

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

STATE OF LOUISIANA

versus

CLAY L. SHAW

NO. 198-059

1426(30)

SECTION "C"

PROCEEDINGS in Open Court on

Saturday, February 15, 1969.

B E F O R E :

HONORABLE EDWARD A. HAGGERTY, JR.

JUDGE, SECTION C

Dietrich & Pickett, Inc.

Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130 - 522-3111

I N D E X

WITNESS DIRECT CROSS RE-DIRECT

JAMES SIMMONS	2	12	18
MRS. FRANCES G. NEWMAN	19	28	
MRS. MARY MOORMAN	33		

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1 MORNING SESSION 2

2 MR. DYMOND:

3 Your Honor, before the Jury comes in we
4 will ask that an instanta subpoena
5 issue for Mr. Robert Frazier.

6 THE COURT:

7 Do you have the address?

8 MR. DYMOND:

9 He is in the building and the Sheriff can
10 go with Mr. Wegmann to serve him.

11 THE COURT:

12 Is the State and Defense ready to proceed?

13 MR. OSER:

14 Yes, sir.

15 MR. WEGMANN:

16 Yes, sir.

17 ...oOo...

18 JAMES L. SIMMONS,

19 a witness for the State, after first being duly sworn
20 by the Minute Clerk, was examined and testified on his
21 oath as follows:

22 DIRECT EXAMINATION

23 BY MR. OSER:

24 Q State your name for the record, please.

25 State your name please.

1 A James L. Simmons.

2 Q Where do you live, Mr. Simmons?

3 A Mesquite, Texas.

4 Q I can't hear you.

5 A Mesquite, Texas.

6 Q During November 1963, Mr. Simmons, by whom were
7 you employed?

8 A By the Union Terminal Railway Company.

9 Q Where is that located?

10 A In Dallas.

11 Q At the present time by whom are you employed?

12 A By the Post Office.

13 Q Now I direct your attention to the day of
14 November 22, 1963 and ask you if you were
15 at work on that particular day in Dallas?

16 MR. DYMOND:

17 If The Court please, once again I object
18 to any testimony of this witness and
19 questioning in particular on the
20 grounds of immaterial issues.

21 THE COURT:

22 The objection is overruled.

23 MR. DYMOND:

24 To which ruling of The Court respectfully
25 object and reserve a bill making the

1 question propounded, the objection and the 4
2 reason for it and the ruling of The
3 Court and the entire testimony up to
4 this point, including the testimony of
5 this witness, part of the bill.

6 BY MR. OSER:

7 Q Were you at work on that particular day?

8 A Yes, sir.

9 Q Did you have occasion, Mr. Simmons, to go on the
10 day of November 22 to the area commonly
11 known as Dealey Plaza in Dallas?

12 A Yes, I was in the area.

13 Q Approximately noon that day in what area of
14 Dealey Plaza were you located?

15 A Standing on top the Triple Overpass.

16 Q Who were you with, sir?

17 A There was around ten or eleven of us there.

18 Q You and some fellow employees of the Terminal
19 Building?

20 A Fellow employees.

21 Q The place of employment, Union Terminal
22 Building, is this close to the overpass by
23 Dealey Plaza?

24 A Yes, sir, very close.

25 Q Mr. Simmons, I ask you to step down and I direct

1 your attention to State Exhibit 34 and I 5
2 ask you if you can point out on this
3 photograph your location and your position
4 that you were on on November 22, 1963, if
5 you would, please?

6 THE COURT:

7 Step to the side, please.

8 THE WITNESS:

9 I was standing approximately in this
10 position here.

11 THE COURT:

12 Mr. Oser, unless the Jury can hear the
13 witness --

14 MR. OSER:

15 Your Honor, the gentleman has the
16 microphone.

17 THE COURT:

18 We w_ell can't hear him.

19 THE WITNESS:

20 All right. I was standing approximately in
21 this position here.

22 BY MR. OSER:

23 Q Now I direct your attention to State Exhibit 36
24 and ask you if you can locate your
25 position on this particular diagram scene

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and then I ask you to place this marker,
this pin in the position.

A In this position.

Q Now I direct your attention to State Exhibit 35
and ask you if you can locate your
position on this particular exhibit?

A Yes, sir, I was standing in this position along
this rail.

Q I give you an emblem and ask you to place that
in the position you were in on that
particular day. You may have your seat
back.

Now while you were in this position,
Mr. Simmons, did you have occasion to see
the Presidential motorcade?

A Yes, sir, I did.

Q Where was the Presidential motorcade when you
first saw it approaching you?

A When I first saw it it had just turned the
corner by the School Book Depository.

Q Would that be making its turn on Elm Street?

A Yes, sir, -- no, pardon. When I first saw it
it came down Main and turned by the old
court house.

Q At the time the motorcade was passing did you

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hear any unusual noises?

A Yes, sir, I heard three loud reports I presumed to be shots.

Q Where was the President's car or limousine at the time that you heard the first shot, approximately?

A It had, it was about one-third of the way or maybe half-way between the Depository and the Overpass.

Q Did you have a clear unobstructed view of this scene?

A Yes, sir.

Q Can you tell us what reaction if any President Kennedy had to this first shot, as you saw it?

A Well, I don't remember exactly -- it was between the first or second or thereabouts and he turned to his left and threw his hands up.

Q At the time of the third shot that you heard can you describe what President Kennedy's reaction was at that time as you saw it?

A Well, he fell and there was matter and a halo of blood.

Q Which way did he fall?

A To his left.

1 Q What did the limousine do then?

2 A It paused and then accelerated real fast after

3 the motorcycle got out the way.

4 Q Did it go under the Triple Overpass?

5 A Yes, sir, went directly under us.

6 Q It went under you because you were standing on

7 the overpass?

8 A Yes, sir.

9 Q At the time you saw this red halo, what did that

10 appear to you to be?

11 A To the left side of his head.

12 Q Can you tell us what direction this went in,

13 this matter?

14 A It went over the side of the car.

15 Q Which side of the car?

16 A The left side.

17 Q Now at the time you heard the second and third

18 shot did you notice anything unusual in the

19 area of the grassy knoll?

20 A Well, after I heard the shots I looked to see if

21 I could see where they were coming from and

22 underneath the trees up on the grassy

23 knoll by the fence I detected what appeared

24 to be a puff of smoke or whisp of smoke.

25 Q From which direction did these noises appear to

1 were several footprints back and forth
2 along the fence.

3 Q What drew your attention to these particular
4 footprints, Mr. Simmons?

5 A Well, 'cause there were so many of them.

6 Q Did you see any footprints in any other area but
7 this area?

8 A On the fence, on the fence. On the fence there
9 was a wooden brace or rail and there were
10 muddy footprints on it.

11 Q Mr. Simmons, would you come down here and using
12 State 36, the mockup, show the Gentlemen
13 of the Jury and The Court, the route you
14 took after you heard the shots and saw the
15 puff of smoke, at approximately what area
16 behind the picket fence you saw these
17 footprints?

18 A Yes, sir. As I stated, I was standing here and
19 after the shots we walked around this
20 fence and there were footprints all along
21 behind the fence.

22 Q Show us also on the aerial photograph the route
23 you took.

24 A From here around behind the fence over to the
25 little building.

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Q Have your seat back now, sir. Mr. Simmons, while you were up on the Triple Overpass at the time of the shots, did you see any effects of any shots other than what happened?

A I actually didn't see any, I heard it.

Q Did you see any effects of any shots in this area?

A I saw the effects when it hit the President.

Q Did you see any of the shots hit anything else in Dealey Plaza?

A It looked as though one might have hit the pavement.

Q Could you show us using the aerial photograph what area of the pavement you saw it hit?

MR. DYMOND:

I object as he stated it "might have hit the pavement." Counsel has asked the witness as if it did.

MR. OSER:

Do you know of your own knowledge where this bullet hit?

MR. DYMOND:

I object to your saying it because he said it looked as though one might have and

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then he was interrupted.

THE COURT:

I will ask the Stenographer to read the question back.

THE REPORTER:

Question: "Did you see any of the shots hit anything else in Dealey Plaza?"

Answer: "It looked as though one might have hit the pavement."

MR. DYMOND:

It doesn't say any bullet hit.

BY MR. OSER:

Q Step down and use the aerial photograph and show us what area in Dealey Plaza you saw the effects of one of the shots appear to you to hit.

A On the street curb in this general area (indicating).

MR. OSER:

I tender the witness.

CROSS-EXAMINATION

BY MR. DYMOND:

Q Mr. Simmons, about how long after the last shot would you say you went back in the parking lot area behind the fence?

2

1 A Immediately.

2 Q Immediately, and about how long did you stay
3 back there?

4 A We were back there several minutes.

5 Q Could you tell us about how many?

6 A I would say 15 or 20 minutes.

7 Q 15 or 20 minutes and did you see any arrests
8 made back there?

9 A No, sir, I don't recall.

10 Q Approximately how many cars were parked in that
11 area at that time?

12 A Well, it is a parking lot and it was pretty well
13 filled with cars but I don't know approxi-
14 mately how many.

15 Q Do you know a person who used to be a Deputy
16 Sheriff in Dallas, Texas by the name of
17 Roger Craig?

18 A No, sir.

19 MR. DYMOND:

20 If The Court please, if Mr. Craig is in the
21 courtroom I will ask him to stand up.

22 THE COURT:

23 Stand up, Mr. Craig. Would you like to
24 have him come forward?

25 MR. DYMOND:

1 Yes.

2 THE COURT:

3 Step forward, Mr. Craig.

4 MR. DYMOND:

5 Come over in this general area. You may
6 have a seat back there again.

7 BY MR. DYMOND:

8 Q Did you see that gentleman, Mr. Simmons?

9 A There were so many people back there I don't
10 recall his face.

11 Q Did you see him or anyone else arrest a woman
12 in the parking lot at that time?

13 A No, sir, I didn't.

14 Q Did you see anybody detained by anyone that
15 appeared to be a law enforcement officer
16 at that time?

17 A No, sir.

18 Q Now, Mr. Simmons, measured in feet approximately
19 how far were you from your point of vantage
20 to the point where the Presidential
21 limousine was at the time the last shot
22 was fired?

23 A I don't know but I imagine it was two, three
24 hundred feet.

25 Q Two to three hundred feet?

1 A Yes.

2 Q Now, Mr. Simmons, you say that after the third
3 shot was fired that you saw a halo of
4 blood, is that right?

5 A Yes, sir.

6 Q Would you tell us just about the position of this
7 halo of blood in relation to the President
8 when you saw it?

9 A Well, it looked like just the top of his head
10 blew off and went up in the air.

11 Q Was the halo directly over his head or to the
12 front of him or where?

13 A Like I said, it seemed to go out the left side
14 of the car.

15 Q The halo seemed to you to do that?

16 A Well, the matter.

17 Q Could you tell whether this halo as you
18 described it was in front of the
19 President?

20 A Well, it seemed to be over his head.

21 Q Actually you were looking straight on so it
22 would be a little difficult for you to tell
23 whether it was behind or in front?

24 A I guess it would.

25 Q Now the area behind the fence where you have

1 described as being a place where you went
2 you say that was a parking lot?

3 A Yes, sir.

4 Q Where quite a few cars were parked in it?

5 A Yes, sir, there was.

6 Q Was this a muddy day?

7 A Yes.

8 Q Was there anything unusual about there being
9 footprints?

10 A Well, there is a steam line by the parking lot
11 and the fence and very few people have
12 occasion to cross that steam line.

13 Q Do you know whether people were up on that fence
14 watching the Presidential parade?

15 A I didn't see anyone around there.

16 Q Did you particularly look?

17 A No.

18 Q You were looking at the parade?

19 A Yes.

20 Q So there could have been people on the fence
21 watching it and you wouldn't notice that?

22 A That is right.

23 Q And that would account for mud on the rail?

24 A Yes, sir.

25 Q If there was mud on the rail.

1 A Yes.

2 Q Did you see a gentleman, I'm sure you heard of
3 Mr. Abraham Zapruder, did you see him
4 taking movies of the Presidential parade?

5 A Well, there were people all over the area taking
6 movies but I never seen him that I know of.

7 Q Mr. Simmons, you say you saw a place where a
8 bullet might have hit the curb and what do
9 you base your conclusion on?

10 A Well, like I say after the first shot --

11 Q Yes, sir?

12 A After the first shot I was screening the area
13 to see if I could see where they were coming
14 from and there was, it looked like dust
15 particles fly in the air from something
16 that had hit the curb or street.

17 Q And of course you are just guessing?

18 A I don't know.

19 Q Did you go over and check the curb in that area?

20 A No, sir.

21 Q You did not. Oh, yes, Mr. Simmons, you say
22 that you were standing approximately here,
23 is that right?

24 A Yes, sir.

25 Q And you say that the noise, that is the report

1 from what sounded like shots came from
2 this direction?

3 A Came from in front and the sound was to the left
4 of me.

5 Q Is it not a fact that the Texas School Book
6 Depository is in that direction also?

7 A It is.

8 Q Did you see anybody up on that Triple Overpass
9 with a gun?

10 A Yes, two policemen.

11 Q Two policemen?

12 A Yes.

13 Q They didn't fire any shots, did they?

14 A No, sir.

15 Q Did you hear any shots fired from the Triple
16 Overpass?

17 A No, not from there.

18 Q You heard a total of what you say is three shots?

19 A Yes, sir.

20 MR. DYMOND:

21 Thank you.

22 RE-DIRECT EXAMINATION

23 BY MR. OSER:

24 Q Mr. Simmons, you testified in front of the
25 Warren Commission?

1 A No, sir, I did not.

2 Q Were you interviewed by the Federal Bureau of
3 Investigation?

4 A Yes, sir.

5 MR. OSER:

6 That's all I have.

7 THE COURT:

8 Is the gentleman excused from the effects
9 of the subpoena?

10 MR. OSER:

11 Yes, sir.

12 THE COURT:

13 You're excused.

14 Call your next witness.

15 ...oOo...

16 MRS. FRANCES GAYLE NEWMAN,

17 a witness for the State, after first being duly sworn
18 by the Minute Clerk, was examined and testified on
19 her oath as follows:

20 DIRECT EXAMINATION

21 BY MR. ALFORD:

22 Q State your full name, please.

23 A Frances Gayle Newman.

24 Q Mrs. Newman, it is very important that everyone
25 in the courtroom be able to hear you so I

1 will ask you to speak into the microphone
2 as loudly as possible. These gentlemen
3 have to be able to hear you. If you don't
4 understand a question I don't mind you
5 asking us to repeat it.

6 A Okay.

7 Q State your full name once again.

8 A Frances Gayle Newman.

9 Q Where do you live, Mrs. Newman?

10 A Dallas, Texas.

11 Q Where in Dallas?

12 A 227 East Green Drive.

13 Q Mrs. Newman, did you live in Dallas, Texas in
14 1963?

15 A Yes, sir. I am a native of Dallas.

16 Q Did you have occasion on November 22, 1963 to
17 go to Dealey Plaza in Dallas, Texas?

18 A Yes, sir, we did.

19 Q And for what purpose did you go there?

20 A We went to Dealey Plaza so we would have a
21 chance to see President Kennedy as he came
22 through town.

23 Q Did you in fact observe the Presidential
24 motorcade?

25 A Yes, sir, we did. We went out to the airport to

1 see and we were unable to see him so we
2 went to Dealey Plaza.

3 Q And in whose company were you in, if anyone?

4 A My husband and my two children.

5 Q Would you speak just a little louder please,
6 ma'am?

7 A Yes, sir.

8 Q What was your husband's name?

9 A William E. Newman, Jr.

10 Q And where is he today?

11 A He is home sick.

12 Q Mrs. Newman, I am going to ask you to please
13 step up, step down from the witness chair
14 and step over here, please. Mrs. Newman,
15 I direct your attention to what for
16 purposes of identification is marked
17 State 34 and ask you whether or not you
18 recognize the scene depicted in this
19 photograph?

20 A Yes, I do.

21 Q What is this a picture of?

22 A A picture of the Triple Overpass and where we
23 were standing at the time of the
24 assassination.

25 Q What is this area commonly called in Dallas?

1 A Dealey Plaza.

2 Q Mrs. Newman, I'm going to give you a small flag
3 which has your name on it and a pin and I
4 direct your attention to the large plaque
5 over here marked State 35 and ask you to
6 please place, stick this pin in the
7 location or approximate location where you
8 and your husband were standing at the time
9 you observed the motorcade.

10 A (The witness complies.)

11 Q Mrs. Newman, I also direct your attention to this
12 mockup which has been marked State 36, and
13 I give you this small emblem and I would
14 request you to locate yourself on this
15 mockup, your approximate location.

16 A Right in there, right in front of that sign
17 there.

18 Q Do you see any other signs on the mockup?

19 A Oh, wait, I am too far down. Right in here.

20 Q You may return to the witness chair.

21 Mrs. Newman, at what location was the
22 Presidential limousine at the time you
23 were first able to observe it?

24 A They were, when we first were able to see them,
25 the limousine as it turned the corner from

Houston onto Elm Street.

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2 Q And did the Presidential limousine remain in
3 your line of vision?

4 MR. DYMOND:

5 Object to leading the witness.

6 BY MR. ALFORD:

7 Q To what point on Elm Street did you lose sight
8 of the Presidential limousine, if in fact
9 you did?

10 A It was after it passed us and went under the
11 Triple Overpass.

12 Q Mrs. Newman, while you were in Dealey Plaza did
13 anything unusual occur?

14 A Yes, sir, the President was shot.

15 Q Did you hear any unusual noises?

16 A I heard three of what I thought at first were
17 firecrackers -- three shots.

18 Q Did you hear the first of these noises?

19 A Yes, sir. Now, do you want me to tell you where
20 the President's car was when I first heard
21 the noises?

22 Q If you can.

23 A The President's car was maybe 100 or 150 feet
24 from us when I first heard the noise and
25 the first two noises were close together,

- 1 just seconds apart.
- 2 **Q** Were you looking at the President at the time
3 you heard the first report?
- 4 **A** Yes, sir, I was.
- 5 **Q** Were you able to observe any reaction on his
6 part?
- 7 **A** Yes, sir, at the time of the first noise he
8 threw his hands up.
- 9 **Q** Could you simulate what you observed?
- 10 **A** He threw his hands up like this and sort of
11 turned his head.
- 12 **Q** Did you have occasion to hear a second report?
- 13 **A** Yes, sir, I did.
- 14 **Q** Before I go into that, were you able to observe
15 Governor Connelly after the first report?
- 16 **A** Yes, sir, I saw Governor Connelly with the
17 first shot seemed to turn a little bit
18 like this. (Indicating)
- 19 **Q** You said you then heard a second report?
- 20 **A** Yes, sir.
- 21 **Q** Were you able to observe any reaction on the
22 part of Governor Connelly then?
- 23 **A** Yes, sir, at the time of the second shot
24 Governor Connelly grabbed his stomach.
- 25 **Q** Did he do anything else?

1 A Well, his eyes just got real big and he sort
2 of slumped down in the seat.

3 Q Were you able to hear a third report?

4 A Yes, sir, we heard a third report, it was a
5 short time, not maybe 10 or 12 seconds
6 after the first two shots.

7 Q And what were you able to observe the effects
8 of this shot then?

9 A Yes, sir, that shot when it happened, the
10 President's car was directly in front of
11 us and it was about a lane's width between
12 us, it wasn't in the lane next to the curb
13 it was in the middle lane, and at that
14 time he was shot in the head right at his
15 ear or right above his ear.

16 Q Did you have your eyes upon the President at
17 the time of these shots?

18 A Yes, sir, I did.

19 Q And were you able to clearly observe the effects
20 of that shot?

21 MR. DYMOND:

22 Object to leading the witness.

23 THE COURT:

24 Rephrase your question, Mr. Alford.

25 BY MR. ALFORD:

1 Q Approximately in feet can you estimate how far
2 you were from the Presidential limousine
3 at the time of the third noise?

4 A We were approximately 10 feet. The Presidential
5 limousine was directly in front of us. The
6 President was directly in front of us but
7 10 feet out in the street.

8 Q Now what was the effect of this shot upon the
9 President's head if you were able to
10 observe?

11 A The President, his head just seemed to explode,
12 just bits of his skull flew in the air and
13 he fell to the side.

14 Q Now what did you do at that time, if anything?

15 A At that time we both had a child and we got
16 down on the ground and covered our children
17 with our bodies because we thought we were
18 in a crossfire, the noise --

19 MR. DYMOND:

20 Object and ask the witness be instructed
21 to not give opinions --

22 THE COURT:

23 I overrule your objection, Mr. Dymond.

24 MR. DYMOND:

25 To which ruling Counsel reserves a bill

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of exception making the question, the objection, the reason for the objection being that this is a conclusion and opinion on the part of the witness, and The Court's ruling and all the testimony to this point and the testimony of this witness.

BY MR. ALFORD:

Q Where did the noise sound to you to come from?

A Sounded it was coming from directly behind us.

Q Mrs. Newman, I now show you a photograph previously marked State 41 and ask you to inspect this photograph and I ask you whether or not you can locate yourself in this photograph?

A Yes, sir, I can.

Q Will you please place an X immediately above your head. Now, Mrs. Newman, I now show you what for purposes of identification has been marked State 48 and I ask you whether or not you can locate yourself in this photograph. Were you able to locate yourself?

A Yes, sir.

Q Mrs. Newman, did you have occasion to testify

1 before the Warren Commission?

2 A No, sir, I did not.

3 MR. ALFORD:

4 Thank you.

5 CROSS-EXAMINATION

6 BY MR. DYMOND:

7 Q Mrs. Newman, did you give a statement to the
8 Federal Bureau of Investigation?

9 A The only statement I gave was given to the
10 Sheriff's Department the afternoon of the
11 assassination.

12 Q You did give a statement to the Sheriff's
13 Department?

14 A I did.

15 Q Did you give a written statement or verbal?

16 A It was a verbal statement and they had a
17 secretary to type it and I read it and
18 signed it.

19 Q You then gave a typed-up signed statement?

20 A Yes, sir.

21 Q Mrs. Newman, when did you and your husband first
22 learn that President Kennedy was to visit
23 Dallas on this occasion?

24 A Probably a week in advance.

25 Q About a week in advance of November 22?

- 1 A Yes, uh huh.
- 2 Q As I understand your testimony you heard one
3 noise that sounded like a firecracker?
- 4 A No, sir, I beg your pardon, I heard three
5 noises.
- 6 Q You heard one noise that sounded like a
7 firecracker and then a little later on you
8 heard two more close together?
- 9 A No, sir, I heard two close together and then
10 one.
- 11 Q I see. The first two were close together?
- 12 A Yes, sir.
- 13 Q And the second one was -- the third one was
14 seconds later?
- 15 A Yes, sir.
- 16 Q Would you mind as best you can by slapping the
17 side of the Judge's bench show us just
18 how you heard those shots?
- 19 A The first two (tap, tap) and then there was a
20 pause, and I don't know exactly how many
21 seconds, but then there was another shot.
- 22 Q You would not pretend to know how many seconds
23 between the second and third one?
- 24 A Not between the second and third one, no, sir.
- 25 Q In other words in your Direct testimony when you

1 said that 10 to 12 seconds elapsed after
2 the first two shots before you heard the
3 third, that was strictly an estimate?

4 A Yes, sir, it was more an estimate than a direct
5 fact because I don't know 'cause I didn't
6 time it.

7 Q Of course you were very excited at that time,
8 were you not?

9 A I don't believe I was very excited until after
10 it all happened and then I realized what
11 happened.

12 Q You say it appeared to you that the President's
13 head just exploded, is that correct?

14 A Not his head but more or less his ear and head
15 and fragments and things flew up and his
16 brain matter and blood started coming out.

17 Q It appeared to you that it hit in the vicinity
18 of the ear?

19 A Above the ear not behind the ear, the ear itself
20 but not behind the ear.

21 Q Some of the witnesses to this shooting have
22 described the appearance of the President's
23 head in that it appeared to be a red halo
24 and did you observe any such effect?

25 A No, sir, I didn't.

1 Q Were you able to see any blood or other matter

2 that escaped from the President's head?

3 A Yes, sir, I did.

4 Q Would you describe that as best you can?

5 A From what I remember when the President was hit

6 bits flew up and then white matter came out
7 and then blood.

8 Q Did you see any of that fly forward,

9 Mrs. Newman?

10 A As well as I could remember it flew straight up. (

11 Q As I understand your testimony when the

12 President -- right after this third shot

13 that he raised up and fell over to the

14 side, is that correct?

15 A Yes, sir.

16 MR. DYMOND:

17 That is all, Mrs. Newman.

18 THE COURT:

19 Is Mrs. Newman excused from the effects
20 of the subpoena?

21 MR. DYMOND:

22 Yes.

23 MR. ALFORD:

24 Yes.

25 THE COURT:

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Mrs. Newman, you are excused.

MR. ALFORD:

May it please The Court at this time I would request permission to show to the Jury what has previously been entered in evidence as State 41 and State 48.

THE COURT:

You may show it to the Jury.

Gentlemen, can I interrupt you a second. I have been requested by the State to give them a recess at this time so if you will just take the pictures with you upstairs we will take a five-minute recess.

(The Court recessed from 10:05 to 10:30 o'clock a.m.)

THE COURT:

I would like to report to the Defense Counsel that they made personal service on Mr. Frazier.

Is the State and Defense ready to proceed?

MR. ALCOCK:

The State is ready, Your Honor.

1 MR. DYMOND:

2 We are ready.

3 ...ooo...

4 MRS. MARY MOORMAN,

5 a witness for the State, after first being duly
6 sworn by the Minute Clerk, was examined and testified
7 on her oath as follows:

8 DIRECT EXAMINATION

9 BY MR. ALFORD:

10 Q State your full name, please.

11 A Mary N. Moorman.

12 Q Mrs. Moorman, it is very important for everyone
13 to hear you so if you will speak into the
14 microphone everyone will be able to hear.
15 If you don't understand any question I ask
16 or Defense Counsel asks, please ask us to
17 repeat it.

18 Mrs. Moorman, where do you reside?

19 A Dallas, Texas.

20 Q Did you reside in Dallas, Texas on November 22,
21 1963?

22 A Yes, sir, I did.

23 Q Mrs. Moorman, did you have occasion to be in
24 Dealey Plaza on November 22, 1963?

25 A Yes, sir, I did.

1 Q I would ask that you step down from the witness
2 chair, Mrs. Moorman, step over here please,
3 Mrs. Moorman, and I show you what for
4 purposes of identification is marked
5 State 34 and I ask you whether or not you
6 recognize the photograph depicted in here?

7 A Yes, I do.

8 Q What is this a photograph of?

9 A Dealey Plaza.

10 Q Now, Mrs. Moorman, I direct your attention to
11 what has been marked State 35 and I give
12 you a small flag with your name on it and
13 request that you please pin this flag on
14 the location, your location, in Dealey
15 Plaza on November 22, 1963.

16 Mrs. Moorman, at the time you were in
17 Dealey Plaza what scene was directly across
18 from you if you recall?

19 A The pagoda and stairs going up.

20 Q Mrs. Moorman, have you placed yourself in the
21 proper location?

22 A As far as I can determine.

23 Q Mrs. Moorman, I also show you and direct your
24 attention to what has been previously
25 marked as State 36, which is a markup of

1 Dealey Plaza and I give you this small
2 emblem and request that you place this in
3 approximately your location in Dealey
4 Plaza. Now, Mrs. Moorman, have you placed
5 yourself here on the same side of the street
6 as on this large plot?

7 A Yes.

8 Q Now, Mrs. Moorman, approximately what time did
9 you arrive on November 22 at Dealey Plaza?

10 A Around 11:00.

11 Q And were you accompanied by anyone?

12 A Yes.

13 Q By whom were you accompanied?

14 A A friend.

15 Q Now did you have occasion while in Dealey Plaza
16 to observe the Presidential motorcade?

17 A Yes, I did.

18 Q And at -- upon which street was the motorcade
19 at the time you first observed it?

20 A Elm Street.

21 Q And in what direction was it proceeding, I
22 don't mean north or so but if you can
23 identify the direction in relationship to
24 real estate?

25 A It is to my right coming towards me.

1 Q Now did anything unusual occur in Dealey Plaza
2 on November 22?

3 A Yes.

4 Q Would you please explain to the Gentlemen of the
5 Jury exactly what you saw and heard on
6 November 22.

7 A I observed the motorcade as it approached.
8 There were several cars preceding the
9 Presidential limousine and as the
10 Presidential limousine approached me I
11 stepped forward to observe closer in order
12 to take a picture, that is what I planned
13 to do and just what I did.

14 Q Did you hear any unusual noises?

15 A Yes.

16 Q And what did these noises -- How many of these
17 noises did you hear and what did it sound
18 like to you?

19 A I heard three noises and they sounded like
20 firecrackers.

21 Q Mrs. Moorman, what type -- you stated you had
22 a camera in your possession and please
23 tell us what type of camera?

24 A This is an earlier model Polaroid.

25 Q Did you take any photographs?

1 A Yes, I did.

2 Q Mrs. Moorman, do you presently have in your
3 possession a photograph?

4 A Yes, I do.

5 Q And when was this photograph taken?

6 A As the Presidential limousine drew across from
7 me.

8 Q Did -- and would you please hand me the photo-
9 graph?

10 MR. ALFORD:

11 What is the next number?

12 THE MINUTE CLERK:

13 Fifty.

14 MR. DYMOND:

15 Your Honor please, we object to this
16 witness' testimony on the ground that
17 it is irrelevant to the issues in
18 this case.

19 THE COURT:

20 The objection is overruled.

21 MR. DYMOND:

22 To which ruling Counsel reserves a bill
23 of exception making the objection,
24 the testimony of this witness and
25 all the testimony at this point and

1 the reason for the objection and The
2 Court's ruling part of the bill.

3 BY MR. ALFORD:

4 Q Now, Mrs. Moorman, in relation to the
5 photograph you have just handed me and
6 which I have marked State 50, I would ask
7 you to look at this photograph and tell
8 the Gentlemen of the Jury and The Court
9 whether or not the photograph is in the
10 condition it was in at a short period of
11 time after it was taken?

12 A No, it is not.

13 Q How does this condition now differ from then?

14 A It has lightened in color which is due to the
15 film but it also has fingerprints on it.

16 Q Mrs. Moorman, how long after you took this
17 photograph did you first see it?

18 A Probably a minute or just minutes.

19 Q And do you at this time identify this photograph
20 as a photograph you took of the President?

21 MR. DYMOND:

22 Objection to the leading of the witness.

23 BY MR. ALFORD:

24 Q Where was this photograph taken?

25 A In Dealey Plaza.

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Q And did you take it?

A Yes, sir, I did.

Q Now, Mrs. Moorman, I show you what for purposes of identification I have marked State 52, however prior to showing you this exhibit I would ask you what happened if anything to your photograph after you took it.

A Immediately after taking this photograph there was a matter of confusion and I did cross the street and a man came up to me and asked me if I --

MR. DYMOND:

Object to anything a man may have said.

THE COURT:

Don't tell us what anyone told you but you may tell us what you did.

THE WITNESS:

I was asked to remove --

MR. DYMOND:

I object to what was asked, Your Honor.

THE COURT:

It is a good objection. Someone said something to you and what did you do as a result of what the person said to you?

1 THE WITNESS:

2 I removed the picture out of the camera.

3 BY MR. ALFORD:

4 Q What did you do then with the picture?

5 A I looked at it.

6 Q Did this photograph remain in your possession
7 from the time you took it until today?

8 A No, it did not.

9 Q In whose possession other than yourself has this
10 photograph been?

11 A A reporter and the Secret Service and the FBI
12 that I know of.

13 Q Mrs. Moorman, I now show you what for purposes
14 of identification has been marked as
15 State 52 and ask you to inspect this,
16 please. What is this a photograph of,
17 Mrs. Moorman?

18 A Well --

19 MR. DYMOND:

20 I object because I think the photograph
21 speaks for itself rather than have
22 the witness interpret the photograph.

23 THE COURT:

24 I do not believe she can go into describing
25 the details of what it is.

1 BY MR. ALFORD:

2 Q Can you identify what is contained in this
3 photograph?

4 A Yes.

5 Q And what is it?

6 A It is a picture of the picture that I took.

7 Q Can you see the picture clearly?

8 MR. DYMOND:

9 I object to the leading.

10 BY MR. ALFORD:

11 Q Is there any doubt in your mind as to whether
12 or not this is a picture --

13 MR. DYMOND:

14 I object to leading again.

15 THE COURT:

16 It is the way you form your questions,

17 Mr. Alford. Rephrase and ask her

18 what it is.

19 BY MR. ALFORD:

20 Q Once again explain to us what it is.

21 A This is a picture of the photograph that I
22 took.

23 Q Now, Mrs. Moorman, I show you what for purposes
24 of identification has been marked State 51
25 and ask you to inspect this. Can you

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identify what is depicted here?

A Yes.

Q What is it?

A It is a portion of the photograph.

Q Of what photograph?

A The photograph of mine.

Q Is there anything contained in State 51 which is not contained in your photograph?

A Yes, there is a difference in these two photographs if that is what you're asking me.

Q What is the difference?

A In my photograph it shows two motorcycle policemen while this only has a portion of one.

Q Is everything that is contained in State 51 also contained in your photograph?

A Yes.

Q Mrs. Moorman, what was the color of your dress on November 22?

A A blue raincoat, navy blue.

Q Mrs. Moorman, I now show you what for purposes of identification has been previously marked as State 41 and I would request you to look at this photograph and identify

1 yourself if you can. Would you please
2 write your name under the --

3 **THE COURT:**

4 Not her name, her initials. Put an "M"
5 for Moorman.

6 **MR. ALFORD:**

7 Your initials.

8 **THE WITNESS:**

9 (The witness complies.)

10 **BY MR. ALFORD:**

11 **Q** Does this represent your approximate location
12 at the time you took the photograph?

13 **A** Approximately, yes.

14 **Q** All right.

15 **MR. ALFORD:**

16 May it please The Court, at this time the
17 State would request permission to show
18 the Zapruder film to this witness for
19 the purpose of identifying herself in
20 this film if she is able to do so.

21 **MR. DYMOND:**

22 I object because I don't think there is
23 any necessity to show it and reshow
24 this film. The lady has identified
25 herself in still pictures and fixes

1 the location of her person when she
2 took this photograph. I don't see
3 any reason to rerun the film.

4 THE COURT:

5 The objection is overruled.

6 MR. DYMOND:

7 To which ruling Counsel again objects on
8 the grounds it is unnecessary and
9 prejudicial matter by repeatedly
10 showing to the Jury that which has
11 no relevancy to the issues in this
12 case. There is no necessity for the
13 showing in view of the testimony of
14 this lady.

15 We would like to make the
16 objection together with the Zapruder
17 film, which is State 37, the reason
18 for these objectionable rulings of
19 The Court and the entire record up
20 to this point a part of the bill.

21 MR. ALFORD:

22 Excuse me, please, Your Honor, because I
23 will have to get the film.

24 THE COURT:

25 Tell me when you are ready.

1 MR. ALFORD:

2 One moment please, Your Honor. I would
3 like to have Mrs. Moorman step down.

4 THE COURT:

5 Yes, sir and I would like if you would
6 get the microphone for her.

7 (THE ZAPRUDER FILM WAS EXHIBITED TO
8 THE WITNESS, THE MEMBERS OF THE JURY,
9 THE COURT, COUNSEL FOR THE DEFENSE AND
10 COUNSEL FOR THE STATE.)

11 BY MR. ALFORD:

12 Q Mrs. Moorman, can you locate yourself in this
13 picture?

14 A Yes.

15 Q Would you please walk to the film and point to
16 yourself.

17 A (The witness complies.)

18 MR. ALFORD:

19 Thank you. You may return to the witness
20 chair.

21 MR. OSER:

22 Let the record reflect Your Honor that
23 I am returning this film to the
24 Court.

25 THE COURT:

1 Are you ready to proceed?

2 MR. ALFORD:

3 The State would like to tender this
4 witness.

5 MR. DYMOND:

6 We don't have any questions of this
7 witness, Judge.

8 THE COURT:

9 Is Mrs. Moorman released from the
10 obligations of the subpoena?

11 MR. ALFORD:

12 Yes, she is.

13 MR. OSER:

14 I have no questions but I wish to inform
15 The Court at this time that the State
16 wishes to offer, introduce, and file
17 in evidence in view of Mrs. Moorman's
18 testimony State Exhibit 51 and State
19 52.

20 MR. DYMOND:

21 To which of course we object if it please
22 The Court as there is no testimony
23 in the record as to who took these
24 pictures, where they came from, they
25 are not identified to any pictures

4
1 this witness took according to her
2 own testimony and no chain has been
3 established at all.

4 THE COURT:

5 What about State 50 which you just
6 entered and you are not offering it?

7 MR. ALFORD:

8 At this time we are offering these two
9 photographs at this time.

10 THE COURT:

11 I will admit them in evidence.

12 MR. DYMOND:

13 To which ruling Counsel reserves a bill
14 of exception making State 51 and
15 State 52 part of the bill, Counsel's
16 objections and the ruling of The
17 Court and the entire record parts
18 of the bill.

19 MR. ALFORD:

20 May it please The Court, because of the
21 delicacy of State 50 and its value
22 the State will return this to
23 Mrs. Moorman.

24 The State would request permis-
25 sion at this time to show to the Jury

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what has been previously marked as
State 51 and State 52 as well as
State 41.

THE COURT:

You may show it to the Jury if it is in
evidence.

MR. OSER:

Your Honor, if it please The Court, as
previously discussed with you the
State is going to ask for a recess.
We had witnesses coming in from
Dallas, Texas who are not here yet
and in addition there were three
other witnesses who have not come
and one is Officer Hargis,
Mrs. Newman's husband and the third
one was Mr. Holland who is in a
Santa Fe hospital.

THE COURT:

Also earlier you discussed with me the
proposition about something that was
to be done out of the presence of
the Jury. Are you ready on that?

MR. OSER:

Not as yet, Your Honor. This was a last

1 minute attempt to utilize the time
2 but unfortunately we are not in a
3 position to get all the needed
4 witnesses here. This would have been
5 out of the presence of the Jury,
6 however.

7 **THE COURT:**

8 When do you propose to get into that
9 feature of the case?

10 **MR. OSER:**

11 I would think it would probably be perhaps
12 late Monday and as I understand the
13 Court's position is that Tuesday we
14 are not going to work.

15 **THE COURT:**

16 That is correct. Very well, let me
17 explain to the Jury.

18 Gentlemen: Unfortunately we are
19 going to have to recess the case
20 until Monday morning. This logistic
21 problem you can probably understand
22 and apparently we will not be able
23 to proceed any further today.

24 I will leave it up to the
25 Sheriff to provide some type of

1 entertainment within legal bounds.
2 I'll try to have the Sheriff occupy
3 your time and I know you are under a
4 strain in trying to do your duty as
5 a juror.

6 Mr. Sheriff, I would like you
7 to take the Jury upstairs and then
8 take them to their motel and I will
9 communicate with Sheriff Heyd and
10 try to come up with some idea to
11 occupy their time this afternoon.
12 Also I am trying to see if we have
13 a place designated so you can see
14 the Rex Parade and I'm trying to
15 place you someplace where some
16 reporters are not going to try to
17 talk to you. If we can get some
18 home on the Avenue and have you
19 brought up there you might be able
20 to view the parade on Carnival Day
21 which may relieve the boredom or
22 tedium you necessarily must have.

23 Let me one more time admonish
24 the Jury not to discuss the case
25 until it is given to you.

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Mr. Sheriff, take the Jury
upstairs and we will be in recess
with this case until 9:00 a.m. on
Monday morning.

. . . At the hour of 11:05 o'clock a.m.
the trial was recessed. . . .

C E R T I F I C A T E

I, CHARLES A. NEYREY, an Official Court Reporter in and for the State of Louisiana, authorized and empowered by law to administer oaths and to take the depositions of witnesses under L.R.S. 13:961.1, as amended, do hereby certify that the above and foregoing deposition is true and correct as taken by me in the above entitled and numbered cause(s).

I further certify that I am not of counsel nor related to any of the parties to this cause or in anywise interested in the event thereof.

New Orleans, Louisiana, on the 26th day of May, 1969.

Charles A. Neyrey

CHARLES A. NEYREY
OFFICIAL COURT REPORTER
STATE OF LOUISIANA.