

1 then they would run their own investigation the way
2 they see fit?

3 A. Yes.

4 MR. MOODY: All right. No further questions.

5 MR. PONTON: We have no further questions,
6 Your Honor.

7 THE COURT: Call your next witness.

8 MR. PONTON: Robert Conatser.

9

10 ROBERT J. CONATSER,

11 having been first duly sworn by the Court to tell the
12 truth, the whole truth, and nothing but the truth,
13 was examined and testified as follows:

14

15 DIRECT EXAMINATION

16 BY MR. PONTON:

17 Q. What is your name?

18 A. Robert J. Conatser, C O N A T S E R.

19 Q. How are you employed?

20 A. I'm chief investigator for the County of
21 Tehama in the DA's office.

22 Q. How long have you been chief investigator?

23 A. For 11 years.

24 Q. How long have you been in law enforcement?

25 A. 22 years.

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1 Q. What was your involvement in law enforcement
2 prior to being the chief investigator in the Tehama
3 County District Attorney's office?

4 A. I was a detective for the City of West
5 Covina in the Los Angeles County Police Department.

6 Q. As a detective in Tehama County for the
7 district attorney, did you have occasion to
8 investigate the death of Rashell Ward?

9 A. I was not involved in the original
10 investigation.

11 Q. Were you aware that in the initial
12 investigation -- She died on March 4th, 1983?

13 A. 3rd.

14 Q. March 3rd, 1983. And in that initial
15 investigation there were no -- you were not able to
16 apprehend any suspects initially. Is that correct?

17 A. That's correct.

18 Q. There were some witnesses, however, that
19 gave you enough details to be able to make a drawing
20 of a suspect. Is that correct?

21 A. That's correct.

22 (Defendant's exhibit marked, D-31.)

23 Q. (BY MR. PONTON) I'm going to show you what
24 I'll mark for identification purposes of this
25 testimony as Defendant's Exhibit 31, and this would

1 be a copy of portions of the Rashell Ward murder
2 investigation.

3 And here on the front of this, can you
4 identify this drawing on the front of this
5 Defendant's Exhibit 31?

6 A. That's a composite of the suspect
7 description as given to the sheriff's office by a
8 witness.

9 Q. And can you read the description that is
10 written here on the right-hand corner of that drawing
11 here?

12 A. It's early 30's, 190 pounds, six-foot tall,
13 husky build, dark brown hair, lots of hair, beard and
14 mustache, dark clothing and wavy hair.

15 Q. And on the upper left corner of that drawing
16 is there a Xerox copy of a small photograph of Henry
17 Lucas?

18 A. Yes, there is.

19 Q. Does Henry Lucas appear in that photograph
20 the way he appears here in court today?

21 A. Yes, sir.

22 Q. And is Henry Lucas in court today?

23 A. Yes, he is.

24 Q. Is he the gentleman seated over here by
25 himself at the defense table?

1 A. Yes.

2 MR. PONTON: May the record reflect that
3 this witness has identified the defendant herein,
4 Your Honor?

5 THE COURT: It will so reflect.

6 Q. (BY MR. PONTON) Mr. Lucas has no beard,
7 does he?

8 A. No.

9 Q. His hair, though wavy, is not too long, is
10 it?

11 A. That's correct.

12 Q. Now, in your investigation of whether Henry
13 Lucas was involved in the death of Rashell Ward, did
14 you have occasion to follow up on where Henry Lucas
15 was in March of '63 and then to talk with Henry Lucas
16 as to whether he committed this murder?

17 A. Yes, sir.

18 Q. And please tell me very briefly what that
19 investigation was and what it uncovered.

20 A. The district attorney, Jim Lang, and I
21 traveled to El Paso and talked to Mr. Lucas who told
22 us he did not kill Rashell Ward and was not in
23 California in March of '63.

24 Then we traveled to Bowie, Texas, and talked
25 to Rueben Moore, who is the minister at the House of

1 A. Yes, he was.

2 Q. And did you believe him to be credible when
3 he was telling you that?

4 A. Yes, sir.

5 Q. Please briefly look through the rest of
6 Defendant's Exhibit 31 and tell me if you can
7 identify that as being true and correct copies of the
8 investigative reports and confessions given by Henry
9 Lucas regarding the death of Rashell Ward.

10 A. Yes, it is.

11 Q. The whole file contains the investigative
12 report and confessions and things of that nature?

13 A. Yes, sir.

14 Q. That's not the complete file, but that's
15 substantial portions of it --

16 A. Yes, sir.

17 Q. -- that you can tell. Is that correct?

18 A. Yes, sir.

19 Q. When you talked to Henry Lucas in El Paso,
20 did you believe him when he told you he didn't have
21 anything to do with killing Rashell Ward?

22 A. Yes, sir, I did.

23 Q. Did you believe him when he said he wasn't
24 in California on March 3rd, 1933?

25 A. Yes, sir.

1 Q. Did you review those confessions that Henry
2 Lucas gave to Detectives Groves and Cashdollar?

3 A. Yes, sir.

4 Q. Do those confessions contain certain details
5 of the crime?

6 A. Yes, they do.

7 Q. They describe the victim and her age and
8 approximate area where she was killed and things of
9 that nature, don't they?

10 A. Yes, they do.

11 Q. Described some jewelry?

12 A. I don't recall the jewelry.

13 Q. Did you review the reports from when Henry
14 Lucas came to your county and led officers to the
15 scene where Rashell Ward was killed? Did you review
16 those reports?

17 A. Yes, sir.

18 Q. And those reports indicated that Henry Lucas
19 did, in fact, do that; that he supposedly led the
20 investigating officers to the scene of Rashell Ward's
21 death. Is that correct?

22 A. That's correct.

23 Q. And there while at the scene of her death he
24 described certain crime scene details to them and
25 made a confession to killing Rashell Ward. Is that

1 correct?

2 A. That's correct.

3 Q. Are you satisfied now that Henry Lucas had
4 nothing to do with the death of Rashell Ward?

5 A. Yes, sir.

6 Q. How did Henry Lucas get the information to
7 confess to killing her and how did Henry Lucas get
8 the information to be able to lead the Texas Rangers
9 and the California Department of Justice officers to
10 the site of Rashell Ward's death? Do you have any
11 thoughts on that?

12 A. I have no personal knowledge of where the
13 information came from. There were suggestions made
14 during the interview with the Tehama County Sheriff's
15 office that could have given Mr. Lucas information.

16 Q. What kind of suggestions?

17 A. Oh, he was shown a picture of the crime
18 scene, for one.

19 Q. By whom?

20 A. By the detectives from Tehama County.

21 Q. Do you know if the Texas Rangers suggested
22 to that detective that he show those photographs to
23 Henry Lucas?

24 A. Not to my knowledge.

25 Q. Are you satisfied that any information Henry

1 Lucas got about the death of Rashell Ward came from a
2 police file or investigative report or from the mouth
3 of the detective rather than from being involved in
4 it?

5 A. I feel a portion of that information was
6 obtained through interviews with the detectives.

7 Q. Did you find out about Henry Lucas -- about
8 the manner in which Henry Lucas came to Tehama County
9 in the company of the Texas Rangers to go to that
10 crime scene?

11 A. I'm sorry. I didn't --

12 Q. Did you learn how he got there, who he was
13 accompanied with and the manner of that trip?

14 A. Only after the trip, because we were not
15 advised when they brought him in to Tehama County.

16 Q. Did you subsequently learn that the Texas
17 Rangers had asked that local investigating agencies
18 not have any contact with Henry Lucas regarding the
19 homicides he was going to confess to?

20 A. I was advised that by Detective Groves.

21 Q. That's what he had been told by the Texas
22 Rangers. Is that correct?

23 A. That's correct.

24 Q. And so when Henry Lucas went out there
25 without your presence or the district attorney's

1 presence or the presence of some of the other
2 officers that had greater knowledge about that crime
3 scene, when he was out there with the Texas Rangers
4 he confessed to killing Rashell Ward?

5 A. That's true.

6 MR. PONTON: At this time, Your Honor, I
7 would offer Defendant's 31.

8 MR. MOODY: Your Honor, I'm still going over
9 it. I probably will not have any objection to it,
10 but I did need to finish reading it. There are some
11 spots in here I haven't seen before.

12 THE COURT: Okay.

13 MR. PONTON: Pass the witness at this time,
14 Your Honor.

15
16 CROSS-EXAMINATION

17 BY MR. MOODY:

18 Q. The biggest problem in your case, sir, was
19 the problem with local detectives giving too much
20 information to Henry Lucas?

21 A. Well, from reading the transcripts of
22 interviews, I feel that they did give too much
23 information to Henry Lucas. As far as any other
24 agency, I have no personal knowledge of that.

25 Q. Like you said, you had no personal knowledge

1 that the rangers or anyone else gave him information
2 but merely that your officers gave him information?

3 A. That's true.

4 MR. MOODY: No further questions.

5 MR. PONTON: We have none at this time, Your
6 Honor.

7 THE COURT: Well, I'm going to let Mr. Moody
8 review that, whatever that is. What are you trying
9 to introduce there?

10 MR. MOODY: It looks like the -- I don't
11 know. It looks like the case file or something for
12 this Tehama County case of Rashell Ward.

13 THE COURT: Is that what you're trying to
14 introduce?

15 MR. PONTON: Yes, Your Honor.

16 THE COURT: Thank you, sir.

17 Is this gentleman -- Is he willing to give
18 you that file? Is that his file?

19 MR. PONTON: I have already made a copy of
20 it. He provided it to me and I believe -- I may be
21 mistaken, but I believe that file or something
22 similar to it has been provided to Mr. Moody.

23 MR. MOODY: We have a similar copy to most
24 of it. I'm just getting to the back part of it.

25 THE COURT: All right, Mr. Moody. We will