

No. 77-9220

Dept. No. RO-C

IN THE TWENTY-FIRST DISTRICT COURT OF THE UNITED STATES

THE HONORABLE THOMAS E. GRAHAM, DISTRICT JUDGE

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THE GOVERNMENT OF THE UNITED STATES	>	PARTIAL TRANSCRIPT
	>	
Plaintiff,	>	OF PROCEEDINGS
	>	
vs.	>	May 6-8, 1977
	>	
RONALD OLIVER	>	
	>	
Defendant.	>	
	>	

CHARGE: Violation of the Dyer Act: Transporting a stolen car across state lines

APPEARANCES:

For the People: James M. Ross Assistant District Attorney

For the Defendant: Michael D. Walker, Esq. Attorney at Law

Reported by: Paula Tannenbaum, C.S.R. #574

### The Prosecution

Ronald Oliver, the defendant, was charged with stealing a used car and transporting it across state lines. The prosecution contends that Oliver visited the Parker Ford Company, liked a 1969 green Ford Mustang and asked the salesperson, a Mr. Ed West, if he could drive the car to his parents' house to get his father's permission to make the purchase. Later that afternoon, when Oliver had not returned, Mr. West called his parents and was told that Oliver had not been home. Mr. West then phoned the police and reported the car stolen. Shortly thereafter, a highway patrolman pulled Oliver over for speeding and made the arrest. In its opening statement, the prosecution stated with confidence that the evidence will prove beyond a reasonable doubt that Ronald Oliver is guilty of stealing a car and transporting it across state lines.

The first witness for the prosecution was Mr. Ed West, a salesman at the Parker Ford Company. Mr. West testified that Ronald Oliver was there the day the 1969 green Mustang was stolen and that it was he who borrowed the car from the lot--after receiving permission from the dealership owner. Oliver agreed to return shortly after noon. At 4:00 p.m., Mr. West called Oliver's parents only to learn that Oliver had not been home for over two years. Mr. West pointed to the defendant, Ronald Oliver, and identified him as the person who stole the Mustang.

The prosecution then called Mr. Alvin Matheson, a trooper with the state highway patrol. Matheson testified that he pulled Oliver over for speeding in a 1969 green Mustang in Murray, Kentucky, and upon discovering that the car was reported stolen, he put the defendant under arrest. Matheson immediately questioned Oliver, who flatly denied that he stole the car. In court, Matheson pointed to the Defendant as the person he arrested.

Testifying on his own behalf, Oliver adamantly denied stealing this car, or anything else for that matter. "This just isn't like me. I've never been in trouble before", he said. Oliver claimed that he had borrowed the car from a new friend, Larry Boeing. However, when the police tracked Boeing down, he denied any knowledge or involvement. The police brought Boeing to Parker Ford, but Ed West said he was "pretty sure" that he was not the man he dealt with.

Back on the witness stand, Trooper Matheson testified that after arresting Oliver, reading him his rights, and taking him to the police station, he continued to question Oliver. After about an hour, Oliver actually confessed to stealing the green Mustang. He said he had walked by the lot the night before and checked out the car, and liked it but could not afford the money they were asking.

The prosecution argued that the evidence proves beyond a reasonable doubt that Ronald Oliver is guilty of stealing a 1969 Mustang and asked the jury to vote for his conviction.

### The Defense

The defense insisted that Ronald Oliver did not steal the Mustang--that he was a victim of mistaken identification, having been in the wrong place at the wrong time. According to the defense, Oliver was helping out a friend by driving his car back to his girlfriend. Oliver was never informed and had no reason to believe that the car was stolen. The defense said it was confident that, after hearing the evidence, the jury will find the Defendant not guilty.

Ronald Oliver took the witness stand and swore that he had never been to the Parker Ford Company, which owned the automobile in question. Oliver said he had offered to drive with Larry Boeing to Colorado, where Boeing was hoping to find a job. Boeing, like Oliver, stands at 5'11". He weighs about 185 pounds (Oliver weighs 170). The car they drove, a 1969 Mustang, supposedly belonged to Boeing, and Ron agreed to give the car to Boeing's girlfriend, whom he knew only as Marybeth. After accompanying Larry to Colorado, Oliver headed back to Marybeth. At the time, Oliver had no reason to believe the car was stolen. Asked about his confession, Oliver said he had not consulted with an attorney at that point and felt pressured to make a statement. Shortly afterward, he retracted the confession and claimed his innocence.

On cross-examination, Ed West admitted that he had spent only a few minutes with the man who took the Mustang, and that occasion was eight months prior to seeing him in court. West testified that he sees about twelve customers a day at work. His description to the police was that of a man about 6' and 190 pounds. Therefore, Ed West's description matches that of Larry Boeing.

Also on cross-examination, trooper Al Matheson testified that when pulled over, Oliver made no attempt to escape, and when arrested, he complied with all of Matheson's orders. Matheson admitted that Oliver seemed confused and surprised to hear that the car he was driving was stolen and that Oliver immediately denied the charge.

The defense argued that the evidence is purely circumstantial. Ron Oliver believed he was doing a favor for a new acquaintance and that the wrong person was being charged with the crime. The State has failed to prove guilt beyond a reasonable doubt, Oliver is innocent, and the jury should reach a verdict of not guilty.

### Instructions to the Jury

Members of the jury. You have now heard all the relevant facts in this case. The defendant, Ronald Oliver, has been charged with a violation of the Dyer act--transporting a stolen car across state lines. Bear in mind that a defendant stands before you presumed innocent and that the burden is on the prosecution to convince you of guilt beyond a reasonable doubt. You will now retire to deliberate the facts and arrive at a verdict.