



CURTIS, SCHLOETZER & ASSOCIATES
 CERTIFIED SHORTHAND REPORTERS
 701 JACKSON STREET
 TOPEKA, KANSAS 66603
 PHONE: CE 2-0416

Sworn Statement of DONALD DONOHO, taken before me, Diana L. Simmitt, Certified Shorthand Reporter, beginning at 9:10 o'clock, P.M., on the 24th day of July, 1970, in the Courtroom of Douglas County District Court, Courthouse, City of Lawrence, County of Douglas and State of Kansas, in the presence of Mr. Clearance Duntz, Special Agent, Kansas Bureau of Investigation, and Jim Malson, Special Agent, Kansas Bureau of Investigation, State House, Topeka, Kansas.

Statement reported in shorthand by Diana L. Simmitt, C.S.R., Topeka, Kansas.

QUESTIONS BY MR. DUNTZ:

Q Would you state your full name?

A Donald Donoho.

Q What is your occupation?

A Department of Public Safety with the Police Department of Lawrence, Kansas.

Q How long have you been employed there?

A Approximately nine months.

Q Mr. Donoho, what we are doing, we are just going down and giving each one of the boys the Miranda warning, the people we are taking statements from; so at this time we would like to advise you of the Miranda warning, which I am sure you are familiar with. That is that you

do not have to give us a statement. It has to be voluntary; that you do have the right to have an attorney. Of course, if you don't have the funds, it's our responsibility to see that you do have. Further that anything that you do tell us in this statement that should be incriminating against you could be used in a court of law against you; and that you do have the right at any time during this interview to stop answering questions, if you so desire. Now, you understand them, I believe?

A. Yes,

Q. Mr. Donoho, what we would like for you to do, if you so wish to give this statement, just in your own words explain what happened in the vicinity of Oread Street between the twelve and thirteen hundred block the evening and night hours of July the 20th of this year. If you were called down more than once, each time if you will just explain what you do know, why, we will appreciate it, appreciate your telling us.

A. Well, the first time that I remember of anything going on on the hill was when we came from down at the bottoms, which we had been shot at. So we come up on the hill then for a fire hydrant which was turned on.

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Now, this is the day before this incident of the shooting; but that kind of, it kind of leads to it. I was taking one crowd down in front of the Rock Chalk. I suppose, which would be the 1200 block; and my back turned to the other crowd which Smotherman had the other crowd. Well, in this instance, a firecracker broke out, which your first thought is to turn, which I turned with my shotgun. It was loaded at the time; but I never kicked it off safety. So from then on, when I went up on the hill, why, I didn't put a round in the chamber because it's just too close I figured; and in my opinion, I was like everybody is, up tight; so the next day, the incident of the shooting, all I can tell you is what I did see.

Q. Just a minute, Mr. Donoho. When you do speak about who you were there with, if you will mention the names, if you know them and the approximate number of observers and the approximate number in the crowd, etc.

A. All right. At this one--now, getting right to the, I mean, the day of the shooting or this incident before?

Q. Well, the day of the shooting, yes.

A. Okay. I was with, I was back on, like the 12th Street or 12th and Oread; and there was a Garcia, a Raymond--

not Raymond--Miracle (sic), Bob Miracle (sic), Green, which was back on the other street watching the cars. This is about all that I can remember that was down in the group where I was. There was Pinegar and a Reade, Sedlack, Fox. There could possibly have been two other men which would have been on the other shift. I think one of them was Stroud, and that's all. This is all that I can remember now. They was up ahead of me, but my group was back there. Well, I came up in the street where the Volkswagen was turned over; but I was way back behind the rest of the men trying to keep my eyes on the upstairs of a couple apartment houses just in case, you know, there would be shots coming from the houses. I didn't fire a shot, didn't throw any tear gas that day; but from the, from my position, I could look; and there was firecrackers being shot. Now, I can't say--could I stop this right now?

MR. DUNTZ: Yes.

(THEREUPON, at this time an off the record discussion was held, after which the following proceedings were had, to-wit:)

- A. To me, in my opinion, it looked to be a gun shot. It was reddish in color. Then I did hear people saying--

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I do not believe in my opinion that this was our men yelling shoot him, shoot him, kill him. Now, I heard this; but I'm sure it wasn't our people that said this; but I did hear it loud. So then it seemed to calm down a little bit, which one of the cameramen lost his tape recorder, I believe--and this is weird, but both sides come over, the policemen and the long-haired individuals, to look for the man's tape recorder which he had dropped. We are standing with the flashlights and all of us is together looking for a tape recorder. Then the newsman said somebody must have picked it up. So everybody goes to their sides again. I don't believe that they knew at this time that one fellow had been shot and killed. So everybody wasn't hostile, nobody was hostile. Everybody was just kind of mingling; and we talked. Now, that's about all I can remember until that, later in the morning or later at night, whichever it was. We went back; and one man came to me, I have his name but I don't have it with me. He did make a statement that, he showed me where the person was shot which was over by the telephone post. So while I was in this area, I thought I would go over and look down in between the two buildings, which I did.

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Q Now, which two buildings is this?

A This is the Gas Light and the brown building beside it. It's, I don't know what it is, but it's a newer brown building. There's just a little space, probably, well, there's probably, there's quite a bit of room in between; but there is a hedge that runs through of some kind, probably ten feet between the brown building and the hedge and the Gas Light. There's a little walkway down there it looks like.

Q What location is this building from the Gas Light, what direction?

A It's south. It's the first building, and it faces the other street. There's no windows in the back or anything. There's kind of a hedge or brush that goes right down between the Gas Light and the brown building but on the south. So I thought in my mind, I thought I seen a shot. So I thought I would check the area, you know, to see if I could find anything. A Lieutenant McClure and a Sergeant Foust and Good was there. I took my flashlight and looked down this appearing to be kind of a pathway. There was a pack of Marlboro cigarettes, probably had six cigarettes out of it, laying right up on the front of this hedge real close.

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PHONE: CE 2-0418

I shined the light a little farther, and there was a book of matches that probably had two matches out of it, probably about ten feet from the cigarettes and would be going downhill or uphill, whichever; and I didn't check the area real thoroughly. I did take the cigarettes, and I did take the matches, which I showed--before I picked anything up--I showed a Lieutenant McClure and Sergeant Foust and this Good also was there; and he also had his flashlight; and it was said it looked like somebody tried to get away in a hurry; but that is all, you know.

Q Mr. Donoho, do you know about what time, approximately what time you arrived down there that night?

A Oh, gosh, I really don't.

Q Were you there only once?

A I was there just once and stayed most of the day there, the night.

Q The night?

A Yes.

Q What was your occasion to be there?

A Well, if, like I say, when we first went up, which was early, about, like 9:30 in the evening, the fire hydrant; and I--no, I beg your pardon. We did leave,

and we came back because they had set the telephone post on fire, or somebody. There was a fire on the telephone post which looked to be set.

Q You were assigned to go there, right?

A We were assigned, the Department of Public Safety, we are. I am a transfer from the fire department, and we do both jobs as, to the best of our ability. So we went back for the fire which was at the telephone post of 12th and Oread. It was burning there, and it was put out, and then it seemed to be quite a bit of, well, quite a bit of violence. It seemed like hours until, whatever, we moved the crowd back to 13th and Oread; which I don't know, somebody yelled some profanity; and the man, Sedlack, threw a smoke grenade in that direction; and the car left; and then we stayed there. Then I went back to the other end, and the others stayed there.

Q You went back to which end now?

A The 12th, 12th and Oread.

Q Who stayed up at 13th?

A Sedlack, Sedlack stayed up at 13th, and we mostly just kept our eyes on the cars and such as this. There was four, three, there was six cars up there, I remember.

There was four of them on Oread Street, 12th and Oread; and there was two of them at, well, it would be the 1100 block of, I think it's Louisiana.

Q How long did you remain down at 12th and Oread?

A Quite some time.

Q Then what happened?

A Well, I stayed there all day.

Q All evening?

A In fact, all evening and morning trying to keep, you know, just in case something, one of the men came back from the hospital to tell what had happened to this other fellow.

Q Well, did you see some officers go south down Oread Street that evening?

A Could just see the back of their heads is all, and I knew they was officers which I was in back of all this time. I would say probably six officers up ahead. Well, I was in back trying to, you know, in case somebody fired from one of the apartment houses.

Q You were more or less looking, watching over?

A Watching back in here and up above (indicating) the two apartments or three that's on the west side of 1200 Oread.

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Q What location were you at there?

A I was probably at, I was on the east, kind of up in the brush there by that water tank. I couldn't see very well on the east side. I could see about the middle of the road or the middle of the street, Oread Street west. I couldn't see too much of what went on east. I could see shots being fired from our side. I mean, to a certain extent; but--(interrupted)

Q Could you see the officers approaching then from the north?

A Yes, yes, sir.

Q How many do you think there was?

A I seen approximately five. I understand there was more than that, but that is all--(interrupted)

Q What formation were they approaching in?

A Looked to be a line, more or less. I mean, a line like, east and west.

Q Did you hear any shooting that evening?

A Did hear some shots, yes, I did.

Q About how many, do you know? Could you tell us?

A Well, really, about three shots is all that I can remember of hearing.

Q Were these rifle or shotgun?

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A. All I could hear was, seemed like three shotgun or two shotgun shots; and the other one, I don't really know what it was; but I didn't in my mind, I don't believe I heard a shot that was, which I said I might have seen. I don't believe I heard it.

Q. Then the only thing that you heard would be in a northerly direction from where you were?

A. No, from the south of where I was, of my position. They was ahead of me.

Q. The officers were ahead of you at this time?

A. Yes. They was ahead of me at all times.

Q. Oh, I misunderstood you.

A. Yes.

Q. Then if they were ahead of you, then, you were proceeding south over on the east side of Oread then?

A. East side, yes. I was behind these people, the men, police officers.

Q. Were you in the street, or were you up on the curb?

A. I was more up on the curb, maybe even up on the sidewalk.

Q. You yourself, you didn't fire any shots?

A. No, sir, I never did even have a round in my chamber yet because it all happened so fast that--and I was

behind; and really what I figured my main job was just to check out any firing from, from up above in the apartment houses.

Q And in doing so, the only thing that you seen that represented a fire was what you may have seen up near the Gas Light?

A Yes, sir, right.

Q This is coming from the west side of the street?

A Coming from the west side, yes, sir.

MR. DUNTZ: I don't believe I have any further questions.

(THEREUPON, at this time an off the record discussion was held, after which the following proceedings were had, to-wit:)

A That's about all I can think of.

QUESTIONS BY MR. MALSON:

Q This evening we are talking about here on Monday evening, July the 20th, in the area between 12th and 13th on Oread Street, you had a shotgun?

A I did have a shotgun, yes.

Q Was this a 12 gauge?

A Model 12, Winchester. It's got sights on it.

Q A regular riot gun?

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TOPEKA, KANSAS 66603
PHONE: CE 2-0416

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CERTIFIED SHORTHAND REPORTERS
701 JACKSON STREET
TOPEKA, KANSAS 66603
PHONE: CE 2-0418

A It's more or less for slugs, shooting slugs. It's got sights on it. I don't know what they, exactly, it was a Model 12 Winchester.

Q About how far in front of you were the other officers?

A Oh, gosh, probably twenty or thirty feet.

Q Had they reached the overturned car before you heard any shots? Did you hear these shots before they reached the car or after they passed the car?

A It seems to me like before they reached the car there was shots; but now--(interrupted)

Q Do you know who fired any of these shots?

A No, not really. I have heard, but I never seen them, no.

Q Now, you were walking on the east side of Oread Street?

A East side of Oread Street.

Q On the embankment there?

A Not quite on the embankment, but quite a ways up which was just about on the sidewalk. I suppose it was on the sidewalk.

Q From the position you was in, where was the main body of the crowd as the officers were proceeding south on Oread Street?

A They was more, I, at the position that I was, I couldn't

hardly see the crowd because they was more at the, I believe, east because I couldn't see; but they must have been at the east about a fourth of the way in off of 13th; and there was a few stragglers at the car that, then after the shots, seemed to run to that corner, that parking lot.

Q. Were there some people in the street on the west side of the street just north of the Gas Light?

A. I doubt it. I really don't know. I was mostly watching the Volkswagen that was overturned and the buildings, some of our, I feel, trouble spots, these two apartment houses.

Q. Did this flash you thought you saw in the area of the Gas Light, at the time or just immediately after you saw this flash, did you hear any type of report or noise like a firecracker or a weapon would make?

A. It seems like the wall of the firecrackers, that while the firecrackers was going off, this other, more of a sharp, piercing sound at the same time that the firecrackers was going off, this happened.

Q. Prior to the time you heard the firstshots go off, had there been any gas thrown by the officers south of the car that was overturned?

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PHONE: CE 2-0616

A. Not to my knowledge, no.

Q. About where in the street in relation to the car north or south were the officers when they threw the gas, the first gas you saw?

A. I would say they was northeast of the overturned car.

Q. When they first threw the gas?

A. Yes.

Q. At any time during the evening did you fire any shots in the area of 12th and 13th and Oread?

A. No, sir.

Q. Was there any officers on the east side of Oread Street proceeding southeast in front or behind you?

A. No, sir, there wasn't.

Q. Were there any officers--(interrupted)

A. There was people that was still stationed back at 12th, 12th and Oread. Garcia and, I believe, it might have been Bob Murkel (sic) was back at the corner; but it was pretty hard to see anything of what was going on at 12th and Oread because there's a little incline. There's a little hill there that I don't believe you could see anything from there. I might be wrong, but as far as crowd movement or such.

Q. Were there any officers between you and the water tanks

or east of you between you and the water tanks?

A. No, not to my knowledge.

Q. Did you hear any shots in the immediate area of where you were at all?

A. No, sir.

Q. Had several of your officers started down the street south prior to your arrival?

A. Yes, sir.

Q. Was anyone from your department there in charge that actually told you where to go when you arrived?

A. No, not personally. I believe they also brought in another shift, but I don't know where these men went. They was at 12th and Oread, and they was formed into a group; and they went down 12th Street to Louisiana; and I don't, I don't believe I seen them again.

Q. Was any certain individual in charge there of the police?

A. I'm sure Sergeant Foust, I'm sure he had his men, which was ahead of me. I'm sure he had them formed and in good shape. They was aware of what was going on. Myself, I'm back behind; and I didn't get into their thing because I wasn't informed; and I'm sure he did inform them.

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701 JACKSON STREET

TOPEKA, KANSAS 66603

PHONE: CE 2-0416

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CERTIFIED SHORTHAND REPORTERS
701 JACKSON STREET
TOPEKA, KANSAS 66603
PHONE: CE 2-0416

- Q To your knowledge, were there any off-duty police officers in civilian clothing mingling with the crowd for intelligence purposes or other purposes?
- A Not to my knowledge, no, sir.
- Q Did you see anyone in this crowd that you personally recognize by name?
- A No, sir, I didn't.
- Q Did you hear or see any shots in the area south of the Gas Light Tavern at any time that night other than the one we have mentioned before?
- A This, no, no, sir.
- Q Other than the one we have--(interrupted)
- A And that one, no, sir.
- Q --(continuing) previously talked about?
- A Like I say, I'm not saying that was a shot; but--
(interrupted)
- Q Did you hear anything in that area sound like firecrackers other than the one instance that could have been a firecracker?
- A The firecrackers seemed to me like they was over in the east, the south of the overturned car, which was in the group; or it might have possibly been in the parking area. I couldn't see.

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Q Across east from the Gas Light?

A I didn't see any what I seem to think firecrackers. I heard them, but--(interrupted)

Q This building you spoke of earlier that was next to the Gas Light Tavern where you found the matches and the cigarettes, is this a trailer house type of, shaped building?

A That's what it looked like to me, yes.

Q It's brown in color?

A Right, beige, brownish color, yes.

Q Other than the matches and the cigarettes, did you pick up anything at the scene that night or since that time, any objects at all such as a shell casing, rocks, slugs, anything like this?

A Well, now, I did pick up--which I got told about it later--a piece of pipe about four inches long (indicating). It's chrome, had threads on both ends, that looked like it had been blown, looked like something inside it had blown it apart; and it was ripped open at one end, split at one end; and I picked it up; and I don't know, I told somebody look here, this is what, instead of rocks they are throwing these; and threw it over to the side. Well, I was told about

it later.

Q Is there anything other than this object that you picked up out there?

A. Me personally, no.

Q Do you know of any other object that was picked up by anyone that might be considered as evidence in this case?

A. I'd rather not say if it's, if it's all--I mean, because I, I just rather not. I don't, I don't know what it was or whether anything was--but I'd just rather not say. There was a metal detector up there. I believe it was a Ralph [REDACTED] brought a metal detector up, and he runs this, I think, I don't really know. He works out on this Gulf Station at 6th and Maine; and he also, I think, has got something to do with the Traders Pawn Shop; but we stood right there while he run his metal detector; and, well, this other, I think it might have been shell fragments; but I don't know, that was--
(interrupted)

MR. DUNTZ: You didn't personally see any evidence then that was picked up?

(THEREUPON, at this time an off the record discussion was held, after which the following proceedings were

had, to-wit:)

Q After the ambulance had departed and you remained in the area by the water tanks on the east side of Oread Street--(interrupted)

A Yes, sir.

Q --(continuing) were there any other officers there with you at that time?

A Not at that moment; but later they came from, or they came back; and there was Lieutenant Foust, myself, Stroud, and, oh, Hyde, Officer Hyde, and Officer Stroud was there by the water tower in kind of a bushy area.

Q Now, I understood you to say and Officer Strout and Officer Stroud, is this just one officer whose name is Stroud?

A I said Officer Stroud. He's a police officer.

Q This is the same person?

A Yes, it is.

Q Is there anything else that occurred that night that we haven't discussed here that you feel might be pertinent information that you want to tell us about now, any actions you took or any actions the other officers took that night that we haven't discussed?

A Not, no.

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CERTIFIED SHORTHAND REPORTERS
701 JACKSON STREET
TOPEKA, KANSAS 66603
PHONE: CE 2-0416

interested in the event thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
Official Seal this 30th day of July, 1970.

Diana L. Simmitt
Diana L. Simmitt
Certified Shorthand Reporter



CURTIS. SCHLOETZER & ASSOCIATES
CERTIFIED SHORTHAND REPORTERS
701 JACKSON STREET
TOPEKA, KANSAS 66603
PHONE: CE 3-0416