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FILED

JUL 1 1968  
48  
JAMES P. WELCH, Clerk

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 ROBERT CHARLES JORDAN, JR., )  
12 Plaintiff, )  
13 vs. )  
14 CLETUS J. FITZHARRIS, et al., )  
15 Defendants. )

No. 44786

18 STIPULATION AND ORDER CONCERNING  
19 CORRECTION OF THE REPORTER'S  
20 TRANSCRIPT OF PROCEEDINGS AT TRIAL

21 IT IS HEREBY STIPULATED between plaintiff and  
22 defendants pursuant to Rule 75(d) of the Federal Rules of  
23 Civil Procedure that the following changes in the Reporter's  
24 Transcript of Proceedings at Trial be made:

25 PAGE	LINE	CORRECTION
26 (i)	3 - 6	Change entire appearance for 27 PLAINTIFF-PETITIONER to read: "CHARLES B. COHLER, Esquire 28 111 Sutter Street, San Francisco, California 94104 29 By appointment of the Court"

	<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
1			
2	(ii)	9	Insert as new line: "Redirect Examination by Mr. Cohler .....138";
3			as a further new line, insert:
4			"Recross Examination by Mr. Granucci.....139"
5	1	7	Change "Alfonson" to "Alfonso"
6	1	11	Change "Alfonson" to "Alfonso"
7	1	16	Change "Alfonson" to "Alfonso"
8	3	21	Change "floor" to "door"
9	4	4	Change "arms" to "arm's"
10	6	17	Change "you shake yourself down" to "you shake it down yourself"
11			
12	11	15	Change " 'E' " to " 'X' "
13	12	24	Change " 'E' " to " 'X' "
14	13	4	Insert "up" after "backing"
15	14	2	Change "bases" to "basins"
16	17	16	Change "R.H." to "R.D."
17	17	18	Change "R.H." to "R.D."
18	18	3	Change the second "he" to "we"
19	19	5	Insert "with" after "eat"
20	20	10	Change "bases" to "basins"
21	22	18	Change "R.H." to "R.D."
22	22	21	Change "I" to "it"
23	23	6	Change "I" to "he"
24	23	12	Change "de Carlo" to "DeCarli"
25	23	13	Change "Keipura" to "Kiepura"
26	23	22-23	Delete in entirety as transcribed and substitute as continuation of same paragraph: "(addressing Mr. Kiepura, seated in the Courtroom)."
27			
28			
29	23	24	Omit "THE WITNESS:" and continue as part of same paragraph.
30			

	<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
1	24	7	Insert a comma after "said"
2	24	9	Change "Matea" to "Mata"
3	24	10	Change "Cartley" to "DeCarli"
4	24	11	Change "Johnson" to "Johnston"
5	25	2	Change "Friedrick and Mateo" to "Friedrick - And Mata"
6			
7	25	4	Change "him" to "it"
8	26	17	Change "R.H." to "R.D."
9	26	19	Change "R.H." to "R.D."
10	27	7	Change "R.H." to "R.D."
11	27	10	Change "Mateo" to "Mata"
12	28	19	Change "screams" to "screens"
13	31	14	Change "Mateo" to "Mata"
14	33	20	Change "choose sides" to "show both sides of"
15			
16	37	14	Change "shouts" to "shots"; Insert a dash after "cell"
17			
18	37	15-17	Change to read: "there we were talking about gas where I was. Immediately thereafter all the flaps and the door were closed. I was left there in convulsions." "
19			
20			
21	37	20	Change "And" to "Just"
22	38	21	Change "discipline" to "a disciplinary"
23	39	1	Change the comma following " 'me' " to a period; delete the period following "that"
24			
25	39	21	Change comma to semicolon
26	40	12	Change "E" to "X"
27	41	13	Change "that" to "it" and "were" to "are"
28	42	13	Change "Duell" to "Deuel"
29	42	14	Change "Tracey" to "Tracy"
30	43	6	Change "E" to "X"

	<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
1			
2	44	18	Insert a comma following "recall"
5	47	11	Change "hid" to "hide"
4	48	17	Change "R.H." to "R.D."
5	48	21	Change "Johnson" to Johnston"
6	50	11	Delete the second "in"
7	53	12	Change "get frayed" to "guess, but to estimate"
8			
9	53	14	Change "OAKES" to "COHLER"
10	56	2	Change "R.H." to "R.D."
11	56	4	Change "R.H." to "R.D."
12	62	4	Change "there" to "here"
13	67	13	Change "you know" to "I fell"
14	68	18	Change "Moslems" to "Muslims"
15	72	16	Change "room" to "wing"
16	78	1	Add "and" following "dimensions"
17	78	19	Change "tray" to "towel"
18	78	23	Insert a comma following "done"
19	81	4-6	After "move" in line 4, change to read "the Court for an order to take Mr. Jordan to San Francisco so there will be no problem of formalities."
20			
21			
22	81	25	Change "previous" to "present"
23	82	13	Delete "is"
24	82	20	Change "precisely" to "approximately"
25	82	23	Insert "when" after "approximately"
26	84	25	Change "Your" to "His"
27	86	9	Change "bases" to "basins"
28	86	11	After "Court" insert "as"
29	86	24	Insert "Body Waste"
30	87	24	Change "relieved" to "released"

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
1 88	1	Change "No" to "Yes"
3 88	21	Change "state" to "date"
4 92	1	Insert colon after "understands"
5 96	23	Change "noice" to "noise"
6 99	7	Following "you" insert "were afraid you"
7 99	14	Insert "paroled" following "be"
8 99	15	Delete "out"
9 102	12	Change "longer up" to "lock-up"
10 105	16	Change "I told you so" to "October"
11 105	25	Insert "October," after "in"
12 108	10	Change "seen" to "seeing"
13 117	24	Change "SIEGFRIED" to "SIEGFRIET"
14 128	14	Change "Gunsbar" to "Dunbar"
15 129	3	Change "relative" to "relatively"
16 129	4	Change "action" to "actions"
17 136	3	Change "it" to "that"
18 143	14	Insert "Sergeant" following "and"
19 143	16	Insert a comma following "testimony"
20 148	19	Change "quieter" to "quiet or"
21 155	11	Change "motion" to "motions"; Change "matters" to "natures"
22		
23 155	12	Insert a semicolon after "believe"
24 157	19	Insert a dash before and following the first "approximately"
25		
26 158	8	Insert "as" following "foundation"
27 161	7	Insert "[to counsel]" following the dash
28 163	7	Change "dog" to "fog"
29 165	22	Change "COHLER" to "OAKES"
30 168	24	Change "problem" to "province"

	<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
1			
2	168	25	Change "problem" to "province"
3	170	12	Change the first "or" to "a"
4	171	5	Change "asked" to "ask"
5	174	6	Delete "MR. COHLER" and continue text as part of MR. GRANUCCI's narrative
6			
7	176	9	Insert "Associate" preceding "Superintendent"
8			
9	179	8	Change "term of genius" to "generic term"
10			
11	179	9	Insert a comma following "institution"; put "classification in quotation marks.
12			
13	179	16	Change "and" to "in"
14	180	3	Insert "in the" preceding "upper"
15	180	14	Insert "be" following "it to"
16	182	25	Change "corroboration" to "collaboration"
17			
18	187	3	Change "which" to "of what"
19	187	4	Change "is" to "includes"
20	190	10	Change "quarum" to "quorum"
21	190	14	Change "fill" to "fulfill"
22	191	21	Change "quarum" to "quorum"
23	192	14	Change "quarum" to "quorum"
24	196	6	Insert "it" following "No;"
25	198	5	Change "quarum" to "quorum"
26	199	10	Substitute a hyphen for the comma between "radio" and "phones"
27			
28	200	23	Insert "other than" preceding "as"
29	206	1	Insert "letter" following "covering"
30	206	3	Insert "letter" following "covering"

	<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
1	216	12	Change "write" to "get"
2	217	18	Change "quoted" to "corrected"
3	218	6	Change "as" to "says"
4	226	4	Change "counsel" to "counselor"
5	236	16	Insert a dash following "out"
6	236	17	Insert a dash following "candid"
7	236	19	Change "or" to "after"
8	240	17	Change "counsel" to "counselor"
9	248	3	Change "are" to "aren't"
10	252	23	Change "the area" to "that era"
11	256	4	Substitute "It's the" for "the"
12	263	1	Change "mass" to "mast"
13	264	21	Insert a comma following "men"
14	264	22	Change "have" to "in"; Change "holds" to "hold"
15			
16	264	24	Change "petition" to "petitioner"
17	266	11	Change "Porter" to "Porte"
18	266	15	Change "baser" to "basic"
19	267	19	Change "Porter" to "Porte"
20	267	21	Change "in" to "him"; insert a comma preceding "assuming"
21			
22	268	1	Change "Porter" to "Porte"
23	269	7	Change "or" to "oh"
24	269	19	Change "case" to "A"
25	286	2	Change "headed" to "heeded"
26	288	19	Change "officer" to "officers"; Change "the" preceding "job" to "their"
27			
28	298	7	Change "quieter" to "quiet or"
29	298	8	Change "quieter" to "quiet or"
30	298	11	Change "quieter" to "quiet or"

	<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
2	299	11	Change "quieter" to "quiet or"
3	299	13	Change "8th" to "9th"
4	303	23	Change "quarter" to "corridor"
5	305	19	Change "quieter" to "quiet or"
6	305	24	Change "quieter" to "quiet or"
7	306	3	Change "quieter" to "quiet or"
8	311	13	Change "Jordan" to "Forden"
9	312	11	Delete the comma following "there"
10	313	3	Change "chang" to "change"
11	314	5	Change "quieter" to "quiet or"
12	314	14	Insert a comma following "here"
13	318	22	Change "aggregately" to "accurately"
14	320	7	Change "men" to "man"
15	320	15	Change "normall" to "normally"
16	320	21	Change "L.T.S., II" to "L.T.S. - II"
17	330	9	Change "destructives" to "destructive- ness"
18			
19	350	11	Insert "not" after the first "I'm"
20	352	22	Change "Miller" to "Mata"
21	353	1	Change "through" to "threw"
22	353	25	Change "Miller" to "Mata"
23	354	16	Change "Miller" to "Mata"
24	355	2	Change "Miller" to "Mata"
25	356	4	Change "ordeal" to "R.D."
26	363	19	Change "I" to "He"
27	363	21	Change "Mota" to "Mata"
28	364	7	Change "Mota" to "Mata"
29	365	1	Change "Mota" to "Mata"
30	365	19	Change "Mota" to "Mata"



	<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
1	372	25	Change "Conkle" to "Kunkel"
2	373	3	Change "Conkle" to "Kunkel"
3	373	10	Change "Conkle" to "Kunkel"
4	373	17	Change "Conkle" to "Kunkel"
5	373	19	Change "Conkle" to "Kunkel"
6	373	23	Change "Conkle" to "Kunkel"
7	374	1	Change "Conkel" to "Kunkel"
8	374	12	Change "Conkel" to "Kunkel"
9	374	16	Change "Conkel" to "Kunkel"
10	376	9	Change "Conkel" to "Kunkel"
11	376	17	Change "Conkel" to "Kunkel"
12	377	1	Change "Conkel" to "Kunkel"
13	384	2	Change "Action" to "Actions"
14	384	18	Insert "since" following "cell"
15	387	20	Insert a semicolon following "it"
16	387	21	Delete the period following "celi"; change "He" to "he"
17			
18	410	18	Change "in" to "and"
19	428	1	Change "toilet" to "tunnel"
20	432	20	Insert a semicolon following "forget"
21			
22	432	21	Delete the comma following "paper"
23	450	4	Change "it" to "that"
24	452	3	Change "bunch" to "watch"
25	478	1	Change "appointed" to "approached"
26			
27	483	3	Change "from" to "to"; Change "to" to "from"
28			
29	488	12	Change "include" to "exclude"
30	504	10	Delete the comma following "said"; delete "it"

<u>1</u>	<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
2	504	11	Delete the comma following "me"
3	506	22	Change "aggravation to "aggravating"
4	519	20	Insert a comma following "determine"
5	524	25	Insert "removal of" following "of"
6	525	3	Delete the comma following "Now"; insert "we are" following "Now"
7			
8	533	22	Change "medical" to "medically"
9	588	15	Change "I" to "he"
10	599	1	Change "No" to "Now"
11	605	9	Change "callings" to "call-ins"
12	626	14	Change "melted" to "melded"
13	631	15	Change "D-side" to "east side"
14	633	11	Insert "testimony" after "face"
15	637	17-18	Change "Plaintiff" to "Plaintiff's"
16	638	17	Change "even" to "either"
17	671	25	Change "1.3" to "13"
18	697	7-8	Delete "A: in line 8 and have all part of single paragraph.
19			
20	702	9	Change "your" to "you"
21	706	20	Change "dozer" to "dozen"
22	727	12	Change "shown us" to "been shown"
23	759	4	Change "fed" to "said"
24	835	7	Change "in" to "an"
25	840	15	Insert "ask" following "will"
26	840	18	Substitute "on his own behalf" for "by the plaintiff"
27			
28	847	2	Substitute a comma for the period following "described"; Change "No" to "no"
29			
30	848	6	Insert "basis" following "a"

	<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
1	850	11	Change "an" to "and"
2	850	18	Insert a comma following "case"
3	851	1	Change the comma following "difficult" to a semicolon
4			
5	851	21	Delete "... " following "personal"
6	851	22	Insert "must" following "it"
7	852	25	Change "corroboration" to "collaboration"
8			
9	853	1	Change "corroboration" to "collaboration"
10			
11	854	17	Insert a comma following "subordinates"
12			
13	861	23	Change "remporarily" to "temporarily"
14			
15	864	14	Change "wasn't" to "was"
16	865	22	Change "highest" to "lowest"
17	869	24	Change "using" to "shooting"
18	872	16	Change "P." to "Pacific"
19	873	6	Delete the comma following "him"
20	873	10	Change "ways" to "way"
21	873	25	Change the second "and" following "control" to "an"
22			
23	875	21	Change "siolation" to "isolation"
24	878	24	Change the period following "period" to comma
25			
26	878	25	Change "The" to "the"
27	880	1	Change "general" to "generally"
28	882	1	Change "escroted" to "escorted"
29	884	10	Change "preceding" to "precedent to"
30	885	24	Delete the semicolon following "deprived"

PAGE	LINE	CORRECTION	
2	887	6	Change "One" to "None"
3	887	16	Delete the comma
4	887	20	Delete the second "to" following "relate"
6	890	1	Insert quotation marks before "buck" and following "system"; delete the quotation marks following "buck"
5	890	4	Change "must" to "may"
10	917	17	Delete the comma following "therein"; change "like" to "lay"

DATED:

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 State of California  
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By *John P. Oakes*

Attorney for defendants

CHARLES B. COHLER

*Charles B. Cohlér*  
 Attorney for plaintiff

IT IS SO ORDERED

*[Signature]*  
 United States District Judge