

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

RALPH LEROY MENZIES, Petitioner,

vs.

ROBERT POWELL, Warden, Utah State Correctional Facility, Respondent.

****CAPITAL CASE****

**APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT**

VOLUME 6 OF 6

JON M. SANDS
FEDERAL PUBLIC DEFENDER
District of Arizona

LINDSEY LAYER
Counsel of Record
ERIC ZUCKERMAN
ASSISTANT FEDERAL PUBLIC DEFENDERS
850 West Adams Street, Suite 201
Phoenix, Arizona 85007
(602) 382-2816 (voice)
(602) 889-3960 (facsimile)
Lindsey_Layer@fd.org
Eric_Zuckerman@fd.org

Counsel for Petitioner Ralph Menzies

Appendix Index

Volume I

Appendix A: Opinion, <i>Menzies v. Powell</i> , No. 19-4042 (10th Cir. Nov. 7, 2022)	1a
Appendix B: Order Denying Petition for Rehearing and /or Rehearing En Bank, <i>Menzies v. Powell</i> , No. 194042 (10th Cir. Jan. 3, 2023)	58a
Appendix C: Mandate, <i>Menzies v. Powell</i> , No. 19-4042 (10th Cir. Jan. 11, 2023)	61a

Volume II

Appendix D: Opinion, <i>State v. Menzies</i> , No. 880101 (Utah, March 11, 1992)	62a
Appendix E: Opinion, <i>State v. Menzies</i> , No. 880161 (Utah, March 29, 1994)	90a
Appendix F: Opinion, <i>Menzies v. State</i> , No. 94-647I (U.S., Jan. 17, 1995)	108a
Appendix G: Opinion, <i>Menzies v. Galetka</i> , No. 20040289 (Utah, Dec. 15, 2006)	110a
Appendix H: Opinion, <i>Menzies v. State</i> , No. 20120290 (Utah, Sept. 23, 2014) ...	151a
Appendix I: Opinion, <i>Menzies v. Crowther</i> , No. 03-CV-0902-CVE-FHM (D. Utah, Jan. 11, 2019)	209a
Appendix J: Opinion and Order Denying Motion to Alter Judgment, <i>Menzies v. Benzon</i> , No. 03-CV-0902-CVE-FHM (D. Utah, Feb. 19, 2019)	285a

Volume III

Appendix K: Second Amended Petition for Writ of Habeas Corpus, <i>Menzies v. Crowther</i> , No. 2:03-CV-0902-CVE-FHM (D. Utah, Aug. 31, 2015)	291a
---	------

Volume IV

Appendix K Continued: Second Amended Petition for Writ of Habeas Corpus, <i>Menzies v. Crowther</i> , No. 2:03-CV-0902-CVE-FHM (D. Utah, Aug. 31, 2015)	569a
Appendix L: Reply to Response to Second Amended Petition for Writ of Habeas Corpus, <i>Menzies v. Crowther</i> , No. 2:03-CV-0902-CVE-FHM (D. Utah, Dec. 12, 2016)	612a

Volume V

Appendix M: Motion Hearing Transcript, *State v. Menzies*, No. CR 86887
(3d Judicial Dist. Salt Lake Cnty. Utah, Dec. 3–5, 1990) 750a

Appendix N: Excerpts of Reporter’s Transcripts of Proceedings, *State v. Menzies*,
No. CR86887 (3d Judicial Dist. Salt Lake Cnty. Utah, Feb. 1 and 10, 1988) 1040a

Volume VI

Appendix O: Excerpts of Reporter’s Transcripts of Proceedings, *State v. Menzies*,
No. CR86887 (3d Judicial Dist. Salt Lake Cnty. Utah, Feb. 23 and 24, 1988) .. 1045a

Appendix P: Excerpts of Reporter’s Transcripts of Proceedings, *State v. Menzies*,
No. CR86887 (3d Judicial Dist. Salt Lake Cnty. Utah, Feb. 25 and 26, 1988) .. 1056a

Appendix Q: Excerpts of Tr. of Proceedings, *State v. Menzies*, No. CR86887
(3d Judicial Dist. Salt Lake Cnty. Utah, March 7, 8 and 9, 1988) 1064a

Appendix R: Version 1 of Excerpts of Tr. of Proceedings, *State v. Menzies*, No.
CR86887 (3d Judicial Dist. Salt Lake Cnty. Utah, March 3 and 4, 1988) 1070a

Appendix S: Version 2 of Excerpts of Tr. of Proceedings, *State v. Menzies*, No.
CR86887 (3d Judicial Dist. Salt Lake Cnty. Utah, March 3 and 4, 1988) 1076a

Appendix T: Version 3 of Excerpts of Tr. of Proceedings, *State v. Menzies*, No.
CR86887 (3d Judicial Dist. Salt Lake Cnty. Utah, March 3 and 4, 1988) 1082a

Appendix O

Appendix O

CR 86-887

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY
STATE OF UTAH

BEFORE THE HONORABLE RAYMOND S. UNO

FILMED

-----ooOoo-----

STATE OF UTAH, :
PLAINTIFF, : CIVIL NO. CR86-887
-VS- :
RALPH LEROY MENZIES, :
DEFENDANT. :

-----ooOoo-----

REPORTER'S TRANSCRIPT OF PROCEEDINGS HAD
FEBRUARY 23 & 24, 1988

-----ooOoo-----

A P P E A R A N C E S

FOR THE PLAINTIFF: ERNIE JONES
SALT LAKE COUNTY ATTORNEY
231 EAST 400 SOUTH
SALT LAKE CITY, UT 84111
FOR THE DEFENDANT: BROOKE C. WELLS
SALT LAKE LEGAL DEFENDER ASSOC.
333 SOUTH 200 EAST
SALT LAKE CITY, UT 84111

ADDENDUM 84

REPORTED BY:
FILED IN CLERK'S OFFICE
Salt Lake County Utah

TAUNI D. LEE, CSR, RPR.
#6770

FILED

SEP 6 1988

SEP 13 1988

001156

H. Dixon Hurdley, Clerk 3rd Dist. Court
By *[Signature]* Deputy Clerk 1046a

880/61

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>STATE'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
LARRABEE, TIM					
BY MR. JONES			1280		
BY MS. WELLS		1249		1291	
BRECKENHAUER, JAMES H.					
BY MR. JONES	1304		1312		
BY MS. WELLS		1307			
THOMPSON, JERRY					
BY MR. JONES	1314, 1387		1378		
BY MS. WELLS		1340, 1389			
DENTER, GARY TROY					
BY MR. JONES	1394, 1422		1463		
BY MS. WELLS		1425		1472	
FRANKS, JANET					
BY MR. MAC DOUGALL	1477		1517		
BY MS. WELLS		1484, 1513			
DUFFY, RODNEY MICHAEL					
BY MR. MAC DOUGALL	1498				
BY MS. WELLS		1507			1499
IOVINO, JOSEPH					
BY MR. JONES	1518		1544		
BY MS. PALACIOS		1527		1545	
					1239

PE - WEST - NO. C - 25

1 MS. PALACIOS: I AM SORRY. I THOUGHT HE ~~HE~~ *come*
2 WOULD HAVE A COPY, AND THAT'S THE ONLY ONE I HAVE. *was*
3 THE WITNESS: OKAY. *(N/A)*

4 Q. BY MS. PALACIOS: OKAY. AND IN THIS SECOND
5 REPORT, THAT IS DATED MARCH 1ST, IS THAT CORRECT, THAT IS
6 THE SECOND ONE?

7 A. YES.

8 Q. OKAY. AND IN THAT REPORT, IN THERE YOU
9 INDICATE THAT YOU DID NOT -- YOU DID NOT SAY ANYTHING IN
10 THERE THAT YOU WOULD TRY TO COME BACK AND LEGALLY ENTER?

11 A. NO.

12 Q. AND, IN FACT, IN THIS REPORT, WHAT YOU SAID
13 IS THAT YOU WOULD KICK THE DOOR IN, AND YOU WOULD TRICK
14 HER INTO ENTERING; IS THAT CORRECT?

15 A. IT WAS A RUSE TYPE THING, YES. *(H)*

16 Q. YOU GAVE A TIME OF COMING OF THE ARREST, I
17 BELIEVE, AS ABOUT 20 TO 7:00; IS THAT CORRECT?

18 A. NO. THE TIME OF ARRIVAL IN THE JAIL WAS
19 APPROXIMATELY --

20 Q. I AM SORRY. THAT IS WHAT I MEANT.

21 A. SOMEWHERE AROUND THERE.

22 Q. DO YOU HAVE ANY RECORD AT THAT TIME THAT
23 YOU RECORDED THAT EXACT TIME?

24 A. I TRIED TO GET THAT. I WAS UNABLE TO DO
25 SO.

1 Q. SO, IN FACT, YOU TRIED TO FIND SOMETHING IN
2 YOUR RECORD THAT TOLD YOU THE TIME?

3 A. I FOUND MY LINE SHEET.

4 Q. BUT YOU DON'T HAVE ANY EXACT TIME OF WHEN
5 YOU ENTERED INTO THE BOOKING AREA; IS THAT CORRECT?

6 A. I DON'T KNOW.

7 Q. YOU DON'T KNOW IF YOU HAVE ANYTHING, OR YOU
8 DON'T HAVE ANYTHING?

9 A. I DON'T. DISPATCH WOULD, THOUGH.

10 Q. AND SO YOU DON'T KNOW THE EXACT TIME THAT
11 YOU BROUGHT MR. MENZIES IN; IS THAT CORRECT?

12 A. NOT AN EXACT TIME, NO.

13 Q. AND THERE IS NOTHING IN THE REPORTS
14 REGARDING AN EXACT TIME; IS THAT CORRECT?

15 A. IF I COULD LOOK AT IT, AGAIN.

16 Q. DID YOU REVIEW YOUR REPORTS BEFORE YOU CAME
17 TO TESTIFY TODAY?

18 A. YES, I DID.

19 Q. AND WERE YOU ABLE TO FIND ANYTHING IN THERE
20 WITH RESPECT TO THE TIME?

21 A. I CAN'T RECALL. I DIDN'T TRY TO LOCATE
22 THAT.

23 Q. JUST A MINUTE. I WILL GIVE YOU THAT TO
24 REVIEW, AGAIN. I AM GOING TO SHOW YOU, THEN, BOTH
25 REPORTS.

1 A. I DO HAVE SOME TIMES HERE.

2 Q. DO YOU HAVE THE TIME AS TO ENTRY AND TO THE
3 BOOKING AREA, THE EXACT TIME?

4 A. NOT SURE HOW THEY -- WHERE THEY PUT THE
5 TIMES ON THIS. THERE IS A TIME OF 6:48.

6 Q. BUT I AM ASKING YOU IF YOU HAVE ANY REPORT
7 THAT TELLS YOU EXACTLY WHAT TIME YOU ENTERED THE BOOKING
8 AREA.

9 A. THERE WOULD BE A RECORD OF WHAT TIME I
10 CALLED OUT AT THE JAIL.

11 Q. I AM JUST ASKING YOU IS THERE ANY RECORD OF
12 THE EXACT TIME THAT YOU GOT TO THAT BOOKING AREA?

13 A. WITH ME, NO.

14 Q. NOW, OFFICER IOVINO, THIS FIRST REPORT THAT
15 YOU PREPARED WAS THE REPORT THAT YOU PREPARED PRIOR TO
16 ANY KNOWLEDGE OF MR. MENZIES BEING A SUSPECT IN A
17 HOMICIDE CASE; IS THAT CORRECT?

18 A. YES.

19 Q. AND THE SECOND REPORT WAS PREPARED AFTER
20 YOU WERE ADVISED THAT HE WAS A SUSPECT IN A HOMICIDE
21 CASE; IS THAT RIGHT?

22 A. I BELIEVE SO.

23 Q. AND, IN FACT, YOU WERE REQUESTED TO PREPARE
24 A REPORT FOR REFERRAL TO THE SHERIFF'S DEPARTMENT FOR
25 THEIR INVESTIGATION; IS THAT CORRECT?

1 A. I CAN'T RECALL, BUT THAT SEEMS LOGICAL.

2 Q. AND I AM GOING TO ASK YOU TO LOOK AT YOUR
3 FIRST REPORT, TOWARD THE BOTTOM. IN THAT FIRST REPORT
4 THAT YOU PREPARED BEFORE YOU KNEW MR. MENZIES WAS A
5 SUSPECT IN A HOMICIDE CASE, YOU INCLUDED IN THAT REPORT
6 YOUR BOOKING OF MR. MENZIES IN JAIL; IS THAT CORRECT?

7 A. YES.

8 Q. AND, IN FACT, YOUR COMMENT WITH RESPECT TO
9 BOOKING SIMPLY WAS, "RALPH WAS BOOKED IN BY ME AND DID
10 NOT GIVE ME ANY PROBLEMS OR TROUBLE AND WAS VERY
11 COOPERATIVE"; IS THAT CORRECT?

12 A. YES.

13 Q. AND AFTER THAT THERE IS NOTHING ELSE WITH
14 RESPECT TO THE BOOKING OF MR. MENZIES; IS THAT CORRECT?

15 A. YES.

16 Q. THERE'S NOTHING IN THERE REGARDING HIM
17 BEING ^{ADVISED} SURPRISED OR HAVING A FRIGHTENED LOOK IN HIS EYE;
18 IS THAT CORRECT? *correction wrong*

19 A. NOPE.

20 Q. THERE'S NOTHING IN THERE ABOUT HIM RUNNING
21 DOWN THE CORRIDOR; IS THAT CORRECT?

22 A. NO.

23 Q. AND THAT WAS IN A REPORT THAT WAS PREPARED
24 SIX DAYS AFTER MR. MENZIES WAS BOOKED; IS THAT CORRECT?

25 A. WHATEVER THE REPORT WAS, IT DID SAY

1 MR. MENZIES WAS BOOKED.

2 Q. I AM TALKING ABOUT THE SECOND REPORT, THE
3 MARCH 1ST REPORT.

4 A. WE ARE TALKING ABOUT THE REPORT I MADE THAT
5 DAY.

6 Q. I AM TALKING ABOUT THE -- I AM SORRY. YOU
7 ARE RIGHT. I GUESS ^{WHAT} I WAS GETTING AT ^{WAS} THAT.

8 THAT REPORT WAS PREPARED IN A TIME YOU HAD
9 NO KNOWLEDGE THAT MR. MENZIES WAS A SUSPECT IN THE
10 HOMICIDE CASE?

11 A. YES, YOU ARE RIGHT.

12 Q. AND THE SECOND REPORT WAS PREPARED A FULL
13 SIX DAYS AFTER YOU BOOKED HIM?

14 A. YES.

15 MS. PALACIOS: IF I CAN JUST HAVE A MOMENT.
16 THAT IS ALL I HAVE.

17 REDIRECT EXAMINATION

18 BY MR. JONES:

19 Q. DETECTIVE IOVINO, WHEN YOU GOT TO RALPH
20 MENZIES' APARTMENT TO MAKE THE ARREST, WAS HE WEARING
21 SHOES?

22 A. NO.

23 Q. WAS HE WEARING SOCKS?

24 A. NO.

25 Q. WAS HE WEARING A SHIRT?

1 Q. AND ONCE YOU MADE THAT CONNECTION, YOU THEN
2 HAD OCCASION TO RECALL THE TIME FRAME THAT YOU FOUND
3 THESE CARDS; IS THAT RIGHT?

4 A. SAY THAT AGAIN?

5 Q. IN OTHER WORDS, IT WAS JUST THE VERY NEXT
6 DAY WHEN YOU REALIZED THAT THOSE CARDS HAD SIGNIFICANCE
7 THAT YOU THEN REMEMBERED WHAT TIME IT WAS THAT YOU FOUND
8 THE CARDS; IS THAT RIGHT?

9 A. NO.

10 Q. AT THAT TIME, YOU WERE PLACING A TIME ON? *(were you)?* *no*
— pens

11 A. NO. I KNEW ABOUT WHAT TIME I FOUND THEM.

12 Q. AND WHEN YOU REMEMBERED THAT TIME THAT YOU
13 FOUND THE CARDS, YOU THEN REPORTED THAT TO A DETECTIVE;
14 IS THAT CORRECT?

15 A. (WITNESS NODS) *Tawn, didn't differentiate*
between yes or no) ~~IN THE AFFIRMATIVE.~~

16 Q. DIDN'T YOU MAKE A STATEMENT TO THE
17 DETECTIVE ABOUT THE TIME THAT YOU FOUND THE CARDS?

18 A. WELL, ^{(- -)?} YES, TWO DAYS LATER.

19 Q. OKAY.

20 A. IT WAS THURSDAY.

21 Q. YOU TALKED TO THE DETECTIVE TWO DAYS LATER
22 ON THURSDAY, AND AT THAT TIME, YOU GAVE HIM YOUR ESTIMATE
23 AS TO THE TIME YOU FOUND THE CARDS; IS THAT CORRECT?

24 A. YES, MA'AM.

25 Q. AND AT THAT TIME, YOU TOLD HIM THAT IT WAS

1 ABOUT 6:30 THAT YOU FOUND THE CARDS?

2 A. I TOLD HIM ABOUT 6:30, SOMETHING LIKE THAT.

3 Q. NOW, THIS AREA BACK HERE, (THE)[?] CHANGING
4 ROOM, THIS SLOT IS OPEN SO EVERYONE OUT IN THIS AREA
5 WOULD HAVE ACCESS TO THIS; IS THAT CORRECT?

6 A. YES, MA'AM.

7 Q. AND YOU HAVE WHAT ARE CALLED TRUSTEES, WHO
8 ARE INMATES THAT ARE FREE TO ROAM THE AREA; IS THAT
9 CORRECT?

10 A. YES, MA'AM.

11 Q. AND YOU ALSO HAVE COMING THROUGH HERE
12 PART-TIMERS?

13 A. YES, MA'AM.

14 Q. PEOPLE COME IN ON A TEMPORARY BASIS TO
15 SERVE, PART-TIME JAILERS?

16 A. YES, MA'AM.

17 Q. THEY ALSO COME THROUGH HERE AND HAVE
18 ACCESS; IS THAT CORRECT?

19 A. YES, MA'AM.

20 Q. AND WHEN YOU FOUND THE CARDS, IS IT NOT
21 TRUE THAT YOU FOUND THEM LYING ON TOP OF A PAIR OF PANTS;
22 IS THAT CORRECT?

23 A. THERE WAS OTHER CLOTHES ON TOP.

24 Q. THAT WAS GOING TO BE MY NEXT QUESTION.

25 THEY WERE ON TOP OF A PAIR OF PANTS, BUT THERE WERE ALSO

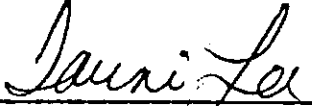
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF UTAH)
 : SS.
COUNTY OF SALT LAKE)

C E R T I F I C A T E

I, TAUNI D. LEE, OFFICIAL REPORTER OF THE
STATE OF UTAH, COUNTY OF SALT LAKE, HEREBY CERTIFY THAT
THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT OF THE
WITHIN-ENTITLED MATTER.

DATED: SEPTEMBER 5, 1988.



TAUNI D. LEE, CSR, RPR.
LICENSE #6770

Appendix P

Appendix P

ADDENDUM 27

Handwritten scribbles at the top of the page.

RECEIVED

1981

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY
STATE OF UTAH
BEFORE THE HONORABLE RAYMOND S. UMO

OFFICE OF
ATTORNEY GENERAL

FILMED

-----ooOoo-----
STATE OF UTAH, :
PLAINTIFF, : CIVIL NO. CR86-887
-VS- :
RALPH LEROY MENZIES, :
DEFENDANT. :

REPORTER'S TRANSCRIPT OF PROCEEDINGS HAD
FEBRUARY 25 & 26, 1988

A P P E A R A N C E S

FOR THE PLAINTIFF: ERNIE JONES
RICK MAC DOUGALL
SALT LAKE COUNTY ATTORNEY
231 EAST 400 SOUTH
SALT LAKE CITY, UT 84111

FOR THE DEFENDANT: BROOKE C. WELLS
FRANCES M. PALACIOS
SALT LAKE LEGAL DEFENDER ASSOC.
333 SOUTH 200 EAST
SALT LAKE CITY, UT 84111

FILED IN CLERK'S OFFICE
Salt Lake County Utah

SEP 6 1988

H. Dixon Handley, Clerk 3rd Dist. Court
By *[Signature]*
Deputy Clerk

REPORTED BY: TAUNI D. LEE, CSR, RPR.
#6770

880161
1057a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>STATE'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
HUNSAKER, JIM					
BY MR. JONES	1870				
BY MS. WELLS		1872			
THOMPSON, JERRY					
BY MR. JONES	1874		1885		
BY MS. WELLS		1884			
KOCHERHANS, DONALD C.					
BY MR. MAC DOUGALL	1890		1895		
BY MS. PALACIOS		1893		1896	

E X H I B I T S

<u>STATE'S</u>	<u>DESCRIPTION</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
5	- PHOTO OF CREAM-COLORED CAR	1778	
19	- PHOTO OF LEFT EYE	1619	1679
20	- PHOTO OF BACK OF RIGHT HAND	1617	1679
21	- PHOTO OF UPPER LIP	1619	1679
22	- PHOTO OF BACK OF NECK	1611	1679
23	- PHOTO OF OUTSIDE OF LEFT HAND	1617	1679
24	- PHOTO OF LEFT SIDE, LEFT HAND	1617	1679
25	- PHOTO OF SHOULDERS AND FACE	1619	1679
26	- PHOTO OF BACK OF LEFT HAND	1617	1679

1596

1 STAB WOUNDS HAD BEEN PRESENT BY THEMSELVES IN A HEALTHY
2 PERSON, IMPLYING THAT AT THE TIME THE CUTS OCCURRED, THAT
3 SHE WAS BEGINNING TO DIE.

4 Q. AND WHAT QUANTITY OF BLOOD DID YOU FIND IN
5 THE LUNGS, THEN?

6 A. BASICALLY, I DESCRIBED IT AS RELATIVELY
7 MILD, AS I SAID.

8 Q. AS PART OF YOUR INTERNAL EXAMINATION, DID
9 YOU CHECK THE VICTIM'S BLADDER?

10 A. I DID.

11 Q. WHAT DID YOU DISCOVER THERE?

12 A. IN THE BLADDER WAS 420 MILLILITERS OF
13 URINE. THERE ARE 28 MILLILITERS TO THE OUNCE, SO THAT
14 WOULD BE APPROXIMATELY, OFF THE TOP OF MY HEAD, 16
15 OUNCES.

16 Q. ARE YOU ABLE TO DRAW --

17 A. APPROXIMATELY 16 OUNCES OF URINE.

18 Q. ARE YOU ABLE TO DRAW ANY CONCLUSIONS WITH
19 REFERENCE TO THAT QUANTITY OF URINE?

20 A. JUST I THINK, WHICH WOULD BE OBVIOUS TO THE
21 LAYPERSON, SHE HAD NOT URINATED IN THE TIME SLIGHTLY
22 BEFORE DEATH.

23 Q. DR. SWEENEY, DID YOU FIND ANYTHING ELSE
24 DURING YOUR INTERNAL EXAMINATION?

25 THE COURT: LET'S CALL A RECESS HERE. JUST

1 ^{minute}
A MOMENT.

2 ^{the Court;}
FAINTED.)

3 HAVE THEM TAKE THE ^{jury} JUROR OUT. (ONE JUROR

4 (~~TAKING THE JUROR OUT.~~)

5 MR. JONES: JUDGE, WITH REFERENCE TO WHICH
6 EXHIBIT IS IT? IT'S THE IDENTIFICATION OF MAUREEN
7 HUNSAKER. THE DEFENSE APPARENTLY OBJECTED ON THE GROUNDS
8 THEY FELT THERE WAS MORE FOUNDATION REQUIRED, AND THAT IS
9 EXHIBIT 46, BY THE WAY. I WOULD SUBMIT TO THE COURT THAT
10 ADEQUATE FOUNDATION HAS BEEN LAID FOR THE ADMISSION OF
11 THAT IDENTIFICATION FOR THE FOLLOWING REASONS. FIRST OF
12 ALL --

13 MS. WELLS: EXCUSE ME, JUST A MINUTE. I
14 DIDN'T MEAN TO INTERRUPT, BUT THE DEFENDANT IS NOT HERE.
15 PERHAPS THIS IS SOMETHING WE CAN WAIT FOR. HE NEEDS TO
16 BE PRESENT, YOUR HONOR.

17 THE COURT: YOU MAY HAVE TO JUST WAIT.

18 MS. WELLS: I DON'T THINK WE ARE IN A
19 POSITION TO WAIVE HIS APPEARANCE.

20 MR. JONES: CAN WE JUST MAKE THE ARGUMENT
21 SO THAT THE COURT UNDERSTANDS WHAT OUR POSITION IS? I AM
22 NOT ASKING YOU TO RULE.

23 THE COURT: I ESSENTIALLY KNOW WHAT YOUR
24 POSITION IS. YOU ALREADY ESSENTIALLY MENTIONED MOST OF
25 IT. ~~MR. JONES:~~ IT'S SIMPLY, I THINK THE

1 A LIST OF PERSONS WHO WERE THERE AT THE TIME, AND WE
2 COULD ASK OUR INVESTIGATORS TO INTERVIEW THOSE WITNESSES
3 AND SEE WHAT THEIR OBSERVATIONS WERE AND WILL PRESENT
4 THAT, AGAIN, TO THE COURT.

5 YOUR HONOR, ANOTHER THING THAT I SUGGESTED
6 AT THE TIME, AND IT HASN'T BECOME NECESSARY, BUT
7 LIEUTENANT WAYMAN, I THINK, DID AGREE TO AND WOULD, IS
8 THAT IF ANY FURTHER SHAKEDOWNS BECOME NECESSARY DURING
9 THE COURSE OF THE TRIAL, THAT SOMEBODY FROM OUR OFFICE
10 JUST BE NOTIFIED AND LET THEM GO OVER THERE AND OBSERVE
11 WHAT IS DONE.

12 THE COURT: CAN THAT BE DONE:

13 LIEUTENANT WAYMAN: SURE.

14 THE COURT: OKAY. IF THERE IS NOTHING
15 ELSE, WE SHOULD CALL THE JURY IN.

16 MS. WELLS: ALSO, PERHAPS BEFORE WE DO
17 THAT, WE COULD TAKE UP THE OTHER MATTER AND TAUNI, ^{there} ~~THIS~~
18 ~~IS IN~~ REGARDS TO YOUR STATE OF MIND. I KNOW THAT YOU
19 WERE QUITE UPSET OVER THE TESTIMONY THAT TOOK PLACE RIGHT
20 BEFORE THE TRIAL, AND I ^{and} WHAT I GUESS WE NEED TO KNOW
21 IS WHETHER OR NOT YOU THINK ANY OF THAT EMOTION WOULD
22 HAVE SHOWN WHILE YOU WERE MAKING YOUR REPORT.

23 (DISCUSSION HELD OFF THE RECORD.) ^{she indicated} ~~this with**~~

24 THE COURT: YOU HAD SOME QUESTION AS TO
25 WHETHER SHE MIGHT HAVE STARTED CRYING BEFORE SHE WENT TO

1 HER ROOM.

2 MS. WELLS: AND PERHAPS WE CAN JUST ASK YOU
3 THAT, DID YOU?

4 THE REPORTER: NO, I DIDN'T.

5 MS. WELLS: THE ONLY REASON FOR BRINGING
6 THAT UP, OF COURSE, IS TO -- IF ^{Somebody} ~~SOMETHING~~ SHOULD HAPPEN
7 AND THAT WOULD BECOME SOMETHING THAT THE JURORS COULD
8 OBSERVE, THEN THAT COULD PRESENT A PROBLEM AS COURT
9 PERSONNEL.

10 THE SUGGESTION I WOULD HAVE ON THAT IS
11 IF -- SHOULD THAT HAPPEN AGAIN, JUST LET'S ASK OR ANYONE
12 INVOLVED ASK FOR A RECESS.

13 THE COURT: JUST TELL LAVON.

14 NOW, WE NEED THE OTHER JUROR IN.

15 (JUROR ENTERING THE COURTROOM.)

*She has ***
to indicate a
pause.*

16 THE COURT: HOW DO YOU FEEL?

17 A JUROR: BETTER. KIND OF NERVOUS, BUT --

18 THE COURT: WE GOT YOUR MESSAGE. WE WERE
19 JUST A LITTLE ~~/~~ WONDERING HOW YOU FELT, IF YOU FEEL
20 BETTER. YOU SAID YOU KIND OF FELT STRANGE ABOUT GOING IN
21 THERE. WE WERE THINKING, YOU KNOW, EVERYBODY UNDERSTANDS
22 WHAT THE PROBLEM IS, SO I DON'T THINK YOU SHOULD FEEL
23 THAT PEOPLE WILL BE OVERLY CONCERNED ABOUT THAT.

24 A JUROR: MY ONLY CONCERN IS I AM NOT SURE
25 HOW I WILL REACT IF DR. SWEENEY TALKS MORE. I THINK I

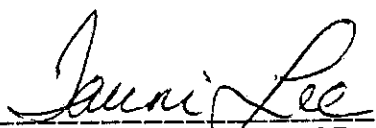
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF UTAH)
) : SS.
COUNTY OF SALT LAKE)

C E R T I F I C A T E

I, TAUNI D. LEE, OFFICIAL REPORTER OF THE
STATE OF UTAH, COUNTY OF SALT LAKE, HEREBY CERTIFY THAT
THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT OF THE
WITHIN-ENTITLED MATTER.

DATED: SEPTEMBER 5, 1988.



TAUNI D. LEE, CSR, RPR.
LICENSE #6770

Appendix Q

Appendix Q

8802/887

ADDENDUM 30

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY
STATE OF UTAH
BEFORE THE HONORABLE RAYMOND S. UNO

-----ooOoo-----

STATE OF UTAH, :
PLAINTIFF, : CIVIL NO. CR86-887
-VS- :
RALPH LEROY MENZIES, :
DEFENDANT. :

FILMED

-----ooOoo-----

REPORTER'S TRANSCRIPT OF PROCEEDINGS HAD
MARCH 7, 8 & 9, 1988

-----ooOoo-----

A P P E A R A N C E S

FOR THE PLAINTIFF: ERNIE JONES
RICK MAC DOUGALL
SALT LAKE COUNTY ATTORNEY
231 EAST 400 SOUTH
SALT LAKE CITY, UT 84111

FOR THE DEFENDANT: BROOKE C. WELLS
FRANCES M. PALACIOS
SALT LAKE LEGAL DEFENDER ASSOC.
333 SOUTH 200 EAST
SALT LAKE CITY, UT 84111

Done -
BS

REPORTED BY:
FILED IN CLERK'S OFFICE
Salt Lake County Utah

TAUNI D. LEE, CSR, RPR.
#6770

001100

SEP 6 1988

H. Dixon Hingley, Clerk 3rd Dist Court
By *[Signature]* Deputy Clerk

SEP 1 1988

880161

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

DEFENDANT'S WITNESSES DIRECT CROSS REDIRECT RECROSS VOIR DIRE

JUDD, RICHARD

BY MS. PALACIOS 2537

BY MR. JONES

JOHNSON, VIRGIL

BY MS. WELLS 2540

BY MR. JONES 2543

DECARIA, DR. MICHAEL D.

BY MS. PALACIOS 2545 2572

BY MR. MAC DOUGALL 2565 2574 2554

STATE'S WITNESSES DIRECT CROSS REDIRECT RECROSS VOIR DIRE

SUDWEEKS, BETTY

BY MR. JONES 2579

BY MS. WELLS

2520

1 MENTION OF HAVING TO GO TO THE BATHROOM. WELL, YOU HEARD
2 TESTIMONY THERE WAS NO BATHROOM IN THAT CHANGING ROOM
3 AREA. AND THEN OFFICER CHRISTENSEN SAID THAT HE LET THE
4 DEFENDANT BACK TO THE AREA WHERE HE WAS TO BE PROCESS FOR
5 BOOKING, THAT THAT PROCEDURE TOOK MAYBE ANOTHER HOUR OR
6 HOUR AND A HALF, AND THAT DURING THAT ENTIRE TIME,
7 MR. MENZIES NEVER ASKED TO GO TO THE RESTROOM.

8 WELL, NOW AGAIN, THE DEFENSE MIGHT MAKE
9 SOMETHING OF A SLIGHT TIME DISCREPANCY HERE. WE DO HAVE
10 A RANGE OF TIMES WITH OFFICER SMITH SAYING, "I THINK 6:30
11 TO 7:00 THAT I FOUND THE IDENTIFICATION." WITH OFFICERS
12 CHRISTENSEN SAYING, "I THINK IT WAS 7:00 TO 7:20 THAT I
13 OBSERVED THE INCIDENTS OCCURRING."

14 AGAIN, I POINT OUT JUST AS THE STATE DID
15 WITH REFERENCE TO MR. LARRABEE'S TESTIMONY, THE TIME
16 THESE EVENTS WERE OCCURRING, THOSE WITNESSES MADE NO
17 REPORTS OF IT. THEY HAD NO PARTICULAR REASON TO PAY
18 ATTENTION TO WHAT TIME IT WAS BECAUSE AGAIN, THOSE EVENTS
19 HAD NO INDEPENDENT SIGNIFICANCE AT THAT TIME.

20 THEY DIDN'T HAVE ANY INDEPENDENT
21 SIGNIFICANCE UNTIL SEVERAL DAYS LATER WHEN OFFICER LAMON
22 FOUND THAT VERY SAME IDENTIFICATION IN A DESK IN THE JAIL
23 AREA WHERE HE WORKED, AND REALIZED THAT IT MAY HAVE SOME
24 CONNECTION TO THE HOMICIDE, TURNED IT OVER TO OFFICER
25 VALDEZ WHO AND TURNED IT OVER TO DETECTIVES.

1 AND THEN IT WAS REALLY A POINT IN TIME THAT
2 EVERYBODY WHO WAS INVOLVED IN THAT INCIDENT BEGAN TO
3 REALIZE THAT IT HAD SOME SPECIAL SIGNIFICANCE. IT WAS
4 NOT JUST CASUALLY FINDING SOME IDENTIFICATION IN THE
5 HAMPER.

6 YOU HEARD JAY SMITH TESTIFY THAT IT WASN'T
7 ALL THAT UNUSUAL FOR HIM TO FIND IDENTIFICATION IN THAT
8 CLOTHES HAMPER. EVERY NOW AND THEN, HE WOULD FIND A
9 PIECE OF IDENTIFICATION. WHAT WAS A LITTLE UNUSUAL ABOUT
10 THIS WAS THAT HE FOUND MULTIPLE PIECES OF IDENTIFICATION.
11

OK
[PUL TIM] - THESE ARE THE STROKES - CAN'T MAKE OUT THE WORD

12 AND THEN WE HAVE SOME DIRECT TESTIMONY
13 LINKING THE DEFENDANT TO POSSESSION OF THE VICTIM'S
14 IDENTIFICATION. AND THAT CAME THROUGH WALTER BRITTON
15 WHO, AGAIN, IN HIS CONVERSATIONS WITH MR. MENZIES IN THE
16 JAIL CELL, IN THE SALT LAKE COUNTY JAIL, INDICATED THAT
17 MR. MENZIES TALKED ABOUT HAVING THE VICTIM'S
18 IDENTIFICATION, AND THEN HE TALKED ABOUT HE THOUGHT HE
19 MIGHT USE IT TO TRY TO GAIN ACCESS TO BANK ACCOUNTS OR TO
20 MONEY OR SOMETHING OF THAT SORT.

21 NOW, WHAT EVIDENCE DO WE HAVE TO SUPPORT
22 THE CHARGE THAT IT WAS AGGRAVATED ROBBERY, THAT IT WAS
23 ROBBERY INVOLVING THE USE OF A DEADLY WEAPON IN THIS CASE
24 A KNIFE OR A FIREARM AS OPPOSED TO SIMPLY THE APPLICATION
25 OF FORCE OR FEAR WITHOUT A WEAPON WHICH IS ORDINARILY
DONE.

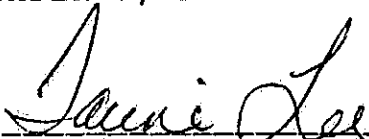
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF UTAH)
 : SS.
COUNTY OF SALT LAKE)

C E R T I F I C A T E

I, TAUNI D. LEE, OFFICIAL REPORTER OF THE
STATE OF UTAH, COUNTY OF SALT LAKE, HEREBY CERTIFY THAT
THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT OF THE
WITHIN-ENTITLED MATTER.

DATED: SEPTEMBER 5, 1988.



TAUNI D. LEE, CSR, RPR.
LICENSE #6770

Appendix R

Appendix R

8801002

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY
STATE OF UTAH
BEFORE THE HONORABLE RAYMOND S. UNO

FILMED

-----ooOoo-----

STATE OF UTAH, :
PLAINTIFF, : CIVIL NO. CR86-887
-VS- :
RALPH LEROY MENZIES, :
DEFENDANT. :

-----ooOoo-----

REPORTER'S TRANSCRIPT OF PROCEEDINGS HAD
MARCH 3 & 4, 1988

-----ooOoo-----

A P P E A R A N C E S

FOR THE PLAINTIFF: ERNIE JONES
RICK MAC DOUGALL
SALT LAKE COUNTY ATTORNEY
231 EAST 400 SOUTH
SALT LAKE CITY, UT 84111

FOR THE DEFENDANT: BROOKE C. WELLS
FRANCES M. PALACIOS
SALT LAKE LEGAL DEFENDER ASSOC.
333 SOUTH 200 EAST
SALT LAKE CITY, UT 84111

SEP 1 1988
880161

FILED IN CLERK'S OFFICE
REPORTED BY: Salt Lake County Utah

TAUNI D. LEE, CSR, RPR.
#6770

SEP 6 1988

001159

H. Dixon Hindley, Clerk 3rd Dist. Court 1071a

By: *L. Alan Parker*
Deputy Clerk

ADDENDUM 87

HEADWEST, CRAN, C. 0725

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>DEFENDANT'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
BUTTERS, RANDY					
BY MS. PALACIOS	2220		2225		
BY MR. JONES		2223			
BUTTERS, LIZ					
BY MS. PALACIOS	2226		2232		
BY MR. JONES		2229		2232	
BARTON, EDWARD M.					
BY MS. PALACIOS	2235				
BY MR. MAC DOUGALL					
HAMMER, MARVIN					
BY MS. PALACIOS	2244		2249		
BY MR. MAC DOUGALL		2248			
BROWN, ELIZABETH					
BY MS. WELLS	2251		2262		
BY MR. JONES		2258			
HORYUCHI, TSUTOMU					
BY MS. WELLS	2263				
BY MR. MAC DOUGALL					
HAGBERG, LORI					
BY MS. WELLS	2267				
BY MR. MAC DOUGALL					

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>DEFENDANT'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
HUNTSMAN, STEVE					
BY MS. WELLS	2272				
BY MR. MAC DOUGALL					
JUDD, RICHARD					
BY MS. WELLS	2282		2290		
BY MR. MAC DOUGALL		2286			
BERGAN, RICHARD					
BY MS. WELLS	2291				
BY MR. MAC DOUGALL		2295			
BERGESON, NANCY					
BY MS. PALACIOS	2298		2306		
BY MR. JONES		2303			
SAVAGE, J. BRUCE					
BY MS. PALACIOS	2307		2344		
BY MR. JONES		2331		2348	
LOYOLA, DAVID					
BY MS. PALACIOS	2350				
BY MR. JONES		2352			

1 A JUROR: NO. OUR CONCERN WAS JUST THAT
2 SHE WOULD NOT FEEL SOME GUILT IN THAT SHE COULDN'T FOLLOW *bee*
3 THROUGH WITH IT.

4 THE COURT: IF YOU WERE A JUROR IN YOUR
5 PRESENT FRAME OF MIND, WOULD YOU BE WILLING TO HAVE
6 YOURSELF SITTING ON THIS JURY TRYING THIS CASE IF YOU
7 WERE EITHER THE PROSECUTION OR THE DEFENSE?

8 A JUROR: *don't* I BELIEVE SO. *bee*

9 THE COURT: OKAY. NOW, HAVE YOU HAD ANY
10 CONTACT WITH ANYONE? I'VE ASKED YOU THIS MANY TIMES, BUT
11 FROM NEWSPAPER, TELEVISION, RADIO, OR ANY OTHER SOURCE?

12 A JUROR: NO. I'VE BEEN PUTTING ~~the~~ *the* NEWSPAPERS
13 IN THE CLOSET UNTIL IT'S ALL OVER.

14 THE COURT: FINALLY, IT'S THE INTENTION OF
15 THE COURT, BECAUSE WE ARE AT A STAGE RIGHT NOW WHERE IT'S
16 VERY IMPORTANT THAT THIS CASE CONTINUE ON, SO THE COURT
17 IS GOING TO ORDER THAT THE JURORS BE SEQUESTERED.

18 A JUROR: OKAY.

19 THE COURT: SEQUESTRATION MEANS THAT YOU
20 WILL NOT BE ABLE TO BE IN CONTACT WITH ANYONE EXCEPT THE
21 JURORS ALONE AND ALSO, THAT OVER THE WEEKEND, YOU'LL BE
22 SEQUESTERED WHICH WILL MEAN YOU WILL BE PLACED IN
23 LODGINGS THAT WILL NOT BE YOUR OWN HOME, SO YOU'LL HAVE
24 TO MAKE ARRANGEMENTS TO HAVE YOUR NECESSITIES BROUGHT TO
25 YOU.

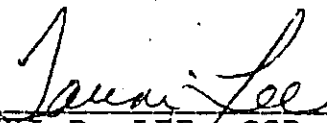
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF UTAH)
 : SS.
COUNTY OF SALT LAKE)

C E R T I F I C A T E

I, TAUNI D. LEE, OFFICIAL REPORTER OF THE
STATE OF UTAH, COUNTY OF SALT LAKE, HEREBY CERTIFY THAT
THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT OF THE
WITHIN-ENTITLED MATTER.

DATED: SEPTEMBER 5, 1988.



TAUNI D. LEE CSR, RPR.
LICENSE #6770

Appendix S

Appendix S

88-2180-1

ADDENDUM 29

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY
STATE OF UTAH

BEFORE THE HONORABLE RAYMOND S. UNO

FILMED

-----ooOoo-----

STATE OF UTAH, :
PLAINTIFF, : CIVIL NO. CR86-887
-VS- :
RALPH LEROY MENZIES, :
DEFENDANT. :

-----ooOoo-----

REPORTER'S TRANSCRIPT OF PROCEEDINGS HAD
MARCH 3 & 4, 1988

-----ooOoo-----

A P P E A R A N C E S

FOR THE PLAINTIFF: ERNIE JONES
RICK MAC DOUGALL
SALT LAKE COUNTY ATTORNEY
231 EAST 400 SOUTH
SALT LAKE CITY, UT 84111

FOR THE DEFENDANT: BROOKE C. WELLS
FRANCES M. PALACIOS
SALT LAKE LEGAL DEFENDER ASSOC.
333 SOUTH 200 EAST
SALT LAKE CITY, UT 84111

Done
BS

FILED IN CLERK'S OFFICE
REPORTED BY: Salt Lake County Utah

TAUNI D. LEE, CSR, RPR.
#6770

SEP 6 1988
880161

SEP 6 1988

H. Dixon Hindley, Clerk 3rd Dist. Court
By: *LaAlcan Barber*
Deputy Clerk

007176

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>DEFENDANT'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
BUTTERS, RANDY					
BY MS. PALACIOS	2220		2225		
BY MR. JONES		2223			
BUTTERS, LIZ					
BY MS. PALACIOS	2226		2232		
BY MR. JONES		2229		2232	
BARTON, EDWARD M.					
BY MS. PALACIOS	2235				
BY MR. MAC DOUGALL					
HAMMER, MARVIN					
BY MS. PALACIOS	2244		2249		
BY MR. MAC DOUGALL		2248			
BROWN, ELIZABETH					
BY MS. WELLS	2251		2262		
BY MR. JONES		2258			
HORYUCHI, TSUTOMU					
BY MS. WELLS	2263				
BY MR. MAC DOUGALL					
HAGBERG, LORI					
BY MS. WELLS	2267				
BY MR. MAC DOUGALL					

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>DEFENDANT'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
HUNTSMAN, STEVE					
BY MS. WELLS	2272				
BY MR. MAC DOUGALL					
JUDD, RICHARD					
BY MS. WELLS	2282		2290		
BY MR. MAC DOUGALL		2286			
BERGAN, RICHARD					
BY MS. WELLS	2291				
BY MR. MAC DOUGALL		2295			
BERGESON, NANCY					
BY MS. PALACIOS	2298		2306		
BY MR. JONES		2303			
SAVAGE, J. BRUCE					
BY MS. PALACIOS	2307		2344		
BY MR. JONES		2331		2348	
LOYOLA, DAVID					
BY MS. PALACIOS	2350				
BY MR. JONES		2352			

1 A JUROR: NO. OUR CONCERN WAS JUST THAT
2 SHE WOULD NOT FEEL SOME GUILT IN THAT SHE COULDN'T FOLLOW
3 THROUGH WITH IT.

4 THE COURT: IF YOU WERE A JUROR IN YOUR
5 PRESENT FRAME OF MIND, WOULD YOU BE WILLING TO HAVE
6 YOURSELF SITTING ON THIS JURY TRYING THIS CASE IF YOU
7 WERE EITHER THE PROSECUTION OR THE DEFENSE?

8 A JUROR: I ^{DON'T} BELIEVE SO.

9 THE COURT: OKAY. NOW, HAVE YOU HAD ANY
10 CONTACT WITH ANYONE? I'VE ASKED YOU THIS MANY TIMES, BUT
11 FROM NEWSPAPER, TELEVISION, RADIO, OR ANY OTHER SOURCE?

12 A JUROR: NO. I ^{HAVE} BEEN PUTTING NEWSPAPERS
13 IN THE CLOSET UNTIL IT'S ALL OVER.

14 THE COURT: FINALLY, IT'S THE INTENTION OF
15 THE COURT, BECAUSE WE ARE AT A STAGE RIGHT NOW WHERE IT'S
16 VERY IMPORTANT THAT THIS CASE CONTINUE ON, SO THE COURT
17 IS GOING TO ORDER THAT THE JURORS BE SEQUESTERED.

18 A JUROR: OKAY.

19 THE COURT: SEQUESTRATION MEANS THAT YOU
20 WILL NOT BE ABLE TO BE IN CONTACT WITH ANYONE EXCEPT THE
21 JURORS ALONE AND ALSO, THAT OVER THE WEEKEND, YOU ^{WILL} BE
22 SEQUESTERED WHICH WILL MEAN YOU WILL BE PLACED IN
23 LODGINGS THAT WILL NOT BE YOUR OWN HOME, SO YOU ^{WILL} HAVE
24 TO MAKE ARRANGEMENTS TO HAVE YOUR NECESSITIES BROUGHT TO
25 YOU.

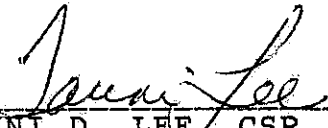
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF UTAH)
 : SS.
COUNTY OF SALT LAKE)

C E R T I F I C A T E

I, TAUNI D. LEE, OFFICIAL REPORTER OF THE
STATE OF UTAH, COUNTY OF SALT LAKE, HEREBY CERTIFY THAT
THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT OF THE
WITHIN-ENTITLED MATTER.

DATED: SEPTEMBER 5, 1988.



TAUNI D. LEE, CSR, RPR.
LICENSE #6770

PENGAD/ ST. RESNO. CA 1 25

Appendix T

Appendix T

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY
STATE OF UTAH

BEFORE THE HONORABLE RAYMOND S. UNO

FILMED

-----ooOoo-----

STATE OF UTAH, :
PLAINTIFF, : CIVIL NO. CR86-887
-VS- :
RALPH LEROY MENZIES, :
DEFENDANT. :

-----ooOoo-----

REPORTER'S TRANSCRIPT OF PROCEEDINGS HAD
MARCH 3 & 4, 1988

-----ooOoo-----

A P P E A R A N C E S

FOR THE PLAINTIFF: ERNIE JONES
RICK MAC DOUGALL
SALT LAKE COUNTY ATTORNEY
231 EAST 400 SOUTH
SALT LAKE CITY, UT 84111

FOR THE DEFENDANT: BROOKE C. WELLS
FRANCES M. PALACIOS
SALT LAKE LEGAL DEFENDER ASSOC.
333 SOUTH 200 EAST
SALT LAKE CITY, UT 84111

SEP 15 1988

880161

FILED IN CLERK'S OFFICE
REPORTED BY: Salt Lake County Utah

TAUNI D. LEE, CSR, RPR.
#6770

SEP 6 1988

001159

H. Dixon Hindley, Clerk 3rd Dist. Court
By: *Tadlean Parker*
Deputy Clerk

PLNSAUV - ST. PETERSBURG, FLA. 33701

I N D E X

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
1					
2					
3	<u>DEFENDANT'S WITNESSES</u>				
4	BUTTERS, RANDY				
5	BY MS. PALACIOS	2220		2225	
6	BY MR. JONES		2223		
7	BUTTERS, LIZ				
8	BY MS. PALACIOS	2226		2232	
9	BY MR. JONES		2229		2232
10	BARTON, EDWARD M.				
11	BY MS. PALACIOS	2235			
12	BY MR. MAC DOUGALL				
13	HAMMER, MARVIN				
14	BY MS. PALACIOS	2244		2249	
15	BY MR. MAC DOUGALL		2248		
16	BROWN, ELIZABETH				
17	BY MS. WELLS	2251		2262	
18	BY MR. JONES		2258		
19	HORYUCHI, TSUTOMU				
20	BY MS. WELLS	2263			
21	BY MR. MAC DOUGALL				
22	HAGBERG, LORI				
23	BY MS. WELLS	2267			
24	BY MR. MAC DOUGALL				
25					2216

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>DEFENDANT'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
HUNTSMAN, STEVE					
BY MS. WELLS	2272				
BY MR. MAC DOUGALL					
JUDD, RICHARD					
BY MS. WELLS	2282		2290		
BY MR. MAC DOUGALL		2286			
BERGAN, RICHARD					
BY MS. WELLS	2291				
BY MR. MAC DOUGALL		2295			
BERGESON, NANCY					
BY MS. PALACIOS	2298		2306		
BY MR. JONES		2303			
SAVAGE, J. BRUCE					
BY MS. PALACIOS	2307		2344		
BY MR. JONES		2331		2348	
LOYOLA, DAVID					
BY MS. PALACIOS	2350				
BY MR. JONES		2352			
					2217

1 A JUROR: NO. OUR CONCERN WAS JUST THAT
2 SHE WOULD NOT FEEL SOME GUILT IN THAT SHE COULDN'T FOLLOW
3 THROUGH WITH IT.

4 THE COURT: IF YOU WERE A JUROR IN YOUR
5 PRESENT FRAME OF MIND, WOULD YOU BE WILLING TO HAVE
6 YOURSELF SITTING ON THIS JURY TRYING THIS CASE IF YOU
7 WERE EITHER THE PROSECUTION OR THE DEFENSE?

8 A JUROR: I BELIEVE SO.

9 THE COURT: OKAY. NOW, HAVE YOU HAD ANY
10 CONTACT WITH ANYONE? I'VE ASKED YOU THIS MANY TIMES, BUT
11 FROM NEWSPAPER, TELEVISION, RADIO, OR ANY OTHER SOURCE?

12 A JUROR: NO. I'VE BEEN PUTTING NEWSPAPERS
13 IN THE CLOSET UNTIL IT'S ALL OVER.

14 THE COURT: FINALLY, IT'S THE INTENTION OF
15 THE COURT, BECAUSE WE ARE AT A STAGE RIGHT NOW WHERE IT'S
16 VERY IMPORTANT THAT THIS CASE CONTINUE ON, SO THE COURT
17 IS GOING TO ORDER THAT THE JURORS BE SEQUESTERED.

18 A JUROR: OKAY.

19 THE COURT: SEQUESTRATION MEANS THAT YOU
20 WILL NOT BE ABLE TO BE IN CONTACT WITH ANYONE EXCEPT THE
21 JURORS ALONE AND ALSO, THAT OVER THE WEEKEND, YOU'LL BE
22 SEQUESTERED WHICH WILL MEAN YOU WILL BE PLACED IN
23 LODGINGS THAT WILL NOT BE YOUR OWN HOME, SO YOU'LL HAVE
24 TO MAKE ARRANGEMENTS TO HAVE YOUR NECESSITIES BROUGHT TO
25 YOU.

PENGAD/WESI, RESNO, CA 94725

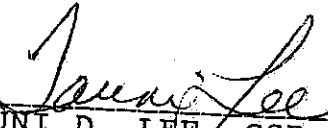
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF UTAH)
COUNTY OF SALT LAKE ; SS.

C E R T I F I C A T E

I, TAUNI D. LEE, OFFICIAL REPORTER OF THE
STATE OF UTAH, COUNTY OF SALT LAKE, HEREBY CERTIFY THAT
THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT OF THE
WITHIN-ENTITLED MATTER.

DATED: SEPTEMBER 5, 1988.



TAUNI D. LEE CSR, RPR.
LICENSE #6770