

W/K 4-9-67 4/245

Mr. BALL - Did you tell that to the sergeant?

Mr. FOSTER - I don't know whether I told the sergeant or not.

Mr. BALL - What did you do after that?

Mr. FOSTER - I moved to -down the roadway there, down to see if I could find where any of he shots hit.

Mr. BALL - Find anything?

Mr. FOSTER - Yes, sir. Found where one shot had hit the turf there at the location.

Mr. BALL - Hit the turf?

Mr. FOSTER - Yes, sir.

Mr. BALL - Did you see any marks on the street in anyplace?

Mr. FOSTER - No, a manhole cover. It was hit. they caught the manhole cover right on the corner and -

Mr. BALL - You saw a mark on the manhole cover did you?

Mr. FOSTER - Yes sir.

Mr. BALL - I show you a picture here of a concrete slab. or manhole cover. Do you recognize that picture?

Mr. FOSTER - Yes, sir.

Mr. BALL - Does the picture show - tell me what it shows there.

Mr. FOSTER - This looks like the corner here where it penetrated the turf right here [indicating].

Mr. BALL - See any mark on the manhole cover?

Mr. FOSTER - No, sir; I don't. not on the - well, it is on the turf, on the concrete, right in the corner.

Mr. BALL - Can you put an arrow showing the approximate place you saw that?

Mr. FOSTER - Should have been approximately along here[indicating].

Mr. BALL - Make it deep enough to mark. The arrow marks the position that you believe you saw the mark on the pavement?

Mr. FOSTER - Yes, sir.

Mr. BALL - It was not on the manhole cover?

Mr. FOSTER - No, sir.

Mr. BALL - Went into the turf?

Mr. FOSTER - Yes, sir.

Mr. BALL - Did you recover any bullet?

Mr. FOSTER - No, sir. It ricocheted on out.

Mr. BALL - Did you have the crime lab make a picture of that spot?

Mr. FOSTER - I called them to the location.

Mr. BALL - And told them to make a picture?

Mr. FOSTER - On, I didn't tell them. Called them to the spot and let them take it. Can I see the picture?

Mr. BALL - Yes, sir. Is this the picture?

Mr. FOSTER - That resembles the picture.

Mr. BALL - I offer this as "B" then. Mark it as "B" so that we have "A" and "B" now. Officer, this will be written up and submitted to you for your signature and you can read it over and change it any way you wish, or you may waive your signature at this time, which do you prefer?

Mr. FOSTER - Well, it doesn't matter.

Mr. BALL - Suit yourself. You make the choice.

Mr. FOSTER - I would just as soon go ahead and sign it.

Mr. BALL - All right. We will notify you and you can get in here and sign it.

Mr. FOSTER - All right.

Mr. BALL - Than you. One moment please. Who gave you your assignment, Mr. Foster?

Mr. FOSTER - Sergeant Harkness.

Mr. BALL - You did permit some railroad employees to remain on the overpass?

Mr. FOSTER - Yes, sir.

Mr. BALL - How did you determine they were railroad employees?

Mr. FOSTER - By identification they had with them. Identification they had and the other men that was with them verifying that they were employees.

Mr. BALL - Okay.