

I have no idea.

What was he driving?

I have no idea. I didn't see his car.

No further questions.

( O'Neill on re-direct)

Is the lady that you spoke to in court today from the DA's office? The lady in purple seated behind me?

I spoke to people over the phone. I talked to a man in the bar that came in a gave me the subpoena.

Would that have been my investigator, Tim Ford, in the gray jacket?

Yes.

Had you provided a written document saying that you would be happy to testify and you provided that back in the summer, correct?

Right.

Have you ever changed your position?

No.

And has anyone promised you or given you anything in exchange for your testimony?

No.

(Cross by Rachow)

Miss Hillman, you're telling the truth as best you remember it; right?

That's right.

It is not possible you might be mistaken on a date?

No, none.

You're absolutely sure?

Absolutely

There could be no doubt in your mind whatsoever?

No.

Thank you.

WILLIAM RICHARDS, called as a witness herein.

What do you do for a living, sir?

I'm a bartender.

Do you know the gentleman seated to my left?

Yes, I do.

What is his name?

Nolan Klien.

And how long have you known him?

Approximately three and a half, four years.

*2/10/07 10*

*witness William Richards*

And how do you know him?

I worked with him at Reno Flying Service.

Do you recall being with him on a night wherein a particular event was supposed to happen the next day?

Yes.

And would you describe that?

We were discussing the possibility of Los Angeles falling in the ocean the next day, May 10<sup>th</sup>. It was in all the newspapers, and Nolan and myself and several other people in the bar were discussing that fact.

What bar was this?

Jack's Bar.

Who else was present?

There was Nolan, his brother Marty, his mother Pinkie, J.D. and Barbara, the bartender.

And do you recall approximately what time you got there, Mr. Richards?

Five.

And who was there when you got there?

Nolan, myself and his brother Marty.

Did anyone leave during the course of the evening?

We were all there, and Pinkie and J.D. left around 9:00 o'clock that night.

Why were you so sure about that time?

Because it was just starting to get dark.

Do you recall what time Nolan left?

The best of my knowledge, we were there until ten, eleven o'clock that evening.

Did you leave together?

No.

Who left first?

Nolan left first.

And could that have been any earlier than 10:00 o'clock at night?

No.

Why do believe that?

Because I looked at the clock, gauging what time to go home.

And why are you so sure that this was May 9<sup>th</sup>, 1988?

Because we were discussing the possibility of May 10<sup>th</sup> the following day, of Nostradamus' prediction coming true.

Are you sure it's May 9<sup>th</sup>?

It was during the course of that weekend or on Monday I read it in the paper and heard it on Eyewitness News, as well.

(Cross Examination by Rachow)

Do you know Nolan Klien by any other name?

No, sir.

Ever heard him called "Ed"?

No, not to my recollection.

What kind of contact have you had with Nolan in the past?

We worked together at Reno Flying Service. And then we met on several occasions at Jack's Bar, went out to the river a few times.

Do you patronize Jack's Bar on a frequent basis.

Yeah.

Nolan do that, too?

At the time.

When did he stop?

During the summer. I started to work and so I kind of lost contact with a lot of people.

Were you still seeing him there in June?

In June? I believe so.

Now, after May 9<sup>th</sup>, did you ever talk about Nostradamus again?

Not to my knowledge.

And you never talked with anybody about it, just on this one occasion?

Just on this occasion, because it had been publicized. We were joking about having ocean-side property.

Did you go back on Tuesday to the bar?

Possibly. Like I said, I frequented it quite often at that time because I lived right near.

How did you happen to recall this particular date. Wasn't it because Pinkie came to you in July and asked you about it?

She asked me if I remembered discussing Nostradamus; and I said, yes. And had it been any other time, I wouldn't have remembered, but I remember Barbara worked on Mondays and Tuesdays, and I remember the date of the prediction, which is Tuesday, May 10<sup>th</sup>, and we were there discussing it the evening before.

All right. But it was Pinkie that approached you in July?

She asked me if I remembered that evening and who was there.

(O'Neill on redirect)

Mr. Richards, were you aware that at some during the summer Mr. Klien left to work in another area?

I believe he had mentioned something about going to California to work.

Have you given similar statements to the statement you made today to other investigators?

I talked to Miss Ford back there, or Miss Cook.

And have you been consistent in your testimony all the way along?

I believe so.

Is there any question about the date in your mind?

No, none whatsoever.

O'Neill called Mr. John Darnell.

JOHN DARNELL, called as a witness herein

Where do you live?

I live at the Carson Motel in Carson City.

What do you do for a living?

I work for Garden America.

NOLAN KLEIN

*Exhibit 11*

*Exhibit 11*

Do you know the young man seated to my left here?

Yes, I do.

And who is he?

Nolan Klien.

And how do you know him?

I know him through acquaintance with his mother.

How long have you known him?

About four years.

Do you know if you were together with him on a particular or an unusual night in May of 1988 at Jack's Bar?

Yes, I do.

Why do you remember that particular night?

Well, there was a whole bunch of us sitting there talking about the prediction that California was going to fall in the ocean the next day, on the 10<sup>th</sup>.

What month was that?

May.

And what were you doing in regards to California falling in the ocean besides talking?

We were—we were kidding back and forth amongst ourselves about Nostradamus' prediction and Barbara Hillman's property would become ocean front property if it had fell into the sea.

Do you recall what time you arrived at the bar that evening?

Around 7:15, 7:30.

And who were you with?

I walked in by myself and then I saw Pinkie.

And I sat down beside her; Nolan was sitting on the other side of her.

Who else was present?

His brother, Martin. Barbara Hillman was tending bar. And Bill—I think his name is Williams or Williamson.

And do you know long you stayed that evening?

I stayed there until approximately twenty minutes to nine, when Pinkie and I left to go up to Cactus Jack's. Were going to get the special dinner.

And did you get there in time for dinner?

Yes.

And had anyone left before you?

No.

Mr. Darnell, what did you notice on the way back?

We noticed Nolan's car was still parked on Fourth Street when we walked back over to Fifth Street where I live.

Okay. And approximately what time did you walk back from dinner?

It was close to ten o'clock.

Did you provide a written statement to the police and to the investigators about your testimony here today?

Yes, I did.

And has anything changed from when you originally provided your written statement?

I don't believe so, no.

That's all the questions I have.

(Rachow cross examined Mr. Darnell)

That's all the questions I have.

Rachow

Your initial statement was made about the 6<sup>th</sup> of July, was it not?

I believe it was somewhere around there.

And that's a statement that you wrote out for Pinkie?

Yeah.

Did you write it out or did you she write it out for you?

No, I wrote the statement myself.

And this was at Pinkie's request?

She asked if I was willing to testify to the fact that I had been there; and I told her, yes, I would.

What reason was she looking for—Why did she tell you she wanted a statement?

To prove that I was there to Jack's Bar at the time.

Did she tell you why that was important?

Only to the fact that there was a trial coming up—

Did she tell you there was a trial coming up?

Possibly.

Did she say for what?

Not at that time

She didn't tell you anything?

No.

Did she tell you who the defendant was?

Yes.

Who.

Nolan Klien.

And you just said, "Sure, that's okay, I remember May 9<sup>th</sup>"; is that right?

That's what I told her. I said I definitely remember it because we were all sitting there talking about the supposed earthquake coming up and California falling into the sea.

Did you see Pinkie on the 10<sup>th</sup> of May?

Yes, I did.

Did you talk to her about California falling into the ocean that day?

Yeah, we said we couldn't have missed out on that.

Was Nolan there?

Not at that present time.

Did you see him later that day?

I saw him that evening; we had dinner.

And were you commenting about Nostradamus when you saw Nolan that evening?

We were still kidding around about it, because the thing hadn't happened.

And were you in Jack's Bar on that evening?

Not on the 10<sup>th</sup>.

Were you on the 11<sup>th</sup>?

We were in the—Jim's Jungle Bar, which is on Fifth Street,—I mean on Third Street.

And who all was in that bar with you on the 10<sup>th</sup>?

Nolan came in on the 10<sup>th</sup>.

Where was Nolan?

He came in later, and then we went up to Cactus Jack's, the three of us.

Did you go into Jack's Bar a lot?

I live right behind it.

Do you go into it a lot?

I go in there probably everyday. I go in and have coffee before I go to work.

My ride picks me up there.

Do you go in there with Pinkie a lot?

I see her there occasionally, but not an awful lot.

Do you go to dinner a lot?

On occasion; probably five or six times last year.

Two of them happen to be the 9<sup>th</sup> and 10<sup>th</sup> of May of last year?

Yes.

Do you recall what Nolan was wearing on the night of the 9<sup>th</sup>?

I don't recall exactly what he was wearing. I believe it was work clothes or street clothes.

Levis?

Pardon.

Levis?

I think so.

Levi jacket?

I don't think he had a jacket on, because they were shooting pool. He may have had one on a chair.

(O'Neill redirect.)

Mr. Darnell, when Pinkie originally approached you and asked you to write out a statement, do you know what she did with those statements?

I believe she gave them to the District Attorney or you. I don't know which.

But you did, in fact, give her a statement when she asked for one?

Yes, I did.

And have you testified in any way that's different from your statement?

I don't believe so.

Okay. Would you lie or perjure yourself for Nolan Klein?

No, I wouldn't.

EUNICE WILKINSON, called as a witness herein, being first duly sworn, was examined and testified as follows:

And do you know the young man seated to my left?

Yes, I do.

Who is he, please?

My son.

What is his name?

Nolan Edward Klien.

How many sons have you?

Three.

Do you have occasion to meet with your children on a regular basis?

Yes.

Do you socialize with them?

NOLAN KLEIN

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*Eyewitness testimony*

*12*

Yes.

Do you recall socializing at Jack's Bar wherein your son was involved?

Yes.

Is that a regular occurrence?

Yeah; not there all the time, though.

Okay. Do you recall a particular night in May when your son joined you or you joined your son at Jack's Bar in Carson City?

Yes.

What is so noteworthy about that particular night?

Because we were having such a good time, joking waterfront property and all that stuff.

What was the basis of your joke?

Because it was on the next day California was supposed to fall into the ocean. That was predicted by—and I can't pronounce the name.

Who all was present in the bar?

There were a lot of people there.

All right.

But there was me, Marty, Bill, Nolan, J.D.

Do you recall who the bartender was?

Barbara.

All right. And how long would you say you were all there?

Well, I don't know how long the two boys were there. They were there later than I was. I left about twenty minutes to nine to go get something to eat.

Do you recall what time you got there?

Got there I'd say 5:30.

And were the other people you've described there throughout the course of the evening?

Yes.

Did anyone leave, anyone in your group?

J.D. and I both left.

And why do recall that you left at twenty minutes to nine?

Well, because they have a special at Cactus Jack's, you get the money back, two dollars back for your meal.

All right. And did you, in fact, make it in time for the special?

Yeah.

Okay. And how long would you say it took you to eat that evening?

I don't know, 45 minutes, an hour. I'm not really sure.

Did you drive or walk to the restaurant?

Walked.

Did you notice anything in particular involving your sons when you were walking back?

Yeah. Nolan's car was still parked there. Parked on Fourth Street. And I made the comment that Marty was still there, so I didn't want to go back in.

Okay. And why would that have been?

Because when Marty's drinking, I do not like to be around him that much.

Is there anything unusual about your son Marty that causes you some concern?

Yes. Very unusual. I think truthfully he's a little bit--needs mental help; not a little bit, but a whole bunch.

So you think he has some mental problems?

Yes, I do.

Do you think the same thing of your son Nolan?

No, I don't.

Were you ever contacted initially by any police officers?

Did there come a time when you got them other people together or went and explained to them that Nolan was accused of a crime that occurred May 9<sup>th</sup>.

Yes, I did that by recommendation from an attorney.

Okay. From me?

No.

You went to private counsel?

I had to, to keep from being put in prison by Detective Boxx. I had to go hire an attorney for me.

Because he was threatening you?

Yes. He had me so scared that I moved out of my own home for three days, hid in a motel room, wouldn't even go out and get something to eat. I was scared, because he told me he had a warrant out for me by Carson City Police, and a warrant out for Nolan. I was scared to go out of the motel room. I didn't know what for, but I was scared. If he'd have been halfway decent—Every time he talked to me, he threatened me with prison. So I finally, this last time he called me at work, he had me so upset that I started crying. That's when my boss asked me what was going on. He sat down and talked to me. I told him all the stuff. He said, "Has that been all the calls that you've been getting here and getting so upset

about?" And I said, "Yeah, it's been the same man." He advised me that night—And he has met Nolan, been around there, brought the baby in and stuff. And he advised me first thing in the morning to go get an attorney, go to a legal clinic where it's not going to cost you an arm and a leg, and take their advice on what to do. Well, the last phone call, Boxx—that night talking about—told me he was coming—He said, "I want you to be in office at 2:00 o'clock tomorrow. If you're not there by 2:00 o'clock, I am issuing the warrants and I am having you put in jail." So I got the attorney and told the attorney what was going on. I told the attorney—I even took this clipping, because I had got these clippings.

Clippings about the Payless Shoe Store?

Yeah, that Boxx told me about, that I wouldn't have known about if Boxx hadn't told me.

And had you determined at that point that Nolan had an alibi for the evening in question?

I knew where he was. And I knew he was there at twenty minutes to nine, and I didn't know how he could get from there to Sparks in twenty minutes, so I knew where he was.

And did there come a time when you gave the written statements that you got

from Barbara Hillman, William Richards, John Darnell and yourself to Sherman Boxx?

Yes, I also gave them to the District Attorney's Office.

And when you gave them to the District Attorney's Office, did you tell that you were Nolan Klien's mother or his aunt?

I told her—it was a girl. I don't know who it was, female, I hold her I was his mother. I didn't give them directly to Detective Boxx. He wasn't there the day I went in. But his higher-up or somebody that works with him was there.

And what month did you provide those documents to Detective Boxx?

It was either the end of June or the first part of July. I'm not too sure of that, either.

Okay. And you did that on your own?

Yes, I did. I really—I did that hoping that they would listen and try to find the right person.

Did you talk any of those people into remembering that particular date?

No, no.

Did you promise them anything?

No. That's one thing that Detective Boxx did good for me; that's one thing,

is have me get an attorney. Because when I told this attorney what was going on and what Detective Boxx was accusing me of, and what he was threatening me with, and all of this—And I showed him pictures. He made it plain to me then. And I told him, I said, “There was people there.” And he said, “Do you know who?” I said, “I can’t remember everybody that was there because there was a lot of people.” And I said, “But I will look for them and I’ll find them.” And he says, “Now”—And this attorney told me this, he said, “Well, I want to tell you one thing; If you go ask them”, he said, “you should try to get letters from them or some kind of something, knowing that he was there.” And he said, “I want to tell you”, he says, “when you ask these people for any kind of statement of any kind”, he says, “remember, if it goes to court, the defense”—I guess, or the DA’s office—Is that the defense? —“prosecution, the prosecutor will try to make it look like you put words in their mouth.” He says, “So make sure you don’t say anything about anything.”

And so I got, like I said—I had the newspaper clipping, and I had it in my purse, I went in and I asked Barbara, I said, “I need to talk to you when you’re not busy. I’d just like to talk to you.” So she was busy, and she said, “You can talk to me while I’m working”, and I said “No”, I said, “what I have to ask you is something that can’t be interrupted with people needing something. So whenever you’ve got time.”

And so the next day she was just—She worked the day I was in there, she was working days. So the next day was days, too, and she got off at 6:00 or 5:30 or something like that. So I went in at the time she was getting off and she sat down with me. And I asked her, I said, “Do you remember the night before California was supposed to fall into the ocean?” She says, “Yeah”, she says, “It was supposed to fall in May 10<sup>th</sup>.” And I says, “Fine. Do you remember the night before?” And she says, “Yeah”, she says, “we were talking about Walter”--

Yeah. --“and having ocean-front property and all that”, she said, “having a good time.” And I said, “do you remember who was here?” She said, “There were a lot of people in the bar, but you, Marty, Nolan, J.D., Bill”, she started. And I said, “Good”, I said, “Since you remember the night before and the day it was supposed to happen and who was here, now I will tell you why I’m asking.” And I pulled out the picture of him that was in the paper, that doesn’t even resemble him at all, and I said, “Does this look like my son?” She says, “No, that didn’t look like your son.” You’re referring to composites that were in the paper. That was in the paper she says, “No, that doesn’t look like your son. That isn’t your son.” And I said, “Well, that’s why I asked you what I asked you, because they say that is my son and he was supposed to have done this.” And that’s the way I worded it to all

of them. I didn't give no dates, no nothing. They didn't tell me he was being looked for, nothing.

Were the pictures in the paper either one of these composites?

Yes. The same paper, the same statement. I asked him—I never told them anything, and I still didn't. I just put out that paper and said, "Does this look like my son?" And they said, "No. Why?"

Your testimony, then, is that you never promised them any money or encouraged them or put words in their mouth?

No.

All right. And you've done this solely out of love and belief for your son?

That's right. I know where he was.

(The trial was continued to the following day.)

JANUARY 26, 1989; 9:40 A.M.

(Rachow cross-examination)

Mrs. Wilkinson, you testified yesterday that when Sherman Boxx called you it was on the morning of May 23<sup>rd</sup>, 1988; is that correct?

Around that date, 23<sup>rd</sup>, twenty something.

Did I understand you correctly that your son was not home at that time?

Okay. When you talked to Tonja, was it before or after Nolan had been arrested?

Not too long before.

If you believe that your son did this crime, would you lie for him.

No.

TONJA BROWN, called as a witness herein, being first duly sworn, was examined and testified as follows:

What do you do for a living?

I'm a housekeeper.

Do you know this gentleman seated to my left?

Yes.

And who is he?

He's my brother.

What's his name?

Nolan Edward Klien.

All right. And is he older or younger than you?

Older.

NOLAN KLEIN

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EXHIBIT # 13

Exhibit # 13