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Sirhan trial transcript  
Late Feb 21, 1968 (3 days before Walfer testified) in Judge Walker's chamber 3967  
3967

Sirhan not present & not told of this fraudulent deal bet. *prosec.*  
to whether each picture that we prepare for the jury is

a fair and accurate representation of the original exemplars? *\* defense attorney*

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

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

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

MR. COOPER: You mean the surgeon took it from the  
body and this sort of thing? (how about chain of custody?)

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

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

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

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

4 MR. COOPER: Yes, your Honor please.

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

12 Do you agree to do that?

13 (Sirhan)  
THE DEFENDANT: Yes, I do.

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

15 MR. HOWARD: I will join.

16 THE COURT: Anything further, gentlemen?

17 (Chief Defense Counsel)  
MR. COOPER: There is one other thing, your Honor

18 please. I think possibly that we should agree in the  
19 record, and I request, and now since the case is now set  
20 for trial for the 7th of January, and as I have read in  
21 the newspaper there is a flu epidemic of an Oriental  
22 origin, I think for the sake of everyone, so that we will  
23 not have to ask for a continuance, that Mr. Sirhan should  
24 be given a flu shot and I think that the Court should  
25 consent and the defendant.

26 THE DEFENDANT: Yes, sir.

4

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

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

5 MR. COOPER: No question about it.

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

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

11 MR. COOPER: That will be stipulated to.

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

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

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

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

26 Make your objections out there in court and I

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

1 LOS ANGELES, CALIFORNIA

MONDAY, FEBRUARY 24, 1969

2 9:20 A.M.

3 - - -

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

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

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

10 THE COURT: There would be.

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

13 THE COURT: What is your next?

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

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

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

23 Did he say that?

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

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

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

6 You may proceed, gentlemen.

7 MR. FITTS: De Wayne Wolfer, please.

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

12 THE WITNESS: I do.

13 THE CLERK: Be seated, please.

14 State your name, please.

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

17  
18 DE WAYNE A. WOLFER,  
19 called as a witness by and on behalf of the People, having  
20 been first duly sworn, was examined and testified as follows:  
21

22 DIRECT EXAMINATION

23 BY MR. FITTS:

24 Q Your occupation, sir?

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

8-2

1 Laboratory, where I act as a criminalist -- the study of  
2 firearms -- and as a ballistics expert.

3 Q What is your rank and title?

4 A I am a police officer.

5 Q A sergeant?

6 A No, just a police officer.

7 Q Just a police officer.

8 If the Court please, if you will bear with me,  
9 I have a number of exhibits which I wish to mark for  
10 identification. Initially, I would say, before I proceed  
11 -- and there are a number of these -- they have been the  
12 subject of conversation with Mr. Cooper and there will be  
13 stipulations offered with respect to some of these.

14 MR. COOPER: That is correct, your Honor.

15 MR. FITTS: First of all, I have an envelope which  
16 contains an expended bullet; may that be marked People's 47  
17 for identification?

18 THE COURT: So marked.

19 MR. FITTS: May it be stipulated, Mr. Cooper, that  
20 this expended bullet was removed from the vicinity of the  
21 sixth cervical vertebra of Senator Robert F. Kennedy at  
22 the time of the autopsy which was performed upon him?

23 MR. COOPER: So stipulated. It may be received in  
24 evidence then.

25 What is that exhibit number again?

26 THE COURT: 47 is the number I have.

1 MR. COOPER: Thank you.

2 MR. FITTS: I have a large evidence envelope and,  
3 for the purpose of identification, it contains, in the  
4 upper left-hand corner the designation Item Numbers 25 and 27.  
5 It contains two vials containing bullet fragments.

6 May that be marked as People's next in order,  
7 as People's 48?

8 THE COURT: In evidence, Mr. Cooper?

9 MR. COOPER: I have no objection, your Honor.

10 THE COURT: In evidence.

11 MR. FITTS: And the next, Mr. Cooper, is a bullet  
12 fragment contained with the vials as part of Exhibit 48,  
13 which was removed from the head of Senator Robert F. Kennedy,  
14 both during the course of surgery performed upon him prior  
15 to his death and later upon the autopsy performed subsequent  
16 to his death.

17 MR. COOPER: So stipulated.  
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MR. FITTS: I have a photograph, your Honor, a colored photograph, depicting an enlargement of the bullet fragment that has been marked People's 49.

9 ID? 3

MR. COOPER: For identification.

5

MR. FITTS: In an envelope, which is for identification purposes, bearing the designation, the number in the upper left-hand corner, Item 57. It contains a vial containing two bullet fragments.

9

May that be marked People's 49?

10

MR. COOPER: 50 is the next one.

11

THE COURT: Is that in evidence?

12

MR. COOPER: Two bullet fragments, and where did that come from, Counsel?

14

MR. FITTS: May it be stipulated -- but, I am getting a little bit ahead. And this is from the alleged victim in Count III of the Indictment, Mr. Paul Schrade.

16

id. 17  
ev.

MR. COOPER: So stipulated.

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MR. FITTS: I have another envelope for identification purposes with the designation in the upper left-hand corner, Item 105.

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May this envelope and its contents be marked People's --

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MR. COOPER: What was that, 105?

24

THE COURT: He is getting to that next.

25

MR. COOPER: Pardon me.

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MR. FITTS: Exhibit 51.



2. 1 MR. COOPER: Tell me first and then maybe we  
2 can stipulate.

3 MR. FITTS: Item 51 contains one expended bullet,  
4 and may it be stipulated that the expended bullet contains --

5 THE COURT: Is that an expended bullet or shell?

6 MR. FITTS: Bullet.

7 THE COURT: Oh, all right.

8 MR. FITTS: That bullet is contained within an  
9 envelope which I have now given the designation 51, and  
10 it was removed from the body of Irwin Stroll, the victim  
11 alleged in Count III of the Indictment.

12 MR. COOPER: So stipulated, your Honor, and this is  
13 for the purposes of this case only. And may it be marked  
14 51 and I make that because of the civil suit.

15 MR. FITTS: We understand.

16 THE CLERK: In evidence?

ev. 17 MR. COOPER: In evidence in this case only.

18 MR. FITTS: I have another envelope bearing for  
19 identification purposes only the designation in the upper  
20 left-hand corner Item 113, 114 and 115. Item 113 would  
21 be all that would be material in this lawsuit, Mr. Cooper.  
22 It is an extended .22 caliber bullet.

23 May it be marked People's 52 for identifica-  
24 tion?

25 THE COURT: So marked.

26 MR. FITTS: For identification at this time.

11

1 THE COURT: For identification.

2 MR. COOPER: As long as he lets me know where it  
3 came from.

4 MR. FITTS: All right, and may it be stipulated,  
5 Mr. Cooper, that this is an expended bullet which is  
6 contained in this envelope, People's 52 and given a  
7 designation on the cover of the envelope as Item 113 and  
8 it is a bullet which was removed from the person of  
9 Ira Goldstein, the victim alleged in Count IV of the  
10 Indictment.

11 MR. COOPER: So stipulated, but shouldn't 114 and  
12 115 be removed if they are not material.

13 MR. FITTS: Item 114 has the notation "M.T." standing  
14 for medical treatment, and the other is 115, a receipt  
15 for property.

16 MR. COOPER: I would suggest, your Honor please,  
17 they be removed from the exhibit as being immaterial to  
18 the issues of this case.

19 MR. FITTS: I have no objection to that, however,  
20 for convenience, and in order to expedite what we are  
21 doing here, may they be removed at the time the witness  
22 examines the contents.

23 MR. COOPER: I don't care.

24 THE COURT: Let's put them in a smaller envelope  
25 within the bigger envelope : can't you do that?

26 MR. FITTS: Yes, your Honor. The only thing I am

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concerned about is the bullet.

THE COURT: I know, but the other should be put in an envelope but not received in evidence.

MR. FITTS: Fine, your Honor, but for the purpose of moving along this can be done at the time of the witness' testimony.

THE COURT: 52 is in evidence?

MR. COOPER: Yes, your Honor.

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1 MR. FITTS: And an additional envelope for  
2 identification purposes only, and in the upper left-hand  
3 corner a designation Item 45, consisting of two bullet  
4 fragments, and may it be stipulated that these bullet  
5 fragments were removed from the head of Elizabeth Evans,  
6 the victim alleged in Count V of the Indictment.

7 MR. COOPER: So stipulated, your Honor.

8 MR. FITTS: It would be People's 53 then in evidence,  
9 Mr. Cooper?

Bv. 10 MR. COOPER: Yes, so stipulated.

11 MR. FITTS: I have an envelope bearing for  
12 identification purposes only in the upper left-hand corner  
13 the designation number 56, Item 56, as one expended  
14 bullet.

15 May that be marked People's 54 for  
16 identification, Mr. Cooper?

17 In case you want to offer it in evidence,  
18 may it be stipulated that this is a bullet which was  
19 removed from the person of William Weisel, the victim  
20 alleged in Count VI of the Indictment.

21 MR. COOPER: So stipulated. It may be received in  
ev 22 evidence.

23 THE COURT: In evidence, People's 54.

24 MR. FITTS: Now, to get back to you, Officer Wolfer.

25 MR. COOPER: Are those the only ones you have? Are  
26 you finished?

14

6.

1 MR. FITTS: Yes.

2 Your Honor, I think this stipulation will  
3 save a couple days testimony.

4 THE COURT: Undoubtedly there is no question about  
5 that.

6 MR. FITTS: I would make it even more.

7 THE COURT: Well, it amounts to saving the testimony  
8 of a doctor passing it to a nurse who passes it to a  
9 police officer and all of the rest of them.

10 MR. COOPER: Yes.

11 MR. FITTS: About 20 witnesses.

12 Q BY MR. FITTS: Officer Wolfer, you have  
13 previously identified yourself as one versed in the science  
14 of ballistics, is that true, sir?

15 A That is correct.

16 Q What is that science?

17 A Ballistics is the science, a study of flight  
18 patterns of projectiles and we have internal ballistics  
19 and we have external, and that is from the time the  
20 bullet is fired or leaves the muzzle of the gun and flies  
21 through the air until it terminates.

22 Q What education and experience have you had  
23 or undergone to prepare yourself for this particular  
24 field?

25 A In this particular field, in the field of  
26 formal education I have my Bachelor's Degree from the

1 with the California State College at Long Beach.

2 I have given papers before professional groups,  
3 am a member of the American Academy of Forensic Science  
4 and a member of the California State Association of  
5 Criminalists.

6 That's essentially my background.

7 MR. COOPER: Mr. Fitts, do you think I should have  
8 an opportunity to take him on voir dire?

9 MR. FITTS: Would you like to, Mr. Cooper, or do  
10 want to reserve that for cross?

11 Q BY MR. FITTS: Officer, I have placed before  
12 you the exhibits which I have marked for identification,  
13 all but one of which has been received into evidence at  
14 this time. They are Exhibits 47 to 54, Exhibit 49 being  
15 marked for identification only, and being a picture  
16 enlargement of a bullet fragment.

17 With the exception of that picture, I now ask  
18 you to examine the contents of the envelopes which are  
19 before you in evidence, and when you have examined them  
20 all, would you tell me if you have seen them before?

21 MR. COOPER: I will stipulate he has seen them all  
22 before, if -- pardon me.

23 Maybe I shouldn't have done that.

24 MR. FITTS: I think the stipulation in this instance  
25 might save a little time. It might be tedious if he  
26 examines them all at this time.

1 I offer to stipulate at this time that  
2 Sergeant Wolfer has seen the bullets and bullet fragments  
3 contained in Exhibits 47 to 54 in evidence.  
4

5 Is that an acceptable stipulation to you, Mr.  
6 Cooper?

7 MR. COOPER: That's an acceptable stipulation.

8 MR. FITTS: I take it, sir, that those bullet  
9 fragments came to you in the due course of police  
10 procedure at the laboratory, is that correct, sir?

11 THE WITNESS: That's correct.  
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1 Q BY MR. FITTS: And they were delivered to  
2 you for some purpose, were they not?

3 A That's correct.

4 Q With reference now to the pictorial enlargement  
5 which is 49, and directing your attention --

6 MR. COOPER: That's 49 for identification?

7 MR. FITTS: Yes, that's for identification only.

8 Q -- and to the bullet fragments contained in  
9 People's Exhibit 48, marked immediately preceding it,  
10 which by stipulation contains bullet fragments removed  
11 from the head of Senator Kennedy, does that picture which  
12 you hold in your hand, People's 49, bear some relation  
13 to Exhibit 48, sir?

14 A Yes, it does.

15 Q What is that?

16 A This picture which has been marked for  
17 identification here is a fragment taken from People's  
18 Exhibit Number 48. It was taken and photographed at my  
19 direction and in my presence to show certain portions of  
20 the identifying features of the bullet.

21 MR. COOPER: Counsel, with the permission of the Court  
22 may I just ask some questions on voir dire with respect  
23 to that picture?

24 THE COURT: Yes.  
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VOIR DIRE EXAMINATION

BY MR. COOPER:

Q Officer, do you have a small photograph of that same picture?

A Yes, counsel, I probably do.

Q You don't have it with you?

A No. I could probably get it.

MR. COOPER: Could we approach the bench, if your Honor please?

THE COURT: Yes, certainly.

1 (The following proceedings were had at  
2 the bench, outside the hearing of the jury.)

3 MR. COOPER: If your Honor please, there is before  
4 your Honor this enlarged photograph of a bullet fragment  
5 and I am taking this up now because it will follow in  
6 logical sequence, and two photographs of the head of the  
7 deceased Senator Kennedy.

8 We intend to object to all three of these  
9 photographs; to wit, the enlargement of the bullet and  
10 the two photographs of Senator Kennedy, on the ground  
11 that they are highly inflammatory.

12 I have heretofore, just as I have stipulated  
13 to the foundation of these bullets, offered to stipulate  
14 that there is no question but that these bullets and  
15 bullet fragments came from the head of Senator Kennedy and  
16 from each of the victims.

17 I note with respect to these two photographs  
18 of the deceased Senator Kennedy they intend to show by that  
19 that on the ear there is powder tattooing, and we will  
20 stipulate that there was powder tattooing on the ear of  
21 Senator Kennedy; that the gun was held as close as the  
22 witness wants to testify that it was held.

23 I realize the prosecution has a right to prove  
24 its case; at the same time, number one, with respect to  
25 this bullet fragment, it looks like a bullet from an  
26 exceptionally large revolver --

1 MR. FITTS: May I interrupt you at that point? We  
2 have the bullet fragment. The bullet fragment can be shown  
3 to the jury and it will be explained that this is an  
4 enlarged magnification of it.

5 The purpose of having an enlarged magnification  
6 is to have the witness's testimony -- if I may briefly  
7 summarize what I expect -- your Honor will observe that  
8 in the color photograph there are what appear to be small  
9 gold areas. I expect that the witness will testify that  
10 this is indicative that this was Mini-Mag ammunition.  
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1 Further, there are visible to the trained eye,  
2 and particularly under microscopic examination, certain  
3 indications that that bullet fragment was fired from a  
4 gun bearing the same rifling specifications as the weapon,  
5 People's 6 in evidence, in this case. It is illustrative  
6 of his testimony.

7 MR. COOPER: He could testify to that orally, if  
8 your Honor please.

9 In view of the defense that has been announced  
10 as early as voir dire and the nature of the cross  
11 examination of these witnesses; from the nature of the  
12 examination of all of the witnesses; these photographs  
13 are highly inflammatory.

14 We will stipulate that these fragments did  
15 come from Senator Kennedy; we will further stipulate they  
16 came from the gun.

17 If they want to go through them, as they  
18 possibly have the right to do, and have this witness testify  
19 as an expert, I have no objection to his testifying as  
20 an expert; but I do object to this enlarged photograph,  
21 because he could testify to it without the photograph.

22 Secondly, with respect to the photographs  
23 of Senator Kennedy, they do nothing but inflame the jury.  
24 I don't think it is the kind of thing that should be in  
25 evidence, in any event, having in mind the Kennedy family.

26 It's highly prejudicial to the defendant's

1 rights.

2 MR. FITTS: With reference to the circumstances of  
3 the shooting, your Honor, your Honor has heard Karl  
4 Uecker and any number of witnesses who attempted to  
5 describe what happened; one witness has put the muzzle of  
6 the revolver some three or four feet from the Senator's  
7 head, others have had it at varying ranges. The only way  
8 we can clear up whatever ambiguity there may be there and  
9 to show the truth is by the testimony of this witness who,  
10 on the basis of the powder tattooing and the experiments  
11 that he performed with respect thereto, will testify  
12 that the muzzle range with respect to the Senator's head  
13 was about one inch.

14 Now, I think the prosecution is entitled to  
15 present that.

16 MR. COOPER: Your Honor, we have no objection to  
17 his testifying that he observed these powder burns and  
18 we have no objection to his testifying to whatever his  
19 opinion is, but I don't feel it's necessary to illustrate  
20 it. We don't quarrel that it was held within one inch.

21 THE COURT: Well, I think the prosecution has a  
22 right to present its case, whatever they think should be  
23 presented.

24 There are plenty of cases which hold that these  
25 types of photographs are not inflammatory. I have had  
26 dozens of them up before the Court that were a lot more

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1 inflammatory than these.

2 MR. COOPER: But in the circumstances of this case,  
3 if your Honor please, I feel that it would be highly  
4 prejudicial and highly inflammatory so far as the defendant  
5 is concerned; and it could be done without these.

6 THE COURT: I appreciate that is true, but I still  
7 think the prosecution has a right to present their case  
8 the way they think it should be presented.

9 Now, we are in a position of talking about two  
10 photographs which have no identification on them whatsoever,  
11 so there might be some question as to the ruling --

12 MR. COOPER: Well, when the time comes --

13 THE COURT: Just so you won't have to make these  
14 objections all over again when the time comes, is there  
15 any reason why these can't be marked 56 and 57, respectively  
16 for identification?

17 MR. FITTS: They could be at this time, your Honor.  
18 The only reason I haven't marked them now is that there  
19 are going to be three phases of this witness's testimony  
20 and I wanted to mark some of the exhibits with respect to  
21 one phase, and then go into the next phase.

22 THE COURT: Well, there are two photographs, one  
23 purporting to be of the Senator's head, partially shaven,  
24 with sutures showing, and red crayon marks on it; one  
25 purporting to be the Senator's head with sutures showing  
26 and somebody is holding his ear with rubber gloves.



1 I will overrule the objection at this time as  
2 to all three of them.

3 MR. COOPER: Without in any manner, shape or form,  
4 if your Honor please, relinquishing the objections  
5 heretofore made, since your Honor has made this ruling,  
6 what is the necessity for the two photographs when one  
7 will suffice?

8 MR. FITTS: Well, that isn't true. The testimony  
9 of the witness is going to indicate the reason for having the  
10 two photographs with reference to the expert opinion of  
11 the witness in placing the muzzle of the revolver. That  
12 is with reference to the powder tattooing.

13 THE COURT: It will be deemed then when these come  
14 in it won't be necessary for Mr. Cooper to reiterate his  
15 objections.

16 MR. COOPER: I'll just make the objection on the  
17 grounds heretofore made.

18 THE COURT: I want the record clear that you have  
19 objected to it.

20 MR. COOPER: If your Honor please, considering the  
21 Kennedy mystique and the respect in which he was held by all  
22 the people in this country, we still hold this is highly  
23 inflammatory.

24 THE COURT: Well, when I ask you if you have said  
25 everything you've got to say, let's stop there. I know,  
26 I realize what has happened, but I want to give you all the

1 time in the world to say what you want to say, and when I  
2 rule on it, I don't think something else should be put in  
3 the picture.

4 MR. COOPER: If your Honor please, my associate  
5 suggested that.

6 THE COURT: I heard it.  
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1 (The following proceedings were had in  
2 open court, within the presence and hearing of  
3 the jury.)

4 THE COURT: With respect to the photograph the  
5 witness is now about to testify to, the objection will be  
6 overruled.

7 Q BY MR. FITTS: As I recall, Officer Wolfer,  
8 I directed your attention to People's Exhibit 49 and  
9 correct me if I am wrong -- you have stated in substance  
10 that that was an enlarged color photograph of one of the  
11 little fragments contained in Exhibit 48, a fragment  
12 removed from the head of Senator Kennedy, is that true, sir?

13 A That's correct.

14 Q Needless to say, that is a photograph taken  
15 with a considerable amount of magnification, is that  
16 correct?

17 A That's correct.

18 MR. COOPER: 49 is now in evidence, your Honor?

19 THE COURT: Yes.  
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1 Q BY MR. FITTS: For the purpose of illustrating  
2 to the jury the degree of magnification, 49 seems to depict  
3 a rather large piece of shrapnel. Would you look at  
4 People's 48 and find an object which is the subject of the  
5 photograph being People's 49?

6 A No, for the Court records, I am now holding the  
7 two exhibits side by side.

8 Q Display them to the jury.

9 A Yes.

10 Q And you happen to know the degree of  
11 magnification?

12 A Offhand, no.

13 Q It appears to be several hundreds, though,  
14 doesn't it?

15 A Yes, it does.

16 Q All right, I think now for the purpose of  
17 your testimony you may return to Exhibit 49, to the file  
18 which contains the fragments that are in evidence and  
19 which is in this envelope which has been returned to the  
20 large envelope.

21 At some other time you testified that those  
22 exhibits before you you did see perhaps before you received  
23 a certain weapon?

24 A Yes, I did.

25 Q I direct your attention now to People's 6 in  
26 evidence, a .22 which I have here, an Iver Johnson revolver

1 Have you seen that before, sir?

2 A Yes, I have.

3 Q Were you requested at the time you had People's  
4 6 for identification in your presence, and the bullet  
5 fragments, People's 48 through 54, excluding of course  
6 Exhibit 49 as a photograph, were you instructed to perform  
7 certain ballistic experiments to determine, if possible,  
8 whether or not any of the projectiles contained in those  
9 exhibits had been fired by Number 6 in evidence?

10 A I was.

11 Q In reference to that task, what did you do, sir?

12 A I then took the gun to a water recovery tank,  
13 the gun that is marked People's Exhibit 6 now.

14 Q Yes.

15 A And fired People's Number 6 again into a  
16 water recovery tank at the Police Department, 150 North  
17 Los Angeles.

18 Q And a water recovery tank, what is a water  
19 recovery tank?

20 A That is a tank that is approximately ten feet  
21 in length. It is imbedded in the floor of the Police  
22 Building, and into which, we fire into an eighteen-inch  
23 column of water for the purpose of recovering the expended  
24 projectile from the weapon and the water slows it down  
25 without any great damage to it and that allows us to have  
26 a good bullet for comparison purposes.

\* Walfer did not have Rev 48 (Item 24+25 - but  
given phantom #26+27) in his possession on 6-6-68.

1 Q With reference to ammunition which you selected  
2 for making these test shots, had you been informed at this  
3 time as to the condition of the ammunition that would  
4 probably be used?

5 A I had.

6 Q And in that connection what did you do in  
7 choosing ammunition for these test shots?

8 A I took the batch number and, further, having  
9 information of where the ammunition was purchased from,  
10 went to the location and purchased an additional batch  
11 number of this ammunition for the purpose of these test  
12 firings.

13 Q Did you purchase the ammunition from the Lock,  
14 Stock 'N Barrel?

15 A That is correct, in San Gabriel..

16 Q Now referring to the batch number, when you  
17 are talking about batch numbers, is this powder batches?

18 A Yes and no. I would have to explain this.  
19 This may not be the same batch of powder. It is the same  
20 batch of lead. It is the same batch of priming compound,  
21 in other words, when they produce the ammunition at the  
22 factory, they may produce anywhere from five to seventy-five  
thousand rounds at one time. They then take and mark the  
flap of the box which is housing it with a number for  
ballistic purposes, as well as for later identification.  
This batch would then indicate that it was all manufactured  
at one manufacturing process.

1 Q And is it a fair statement to say that having  
2 the same batch number you could come as close as possible  
3 to the same ballistic characteristics?

4 A That is correct. If I might explain. When  
5 they have a batch they run ballistics on every tenth  
6 box and every periodic round so it does have a standard  
7 ballistic pattern.

8 MR. FITTS: If the Court please, I have an envelope  
9 which contains, and I can't read the writing and it is  
10 about time I got glasses, but I have not done it yet.

11 MR. COOPER: Do you want to borrow mine?

12 MR. FITTS: I would rather use the eyes of Mr.  
13 Wolfer.

14 I believe this contains some expended  
15 bullets, if the Court please, and may this be marked  
16 People's next in order which will be People's 55.

17 THE COURT: People's 55.

18 MR. COOPER: What is 54?

19 MR. FITTS: 54 is an expended bullet from --

20 THE COURT: A photograph.

21 MR. FITTS: No, from Mr. William Weisel, the same  
22 Count of the Indictment.

23 THE COURT: An expended bullet from Mr. William  
24 Weisel?

25 MR. COOPER: I see, I have 53 two times. Thank  
26 you.

*(the Jake Williams gun)  
ID # H18602*  
*The alleged Sirhan gun ID  
was H53725  
but no ID #  
was recorded  
in LACGI  
transcript  
when they  
received that  
gun into  
evidence.  
Unbelievable*  
*LACGI records the gun as LACGI #7 - that is all -  
no gun ID number given!*



1 This spent bullet, now 55, have you told  
2 us where that is alleged to have come from?

3 MR. FITTS: I can tell you what I think I know.

4 MR. COOPER: These are exemplars?

5 MR. FITTS: These are test shots, yes.

6 MR. COOPER: Thank you.

7 Q BY MR. FITTS: I direct your attention to  
8 this envelope which is People's 55, and it bears certain  
9 writing perhaps from your hand, does it not?

10 A It does.

11 Q What does it contain?

12 A It contains three of the test shots that I  
13 took from People's No. 6, the weapon, and this was  
14 from the water recovery tank, and that would be three  
15 test shots I used for comparison purposes. (H/8602 fired for  
16 test bullets m6-6-68)

17 MR. COOPER: 55 may be received in evidence if you  
18 desire,

19 THE COURT: People's 55 in evidence.

20 Q BY MR. FITTS: Having obtained the test  
21 shots, People's 55, and bearing mind your task of  
22 attempting to identify the source of the lead that you have  
23 in those other exhibits, what did you then do?

24 A I then took my test shot through a comparison  
25 microscope, and a comparison microscope is simply two  
26 microscopes that we use for comparing and they are  
attached by a common bridge. By looking through the

see  
envelope  
Peo. 55

1 eyepiece I am able to see through those two microscopes.  
 2 I placed my evidence test shot here, the one I took from  
 3 People's No. 6, and marked 55 on one stage of one of the  
 4 microscopes. I then went through and placed each one of  
 5 the corresponding exhibits, Numbers from 47, 48, 50, 51,  
 6 52, 53, and 54, onto the opposite side of the microscope,  
 7 one at a time, during which time I observed the striations  
 8 or the scratches on the bullet which they make when they  
 9 explode, and this is the portion I have of the two bullets  
 10 which were under the microscope.

11 I looked at them separately, and as these  
 12 bullets traverse the barrel of the gun, or travel through  
 13 this barrel, and for court purposes the gun is unloaded  
 14 as I checked it.

15 Q BY MR. FITTS: You are now referring to  
 16 People's 6 in evidence?

17 A Yes. I hold here People's No. 6, and this is  
 18 the bullet which was expelled from the muzzle of the gun  
 19 and, prior to that, it goes along the barrel of the gun.  
 20 It becomes scratched by the imperfections of the barrel  
 21 and then it also picks up the lands and grooves  
 22 specifications of that barrel; in other words, the barrel  
 23 as it fires this elongated projectile, and I have looked  
 24 at the fatal bullet, and in my opinion this bullet has  
 25 certain lands and grooves markings from the barrel and when  
 26 it was projected down in the valley, which projected

33

Rec 48 (Item # 4 + 25) <sup>renumbered 26 + 27</sup> was turned over to FBI agent Rhead  
 Richards Jr. # 4560 on 6-5-68 @ 3 PM. But Waller fired  
 Rec 55 test bullets (from gun H 18602) on 6-6-68. So Waller  
 didn't have Rec 48 on 6-6-68 for comparison purposes.  
 see Rec 55 envelope date 6-6-68 & see LAPD Prop. Reports

1 upward, they grab in the muzzle and twist it so when  
2 they leave the barrel it spins and that stability at the  
3 nose is kept forward.

4 Now, these riflings are important from the  
5 standpoint that different manufacturers have different  
6 rifling specifications and they spin right and left and  
7 they go anywhere from four, five, six, up to twenty-two  
8 lands and grooves, and they have a gyroscopic value and  
9 these are important also for identification purposes.

10 But, even more important are the imperfections  
11 that creep in and that bullet produces a series of  
12 thousands of scratch marks on this bullet.

13 to 1.

34

4859  
1 Looking at the scratches under the comparison  
2 microscope and the lands and grooves of this test bullet  
3 being in evidence, if I can have them, the scratches and  
4 the lands, the majority of the lands, I can say that  
5 they were fired from this gun and no other gun, and that  
6 what is what I attempted to do with each of the exhibits.

7 Q Would it be an underlying premise then, as  
8 you have described this, that no two barrels are going  
9 to impart the same impressions or striations on the  
10 projectiles which pass through them as they are expelled  
11 by them?

12 A That is correct.

13 Q In other words, it is somewhat analogous to  
14 fingerprints. No individual or two individuals have  
15 identical fingerprints, no two guns leave the same  
16 striations on the projectiles that are being expelled by  
17 them?

18 A That is correct.

19 Q Now with reference to the exhibits that you  
20 have before you, some of them are mere fragments are they  
21 not?

22 A That is correct.

23 Q And some of the bullets, if they are bullets  
24 indeed, they are very badly distorted, is that correct?

25 A That is also correct, yes.

26 Q And that, of course, can happen when a bullet

1 meets the object, it may either disintegrate or become  
2 distorted or it may retain its individual characteristics  
3 as it leaves the gun, is that right?

4 A Yes, that is correct.

5 Q With reference now, first of all, to that  
6 exhibit that you have before you, were some of the bullets,  
7 they were sufficiently impaired so you could not make  
8 a comparison under a comparison microscope?

9 A They were.

10 Q Will you select those bullets, please?

11 A Yes. I can say that this bullet, Exhibit No.  
12 47, the bullet taken from Senator Kennedy's Sixth Cervical  
13 Vertebra, and then this bullet taken from Mr. Golstein,  
14 the bullet being Exhibit No. 52, and the bullet taken  
15 from Mr. Weisel, People's Exhibit No. 56, were fired from  
16 the same weapon.

17 MR. COOPER: Pardon me, 54, Item 56?

18 THE COURT: You are correct, Counsel. I am sorry.  
19 That is right. It is actually People's Exhibit No. 54,  
20 were fired from this gun and no other gun.

21 Q BY MR. FITTS: That is on the comparison of  
22 the striations and mounting them up as you have indicated,  
23 gyroscopically, by moving your finger as you have  
24 illustrated to the jury, is that correct?

25 A That is correct.

26 Q Now, with reference to other exhibits there

3. 1 before you, which are distorted or fragments, were you  
2 able to come to some conclusion with respect to these  
3 based upon your examination?

4 A Yes.

5 Q First of all I will direct your attention to  
6 the bullet fragments People's 48 and People's 49, as  
7 being an enlargement, as the most significant of those  
8 fragments?

9 A That is correct.

10 In the case of People's Exhibit 48, this was  
11 a bullet taken from Senator Kennedy and the bullet was  
12 extremely or badly damaged which is well depicted here in  
13 People's No. 49. This was damaged to the point, and I  
14 say that these were Mini-Mag ammunition, which is the  
15 same ammunition as previously used in my test, they were  
16 Mini-Mag ammunition that was fired from the gun of the  
17 same ballistic rifling specification as that of People's  
18 No. 6 but, because of the damage, I cannot say positively  
19 that it was fired from that gun.

20 In the case of --  
21  
22  
23  
24  
25  
26

MR. FITTS: Just a moment, sir. With reference to People's 48, that exhibit consists of fragments, does it not, sir?

A Yes, it does.

Q By your testimony you were using fragment bullets?

A Fragments of People's No. 48.

Q We are talking about fragments of one bullet, are we not?

A Yes, we are.

Q All right.

MR. COOPER: Pardon me, so I understand. Items 26 and 27 are fragments of one bullet, is that right?

MR. FITTS: I think we better use the numbers I have given them in evidence.

MR. COOPER: From People's 48.

THE WITNESS: May I answer that People's 48, they are two fragments of one bullet.

MR. COOPER: Thank you.

Q BY MR. FITTS: In reference to your testimony with respect to People's 49, I believe you were able to say, and I was being interrupted slightly --

MR. COOPER: I apologize.

MR. FITTS: It was not your fault, Mr. Cooper. We were able to determine that that was Mini-Mag ammunition, is that right?

*\* Item #26 & #27 are phantom substitution numbers of the fatal bullet & fragments. The correct numbers is Item #24 & Item #25 - see evid. for & trial. & evid. since envelope showing crossed out numbers. see photo of actual envelope -*

*\* really Demo #24 & #25*

*38*



5. 1 A That is correct.

2 Q How were you able to do that from an  
3 examination of that particular fragment?

4 A People's Exhibit 49, I have had it enlarged,  
5 an extreme enlargement, to illustrate the fact that if  
6 you look at it, and I will now point it out for the  
7 Court and the jury, and, Mr. Cooper, you can see the  
8 area I am pointing to and, in this area I am pointing  
9 to, there is a gold plaid material that is a coating  
10 on the bullet.

11 In addition to this their are rifling  
12 specifications around the base of the particular bullet.

13 Q Before you get to that, what is the signi-  
14 ficance of this gold coating on the bullet, sir?

15 A The gold coating on the bullet is a plating  
16 process that is placed upon the lead to inhibit leading  
17 of the barrel, in other words, if you have a very plain  
18 lead bullet bearing against the barrel surface, the  
19 imperfections will grab the lead and hold it. This then  
20 actually causes tearing of the bullet, that procedure,  
21 or even tearing of the bullets that follow after that and,  
22 ballistically, it produces, gives less instability, but  
23 if this copper is applied, ballistically applied, and  
24 then when this is put in the barrel it holdsit and it  
25 keeps most of the bulletsfrom being stable in flight.

26 Q And so this in character is a Mini-Mag

4164  
4151

1 ammunition?

2 A Yes, it is. But, in addition to this,  
3 this which is in People's 49 also has rings that go around  
4 the bullet in which we have nearly, this has all been  
5 studied to indicate the brand of ammunition by the color  
6 applied and the nature of the alloy, the copper applied,  
7 and so they can say this is Mini-Mag ammunition.

8 Q Now, in addition to this I believe you  
9 referred in your testimony to certain rifling specifications  
10 which are discernible by microscopic examination of the  
11 fragments which are designated in People's 49, is that  
12 correct?

13 A That is correct.

14 Q What do you mean by that?

15 A In the barrel of People's No. 6 and in the  
16 rifling specifications there are certain series of land  
17 and groove marks.

18 These lands project down and the grooves  
19 naturally project upward. These are to grab the bullet  
20 and spin it in flight to produce gyrostration of the bullet.

21 Q And so you have told us.

22 Now is it true, if I may ask you this leading  
23 question, with respect to certain manufacturers of  
24 firearms the particular specifications, that is to say  
25 they distinguish between a land, the spacing and the  
size of them, as to the designation of a certain weapon?

40

7. 1

A That is correct.

2

Q But when I say there is a certain marking specification as People's 6, that means that would be fired by a gun that had that sort of distribution and measurement of lands and grooves and whatever else is indeed the barrel of the gun, is that right, sir?

3

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7

A That is basically correct.

8

9

Q All right, I am just trying to simplify it for my own sake.

10

11

12

13

Now, with reference to other exhibits before you, these would include the bullet fragments from Elizabeth Evans, from Mr. Stroll, and from Mr. Schrade. They were pretty badly distorted, were they not?

14

15

16

17

18

A They were. With the exception of the better of those which you mentioned, which was that of Mr. Stroll's bullet, which I believe, and when I say Mini-Mag ammunition, it has the same basic rifling specifications, it is a little better than the other bullets.

19

20

21

22

Q That leave Elizabeth Evans, another individual.

What conclusion did you come to about those fragments?

23

24

A They were all Mini-Mag ammunition and, in some cases, you could get some basic rifling specifications, but they are very weak. They are too badly damaged.

MR. FITTS: Now, with the Court's permission, I have

1 two photographs.

2 MR. COOPER: We have seen them.

3 MR. FITTS: Yes.

4 Which purport to depict the right-hand  
5 profile of an individual showing the full head and an ear.  
6 In one of the photographs there is a man with rubber  
7 gloves and it has the ear forward.

8 THE COURT: That would be 56?

9 MR. FITTS: Yes. I just wanted to describe them.  
10 And the first one without the rubber gloves, may that be  
11 People's 56?

12 MR. COOPER: Are these being offered now?

13 MR. FITTS: They are being marked for identification  
14 at this time.

15 MR. COOPER: All right.  
16  
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1 MR. FITTS: May the photograph of what purports  
2 to be the same individual but with the fingers of the  
3 rubber gloves twisting the ear be marked People's 57?

4 THE COURT: It may be so marked for identification  
5 only, at this time.

6 MR. FITTS: I direct your attention to these two  
7 photographs. Did you obtain those photographs from the  
8 office of the County Coroner in connection with some  
9 further experiments that you performed in this case?

10 THE WITNESS: Yes and no. I obtained from the County  
11 Coroner's Office the transparencies from which I had these  
12 shots made, myself. In other words, I received the  
13 transparencies and then I ordered that these photographs  
14 be made from the transparencies for my purposes.

15 Q BY MR. FITTS: Those transparencies, were they  
16 from the official records of the autopsy performed on  
17 Robert F. Kennedy?

18 A They were.

19 MR. FITTS: Counsel, will you stipulate to that?

20 MR. COOPER: I will stipulate to that fact, yes.

21 THE COURT: That is, that these are photographs made  
22 from the transparencies secured from the Coroner's Office?

23 MR. COOPER: And that they are photographs of the  
24 deceased Senator Kennedy's head, yes, that part I will  
25 stipulate to.

(Messrs. Fitts and Cooper confer.)



**PROPERTY REPORT**

RESIDENCE ADDRESS: **TRANSIENT**

1. **DOE, JOHN (NMI)**

2. **KENNEDY, ROBERT F.**

3. **120ACH 10768**

DATE & TIME PROPERTY TAKEN INTO POLICE CUSTODY - LOCATION - CITY OR REPORTING DIST. **6-5-68 3:30A 1212 W. SHATT**

TYPE OF PREMISES **HOSPITAL**

TYPE OF PROPERTY **CLOTHING BLOOD SAMPLE METRO**

DIV. OR CITY & DATE CRIME OCCURRED **RAMP - 6-4-68**

LIST ANY CONNECTING REPORTS BY TYPE & DR. **CRIME 12602-0008 521466**

PROBABLE CRIME **217 P.C.**

IS THIS STOLEN PROPERTY? ☐ YES ☒ NO ☐ UNKNOWN

(1) IF STOLEN IN CITY OF LOS ANGELES EACH CASE MUST BE COVERED BY CRIME AND FOLLOW-UP REPORTS. (2) DESCRIBE CIRCUMSTANCES RESULTING IN BOOKING OF THIS PROP.

THE BELOW LISTED PROPERTY WAS RECEIVED BY  
 OFC ROACH J.A. #10768 (METRO DIV) AT THE GOOD  
 SAMARITAN HOSP (1212 W. SHATT) TRANSPORTED  
 TO RAMPART DIV. DETS. AND BOOKED EVIDENCE.

C/CRIME RPT. (217 P.C.) - DR # 68 521466  
 (ITEMS #13-18 BELONG TO VICT #20/23 USED BY VICT)

- PROPERTY**
- 1 SUIT (MANS) "GEORGE TOWN UNIV. SHOP" BIK. CLOTH (CUT/BLOOD STAINED)
  - 14 1 SHORTS (MANS) "EMBASSY" WHT. CLOTH. SIZE #34 (BLOOD STAINED)
  - 15 1 SHIRT (MANS) "K WRAGGE" MANUF. (INT. REF. CLOTH) WHT. CLOTH (CUT/BLOOD STAINED)
  - 16 1 BELT (MANS) #32 "CUSTOM LTHR" BIK/BEN. REMEDIBLE LTHR
  - 17 1 TIE (MANS) "EIVETZ" BLUE W/SILVER STRIPES
  - 18 1 SOCKS (PB) (MANS) BLUE CLOTH
  - 19 1 PLASTIC BAG (CONTAINED ITEMS 20/21/22) (SERUM BOTTLE/HOSE & NEEDLE)
  - 20 1 BOTTLE (EMPTY) "AMERICAN RED CROSS" 10CC SERUM ALBUMIN W/36" HOSE (ATTACHED)
  - 21 1 NEEDLE (ENTRAVENOUS) CONTAINED IN PLASTIC HOLDER W/WHIT TAPE
  - 22 2 SHEETS (BEN) WHT. W/BLUE STRIPE (LA. REC. HOSP) BLOOD STAINED
  - 23 1 VIAL (GLASS) W/ CORIC (CONTAINING BLOOD SAMPLE OF VICT (KENNEDY))
  - 26 1 VIAL (GLASS) W/ BIK TOP CONTAINING SPONGE & BULLET FRAGMENTS
  - 27 1 VIAL, GLASS W/ STOPPER CONTAINING 1 BULLET FRAGMENT

**CONTINUATION**

REPORTING OFFICER(S) - SER. NO. - DIV. - DET. **J. A. ROACH 10768/METRO**

INDEXED ☒ CHECKED ☒

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ITEM NO.	QUANT.	PAGE NO.	TYPE OF REPORT	BOOKING NO.	OR NO.
		2	EVID	495137	68-521466

32.1 STRIP PHOTO — 3 PHOTOS OF SIRHAN SIRHAN  
REMOVED FROM BEDROOM WALL BY  
SGT BRANDT #1004 & IDENTIFIED  
BY ADEL SIRHAN

33.12 SHEETS OF PAPER — FOUND IN GARAGE BY  
SGT E. WILLIS #2436 BAD

34.1 BUSINESS CARD — LA TIMES — FOUND IN  
GARAGE BY SGT E. WILLIS #2436 BAD

35.2 CHRISTIAN SCIENCE MONITOR NEWSPAPERS  
FOUND IN GARAGE BY SGT E. WILLIS #2436

36.1 TORN CARDBOARD — W/ HANDWRITTEN  
DIRECTIONS FOUND UNDER CHAIR CUSHIONS  
IN BEDROOM BY SGT BRANDT #1004

37.1 STATE OF CALIF. CADET CORPS DISCHARGE  
SIRHAN B. SIRHAN

ITEMS #26 — 34 INCLUDING WERE  
FORWARDED TO FBI SPECIAL AGENT  
E. RHEAD RICHARDS JR. CREDENTIAL #4560  
ON 6-5-68 3PM BY SGT W.E. BRANDT #1004

38.1 CARTRIDGE — 22 CAL BRASS CASE — COPPER PLATED  
BULLET  $\diamond \diamond \diamond$  ON BASE — FOUND IN BEDROOM TABLE DRAWER  
BY SGT BRANDT #1004

39.1 BULLET — 22 CAL — DAMAGED — COPPER PLATED — FOUND ON  
GARAGE WORK BENCH BY SGT E. WILLIS #2436

40.2 BULLET FRAGMENTS — FOUND ON GARAGE  
WORK BENCH BY SGT E. WILLIS #2436

41.2 CARTRIDGE CASES — 22 CAL —  $\diamond \diamond \diamond$  ON BASE  
FOUND ON GARAGE WORK BENCH BY  
SGT E. WILLIS #2436