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Jennings/cont.

Q. Now as they came out in the officers' custody, was Cleaver ahead of Hutton or was Hutton ahead of Cleaver?

A. They were sort of side by side at first.

Q. To the best of your recollection, which one was on which side?

A. Well, facing the street from the house, Cleaver would have been on the left side. Hutton was on the right.

Q. And at the time of this firing, was Cleaver still moving or had he already been located at the front of the house stopped there?

A. Well, to be quite honest with you, at the time of the firing my attention was diverted from Cleaver to Hutton.

Q. Were you in a position where you actually could see Hutton falling, hitting the ground?

A. Yes. From where I was Hutton was in somewhat of a semi-circle or a little more, about three-fourths of a circle when the shooting happened

Q. With the opened end of the circle?

A. Facing the street

Q. So you had a clear view of him?

A. Well, it was just a little past my point of view

Q. Generally you could look through the opening in the semi-circle?

A. Well, it wasn't necessary to look through because from where I was I could look down

(Mr. Hederman leaves the room for a moment.)

BY SGT. FUGLER: Q. Did you fire at the suspects in the basement?

A.

Q. This was with a service revolver?

A. No, a carbine.

Jennings/cont

Q. When they came out you say Cleaver came out first and fell to the ground and Hutton came out and fell over him?

A. That is true

Q. And at this time the guys started to move in?

After they were told to raise their hands and they did, then they converged.

Q. Then did they come out of the alley-way, did they both walk out?

A. Well, more or less, yes.

Q. I mean, from in front of the door?

A. Well, they didn't really.

Q. From the corner of the house, how did they get there from the doorway that they came out of?

A. They got up on their feet

Q. Came forward?

Yes. Came forward, I would say, approximately two, three feet

Q. By this time the officers had moved in?

A. Right.

Q. Did they grab hold of them or just order them out to the street?

A. I didn't see anyone actually grab them. Well, I saw them just rushing them out towards the street.

Q. And then did you hear somebody say, "He's making a run for it."?

A. No.

Q. Then when he stumbled, about where was he in relation to the corner of the house there?

He was approximately in the center of the house, just a little passed the center.

Q. You mean the center of the house, you mean the center of the front of the house?

A

Q. In front of the steps

A little to the right of the steps facing the street.

Q. Then how long was it after you saw him stumble that you heard the shot?

A. That looked practically simultaneous

Q. Did you see him from the point where he stumbled to the point where you finally saw him laying on the sidewalk? How much distance would that be?

A. From the point he started stumbling?

Q. Yes.

A. Oh, gee, I would say about six, seven feet.

Q. It would be in the eastern portion of the building by the driveway?

A. Pretty much, right.

Q. And then when he finally collapsed on the sidewalk, the he was about in the middle of the house?

A. I believe so.

Q. That would be about 26 feet. So if that is in the middle of the house, that would be about thirteen feet from this point here to about the middle of the house?

I don't think -- let's see, there was a short lawn in front and it appeared to me that Hutton came from the side of the house surrounded and stumbled

Q. As he came from around the side of the house, he stumbled?

A. That is what appeared to have happened.

BY MR. McDONOUGH: Q. Could he, in fact, have been running or started to run?

A. It's possible, I would say it's possible

BY SGT. FUGLER: Q. Well, I mean if you saw him here and he started to stumble or whatever he started to do, and then he was down here, this would be about thirteen feet

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Jennings/cont.

or four yards away. Could it have been that he tumbled and fell or could it have been that he -- let's put it this way. Were there any officers up on the lawn next to the house there? In other words, you say it was a semi-circle, so there would be an area where there wasn't anybody in front of him?

A. At the time the shooting occurred, that was the case.

Q. In other words, there was a semi-circle of policemen around and there wouldn't have been any on the west side of him up close to the house there?

I would say on the southwest corner. This is the direction.

Q. He was coming out of the alley-way which would be coming south and then he would have stumbled or started to run in a southwesterly direction?

No, this was the direction that he took, southwest

Q. This would have been the direction that he took?

A. Right.

Q. Well, from your position he was running southwest, then there would be no officers in the northwest portion of the front yard there, right?

A. Wrong.

Q. Point it out on a diagram.

A. May I ask a question? Are you interested in finding out what happened?

Q. Yes.

A. I mean without regard for whatever else might happen?

BY LT. VERWER: Q. We have interviewed many officers here and there are many versions of what has happened. So it's obvious that we have to keep going back and going back so that we're sure we're understanding exactly what's happening.

Jennings/cont.

I just want to make sure because I saw what I saw.

Q. Right.

BY SGT. FUGLER Q. Well, this is the only thing I'm asking is that when he came out of here and there was a group of policemen coming in here and you say they were sort of escorting him or helping him get out to the street here, somewhere in this area here you saw him stumble?

A. That's right.

Q And was he in your view all the time from the time he started to stumble until the time he ended up on the sidewalk?

A. From here, yes. From where I was

Q. You could see over this car that was marked here and over the top of these policemen?

A. That's correct and it appeared that actually he was stumbling and from what I saw he was being pushed because the officers were around and everybody was excited and this is what I saw.

Q. You saw him stumble and then you heard a shot?

A. I heard a shot

Q. Did you hear one shot to begin with?

A. Right.

Q. Then you heard a volley of shots?

A. Right.

Q. Then he collapsed up here?

A. You don't have the sidewalk here. He came to rest on the sidewalk with his head just next to the lawn.

Q. What I'm saying is if all the shooting was from over here?

A. No, the shooting was not from -- he was surrounded practically in a semi-circle at the time he was shot by police officers.

Q. There wasn't anybody in this area here?

Jennin; /cont.

Let me illustrate (Officer Jennings takes the crayon starts drawing on the board.

BY LT. VERWER Q. It might be an advantage to use this diagram that is on this yellow sheet of paper showing the steps up to the front porch, the lawn and the driveway. This is the walkway. Here is the front porch steps, your sidewalk, your lawn and driveway, curb and street

BY SGT. FUGLER: Q. This is the doorway that he came out of, is that right?

A That's correct

Q. Now at this point -- now this is the doorway that Cleaver and Hutton came out of?

A. Right

Q. Hutton comes out and falls over him?

A. Right

Q. Stumbles over him?

A. They were ordered to put their hands up while they were still on the ground

Q. So they put their hands up and they were ordered what, out?

A. Well, I didn't order or hear the order for them to come out. There were police officers up on the porch, a couple on the porch and also the others had converge around them.

Q. The policemen are starting to move in around here and Cleaver and Hutton are still on the ground at this point?

A. Yes. They just got up.

Q. They started moving toward the street?

As they got up they naturally moved towards the officers and in turn the officers moved towards them.

Q. Were their hands up?