or '13, he presented a paper to the French Academy in which he figured that the probabilities of two persons having the same fingerprints were [fol. 423] one in—one followed by sixty ciphers, whatever mathematical figure that is.

Q. It is too large to say.

The Witness: Do you want me to indicate how it was done or not?

The Court: I think it might be interesting, but it might be consuming too much time. He did work it out on a mathematical basis?

A. Yes, sir.

By Mr. Roll:

Q. Now, in this case you were appointed an expert by the court; is that correct?

A. Yes, sir.

Q. And you came into court and in court did you pick up from somewhere in court certain negatives?

A. Yes, the court handed me six negatives.

The Court: 20, I think, is the number of the exhibit.

Mr. Roll: Yes.

Q. I am going to show you People's Exhibit 20, which contains three negatives, and I will ask you to look at those and state whether or not those are the ones that were turned over to you.

A. Yes, sir. Those were in the envelope, another envelope which was handed me by the court day before yesterday.

Q. What did you do with those after that? Go ahead and tell us the steps that you took. Did you look at the door [fol. 424] which is there in front of you, which has been marked in evidence?

A. Well, I was directed to the judge's chambers where the door, which is now in front of the desk here, was, and I examined it under a magnifying glass, the surfaces which had been dusted with black powder.

Q. Just a minute. When you say "surfaces", do you mean all surfaces that had been dusted?

A. That is correct.

Q. Go ahead.

A. I noted particularly that there were three places where dusted prints had been—paper had been put over them for the purpose of preserving the prints, and those I checked against these negatives to be certain in my own mind that these negatives were from the particular places on the door. I also checked—

Q. Go ahead.

A. I also checked the other portions which had been dusted, thinking there might possibly be a legible print.

Q. Now, with reference to these three negatives, you say you checked the three negatives against the various portions which have been marked on the door opposite "A", "B" and "C"; is that correct?

A. That is correct.

Q. And did you find these three negatives to actually be negatives of the prints thereupon—"A", "B" and "C" on [fol. 424a] this door?

A. I did.

Q. Go ahead. Then what did you do?

A. Then I went to the I. Laboratory, which is on the tenth floor of this building, and called the defendant from his tank to the identification bureau for the purpose of rolling a set of his prints.

Q. And did you roll a set of his prints?

A. I did.

Q. Now, I think you were in court when Mr. Larbaig testified this morning. Is that the same general system that you used as he described in rolling prints?

A. Yes, sir.

Q. That is what you did in this instance?

A. Yes, sir.

Q. Do you have the fingerprint card there, Mr. Rogers, that you rolled?

A. Yes, sir.

Mr. Roll: I offer that card in evidence, if your Honor please.

The Court: 30 in evidence.

By Mr. Roll:

Q. Now, after you rolled the fingerprint card of the defendant, then what happened? What did you do next?

A. Then I examined—first I made contact prints of these because it was a little easier to handle than these negatives. [fol. 425]

Q. What do you mean by contact prints?

A. Such as were exhibited in court this morning.

Q. In other words, a paper was placed in direct contact with the negative—

A. I made prints of these negatives.

The Court: You got prints of the exact size?

A. Yes.

By Mr. Roll:

Q. Go ahead.

A. It was necessary, with the assistance of one of the photographers of the County, to enlarge certain fingerprints, and one of those enlargements was of the print here, this right middle of the defendant.

Q. You indicate this print here as being one of the ones you enlarged?

A. That is correct.

Q. Do you have the photograph as enlarged?

A. Yes, sir.

Q. Which one is that, this one here?

A. Yes.

Mr. Roll: May this, if the court please, be marked People's Exhibit 31?

The Court: 31.

Mr. Roll: In evidence.

A. Then an enlargement was made of the original exhibit, or negative, which is—I don't know the number.

[fol. 426] Q. It is No. 20.

A. On the reverse side—the print on the reverse side of the door.

Q. That is the one right here, the one we have indicated on the door as being "C"?

A. Yes. This is the enlargement made by one of the official photographers, in my presence, of whatever that exhibit is.

Q. People's Exhibit 20, the single print.

Mr. Roll: I will ask that this enlargement be marked People's Exhibit 32.

The Court: It may be so marked.

[fol. 427] By Mr. Roll:

Q. Now, after you did that, then what did you do?

A. Then I made enlargements from the other two negatives, or attempted to make enlargements of the other two negatives, and also of the fingerprint card. And the next step, after they had been properly washed, dried and developed, was to compare those enlargements—or, first, mount them on the cards and then compare those enlargements.

Q. Now, you have here—you have brought up 31 and 32, which have been marked here in evidence; can you—you have indicated that this is the one taken from the rolled card, 31, and this is the one which is a photograph of the single print, "C" on the door. Can you at this time—I see you have no red lines on there. Can you state at this time whether in your opinion—withdraw that. Mr. Rogers, have you formed an opinion with reference to these two sets, Exhibit 31 and Exhibit 32?

A. I have.

Q. Will you state to the members of the jury and the court your opinion concerning those prints?

A. Both of these impressions were made by the finger of the same person, the right middle finger, I should have said, of the same person.

Q. With reference to your reasons for—I notice that on those two cards there, sir, you have not put any lines showing the points of identity. Do you have some pencil or [fol. 428] something that you could use right here in front of the jury so you could point them out as you go along?

A. If it is permissible, I would prefer to do it on the blackboard.

Q. All right; go right ahead, sir.

The Court: Well, I think we should have—I wonder if we couldn't get another blackboard?

The Bailiff: I may be able—

The Court: Have we got one?

The Bailiff: I think there is one in here.

The Court: Maybe we have recovered it. The blackboard sometimes wanders around the floor here, and we have quite a time to get it back.

The Bailiff: No, it is not in there.

The Court: I think we will take our recess. We are pretty close to our normal recess time. I think we will take our afternoon recess and see if we cannot find a blackboard in the interim. The jury keep in mind the admonition not to talk about the case or form or express any opinion.

(Recess.)

The Court: The record will show the jury, counsel and defendant present.

Mr. Roll: Mr. Rogers, if the court please, was kind enough to make three sets; one he desires to use, he has given one to defense counsel and one to myself, and I have picked up my set and the set he gave defense counsel, and [fol. 429] I thought possibly while he was making this diagram, we could let the jurors handle two of those sets and he could use one.

The Court: That is all right.

By Mr. Roll:

Q. So there won't be any question, Mr. Rogers, will you tell us—these were Exhibits 31 and 32—will you tell us again, Mr. Rogers, where these are from?

A. 31 is an enlargement of the inked impression of the defendant's right middle finger; 32 is an enlargement of the print found on the reverse side of People's Exhibit—

Q. People's Exhibit No. 6.

A. Marked "C".

The Court: That has been referred to heretofore in the record as the metal side or inside of the door.

A. On the metal or inside of the door. We have indicated—the first step is to compare this pattern—it has 16 ridge counts intervening between the core and central point of the print and the formation, where one ridge goes below and one goes in a V-shape. There are sixteen points intervening between those two points. This is the questioned print, this is the one which we shall attempt to indicate on the board with points of agreement, points of similarity. These lines are merely put in for purposes of outlining the pattern. We will start with the delta formation, where we have a V-shaped ridge. For convenience, I would like to mark that as No. 1. We will refer to it a little later, [fol. 430] this point. Looking at it this way—the bifurca-

tion, looking at it that way, we will call No. 2. Then, we find that at about this point, as near as we can get it in proportion, we have a ridge that comes down and forms a fork, [fol. 431] and that upper bifurcation of the ridge continuing on parallel with the outline ridge; that ridge continues on then. I am not attempting to indicate the smudged or blurred portion of the print here, but taking as near as possible those—I am speaking now of this portion here—but taking the lower portion now and starting from the right, from the delta—

Mr. Safer: Mr. Rogers, will you indicate on here where you are drawing from so I can follow you?

A. Yes. The point which I have indicated here, sir, as No. 1, is this point here. The point which I have indicated—

[The Court: Keep your voice up, Mr. Rogers.

A. I am sorry, sir.

The Court: Keep your voice up; the reporter has to get what you are saying to counsel. I don't know whether the record entirely shows what happened. Counsel asked a question.

A. Speaking to defense counsel, I have indicated as point 1, on the enlargement of the inked impression, this point—it is technically the point of the delta—where the two sides of the “V” come together. I have indicated that, for the convenience of counsel, as No. 1. And I will continue now and draw a red line on his card for No. 2, so he may follow the design on the board.

Mr. Safer: Thank you.

A. Then, we will indicate as 3 another bifurcation up [fol. 432] ward, at approximately that point, and it again joins to this ridge at this point, which we will indicate as 4. Then, from point No. 3, going over one ridge, that is the next ridge, to the—the next ridge to the right, from No. 3, we find an abrupt ending, which we will indicate as No. 5. The next ridge to that has a bifurcation; it is very close in the latent print, and it may show as an ending in the inked impression, which is clearer, and that is at this point here. I will try to make that faint there, because that is what has happened. Now, below—

Mr. Safer: Mr. Rogers, I am sorry to interrupt, but would you mind drawing a line—

The Court: Just a moment, counsel, please. I would like to accommodate you, but I think you should ask those questions on cross examination. Suppose you let him go ahead.

Mr. Safer: I am simply trying to follow it.

The Court: I appreciate that, but every time you interrupt we have to digress and go back, backtrack. I think you should wait and ask questions under the rules of cross examination, wait until the witness has finished.

Mr. Safer: I thought it would simplify it.

The Court: I am afraid it would just simply complicate it.

A. Then, from this point, we have a series of five ridges, which have apparently no breaks. The fifth ridge, however, [fol. 433] at approximately the same location, if we speak of it as the hands of a clock, we would say at 3 o'clock. From this point we find that there is an upward bifurcation, and that we would indicate as 7. Then, two more ridges intervening, about the same relative position at the point of the clock—it may possibly be a little nearer 2 o'clock—we have a ridge that again bifurcates and while it is somewhat indistinct, it is quite evident that it joins the ridge up in here, forming an island. However, because it is very indistinct we won't mark it as a distinct point of identity; it may or may not be. But this definitely is, and we will mark that No. 8. Then, from that point, No. 8, with one ridge intervening, we come to the ridge which forms a part of the core, the core being at this point. So that following over now, with one ridge intervening, we find this formation, joining to the ridge that forms the core at that point, No. 9. I would like to indicate that to counsel now, if I may.

The Court: Yes, you can orient him on that particular spot, if you will.

A. The point I have now marked No. 8 is this point here (indicating).

The Court: 9 was your last number, Mr. Rogers.

A. I beg your pardon. 9. The point in question was No. 9, which is the bifurcation downward on the core, on the ridge which forms the core. Enveloping the [fol. 434] ridge, the one which comes up over the core—it is not too distinct in the latent or questioned print, be-

cause this formation—I am not using any characteristic points on it at that particular spot, but it bifurcates also about here, and then counting up from that point, with one ridge intervening, we have what appears to be an island formation—with the ridge coming, joining again, forming an island formation at approximately this point, the ridge continuing on down without break or without bifurcating as far as it is shown in the latent. That is to say, as the finger was pressed, it was pressed not entirely down and only about so much of the finger shows. So, naturally, we cannot draw that which is not here.

[fol. 435] Now, another ridge intervening, I find a similar bifurcation, this point of the print being fairly clear, the smudged portion being in here, and one ridge intervening, coming down through here, and from this bifurcation which also comes down pretty well out of the pattern, that would be the eleven points of identity.

Q. Is that all you want to use the board for?

A. I do not want to—I would like to indicate, sir, that these ridges are continuous, but yet I do not want to be bound to point out a characteristic in a smudged area.

The Court: In other words, what you have done, Mr. Rogers, is to indicate on the blackboard by drawing lines in those that are clear and have not attempted to make an identification of those that are not clear?

A. That is correct. Examining now this——

The Court: For the record, you are now using the rolled print enlargement?

A. No, sir. I am going to make the comparison now between the——

The Court: The card you have now in your hand, that is the one taken from the fingerprint card, the rolled print?

A. Yes, sir.

The Court: All right, just so we get the record.

A. As the judge indicated, I am going to call your attention now to the enlargement of the rolled or inked impression.

[fol. 436] The Court: That is the one that was actually taken by you from the defendant's finger?

A. Yes, sir.

The Court: Very well. You may proceed.

A. So that in examining the print we must find these various characteristics occur in the same relative position, and we find, then, examining the enlarged latent or questioned print with the enlarged print of the inked impression, which is known to be the right middle finger, we find that the delta formation—first of all, that it is above the loop type of pattern, that sixteen ridges intervening between core and delta, that the delta formation is formed by a letter “V”, which is indicated as point No. 1. Examining the known print, we find at that same location a point which may be marked as No. 1. Continuing with that same ridge toward the right, we find that that shows another ridge making a bifurcation, and that has been marked as No. 2. Going to the right at about 1 o'clock we find that there is a bifurcation upward, one leg of which continues up to the indistinct area of the questioned print, and the other part or fork joins again to the ridge here. We did not mark that as a point. We might have marked it as 12 or 13. We find that examining the known print, we find both those bifurcations, both are formations in the known print. No. 4 is an abrupt ending where a ridge seems to come down and end abruptly. Well, I marked it 4 here so that in this print, [fol. 437] moving over one ridge to the right, we find such an abrupt ending. The next ridge to the right is a fork or bifurcation upward. We find the same characteristic in the enlarged inked impression. Counting over to the right again with four ridges intervening, we find that the fifth ridge shows also an abrupt or rather a bifurcation upward. Counting over four ridges intervening here from point 5, we find at the same location a similar formation, bifurcation upward, and that has been marked as No. 7. Continuing over, the two ridges intervening, we find another bifurcation upward, which is No. 8. We find that the core formation in enlarged latent is rather bifurcated. We find the same formation in the known print and that has been marked as No. 9. Going over to the right at about 1 o'clock in relation to the hands of the clock, we find, with one ridge intervening, a bifurcation toward the left which is marked down on the board, and going further one ridge from the right in the known print we find at the same location the same formation, a bifurcation which has been marked No. 10. Still going to the right, with one ridge intervening now at about 1 o'clock or a little—maybe 2 o'clock—we find a bifurcation which has been marked 11,

and examining the known print at the same analogous point, the same identical location, we find a similar print which has been marked 11. I have indicated that this is an [fol. 438] island. It is not distinct enough to mark this as an entire point of comparison. I have now marked 11 points. There are many others which might have been marked.

Mr. Roll: I wonder, if your Honor please, if I could substitute the one counsel marked on, which was 31, and we have another one there I did not notice. I just wanted to substitute one for the other.

The Court: That is all right.

Mr. Roll: In other words, it is the same photograph of one of the other exhibits, and we do not want any marking on the one that is in evidence.

Q. Now, Mr. Rogers, the explanation which you have just given us, I take it, is the reason, then, for your conclusion that the two prints, that is the known print taken from the fingerprint card which you rolled, and the latent print, which is taken from this Exhibit No. 6, marked "C" thereon—

The Court: Being the door.

By Mr. Roll (continuing):

Q. —being the door, are one and the same print in so far as identity of individuals are concerned; is that correct?

A. My reason is that having examined the original print of the metal side of the door, and having enlarged that and compared it with the ring finger of the defendant, having compared the two and observed the characteristic points, it is my opinion that both of these prints were made by the right middle finger of the defendant.

[fol. 439] Q. Now, Mr. Rogers, I am going to direct your attention here to some other exhibits. I believe these have been marked 19-A, 19-B and 19-C. I will ask you to look at those as against the negatives which are 20. You have already examined 20; is that correct?

A. Yes, I think those are the same ones.

Q. Yes, those are the ones you had in your possession. Now, from your examination these are reproductions—strike that. 19-A, B and C, I believe, are reproductions of People's 20; is that correct?

A. That is correct.

Q. Now, I am going to direct your attention to People's Exhibit No. 28, and I will ask you to look at that, sir, if you will.

A. This is a photographic enlargement of 19-B.

Mr. Roll: 19-B. All right.

The Court: 29 I think is the exhibit you are looking for.

Mr. Roll: No. I think the one I wanted, your Honor, was the fingerprint card here that Mr. Larbaig made.

Q. With reference to People's Exhibit 29, will you examine that, please?

A. Yes.

Q. That is a—

A. Photographic enlargement of the right index, right middle and right ring finger of A. D. Adamson.

[fol. 440] Q. All right. Now, would you look at 28 and 29 and state whether or not—I will ask you to look at and make a comparison upon those prints shown on 28 and 29, and after you have made your comparison, I will ask you to state your opinion as to who the makers of those two sets of prints are, or maker.

A. I did not get the last part of your question, sir.

Q. You have made a comparison, have you?

A. Yes.

Q. Will you give us the results of your comparison?

A. The results of a comparison of Exhibit 28, which is an enlargement of the latent print, with Exhibit 29, which is an enlargement of the right index, right middle and right ring fingers of the defendant, shows that both impressions were made by the same person.

Q. Now, without going into too much explanation, would you please give us your reasons for that opinion, please?

A. Well, comparing the points again—shall I come down?

Mr. Roll: If your Honor desires to go into it—

The Court: I wonder whether we might not cover it in this way? Mr. Rogers, in making the comparison, you followed the same plan that you followed on the blackboard when you illustrated to the members of the jury?

A. That is correct.

The Court: Did you find points of identity in these Exhibits 28 and 29? Generally what were they?

[fol. 440a] A. Generally—

The Court: Don't go into any further detail than you can.

A. Generally speaking, the bifurcations, scars, abrupt endings and islands—one island, occur in the same relative position on both prints. These points of identity are the same in both exhibits, from which—that is to say, where there is a bifurcation and you find the same number of ridges intervening between that and the next point, those marked on these exhibits, and there being sufficient of these points, we must conclude that both impressions came from the hand of the same person.

The Court: You made reference in your answer to the subject of scar or scars. Just what do you mean by that, and what, if any, is the significance?

A. A scar ordinarily is not of great value in making a comparison; it is not always there; that is, the time interval during which the hand or finger has become scar-ed. But where it is in both imprints or impressions, it is additional proof or evidence. It is like another characteristic point. And it is the point that seems to be most obvious to a person who is not familiar with fingerprints. If it is in both prints it is a good point of comparison. But it is not necessarily to be used, because it may not be in both impressions.

The Court: By that you mean this: If you see two prints [fol. 441] that were otherwise apparently identical and one showed a scar and one did not, the fact one did not show a scar would not mean anything?

A. No, sir.

The Court: But if you saw it present in both, it would be significant?

A. That is correct.

By Mr. Roll:

Q. I am going to show you here two other enlargements, People's Exhibit 27 and People's Exhibit 26, and also the small one, People's Exhibit 19-A, and I will ask you first with reference to 19-A. Is this People's Exhibit 26 an enlargement of 19-A?

A. Yes.

Q. With reference to People's Exhibit 27, I will ask you to look at it and state whether you—compare it with one of the rolled fingerprint cards and state whether or not it is an enlargement of one of the rolled fingerprint cards of the defendant?

A. That is the right ring finger—the enlargement is a photographic enlargement of the right ring and right little finger of A. D. Adamson.

Q. All right. Now, I will ask you the same question, sir, I asked you with reference to the other two enlargements, People's Exhibit 26 and People's Exhibit 27; if you will examine those and compare them, and when you have made your comparison state your—the result of your conclusions [fol. 442] to the members of the jury.

The Court: Had you previously compared them, Mr. Rogers?

[fol. 443] A. No, sir. Having examined People's Exhibit 26 and comparing it with People's Exhibit 27, it is my opinion that both the exhibits are—the portion of the exhibit which has been marked No. 26, and No. 27, were made by the right ring and right little fingers of A. D. Adamson.

By Mr. Roll:

Q. Now, will you state briefly the reasons for that?

A. Because a comparison of the characteristic points and their location, the location of those characteristic points within the prints, are sufficient to establish proof of identity.

Q. In so far, Mr. Rogers, as your appointment in this case is concerned, you were appointed by the court; is that correct?

A. Yes, sir.

Q. You have not consulted, or have you consulted with Mr. Larbaig concerning this whatsoever?

A. No, sir.

The Court: You really did not know what the case was about until it was handed to you?

A. No, I didn't know the circumstances of the case. In fact, I had forgotten the details of the case. I knew nothing of it until the court handed me the exhibits yesterday afternoon.

Mr. Roll: Would this be a good place to take our recess?

The Court: I think this would be a good place to take our [fol. 444] recess.

Mr. Roll: May I make this suggestion?

The Court: Yes.

Mr. Roll: I ask Mr. Rogers at the recess if it would be possible to take a photograph of his drawing on the board,

and he informs me it would be possible. If so, I would like to have it marked as an exhibit, that is, the photograph, so we may have that in the record here.

The Court: It may be a good idea to photograph the other blackboard also, as long as we have the cameraman up here.

By Mr. Roll:

Q. Will you do that, Mr. Rogers, so we can have it Monday?

A. Do you want it done today or tomorrow?

The Court: It will be time enough to have it Monday.

A. I will have it done tomorrow morning.

The Court: We will take our recess now until Monday morning at 9:30. The jury keep in mind the admonition heretofore given, not to talk about the case or form or express any opinion.

(Whereupon an adjournment was taken until Monday, November 20, 1944, at 9:30 o'clock a. m.)

[fol. 445] Monday, November 20, 1944; 9:30 o'clock A. M.

The Court: In the case on trial the record will show the jury, counsel and defendant present. You may proceed.

Mr. Roll: I do not see Mr. Rogers here, your Honor. I understand he was here early this morning. The bailiff informed me he was here at ten minutes to 9 and said he would be back here at 9:30.

The Court: He probably has been held up by something. We will just hold it a minute while we are waiting for him.

The Bailiff: Judge, one of the jurors would like to be excused for five minutes. She has a parcel down in the tax office.

The Court: All right, we will take a short recess. The jury keep in mind you are not to talk about the case or form or express any opinion. Take a short recess.

(Short recess.)

The Court. The record will show the jury, counsel and defendant present. You may proceed.

Mr. Roll: I think possibly, if the court please, it might be of advantage of all of us to move that over there against the wall.

The Court: Yes.

[fol. 446] Harry W. Rogers, recalled:

Mr. Roll: I would like to ask one or two more questions, if I might.

Direct Examination (resumed)

By Mr. Roll:

Q. Now, Mr. Rogers, with reference to People's Exhibit No. 6, there has been placed there on the diagram on the board there an indication that on the side below the knob the prints that were made would be the right ring and right little finger, and on the side of the hinges, that is on the face side of the door, it is the left index, left middle and left ring finger. Now, can you indicate—you can step down here if you want to—with a little piece of chalk, and we will just take—will you indicate, sir, with reference to the position of the fingers there, particularly with reference to the tip of the fingers, how the arch—these are the hinges, this is the knob. I have not put any prints on there at all. All I want is the position of the fingers, in other words, if the fingers are like this, with the tips here, or if they were up like this, do you see what I mean?

A. On this side, this portion here marked "C," the prints are off in that position, they are close together, off like that (illustrating).

Q. All right.

A. On this——

[fol. 447] Q. When you say about like that——

A. It is not in proportion, sir. You have the idea here (indicating).

Q. Well, the tips of the fingers, the end of the fingers in toward the center of the door.

A. That is correct, being these three fingers.

Q. Now, we will come over to the side of the door, being the side where the knob is. Does the same situation exist with reference to the right ring and the right little, are the tips in toward the center of the door?

A. That is correct, just like that (illustrating).

Mr. Roll: All right, I will mark "T" here and "T'" here. You may cross examine.

[fol. 448] Cross-examination.

By Mr. Safier:

Q. Mr. Rogers, you are connected with the Sheriff's office of Los Angeles, are you not?

A. I am.

Q. In what capacity?

A. In charge of the Identification Bureau.

Q. I am sorry; I did not hear.

A. In charge of the Identification Bureau, with the rank of lieutenant.

Q. All your fingerprint work has been from the side of the prosecution, from the side of law enforcement, has it not?

A. I don't recall any case where I have actually testified in court for the defense, no, sir.

Q. Now, in the last analysis fingerprint identification is made from a comparison of fingerprints, isn't it?

A. That is correct.

Q. If you find a certain number of points which you call points of similarity, you make your identification from that, do you not?

A. Yes.

Q. It is also a fact, is it not, that fingerprint experts do differ as to whether or not one print might compare with another, do they not?

A. That is true.

[fol. 449] Q. Now, how many points of similarity do you require, Mr. Rogers, before you would make an identification that the prints came from the same finger?

A. It depends upon the area of the pattern. If it is purely a delta formation, or any peculiar formation, a few points would do. We actually have in our department a rule we should show or mark at least ten points of identify.

Q. At least ten points of identity?

A. Ten.

Mr. Roll: I do not know whether the jurors were able to hear all of that. I do not know whether the microphone is on or not.

The Court: No.

A Juror: One answer I did not get at all.

Mr. Safier: May the reporter read back the last two or three questions, your Honor? The juror said they did not hear it.

The Court: If you will, please.

(Record read.)

By Mr. Safier:

Q. You would not make a positive identification from four points of similarity, would you?

A. If the four points of similarity were very peculiar, not in the field of the pattern or—I mean to say that if it were definitely a peculiar formation, I would say that it was the same person. However, it would be very difficult to prove that in court. For that reason we have established [fol. 450] the rule there must be at least ten points. It goes back to the mathematical figure of probabilities of positive identification.

Q. If you did find ten points of similarity in examining two prints, and any number of points of dissimilarity, would you still make an identification?

A. Well, you include both conditions. Theoretically, to prove two prints not alike you would have to have ten points of dissimilarity; that is, clearly—clear and distinct points not due to pressure or smudging, or was not definitely clear and visible points of dissimilarity, to prove that the prints were from two different fingers.

The Court: May I ask a question on that, what the witness means by dissimilarity?

Mr. Safier: Yes.

The Court: Going back to your blackboard diagram, you have indicated to the left of the core area, where the lines were not clearly decipherable on the questioned print; now, do you refer to that area as a dissimilarity?

A. Within that area, sir, there would be points of dissimilarity due to the fact that that area is smudged; it is not clear.

The Court: Now, another question. You have referred to distinguishing one print from another by the number of points of dissimilarity. When you referred to a dissimilarity you have answered that you referred to a smudged [fol. 451] dissimilarity or distinct dissimilarity in a pattern that you actually found to exist.

[fol. 452] A. Distinct dissimilarity in position of the characteristic points. That is to say, the bifurcations, abrupt endings and so on which are normally marked in making an identification, those distinct points of non-identity should be shown. That is to say that—if I might refer to the board again—just to the right of the core there is mark No. 10—if such a bifurcation occurred below that point, maybe in that same ridge but half an inch lower, if there was no bifurcation there that would be a distinct point of dissimilarity. If the *vore* formation, which has a ridge that bifurcates downward and another print showed no such bifurcation downward, that would also be a point of dissimilarity.

By Mr. Safer :

Q. Given one latent print and one rolled print, Mr. Rogers, if you found ten points of similarity would you not then attribute the points of dissimilarity to some foreign substance in the latent print?

A. It might, it might be a foreign substance on the surface from which the latent print was obtained; it might even be a foreign substance on the finger of the person who left it there, and it might be due also to the fact that there was a difference of pressure. The inked impression to which you refer would be rolled evenly, but the pressure exerted in lifting an object, such as that door or a chair, or anything of that sort, would cause a difference in appearance due to the pressure exerted, so the differences may be due to the presence of foreign substance or also to the difference in pressure.

[fol. 453] Q. Well, if you had the ten points of similarity between the latent print and the rolled print, you would attribute any points of dissimilarity to some foreign substance or pressure, or something of that sort, wouldn't you?

Mr. Roll: I am going to object to that, if the court please, on the ground it is purely hypothetical. If he is referring to the prints here in question I have no objection to it.

The Court: I will allow the witness to answer. Repeat the question, Mr. Reporter, please.

(Question read.)

A. That is correct.

By Mr. Safier:

Q. What system of filing do you employ in the Sheriff's office, filing of fingerprints?

A. Does the question refer to——

The Court: Classification, I think is what counsel means.

Mr. Safier: Yes, classification is the better word.

A. On the ten fingerprint card we use the Henry System as modified by the FBI at Washington; on the single fingerprints we use the Batley System of classification.

Q. Now, under your system in the Sheriff's office, if you had photographs of prints as taken from this door, how long would it take you to make an identification with a set of prints that you had already had on file?

The Court: I am afraid,—counsel will pardon me, I do not like to break into your cross examination, but I think [fol. 454] you are confusing identification and classification. I think your question is directed to this point: If this door, for example, had been presented to Mr. Rogers, how long would it take him to find out whether he had a fingerprint card that corresponded with those prints; is that the question?

Mr. Safier: I may reframe the question in that way.

The Court: Well, I think he has the idea.

By Mr. Safier:

Q. If this door were presented to you, Mr. Rogers, and you took the prints off the door, how long would it take you to make an identification if you had a corresponding set of prints in your classification in the Sheriff's office?

The Court: Assuming the classification was a regular fingerprint card, regularly filed in their regular file.

Mr. Safier: Yes, your Honor.

A. That would be difficult to say on the ten finger card. In the single print card it would be possible to classify the print which has been illustrated on the board because of the fact that the print is fairly complete. The other prints which have been referred to as—I don't know what they are referred to, but at the lower part of the door where there are two prints of the right hand and three of the left, those, because of the fact that the delta is not present,

it would not be possible to classify, so that in answering your question the print which is on the board could be clas- [fol. 455] sified in two or three minutes. Going to the single fingerprint file, it might take as long as five or six minutes, to find that particular print, that is the inked impression with which this corresponded. If there were no card in the single print file, that is to say, if the person had not been in on a burglary, grand theft auto or various crimes of that kind, it would be an endless job to find that in the ten fingerprint card, in the file that contains the ten fingerprint cards.

Q. Now, if you took the prints from this door and sent them to the Federal Bureau of Investigation at Washington for identification, and assuming that they had on file corresponding fingerprints in Washington, how long would it take your office to have a report back?

A. At the present time, unless special request was made, it would take a matter of months. They are swamped with work back there. If it were sent by air mail—I don't know the situation here, sir, but if it were sent by air mail, with a special request, it might be returned in a period of five or six weeks.

Q. I see. Mr. Rogers, it is possible, is it not, to forge fingerprints?

A. To forge fingerprints?

Q. Yes.

A. No, sir, not in the sense—may I explain that answer? [fol. 456] The Court: Yes, I think you had better make your explanation because you cannot answer it in just a sentence.

A. In the sense that forgery, as ordinarily used, you cannot forge a fingerprint any more than you can forge anything else in nature, a sunset or anything of that kind, it just cannot be done. There is a method, however, and I don't know just what the word to describe it would be, but it is possible to copy a print and transfer that reproduction elsewhere. If you mean, sir, by forgery that process, the answer would be yes, but it is not a true forgery.

By Mr. Safier:

Q. But it would bear a great degree of similarity, Mr. Rogers, to the true print, would it not?

A. Somewhat. It has been done in laboratories. It has been done experimentally.

Q. Had you finished your answer?

A. I would like to answer further, if you will,—

The Court: I wish you would, Mr. Rogers.

Mr. Safer: Yes.

The Court: I suggest you go ahead. The question is one which does require more amplification. I am a little familiar with it.

A. All right, sir. Usually the method of those who wish to experimentally—many fingerprint men and scientists who are reputable and not dishonest, really reputable scientists, have made an attempt, for their own convenience, to copy fingerprints. The first publication to that [fol. 457] effect was a book by—published in book form by the authors Beffel & Wehde, the title of which was “Fingerprints can be Forged.” The book is not important, I mean to say it is 150 pages, but the first hundred pages have to do with the history of fingerprints, and in the remaining portion of the book Wehde, who was a convict in Leavenworth, described a method of taking an inked impression—could I have a fingerprint card, any fingerprint card? (Receiving card.) Wehde was an experienced engraver and lithographer. He presented at the International Association for Identification, back in the year 1922, a system which he had of copying this fingerprint, making an engraved plate, which bore the ridge surface, bifurcations, and was, in fact, an exact copy of the ridges as they appear in, we will say, this right thumb. Then he made enlargements of it so that his enlarged print then was four steps removed from the original, or that is to say the first was a negative, there was a print which was again copied, and the enlargement made from that, and he submitted these prints, one that he had copied—photographic enlargement of the one which he had copied, a photographic enlargement of the inked impression, and said that it would not be possible to distinguish between the two. Incidentally, that went back to an old German method that had been done years before but apparently not published. However, the Committee of Identification [fol. 458] officers to whom that was submitted were able to identify the true print and the spurious print. The assumption was this,—nevertheless, they went ahead and published the book, and we have had to consider it—the assumption was this, if that could be done it would be

possible to place that print on a particular object, such as that door or anything else, to throw suspicion upon an innocent person. It would be necessary to secure in some method the print of the person involved and then, with the use of this—I want to get this clear, there are other methods besides this—it would be possible, however, to have a rubber finger stall and copy those ridges on that finger stall; it would be possible to make the matrix of any gelatine like substance which would take the impression from which it could be hardened and from which a matrix could be made. Now, with that digression, we will go back and say that under this procedure it would be possible then, for me, for example, to obtain the fingerprint of any one of you made as you touched the railing there, the water glass or something else, or if I had access to that fingerprint card, to copy it from here and then transfer that copied print to that door, the assumption being that they could not be detected. The difficulty is, or the reason why most of them—spurious prints are detected, is because they are too perfect. In Laboratory work, those who have published results of their experiments, it is noted that the [fol. 459] latent print is too perfect. I do not like to inject the personal element in court witness testimony, and yet, for the purpose of illustration, I might say that I personally have detected two such spurious prints, one of which, fortunately, was before the case went to trial, and not by any of our local fingerprint men, and the other case had, however, at the time I got into it, had gone to trial. [fol. 460] And in both of those instances the job was too perfect. I will say for the benefit of defense counsel and all others, that if it were possible to make—to make an exact copy of the prints which I have placed here, showing all the imperfections it might get by, although there is one other feature beside the perfection, and that is that nature's oil or the body salts that is exuded through the pores of the skin cannot be duplicated. You might rub that rubber finger stall or matrix over an oily surface or over your hair to get a little oil on it and put it on that door or somewhere else, but it wouldn't be very successful. It will not show—may I use the board, sir?

The Court: Yes.

A. I have touched a part of that and you can see the imprint of my fingers, and the chalk has adhered to the

ridge surfaces where nature's oil or body salts has been exuded from the pores. A similar action takes place when powder is dusted on any object or on that door, for instance. And that is what has happened, the powder has adhered to the ridge surfaces.

Mr. Safier: Mr. Rogers want- to know if he can show that to the jury again?

The Witness: Is it desirable to show that to the jury?

Mr. Roll: I think it probably would be.

The Court: I think it would be interesting, at least make the testimony a little more concrete.

[fol. 461] The Witness: I think it would explain the point that we are trying to bring out as to copying prints.

Mr. Roll: I do not know whether it might be easier for them to file around and look at it.

A. The point we are trying to make, sir, is the difficulty that a person would have in trying to copy or to present a spurious print. In the language of some authors, and that is which is known——

The Court: I think I realize the difficulty you are under, Mr. Rogers, because you are dealing with a group of ladies whose knowledge of fingerprints is very limited. I will allow you to handle it in your own way, Mr. Rogers. After all, that is probably the fairest way of doing it. Do you have any suggestions as to how you could bring the knowledge home to the jury?

A. One other thing that might be done to present the point, possibly, would be to develop an actual print, and then you would have the same difficulty of bending over and observing it. If it is not important, sir, we will omit it.

The Court: Perhaps we better take another question.

The Witness: I beg your pardon?

The Court: Perhaps we better take another question.

The Witness: Perhaps he better ask one?

The Court: Yes.

By Mr. Safier:

Q. Have you finished your answer?

A. I hadn't finished the question of copying prints. It [fol. 462] is a rather long and involved process. If you wish to bring out any particular point, however——

Q. Well, I simply want to know, Mr. Rogers, whether it was not possible to forge a print, and I think you have answered that, at least, in so far as necessary. It follows, then, does it not, that given a true rolled fingerprint of an individual one could through some process put that fingerprint on some other object, could they not?

A. Yes. They would have to make from that matrix of some kind to copy it—I mean, from which a reproduction could be made. It is——

Mr. Roll: Go ahead.

By Mr. Safier:

Q. Were you going to say something else?

A. What I was going to say probably is repetition of what I have already said.

Q. You testified, I think, that upon two occasions you discovered spurious prints; is that correct?

A. Yes.

Q. Was that in connection with some criminal trial, Mr. Rogers?

A. Do you mean criminal case or criminal prosecution?

Q. Criminal prosecution.

A. In one case the case was actually prosecuted, and the second case it was not, because it was discovered in time. Both involved a criminal offense, however.

[fol. 463] Q. Were those spurious prints made by some law enforcement agency?

A. No, sir.

Q. Now, getting down——

The Court: Were they very good jobs?

A. They were too good, too perfect.

[fol. 464] The Court: In other words, could you put it this way, Mr. Rogers: That in order to simulate or, use the slang expression, fake a fingerprint of one person and put it on a piece of material, would you say it required an extremely high degree of skill to be at all apparently successful?

A. Yes, it would.

By Mr. Safier:

Q. Mr. Rogers, the other evening you took a set of rolled prints from the defendant, did you not?

A. I did.

Q. And he voluntarily let you take these prints; he had no objection, did he?

A. That is correct.

Q. And did you make your own photographs from the prints on the door, or did you use the photographs of the prints on the door?

A. No, sir, I used the negatives which had been taken by the person who investigated the case.

Q. I have here People's Exhibits 31 and 32, 31, I believe, is a rolled print, is it not?

A. That is photographic enlargement of a rolled print, yes, sir.

Q. Exhibit 32 is a photographic enlargement of a print from the door?

A. It is.

Q. Now, I will ask you, Mr. Rogers, if in examining—which way does it go? This way?

[fol. 465] A. That is right.

Q. I will ask you if in examining those prints, those photographs of prints, rather, whether or not you found any points of dissimilarity?

A. Yes, points that are dissimilar because of pressure or smudging.

Q. Will you indicate what points of dissimilarity you found on there?

A. In this area here there are——

Q. Just a minute, Mr. Rogers.

Mr. Safier: May Mr. Rogers step down and point it out in front of the jury, your Honor?

The Court: Yes.

A. For instance, counting up from the delta formation, one, two, three, four, five, six, we find here—may I take another copy?

By Mr. Safier:

Q. Yes.

A. I just don't want to mark up a court exhibit.

Mr. Safier: Have you another copy, Mr. Clerk?

The Clerk: Of what?

Mr. Safier: Of these prints?

The Clerk: No, sir.

The Witness: Is it all right, sir, to mark the court exhibit?

The Court: I think Mr. Roll has——

Mr. Roll: I have a set, and I gave counsel a set also. [fol. 466] Here is another set.

The Court: Defense counsel has a set and Mr. Roll has a set.

Mr. Safier: Yes. I think I left my set in the office.

The Court: Just for the record, Mr. Rogers, use the set which Mr. Roll has given you.

Mr. Roll: Do you want that marked in evidence?

Mr. Safier: Well, I think maybe we better have it.

The Court: I think it would be better to use it rather than the regular exhibit, because we might get too many marks on there and we might get confused. All right, Mr. Rogers, use Mr. Roll's set.

A. Well, taking this as the point of the delta in each print, going up here, one, two, three, we find the point there that agrees with this point here, bifurcation. To follow this on further, we find that those two ridges which have bifurcated apparently come together again and form an island. However, in this print they go on up, and they seem to be open here, not joined. So it seems to be a point —instead of an island, as it appears in those prints here, it seems to be a point at that point. Of course, the fact that whoever pushed against that core exerted more pressure on that finger or this finger, rather, than was given or was put on it at the time the finger was rolled. So it is an explainable difference. I am unable to find in this print, sir, unexplainable differences. There are many [flo. 467] such cases as this. I start at this point and count up to this point, six ridges, and speaking of the hand of the clock, about 11 o'clock; counting up here, one, two, three, four, five, six we do not see that that is joined together. But again it is due to the fact that more pressure was exerted.

By Mr. Safier:

Q. Well, are there any other points of difference?

A. Not unexplainable, no, sir.

Q. You would have an explanation for all your points of difference as long as you find your ten points of similarity, would you not?

A. It is very likely; I haven't examined it carefully.

Q. And all your explanations as to these points of difference is merely supposition and conjecture on your part, isn't it?

A. It is rather theory as to what happened to cause that apparent dissimilarity.

[fol. 468] Q. Well, it is conjecture, guesswork and supposition as to what happened?

A. If you want to call that conjecture and guesswork, yes.

Q. You do not know actually what did cause it?

A. No, we do not know what actually happened; we didn't see it happen.

Q. As a matter of fact, there appears to be a difference in the core itself, doesn't there?

A. That is correct.

Q. Of course, you have an explanation for that difference in the core too, haven't you?

A. In the core formation it is a little difficult at first to see the similarity or exact identity of the two cores, because of the fact that the pressure has joined one or two ridges just above the core formation. But I can explain that, sir, as being due to pressure.

Q. That is simply a guess on your part, however, the difference being due to pressure, isn't it, Mr. Rogers?

A. A theory as to how or to what caused it, it certainly would be a guess in the sense that we did not see it done.

Q. You would attribute all the differences in the two prints to these various things, such as pressure and so forth, simply because you have found the eleven points of similarity in the prints?

A. There are eleven marked; there were more than that; eleven were marked. There is also this to be said, sir, that the area is—does not show as much finger, therefore, the differences due to the fact that the rolled impression shows the complete ridge surface.

Q. In comparing the rolled prints with the other—with the photograph of the other prints upon the door, did you also find points of dissimilarity?

A. Comparing the rolled prints with what?

Q. You had some other prints from this door that you examined, did you?

A. Yes.

Q. And you found—of which you made a comparison with the rolled prints that you took of the defendant; is that right?

A. That is correct.

Q. In connection with those prints did you find points of dissimilarity as well?

A. The same type, those that were due to a difference of pressure or foreign substance.

Q. That is, you attribute those points of dissimilarity to these various things?

A. That is right.

Q. Difference in pressure and foreign substance?

A. That is right.

Q. Given any two set of prints, Mr. Rogers, if you find ten points of dissimilarity, would you attribute all the points [fol. 470] of dissimilarity to some foreign substance, difference in pressure or something of that sort?

A. If you find ten points of similarity, although the proper word, possibly, should be identity, and do not find as many as ten points that are not identical, then you must assume that both prints came from the same finger. In other words, in making your examination you have got to not only look for those points of identity which appear in the same position, but you must also look to see if there are not—that there are no definite or distinct characteristics that are not in agreement.

[fol. 471] Q. I see. Mr. Rogers, how many years did you say you have been engaged in fingerprint work?

A. It will be sixteen years on the 1st day of December.

Q. In that length of time has it ever come to light that you made a mistake in identification in any case?

A. Not in a court case, no, sir.

Q. Well, regardless of whether it was a court case or not.

A. Oh, yes.

Q. The answer is “Yes”?

A. I beg your pardon?

Q. I say, the answer is “Yes”?

A. I would like to explain it, if I may.

The Court: You may.

A. The most common mistake that the fingerprint man makes, possibly, is in comparing a photostatic copy rather than a photographic copy, and there is the difference here that it is white on black instead of black on white, as it

is there, so that possibly the most serious mistake that I made was in overlooking that fact and saying that two prints were not identical when, actually, they were, when the white exhibits were checked against the black to indicate. Ordinarily identifications of latent prints are not the opinion of one person. Before the Department—and I believe this is true of most departments—there must be an agreement between two of the fingerprint men and possibly the [fol. 472] fingerprint man who did the work and his superior. The work is checked in our department, and I think most of the departments, before it is presented.

Q. Can you make an identification from the print of one finger, Mr. Rogers?

A. Can I make the identification from the print of one finger?

A. Yes.

A. Yes, if there is sufficient ridge surface there.

Mr. Safier: I think that is all.

Redirect examination.

By Mr. Roll:

Q. Mr. Rogers, counsel asked you if you took some photographs, as I understand his question, of the prints on the door, and your answer to that was no, that you received the negatives, the three negatives, which you testified to on direct examination; that is correct, isn't it?

A. Yes. I received from the court certain negatives, six in all, three of which were negatives of latent prints and the other three of inked impressions.

Q. Now, in so far, Mr. Rogers, as three of these negatives of latent prints are concerned, did you actually, physically, take those three negatives and check those negatives against the actual prints which appear here on the door?

[fol. 473] A. I did.

Q. And after checking them can you state that those negatives are the actual negatives of prints from this door?

A. That is correct.

Q. Now, counsel spent considerable time this morning on cross examination about the subject of the possibility of simulating or forging fingerprints. From your examination in this case did you find any evidence whatsoever of any simulation, forgery or anything of that kind or nature?

A. Not at all, no, sir.

Mr. Roll: No further questions.

Mr. Safer: That is all.

Mr. Roll: May Mr. Rogers be excused now, your Honor?

The Court: Yes.

John B. Larbaig, recalled:

Mr. Safer: There are one or two questions I want to ask of Mr. Larbaig, your Honor.

The Court: Yes.

Cross examination (resumed)

By Mr. Safer:

Q. Mr. Larbaig, in your opinion, can fingerprints be forged and transplanted from one place to another?

Mr. Roll: Just a moment. Do you mean successfully or otherwise?

[fol. 474] The Court: Well, let's take one step at a time. You may answer the question.

Mr. Safer: I will let my question stand.

The Court: Yes, you may answer the question. I think we understand what we are getting at.

A. No, I do not believe they can successfully.

By Mr. Safer:

Q. Have you ever seen any spurious fingerprints?

A. I believe I have seen one.

Q. There have been efforts, have there not, to take fingerprints from a true set of prints and transplant them to some other object?

A. No, not that I know of myself personally.

Q. Just one other question, Mr. Larbaig: You have testified that you have been engaged in this type of fingerprint work for how many years?

A. Approximately thirteen years.

Q. Thirteen?

A. Thirteen.

Q. Now, in all of that time has it ever come to light that you have made a mistake in identification?

A. I have.

Q. Mr. Larbaig, assuming that you were given a set of prints as taken from this door, and assuming that you had on file in the Police Department a set of prints that corresponded thereto, how long would it take you to make an [fol. 475] identification?

Mr. Roll: Just a moment. I am going to have no objection to it if you will make it on a hypothetical basis, but if you are making it on the basis of what actually occurred in this case, I intend to go into the whole situation, if the court please, as to how it is done to get the prints, and with that forewarning——

The Court: Suppose you make it a little more specific. It is rather general at the present time.

Mr. Safer: I ask it in the form of a hypothetical question.

The Court: May we have the hypothetical question? I think it probably should be amplified.

Mr. Safer: I am going to assign Mr. Roll's remarks as misconduct in this case.

The Court: The jury is instructed to disregard the remarks of counsel. May we have the question, Mr. Kennelly?

(Question read.)

A. I take it for granted you mean no more than we have on this door? Do you mean three fingers or less?

The Court: You have a door there, Mr. Larbaig, and you have a fingerprint card. How long would it take you to arrive at the conclusion whether the fingerprints on the door were the same prints on the fingerprint card, or not?

A. Well, if we had ten prints of the door, if we could get a complete set of fingerprints from one hand,——

[fol. 476] The Court: I don't think you get the question yet. May I rephrase it: Suppose I handed you the fingerprint card of the defendant, also handed you this door and you start cold, in other words, I simply asked a question, as we put it here to Mr. Rogers, can you tell us whether these prints are the prints of the same person or not? How long an examination would you have to make in order to determine whether they were or were not the same?

A. Oh, I could determine that in a very few minutes.

By Mr. Safer:

Q. Now, assuming that you had a set of prints as taken from the door and sent them to the Federal Bureau of Investigation in Washington, and assuming there was on file there a complete set of prints that corresponded to the prints on the door, how long would it take you to get a report back?

A. When you mention a set of prints on the door, how many do you mean?

Q. Just the same number as were taken from the door.

A. At this time say the most three?

Q. Very well.

A. I doubt very much if we would hear from that for months.

Mr. Safer: I have no further questions.

[fol. 477] Redirect examination.

By Mr. Roll:

Q. Mr. Larbaig, generally now with reference to persons that are arrested, we will say, by the Police Department, a set of prints is taken; is that correct?

A. That is correct.

Q. On a fingerprint card; is that true?

A. That is true.

Q. With reference to the classifying and filing of these fingerprint cards in the Police Department, what is the condition at the present time with reference to whether you are up on the filing or back on the filing?

A. On the complete sets of fingerprints, all ten of the persons arrested, the filing is up to date, that is being done daily and continually at all times, but the single fingerprints in our Bureau are in arrears, oh, I would say in the neighborhood of three to three and one-half years.

Q. Why is that?

A. The manpower shortage mostly, and we just have so much other work we cannot get to them.

The Court: And you lost a couple of unusually good men within the last few years, too, haven't you?

A. That is true.

Mr. Roll: No further questions.

Mr. Safer: That is all, Mr. Larbaig.

[fol. 478] Mr. Roll: May I just ask one other question:

Q. Counsel asked you some questions about the simulating or the possibility of forging of fingerprints. From your examination of these prints is there any possible evidence whatsoever that any forgery or simulation has been made of these prints on that door?

A. No, sir.

Mr. Roll: That is all.

Mr. Safer: That is all.

Mr. Roll: May Mr. Larbaig now be excused?

The Court: Yes.

E. J. LONG, called as a witness on behalf of the People, was duly sworn and testified as follows:

The Clerk: State your name, please.

A. E. J. Long.

Direct examination.

By Mr. Roll:

Q. Your name is E. J. Long?

A. Yes, sir.

Q. You are a police officer of the City of Los Angeles?

A. I am.

Q. Attached to what division, Mr. Long?

A. Wilshire Detective Bureau.

[fol. 479] Q. Were you working at that division on the date of the 25th of July, 1944?

A. I was.

Q. And did you receive a call to go to an apartment located at 744 South Catalina Street on the evening of that date?

A. I did.

Q. About what time did you arrive at that apartment, Mr. Long?

A. About 8 p. m.

Q. Did you see the lady who testified here, the landlady?

A. I did.

Q. With reference to apartment 410, how did you gain admittance to that apartment?

A. The landlady of the apartment gave me the passkey that she had. I went up to the apartment and put it in the door and opened it and went in.

Q. And did the landlady accompany you up there, or not?

A. No, she did not.

Q. Now, with reference, Mr. Long, if you now recall, did you see any newspaper around the apartment?

A. I did.

Q. And where was it when you first saw it?

A. It was laying on the floor outside of the door in the hallway.

Q. Do you remember what you did with the paper?

[fol. 480] A. I picked it up and took it into the apartment.

Q. Let me show you People's Exhibit 17, showing the position of an armchair, with some articles on it: do you recall that that is the place you placed the newspaper there on the arm of the chair (handing photograph to witness)?

A. I think it is. I am not positive that it was placed there, but I think I placed it there.

Q. Now, at the time you went into the apartment, Mr. Long, do you remember whether the lights were on or off at that time?

A. I don't remember.

Q. With reference to the folding bed in the apartment, was that folding-bed down or up?

A. It was up.

Q. In other words, you could not see it in the room?

A. No, it was not.

Q. Now, did you go into the kitchen of the apartment?

A. I did.

Q. And did you see this door which has been marked People's Exhibit 6?

A. Yes.

Q. Where was that door, Mr. Long?

A. It was leaning up against the sink in the kitchen.

Q. I show you here People's Exhibit No. 18, and I will ask you to look at that and state whether or not that fairly represents the relative position of People's Exhibit [fol. 481] 6 there in the kitchen at the time you were there?

A. It is in the same relative position that it was when I first observed it.

Q. With reference to the newspapers there, were they there when you first saw it?

A. No, they were not.

Q. With reference to which way the door was facing, that is, whether the knob of the door was out or in, can you tell us or do you remember?

A. I don't remember.

[fol. 482] Q. Now, I show you People's Exhibit 8 and I will ask you to look at that photograph and state whether or not that fairly represents what you saw there on the living room floor, the condition of Mrs. Blauvelt and what you saw at that time?

A. It is except the first part of the person that shows in the picture was not there at that time.

Q. And these pillows which are shown there, were they in that position, sir?

A. Yes, they were.

Q. With reference to what you did when you got in the apartment there, Mr. Long, will you just tell the court and the members of the jury what you did, sir?

A. When I first went in the door I seen the person laying on the floor and I went over and lifted up the pillows to see whether the person was dead or not, and after I had ascertained that the person was dead, and I wanted to see whether it was a suicide or murder,—I came to the conclusion that it was a murder, and I immediately then went to the telephone and called the Scientific Laboratory, the Homicide Squad, Mr. Brennan and Mr. Wiseman that handles the homicides in the Wilshire Detective Bureau, and also Capt. Rasmussen and I waited there until they came.

Q. Now, with reference to a fingerprint man, was there a fingerprint man called?

A. Yes, he came from the Scientific Laboratory.

[fol. 483] Q. With reference to the kitchen there where this door is located, while you were there did anyone move or touch that door until the fingerprint man came that you know of?

A. No, there was nobody—

Mr. Safer: Just a moment, just a moment.

The Court: Just a moment. Let me have the question again.

(Question read.)

The Court: The objection is overruled.

A. No. I stayed in the hallway between the kitchen and the front room and there was nobody went in there until they came.

By Mr. Roll:

Q. Now, with reference—you say you moved the pillows. After you moved them did you put them back?

A. I did.

Q. Put them back in the same position?

A. The same way they were when I first went in there.

Q. Now, with reference to the pillows, at the time you removed them did you see anything on the pillows at all?

A. Yes.

Q. Will you describe what you saw, what the appearance of it was and where it was located?

A. On the lower side of the upper pillow there was a brown spot on that that appeared to me to be blood, and it was on top of the other pillow that was underneath it. [fol. 484] On the pillow that was underneath it there was no blood between—on the upper side of that pillow.

Q. Now, how about that pillow that was next to the face?

A. The pillow that was next to the face was a soft pillow and it had blood on it on the under side.

Q. Now, so that we may—I will just use these two exhibits for the purpose of illustration. These will indicate, Mr. Long—well, we will let this be, this portion right here, be the face of Mrs. Blauvelt for the purpose or this illustration merely. This will be the first pillow?

A. Yes.

Q. This will be—I will put the second pillow crossways so you can see a little better. Now, if I understood your testimony you picked up the first pillow and you saw a brown substance on the bottom side of the first pillow; is that correct?

A. That is right.

Q. Which gave the appearance of blood?

A. It did.

Q. With reference to the then remaining pillow on the top side of the remaining pillow I believe I understood your testimony to be that there was no blood on the top side of the remaining pillow?

A. That is right.

Q. Then after you lifted the remaining soft pillow off you did see a substance there on the soft pillow which gave [fol. 485] the appearance of blood; is that correct?

A. Yes, sir.

Q. Now, from your examination of the substance which appeared to be blood what would you say with reference to it being wet or dry or the condition of it?

A. It was dry.

The Court: I think we might take our morning recess at this time. The jury will keep in mind the admonition heretofore given. We will take our morning recess.

(Short recess.)

The Court: The record will show the jury, counsel and the defendant present, and the witness on the stand. You may proceed.

Mr. Roll: I have a photograph which I will ask to be marked People's Exhibit next in order, your Honor.

The Court: The next number is 33.

By Mr. Roll:

Q. I am going to show you People's Exhibit 33, Mr. Long, and ask you if after the garments which are depicted in People's Exhibit No. 8, that is the coat and the two pillows which you have described in your testimony there, were removed, if this fairly represents the upper portion of the body of Mrs. Blauvelt?

A. It does.

Q. And I notice that there is some object there in the general location of the neck on the photograph, right here.

A. That is a dish rag, I think.

[fol. 486] Mr. Roll: I will offer this as People's Exhibit 33.

The Court: Marked 33 in evidence.

By Mr. Roll:

Q. This is the object here that I pointed at?

A. Yes.

Mr. Roll: This is the object which the witness says "is a dish rag, I think," (exhibiting to the jury). You may cross examine.

Cross examination.

By Mr. Safier:

Q. Officer Long, what time did you arrive at apartment 410?

A. About 8 o'clock p. m.

Q. On July 25th?

A. On the 25th.

Q. Who went with you?

A. Sergt. Woodhall.

Q. Anybody else?

A. No.

Q. Was anybody in the apartment when you arrived?

A. No, there was not.

Q. And the landlady let you in with her pass-key, did she?

A. No, sir.

Q. How did you get in?

A. She gave me her pass-key down in her apartment. She said she did not want to go up there.

[fol. 487] Q. I will ask you whether or not at the time you arrived at the apartment the hall door to the garbage disposal compartment was open or closed?

A. I think it was closed; I don't remember.

Q. When you entered the apartment were the lights on or off?

A. I don't remember.

Q. Were you the first to enter the kitchen?

A. Yes.

Q. When you entered the kitchen was the kitchen door to the garbage disposal compartment unhinged from the compartment itself?

A. It was.

Q. And was standing in the position indicated on that photograph?

A. The same relative position, yes.

Q. As indicated on People's Exhibit 18; is that correct?

A. Yes.

Q. Were the black markings around this door there at that time?

A. No, they were not.

Q. Who put the newspapers under the door?

A. I don't know who put them under the door.

Q. Were they under there when you arrived?

A. No, they were not.

[fol. 488] Q. In other words, the newspapers that appear to be under that little door, as appears on Exhibit 18, were not under the door at the time you first saw it?

A. No, sir.

Q. Now, you will observe in the upper compartment garbage disposal section there appears to be some things on the shelf. Can you tell us what they are?

A. I think they are—they are a number of paper bags, used paper bags, that was put in the upper compartment.

Q. Was that the condition of that upper compartment at the time you arrived?

A. Yes.

Q. It had those things in there?

A. Yes.

Q. You testified you carried the newspaper from the hallway inside?

A. I picked it up in the hallway and took it into the apartment.

Q. Was the little chain fastening on the door, on the door to the apartment, fastened or unfastened when you arrived?

A. It was unfastened.

The Court: Which door, Mr. Safer?

Mr. Safer: The large door from the apartment to the hall.

Q. Now, you observe something white underneath the [fol. 489] shoes, as it appears in People's Exhibit 17; can you tell us what that is?

A. No, I couldn't tell you what it is.

Q. Can you state it was there at the time you first entered?

A. I don't know; I don't remember.

Q. Was the purse and packages, as appears on this Exhibit 17, in the same position in which they are now appear to be, at the time you entered?

A. The package that shows on the chair is two or three ears of corn in a package, and the purse is open and the contents of the purse had been emptied out partially, and the coin purse was standing open. And next the chair—it does not show on that picture—on the side next to the door was another package that contained some canned goods.

- Q. Had you finished your answer?
- A. Yes.
- Q. Did you handle the shoes and parcels at all?
- A. No, I didn't. There was a bunch of beads on the floor here too that I seen at that time.
- Q. When you first saw the body were the arms exposed?
- A. Yes.
- Q. Both arms?
- A. One was more than the other.
- Q. Which arm was exposed more than the other?
- A. The left arm.
- [fol. 490] Q. In which position was it?
- A. It was practically horizontal—not horizontal—at right angles to the body.
- Q. In which position was the right arm?
- A. It was kind of up over the right breast.
- Q. Did you observe whether or not there was a watch on the wrist of the left arm?
- A. Yes, there was.
- Q. Was it a gold watch?
- A. I don't know whether it was yellow gold or just what kind of a watch it was; I didn't pay any attention to the kind of watch it was or anything.
- Q. Could you state whether or not it was a diamond or jewel studded watch?
- A. I couldn't tell you.
- Q. Did you remove the watch?
- A. No, I didn't.
- Q. Were there any rings on the fingers of either hand?
- A. I did not pay any attention to the hand to see whether there was any rings on or not.
- Q. You could not state whether there were any on or not?
- A. No, I couldn't say.
- Q. Now, you found two pillows on the face, you testified?
- A. Yes.
- Q. Were they pillows that appeared to be from the davenport or from one of the chairs?
- [fol. 491] A. The upper pillow appeared to be off a chair.
- Q. I see. How about the lower pillow?
- A. It was just a soft pillow, and it was from some other place in the room; I don't know where it was from.
- Q. I see. It was not a pillow that came from one of the cushions of the davenport or chair?
- A. No, it looked like an extra pillow.

Q. How long did you remain in the premises?

A. Over two hours.

Q. Shortly after you arrived there some other police officers arrived?

A. Yes.

Q. Who arrived?

A. There was McGarry, and Brown from the Homicide Squad, and Puthoff, of the Scientific Laboratory, he is a photographer, fingerprint men, and Capt. Rasmussen, Mr. Wiseman and Mr. Brennan, from the Wilshire Detective Bureau.

Q. Was the body removed that same evening?

A. I wasn't there when the body was removed.

Mr. Safier: That is all.

[fol. 492] Mr. Roll: Just one other question if I may, Mr. Long.

Redirect examination.

By Mr. Roll:

Q. You testified with reference to the photograph counsel was showing you,—he was asking you about the package there, and he showed you People's Exhibit No. 17, and you said there was another package which is not shown in People's Exhibit 17. I now show you People's Exhibit 11 and ask you if you can see just the edge of what appears to be a package to you?

A. Yes, right on the right of the chair.

Q. The one you testified to prior is the one out here?

A. Yes.

Q. That is the one I think you said there was some corn in?

A. I think there was two or three ears of corn and the other was some canned goods and a half pound of butter or a quarter pound of butter.

Mr. Roll: (Exhibiting to jurors.) Here is People's Exhibit 17 and here is People's Exhibit 11, the one described, and this is the package over on the edge. That is all, Mr. Long.

The Court: Just one question, Mr. Long: What is the fact as to whether or not you moved anything in or about the place before the other officers arrived?

A. No, there was nothing moved by me, nor did I permit [fol. 493] anybody to move anything until the other officers arrived.

The Court: That is all.

Mr. Safier: That is all.

Mr. Roll: That is all. May Mr. Long be excused now, if the court please?

The Court: Yes.

MRS. MARIE MASSEY, called as a witness on behalf of the People, was duly sworn and testified as follows:

The Clerk: What is the name, please?

A. Marie Massey.

The Clerk: Mrs. Marie Massey?

A. Yes.

Direct examination.

By Mr. Roll:

Q. Your full name, please?

A. Marie Massey.

Q. Where do you live, Mrs. Massey?

A. 744 South Catalina.

Q. Are you the daughter of the lady who was the manager there of the apartment house?

A. Yes, I am.

Q. You live there in the same apartment, do you?

A. Yes, sir.

[fol. 494] Q. You live in the same apartment with your mother or a separate apartment?

A. With my mother.

Q. Directing your attention to a lady by the name of Mrs. Blauvelt: Did you know Mrs. Blauvelt during her lifetime?

A. Yes, I did.

Q. Did she occupy apartment 410 there in the last approximately a year prior to the 24th day of July?

A. Yes, sir.

Q. And directing your attention now to the date of the 24th of July, 1944, sometime along in the afternoon of that date, did you have occasion to see Mrs. Blauvelt?

A. Yes, I did.

Q. About what time would fix that, please?

A. Well, I could not say exactly; between 2 and 3:30; probably 2:30 to 3:30.

Q. Where were you when you observed her?

A. Well, I was just coming out of our apartment and our apartment is facing the lobby, and she was going through and we spoke together quite a few minutes.

Q. I cannot hear you.

A. She came in and I was just in front of our apartment, in the doorway; she came through and we spoke for a few minutes and then she went on. She was going to take the elevator and she met mother and spoke with mother a few [fol. 495] minutes. She must have been with us about 10 or 15 minutes.

Q. Did she have some packages?

A. Yes, sir.

Q. Was that the last time you saw her alive?

A. Yes, sir.

Q. Your mother was there at that time?

A. Yes, we were both there.

Q. With reference to her clothing, can you describe with reference to whether or not she had a coat on?

A. Yes, she had her coat and her hat. She always wore coats and hats whenever she went even to the grocery store.

Q. Do you recall the color of the coat?

A. It was navy blue and the little hat was navy blue trimmed in a light blue.

Q. I am going to show you a photograph particularly of the sleeve of a coat. Does that appear to be it?

A. Yes, it was a plain coat, no fur on it.

Q. That is People's Exhibit 33. In this conversation that you had with her there was there anything said by Mrs. Blauvelt whatsoever as to anything wrong with her apartment or the little garbage disposal door?

A. No, there was not.

Mr. Safier: Just a moment. I object to any conversation.

The Court: The objection is sustained and the answer stricken out.

[fol. 496] By Mr. Roll:

Q. I will ask you this and you can answer yes or no: Did she make any complaint to you about anything?

A. No, sir.

Q. Now, directing your attention to that day, and earlier in that day, do you know whether or not the back door of the apartment which leads out into the alley was open or not?

A. Yes, it was.

Q. How do you know that?

A. Because I spent most of the morning and early afternoon out there myself.

Q. Where?

A. Well, I did quite a bit of washing and the washroom is in the basement.

Q. Where is the washroom located?

A. It is in the back of the building in the basement.

Q. Downstairs in the basement?

A. Yes, and then I went up the stairs to the first floor and went out and hung my clothes outside and I did that several times because I washed several blankets.

Q. Were you in your own apartment at any time during that afternoon?

A. Yes, between—I imagine 1 to probably 4.

Q. I don't know whether you understand my question or not with reference to your own apartment?

A. Yes.

[fol. 497] Q. Did you go in your own apartment?

A. Yes, about 1:30, I should judge.

Q. How long did you stay in your apartment?

A. Well, I imagine until about 4 o'clock, probably.

Q. Now, where were you when you saw Mrs. Blauvelt?

A. I was right in front of the door that leads to my apartment.

Q. So you were not in the back end of the apartment during that time?

A. No, but the door was open, it was wide open. We leave it to have a little fresh air to the hallway.

Mr. Roll: You may cross examine—oh, just one other question, I am sorry, counsel, if I may ask this question:

Q. With reference to the keys to the apartment house there other than the pass-key, do I understand you correctly that each tenant is furnished with a key to their apartment?

A. Yes, sir.

[fol. 498] Q. And that same key will open the front door?

A. The front and back door.

Q. The front and back door. Their key, so far as their respective keys are concerned, is only good to the individual apartment?

A. Yes, sir.

Q. Now, did Mrs. Blauvelt have a key?

A. Yes, sir.

Q. Have you ever located that key?

A. No, none of us have.

Mr. Roll: Cross examine.

Cross-examination.

By Mr. Safier:

Q. What date was it that you last saw Mrs. Blauvelt alive?

A. I think it was on Monday, the 24th.

Q. What month?

A. July.

Q. Will you tell me again what time of day it was?

A. Well, I could not say because I did not look at the clock, but it was in the afternoon between 2 and 3:30, somewhere along there; probably it was 3.

Q. Between 2 and 3:30?

A. I could not tell you the time exactly.

Q. Just where was it that you saw her?

A. In the lobby of the Pandora Apartments.

[fol. 499] Q. In the lobby?

A. Yes, and later on I saw her in front of the elevator just a few feet away talking to my mother.

Q. It was between 2 and 3:30 that you saw her in the lobby of the apartment?

A. Yes, I think it was nearer 3:30 because mother was putting away her laundry, a few linens in the closet, and the laundryman comes in the afternoon around 3 o'clock.

Q. Were you in the lobby at that time?

A. I was there at the time but I did not notice what time it was.

Q. Then it is not true, is it, that you were in your own apartment from 1:30 until 4 o'clock?

A. Well, my apartment is right off the lobby. I was around in there in the front part of the building during that time.

Q. It is not true that you remained in the inside of your apartment from 1:30 to 4 o'clock?

A. No, not there, but I was not in the back part of the house during that time.

Q. I see. Was Mrs. Blauvelt coming into the building or going out?

A. She was coming home, coming to the building; she had been downtown.

Q. What time of the morning was it that you were in the back part of the building?

[fol. 500] A. Well, I could not say. Between probably 10:30 and about 1:30 or 2 o'clock; I didn't notice the time.

Q. About 10:30 to 1?

A. Yes. I had a late lunch that afternoon because I was busy.

Q. 10:30 until about what time?

A. Probably 1 or 1:30.

Q. You did not at any time see this defendant about the building?

A. No, I did not.

Q. Let me ask you: All your tenants in that building are white people, aren't they?

A. Yes, sir.

Q. You didn't see a colored man around there that day, did you?

A. No, I did not.

Q. After you saw Mrs. Blauvelt in the lobby where did you go from there?

A. I don't remember.

Q. I beg pardon?

A. I don't remember. I must have stayed in the front part of the house, probably my apartment; I don't remember.

Q. Might you have gone back to the back of the house?

A. No, I don't think I did.

Q. Did you go back to the back part of the house at all any more that day?

A. I don't remember. I don't think I did, because I was [fol. 501] through with my work in the back part.

Q. You are not sure?

A. I don't remember going out.

Q. When was it you saw your mother talking to Mrs. Blauvelt by the elevator?

A. On Monday.

Q. What time?

A. Well, it must have been between 2 and 3; I don't know exactly the time, but it was between 2 and 3 or 3:30.

Q. Was it right after you spoke to Mrs. Blauvelt in the lobby?

A. Yes, and I was with her when she talked to my mother a few feet away.

Q. Your mother was doing something with the linens out in the hall?

A. Mother was taking care of that.

Q. What was it your mother was doing with the linens?

A. The laundry brings back the linens in the afternoon and there is a closet immediately across from the elevator, and she was counting them and putting them away.

Q. How long had your mother been out in the hall?

A. Oh, we were both out there most of the afternoon.

Q. Your mother was out in the hall most of the afternoon?

A. I mean the front part of the house.

Q. Now, you can see from the front part of the house down the hall to the back door, can you not?

[fol. 502] A. According to where you stand.

Q. Well, if you are standing by the elevator.

A. Yes, you can then.

Q. You could also hear the back door open?

A. No, the door was open and we could not hear a sound.

Q. It was standing wide open?

A. Yes, but there is a screen door.

Q. I see. There is a screen door?

A. There is a screen door and then the other door. The screen door was closed but not latched, that is just closed, and the other door was open.

Q. From the lobby, the front part of the building, you can hear the screen door close, can't you?

A. No, sir.

Q. Doesn't that screen door slam after somebody opens it?

A. No, it has one of these—I forget what you call them—door checks.

Q. If somebody comes in through that screen door and walks along—withdraw that. How far is it from that screen door to the foot of the back steps?

A. Just a few feet; probably 10 or 15 feet.

Q. 10 or 15 feet?

A. Maybe not that far.

Q. Is that a carpeted hall?

A. Yes, fully carpeted.

[fol. 503] Q. If you are standing by the elevator and somebody comes in that screen door and walks across to the steps, can you hear them?

A. No, sir.

Q. You can see back to the screen door from the elevator, can't you?

A. Well, the hall is rather dark. You could see a shadow but you could not tell who it is, if someone should come in. But we are not there all the time.

Q. Was the hall dark in the afternoon?

A. Yes, quite dark on the first floor.

Q. How far is it from the lobby to the screen door in the back?

A. I wouldn't know. Probably 125 feet, or more.

Q. What?

A. Maybe 125 feet.

Q. 125 feet?

A. It is almost the length of the building.

Q. Is the elevator in the middle——

A. The front part.

Q. —in the middle or in the front part?

A. In the front.

Q. Now, how long did you say your mother had been out there?

A. I beg your pardon?

Q. How long had your mother been there arranging the [fol. 504] linens?

A. It wouldn't take ten minutes. We spoke to Mrs. Blauvelt; maybe she was there 20 or 25 minutes.

Q. You and your mother were in and out of your—strike that. You and your mother live in the same apartment?

A. Yes, sir.

Q. When you were in your apartment that afternoon between 1:30 and 4 o'clock, had your mother been in there all the time?

A. Yes. We had our lunch and we talked, and I laid down about 20 minutes, I think it was, and I went out and spoke to Mr. Heck; I met him in the lobby.

Q. Your mother watches for everybody that comes in and out of the building, doesn't she?

Mr. Roll: I object to that as calling for a conclusion.

The Court: Objection sustained.

A. Well, she is very—

The Court: Objection sustained. You do not have to answer that.

By Mr. Safier:

Q. Was the time that your mother was arranging the linens by the elevator the only time during the afternoon she was out in the hall?

Mr. Roll: I object to that—

A. The only time I remember of her being out there.

Q. The only time you remember of her being in the hall. Was your mother out talking with Mr. Heck, too?

[fol. 505] A. I don't remember if she was or not; she may have been; I don't remember that. I know I talked to him.

Q. Were you on the fourth floor at any time that afternoon?

A. I don't—I must have been—I always go through the house between 9:30 and 10 o'clock.

Q. No, in the afternoon.

A. I don't remember that.

Q. You don't recall whether you were or not?

A. No. I don't think I did, unless probably later in the evening. I left a note for Mrs. May, but that was rather late in the evening.

Q. Did you see anything of a strange woman around the building at any time?

A. No, sir.

Q. Had you heard anything about a strange woman being seen around the building?

Mr. Roll: I object to that on the ground it would be hearsay.

The Court: Sustained.

By Mr. Safier:

Q. Did any of the tenants report or say anything about a strange woman being seen around the building?

Mr. Roll: I object to that on the ground it would be hearsay.

The Court: Sustained.
 [fol. 506] Mr. Safer: I think that is all.
 Mr. Roll: That is all. May this lady be excused?
 The Court: She may be excused.
 (Witness excused.)

MRS. ISABEL TURNER, called as a witness on behalf of the People, was duly sworn and testified as follows:

The Clerk: State your name, please.
 A. Mrs. Isabel Turner.

Direct examination.

By Mr. Roll:

Q. Mrs. Turner, where do you live, please?
 A. 2441 Crenshaw Boulevard.
 Q. Is there a Mr. Turner?
 A. Not here.
 Q. Directing your attention to your employment, where do you work?
 A. Manager of the library in Bullock's.
 Q. That is a lending library there in Bullock's?
 A. Yes.
 Q. How long have you been there at Bullock's?
 A. It will be three years in January.
 Q. Did you know a lady by the name of Stella Blauvelt?
 A. Yes.
 [fol. 507] Q. Was she one of your customers?
 A. She was one of my customers.
 Q. Directing your attention to the date of the 24th of July, 1944, did you see Mrs. Blauvelt on that day?
 A. Yes. I have an independent recollection of seeing her, and I also have the book that she took out on that day, with the date.
 Q. Do you have the book here with you?
 A. Yes.
 Q. You refer to a book known as "D-Day"?
 A. That is right.
 Q. About what time would you say you saw her?
 A. About 11:30.
 Q. About 11:30?
 A. Yes.

Q. Now, on the inside of this book there is a little compartment here and in the little compartment there is "Bullock's Book Club"—that is printed on there, and I notice down under the date of the 24th of July there is written, in ink, "Blauvelt"; is that correct?

A. That is correct.

Q. Is that your writing?

A. That is my helper's writing. We were both standing there. She gave her the book.

Q. You say in addition to this date you have an independent recollection of her being in there; is that [fol. 508] correct?

A. Yes, I remember seeing her.

Q. Now, how long would you say you had been waiting on her when she came in there?

A. You mean at that time, on that date?

Q. No, no. I mean previous to that time.

A. She had been a member ever since I had been in the library. She was a member of the library before I took over.

Q. Now, with reference to this date of the 24th, what, if anything, can you tell the court and the members of the jury as far as Mrs. Blauvelt is concerned, as to whether or not she was wearing any rings?

A. She was wearing more than one.

Q. With reference to the rings—when you say more than one, how would you describe the rings?

A. Well, there was one, I know, was a big stone; we noticed these rings very particularly, the three of us. There was—there was another one that I cannot describe.

Q. When you say a big stone—

A. Yes, a big carat diamond.

Q. That was the last time you saw her alive?

A. Yes.

Q. About what time of day do you fix that, again?

A. Around 11:30.

Q. In the morning?

[fol. 509] A. Yes.

Mr. Roll: You may cross examine.

Cross-examination.

By Mr. Safier :

Q. How many rings did you say Mrs. Blauvelt wore on that occasion?

A. Well, as I say, I haven't a recollection of more than two. Previous to that she always seemed to—we were always impressed with the idea of the number of rings on her hand. But I do remember seeing two on that day; I mean, I can recall that.

Q. When you say that you were impressed at times with the number of rings, do you mean to say on some occasions she was wearing more than two?

A. As I say, I don't want to swear to that now. But that is the idea that we have, that she always had rings on both hands.

Q. She had rings on both hands?

A. Yes. But, as I say, I couldn't swear to that on that day. That is the impression that we had; that is what we commented on at the time.

Q. Would you say whether she had rings on both hands on July 24th?

A. No.

Q. But you are certain she had those two rings on one hand?

[fol. 510] A. Yes.

Q. Referring to the two rings that you saw on the one hand, which hand was it?

A. Ring finger, left.

Q. Left hand?

A. Yes.

Q. You have indicated your left hand?

A. That is right.

Q. Were they both on the same finger?

A. Yes.

Q. Was one of them a wedding band?

A. No, I don't think so.

Q. You didn't see any wedding band?

A. No, I didn't see any wedding band. I have a recollection of a large carat and another ring, but not a wedding ring.

Q. How about a wrist watch?

A. That I couldn't say.

Q. You don't remember that?

A. No.

Q. It was about 11:30 that you saw her at the book department in Bullock's?

A. Yes, on the fourth floor.

Q. Was she alone?

A. Yes.

Q. Was she wearing a blue coat at the time?

[fol. 511] (Witness shakes head negatively.)

Q. You don't remember?

A. No.

Mr. Safier: That is all.

Redirect examination.

By Mr. Roll:

Q. The Bullock's that you are at is the one down at Seventh and Broadway?

A. Yes.

Mr. Roll: That is all. May the lady be excused?

The Court: She may be excused.

(Witness excused.)

Mr. Safier: Mrs. Massey is still in the courtroom. I neglected to ask her one or two questions, your Honor.

The Court: You may do so.

MRS. MARIE MASSEY, resumed the stand:

Cross-examination.

By Mr. Safier:

Q. Mrs. Massey, you knew Mrs. Blauvelt for how many years?

A. Almost three years.

Q. Almost there years?

A. Yes.

Q. Did she have any callers from time to time?

[fol. 512] A. Any what?

Q. Did she have any callers from time to time?

A. Very, very seldom.