

THURSDAY, JULY 17th, 1952
DEPARTMENT NUMBER TWO
BEFORE HONORABLE WILLIAM J. McGUINNESS, JUDGE
(The defendant is present in court)

THE CLERK: People versus Al Lipscomb, first calling for instructions.

THE COURT: Albert Lipscomb.

THE DEFENDANT: Yes.

THE COURT: Do you go by any other name, Mr. Lipscomb?

THE DEFENDANT: That is my only name.

THE COURT: Your last name, your surname is spelled L-i-p-s-c-o-m-b?

THE DEFENDANT: That is right.

THE COURT: Do you have a middle name?

THE DEFENDANT: Louis(spelling) L-o-u-i-s.

THE COURT: Now, Mr. Lipscomb, there is a complaint on file in this court charging you under what you say is your true name, Albert Louis Lipscomb. You have been handed a copy of the complaint and I read from the original thereof, this complaint charging that on or about the 22nd day of May, 1952, that Albert Louis Lipscomb did commit a felony, to wit, a violation of Section 11500 of the Health and Safety Code of California, in that said defendant did sell heroin. Mr. Lipscomb, this is a serious charge, and before you plead you should have an attorney to advise you. If you have the financial means or money to hire a private attorney, you select an attorney of your own choice, you put in a call upstairs for an attorney, or if you do not have the money, put in a call to the Public Defender and he will advise you as to your legal rights. I will give you a few days in which to contact an attorney.

I will put the matter over to July 21st for arraignment.

MONDAY, JULY 21st, 1952
DEPARTMENT NUMBER TWO
BEFORE HONORABLE WILLIAM J. McGUINNESS, JUDGE.
(The defendant is present in court)

For the Defendant: Rudolph H. Michaels,
 Assistant Public Defender

THE CLERK: People versus Albert Lipscomb for arraignment, your Honor. In this matter, your Honor, the defendant has been instructed and handed a copy of the complaint, and the complaint has been read to him and it is on the morning for the purpose of entering a plea.

MR. MICHAELS: The plea is not guilty, your Honor.

THE COURT: The plea is not guilty, Mr. Lipscomb?

THE DEFENDANT: Yes, sir.

THE COURT: August 4th for preliminary examination at nine A.M. in this department.

MONDAY, AUGUST 4th, 1952
DEPARTMENT NUMBER TWO.
BEFORE HONORABLE JAMES S. BLAINE, JUDGE.
(The defendant is present in court)

For the Defendant: RUDOLPH H. MICHAELS,
Assistant Public Defender

For the People: ZOOK SUTTON,
Deputy Dist. Atty.

THE CLERK: People versus Albert Lipscomb for preliminary examination.

MR. MICHAELS: Your Honor, may this matter be continued one week by stipulation for preliminary examination?

THE COURT: Is that agreeable to the People?

MR SUTTON: That is agreeable, your Honor.

THE COURT: The matter, by agreement, is continued for preliminary examination to Thursday, August 14th, 1952 at nine A.M.

THURSDAY, AUGUST 14th, 1952
DEPARTMENT NUMBER TWO
BEFORE HONORABLE JAMES S. BLAINE, JUDGE.
(The defendant is present in court)

APPEARANCES;

For the People: ALBERT E. HEDERMAN,
Deputy District Attorney
For the Defendant: NOHN NUNES and HOWARD H. JEWEL,
Assistant public Defenders

THE CLERK: People versus Albert Lipscomb for preliminary examination.

MR NUNES: Ready for the defendant, your Honor.

MR HEDERMAN: The People are ready.

THE COURT: You may proceed.

MR. HEDERMAN: Call Officer Gobert.

LEROY GOBERT,

called as a witness on behalf of the People, being first duly sworn, testified as follows:

THE COURT: Q: State your name, please Officer.

THE WITNESS: Leroy Gobert.

THE COURT: And will you spell your last name for the record, please?

THE WITNESS: (spelling) G-o-b-e-r-t.

THE COURT: Very well, Mr. Hederman.

MR NUNES: Your Honor, may we have an order excluding other witnesses?

THE COURT: All right, that may be the order. All people here as witnesses in the matter of People versus Albert L. Lipscomb except the witness on the stand please retire from the courtroom and remain nearby for summoning by the marshall.

DIRECT EXAMINATION BY MR. HEDERMAN:

Q: Officer Gobert, you are an officer in the Oakland Police Department attached to the Special Service Detail, is that correct?

A: That is Correct.

Q: I will ask you whether or not you were so employed on the 22nd day of May, 1952.

A: That is right.

Q: On that date at approximately 7:30 in the evening, I will ask you whether or not you had occasion to be in the vicinity of Payne's Restaurant at 7th and Center Streets in the City of Oakland.

A: I did.

Q: And at that time were you in uniform or in plain clothes?

A: Plain clothes.

Q: and were you with any other officers or by yourself?

A: I was alone.

Q: And at that time and place I will ask you whether or not you had occasion to meet with anyone.

A: I did.

Q: And who was that person, do you know?

A: The Defendant Al Lipscomb.

Q: Do you see the defendant here in court?

A: Yes, I do.

Q: The defendant seated here at the counsel table is the person that you met?

A: That is right.

Q: Now, on that occasion when you met him, where was he with reference to Payne's restaurant?

A: He was standing out front.

Q: And at the time did you approach him or did he approach you?

A: He approached me.

Q: As he approached you was anything said between you?

A: Well he approached me and he asked me, he said, "Little brother, are you straight", and I said, "No", and he said, "Would you like to get straight", and I said,

“Yes”, so he said, “Wait a minute”. He left and went – I don’t know where he went to, I couldn’t observe where he went, and he came back and gave me the paper and he said, “Give me six cents”. And so I gave him six dollars.

Q: What was your understanding as to what he meant when he said “Give me six cents”. What did you understand that to mean?

A: It meant for me to give him six dollars.

Q: Now, at the time you say he gave you a paper, do you know where he produced it from as he gave it to you?

A: No, I don’t.

Q: I will show you at this time a small white paper bearing the date 22 May ’52, the word “Lemna” and the number 5889A, and other various markings and writings thereon, and ask you if you can identify that small paper and contents.

A: Yes, I can. I wrote the date 22 May ’52 and the word Lemna and my serial number 5889A.

Q: And is that the paper that you received on the occasion you have just described?

A: Yes, it is.

MR HEDERMAN: I will ask that the paper and contents be marked People’s Exhibit 1 for identification.

THE COURT: It may be so marked.

MR. HEDERMAN: I will ask that the envelope in which it was contained, your Honor, be marked as People’s Exhibit 2 for identification only.

THE COURT: That may be the order.

MR HEDERMAN: Q: Now at the time you met the defendant and had this transaction with him, by what name was he known to you?

A: Well, I had met him a couple of nights before and he gave me the name Lemna.

Q: Is that the only name by which you knew him at that time?

A: That is correct.

Q: Now after giving the defendant six dollars and receiving this paper which is People’s Exhibit 1, what did you do with the paper?

A: I turned it over to Officer Mack at 3200 King Street.

Q: Officer Mack is also an officer in the Special Service Detail, is he?

A: That is correct.

Q: And after turning it over – I will withdraw that. Do you recall at what time or on what date you turned it over to him?

A: It was an hour later, I think it was seven-thirty.

Q: And that was on the same day?

A: That is correct.

Q: Now, after having this transaction with the defendant, did you see him again at a later date?

A: Yes, I did.

Q: Directing your attention to the 7th of June, 1952, at approximately seven-thirty in the evening, I will ask you if you had occasion to again be near Payne's Restaurant at 7th and Center.

A: Yes, I did.

Q: And at that time were you again in plain clothes?

A: Yes.

Q: And were you by yourself?

A: No, I had a friend with me.

Q: And were you in a car or on foot at the time?

A: I was in my car.

Q: And when you drive in the vicinity of Payne's restaurant, what if anything took place?

A: I was driving by and I saw Al was standing in front of the restaurant and I blew my horn for him and he came across the street, across 7th Street, south across 7th Street. He got in the car and I drove and parked half way of the block going east on 7th near Cypress and I asked him if he had some papers and he said, "Yes, I will get you one", so he left the car and came back with the paper and I gave him six dollars.

Q: Now, you have referred to this person as Al. Did you know the defendant by that name at that time?

A: Yes, I knew him by Al.

Q: Now, on this second occasion on the 7th of June, did you notice, or could you observe from where the defendant procured the paper which he handed you?

A: No, I didn't.

Q: You say the defendant left the car at that time, Officer Gobert, did you notice where he went, did he leave the vicinity of the car or did he go somewhere near the car?

A: I could observe him as far as Payne's restaurant, that is as far as I saw him. I couldn't see him any further than that.

Q: In other words, he walked down the street some considerable distance?

A: That is correct.

Q: Now I will show you a small white paper and contents which are in turn wrapped in a small piece of cellophane, the white paper bears the date 7 April '52, the word Al, the word Lemna, and with other writings and markings thereon, and I will ask you if you can identify that paper.

A: Yes, I can. I wrote the date 7th of April '52 and the two words Al and Lemna and my serial number 5889A.

Q: Now, was the paper that you received on the occasion you have just described the paper which you have just identified?

A: Yes, it is.

Q: And was it wrapped in the piece of cellophane in which it is now wrapped?

A: Yes, sir.

Q: At the time you received it?

A: Yes, it was.

Q: Now, was this transaction before or after the transaction that you had on the 22nd of May that you received a short while ago?

A: That was after.

Q: Now, with reference to the marks on the small paper here which read 7 April '52, I believe your testimony a few moments ago was that this transaction took place on the 7th of June?

A: It did.

Q: Now, can you give us any explanation as to the difference between the date on the paper and the date of the transaction?

A: Well, it was a mistake on my part. Instead of putting the 7th of June, I put the 7th of April.

MR HEDERMAN: At this time I will offer the white paper as People's Exhibit 3 for identification, your Honor.

THE COURT: It may be so marked.

MR. HEDERMAN: And the envelope in which it is contained as People's Exhibit 4 for identification only.

THE COURT: So ordered.

MR. HEDERMAN: Q: Now, after having this transaction with the defendant wherein you gave him six dollars and he gave you this paper, what did you do with the paper?

A: I turned it over to Officer Taylor at the Special Service Office.

Q: Is that on the same day that you received it?

A: Yes it was.

Q: Do you recall approximately how long afterwards?

A: About an hour and a half later.

Q: Now, previous to the first transaction to which you testified, on the 22nd of May that you met with the defendant, had you met him before that?

A: Yes, I did.

Q: And how long before if you know?

A: I think it was about a week later, I met him in front of Payne's restaurant and I asked him – this was the first time I saw him.

Q: This was a week before the 22nd of May, is that correct?

A: Yes, that is right, and I asked him what was happening and he asked me what did I want, so I told him a paper, so he went in Payne's restaurant and went behind the vending machine and pushed it back and picked up the paper and gave it to me, and I gave him six dollars, and I found out later that it didn't have anything but salt in the paper.

Q: And the second time you saw him or met with him or had any dealings with him was on the 22nd of May, is that correct?

A: That is correct.

Q: Now, after these two transactions did you see the defendant again at a later time in the city jail?

A: I saw him the night he was arrested at the Special Service Office.

Q: And at the time you saw him who all was present?

A: Officer Vaughn and I think Officer Myall was there.

Q: And was that in the city jail?

A: No, that was at the Special Service Office.

Q: At the Special Service Office?

A: Correct.

Q: Then at that time did you have any conversation with the defendant?

A: Yes, I did.

Q: Now, were you present during the entire conversation that was had at that time and place?

A: No, I wasn't.

Q: Will you explain your part in the conversation?

A: After the two officers, Officer Vaughn and Officer Myall, finished questioning the defendant, they called me into the room where they were and asked him, the defendant, did he know who I was and he said, "Yes", so he told them that he had burnt me once and that I had bought the two packages from him previous.

Q: All that you have testified took place in the City of Oakland, County of Alameda, State of California?

A: That is correct.

MR. HEDERMAN: That is all the questions I have.

CROSS EXAMINATION

BY MR. NUNES: Q: Mr. Gobert, at the time of this first transaction which you described, that of May 22nd, 1952, at the time you saw the defendant on that night, prior to your having obtained from him this paper which you described, did you have any other narcotic substance on your person?

A: No, I didn't.

Q: Did you examine the contents of this paper which you obtained from him on May 22nd?

A: No, I didn't.

Q: You didn't open the paper?

A: No.

Q: Are you able to say whether it contained anything?

A: I beg your pardon?

Q: Are you able to say whether the paper contained anything?

A: No, I am not.

Q: Going now, Mr. Gobert, to the second transaction which you described, that of June 7th, 1952, your statement was, I think, that you saw the defendant on the street in front of or near Payne's restaurant?

A: That is correct.

Q: Up to that time had he signaled you or made any move of recognition toward you?

A: You mean after I blew my horn?

Q: no, prior to the time you blew your horn.

A: Not that I recall.

Q: Who was the person with you whom you describe as a friend?

A: I can't think who it is now but I knew I had someone in the car with me.

Q: Was he a police officer?

A: I don't think he was.

Q: You don't think he was?

A: No.

Q: Then you knew whether he was nor not, Mr. Gobert?

A: No, he wasn't.

Q: He wasn't?

A: He wasn't.

Q: You don't think he was or he wasn't?

A: He wasn't.

Q: Do you know his first name?

A: No, I don't know his first name.

Q: Do you know his last name?

A: No.

Q: How long had he been with you, Mr. Gobert?

A: A couple of hours I would say.

Q: Where had you first seen this friend?

A: I have been knowing him a long time.

Q: Was this a police car in which you were riding?

A: No, this was my own car.

Q: How long had you known this friend, Mr. Gobert?

A: A couple of years maybe.

Q: Where did you first meet him?

A: I don't recall where I met him.

Q: When had you last seen him prior to this date of June 7th, 1952?

A: You mean after this –

Q: Prior to this date.

A: I seen him quite a few times before.

Q: Quite a few times?

A: Yes.

Q: Where was the last time you saw him before June 7th?

A: I can't recall where was the last time I saw him.

Q: The time before that?

A: I have seen him in a lot of different places.

Q: How many times during this two years, Mr. Gobert, would you say you have seen this man?

A: Quite a few times.

Q: Can you give us an approximate number?

A: No, I can't.

Q: Do you know his occupation?

A: No, I don't.

Q: Do you know where he lives?

A: No.

Q: Do you know whether he is married?

A: No.

Q: Do you know his age?

A: No I don't.

MR HEDERMAN: Your Honor, I am going to interpose an objection at this time to this line of questioning on this ground, that it would appear from the testimony of the witness that the person referred to as being with him in the car is or may very well be a confidential informant who has every right to be protected, and I believe it is for that reason that the witness is testifying as he is. I think we should clear that up before this line of questioning goes any further.

MR JEWEL: I am not aware that that is a proper objection to testimony. I am aware that the District Attorney's statement shows the witness is committing perjury when he says he does not know this person and the District Attorney says he does know the name and is trying to shield him, and if so, the witness is committing perjury and I think he should be admonished that he is under oath.

MR HEDERMAN: If your Honor please, I have no information whether or not the particular individual riding with this witness is an informant but I think we should ascertain that before this line of questioning goes any further.

MR JEWEL: This is a brand new doctrine, your Honor, if the stool pigeon is to be protected in the court of law after he has disclosed information resulting in a defendant's arrest, it becomes a fine situation in the country when a man can cause a man's arrest and then be protected in the police court as to the facts of the charges, if any, and the truth or falsity of the charges. I know of no rule of evidence that makes a stool pigeon inviolate and protects him from the cross examination of the defendant, if there is such a rule –

MR. HEDERMAN: I refer, Counsel, to the Code of Civil Procedure.

THE COURT: Well, we have had this matter up before in this court and checked into it tentatively, not extensively, and if an officer seems – it seems to be the law as I view it at times that if an officer or investigator claims, shall we say, privilege on the basis that the person was a confidential informer, some courts have upheld that position, the Federal courts, and some State courts, and I doubt that view, but there has been no

claim on the part of this witness and there has been no testimony that he is refusing to divulge identity on the grounds it was a confidential informer, and if it is not a confidential informer then on the basis of the ordinary rules of evidence he being under oath to tell the truth, it is his duty to answer what he knows to be true.

MR. HEDERMAN: That is what I hope to seek to ascertain, your Honor, whether this person was or was not, if he was not, then counsel is perfectly –

THE COURT: I will ask the witness.

Q: You obviously were evasive in your last few answers as has been pointed out by the defendant's attorney. You have known this person for two years as a friend, obviously you know his name and identity and perhaps his occupation and other things about him which you have evaded answering. Do you claim that this person was a confidential informant in your investigation of this matter or not?

A: No, he wasn't. He was just a friend.

Q: He was just a friend of yours?

A: Yes.

Q: He was not a confidential informer?

A: No, he was just a friend of mine.

Q: He didn't assist you in this matter whatever?

A: No.

Q: He gave you no information on which to base your arrest in this matter?

A: That is right.

Q: He did not?

A: He did not.

THE COURT: Well, then I will admonish you as indicated by the defense counsel that you are under oath and an officer of the law and you don't stand in any different position than any other witness on the witness stand and you are to answer truthfully what you know of your own personal knowledge to be true in response to questions asked you by counsel or either of them or the Court.

MR. HEDERMAN: I will withdraw any objection.

THE COURT: The identity of any such person has no privilege, in other words, you have no legal privilege of concealing the identity of a mere friend who is riding with

you at the time you make an arrest, that is the law, obviously. All right, then with that explanation we will proceed.

MR. NUNES: Now, Mr. Gobert, it was your statement, I think, on direct examination that when – after you blew your horn and the defendant approached the car, you asked the defendant if he had a paper.

A: He got into the paper first.

Q: He got into the car?

A: Yes.

Q: Was it your testimony that you asked if he had a paper?

A: That is right.

Q: What did you mean by that word “paper”?

A: Oh, that is – the paper is the word for heroin.

Q: Was that the first word spoken between you and the defendant on this occasion?

A: No, he probably said hello to me or something like that first.

Q: But beyond a greeting, that was the first word?

A: Yes.

Q: You asked the defendant, “Do you have a paper”?

A: That is correct.

Q: He did not suggest to you that he had a paper?

A: No.

Q: And your statement was then, I believe, Mr. Gobert, that he left the automobile and went a distance away from the car down the street?

A: That is right.

Q: Did you see how far he went?

A: No, I didn't.

Q: Did you watch him go?

A: I watched him as far as Payne's restaurant and he lost my sight then and I don't know where he went to.

Q: In what way did you lose sight of him, Mr. Gobert?

A: I was looking at him and watching him through the mirror of my car.

Q: You didn't see him enter any building?

A: No, I didn't.

Q: You didn't see him turn any corner?

A: No.

Q: How long did you say he was gone from the car?

A: About five minutes.

Q: He returned then, and I think your testimony was that he gave you a paper and you paid him?

A: That is correct.

Q: Was this friend present throughout that transaction?

A: Yes, he was.

Q: Did he take part in this conversation in any way between you and the defendant?

A: No, he didn't.

Q: On this occasion, Mr. Gobert, on the 7th of June, did you have any narcotic substance on your person before you saw the defendant?

A: No, I didn't.

Q: You don't know, as a matter of fact, do you that it contained anything?

A: That is right.

Q: Are you able to say, Mr. Gobert, whether or not the defendant had the paper on his person prior to the time he went down the street?

A: No, I can't.

Q: I should like Mr. Gobert, to go back to this incident which you described in which the defendant sold you, I think you said, some table salt and you said, I think that was about the middle of May about a week before the first transaction to which you testified.

A: That is correct.

Q: Between this date, about the middle of May and the 22nd of May, did you see the defendant?

A: Yes, I saw him.

Q: On how many occasions?

A: I don't recall how many it was, I just saw him off and on.

Q: During that week?

A: That is right.

Q: Did you have any discussions with him about this table salt transaction?

A: Yes, I did.

Q: Did he give you a bad time about it?

A: He didn't give me a bad time about it.

Q: Didn't he give you a bad time about it, Mr. Gobert?

A: About the salt?

Q: About the salt.

MR. HEDERMAN: I object to the question as argumentative, your Honor. He can ask what was said.

THE COURT: Sustained. I think "a bad time" might mean different things to different people.

MR. NUNES: Q: Did he ridicule you, Mr. Gobert, about having bought table salt?

MR. HEDERMAN: The same objection, your Honor.

THE COURT: Overruled.

THE WITNESS: What was the question?

MR. NUNES: Will you read the question, please, Mr. Reporter?

(The reporter read as requested)

THE WITNESS: No, he didn't. I came back and told me he had sold me table salt and I didn't like it, I wanted my money back. So he told me, he said, "I will get you some more later on or else I will give you your six dollars back", so he never did give me the six dollars.

MR. NUNES: Q: Isn't it a fact, Mr. Gobert, that you were angry that he had sold you table salt?

A: No.

Q: Did the defendant at any time ask you whether you were an undercover agent?

A: No, he didn't.

Q: You remember no such question?

A: No.

Q: Did the defendant ever ask you whether you were employed by the police department?

A: What is that?

Q: Did the defendant ever ask you if you were an employee of the police department?

A: No, he didn't.

Q: After this transaction which you described on June 7th, Mr. Gobert, and after, as you have testified, this paper was delivered to you, how long did the defendant remain with you?

A: On what date now?

Q: On June 7th.

A: Let's see, five or ten minutes.

Q: During this time, your friend remained in the car, is that correct?

A: That is right.

Q: Did you see where the defendant went when he left you?

A: No, I didn't. When he left me, I drove off.

Q: Your testimony was, I think that you turned over this paper to Officer Joel Taylor?

A: That is right.

Q: About an hour and a half later on that same day?

A: That is correct.

Q: Was your friend still with you when you did that?

A; No, he wasn't.

Q: How long did he remain with you?

A: I would say about a half hour later.

Q: Where did you last see him?

A: I put him off at the Cleft Club on 7th Street, I don't know the number of it.

Q: And at that time, you still did not know his name?

A: Yes, I knew his name.

Q: The friend?

A: Yes.

Q: You do know his name now?

A: That is correct.

Q: Will you state his name, please?

A: His name is Caesar.

Q: Caesar?

A: Caesar. I don't know his first name.

Q: Is that the first name of last name?

A: The last name, I don't know his first name.

Q: Can you spell that name?

A: No.

Q: Do you know his address, Mr. Gobert?

A: No, I don't know his address.

Q: Do you know his occupation?

A: He is a night club singer.

Q: A night club singer?

A: That is right.

Q: In which club?

A: He was singing in the Cleft Club.

Q: Do you know where he is now occupied?

A: No, I don't.

Q: Have you seen him since June 7th?

A: I saw him once last week.

Q: Mr. Gobert, going now to the date which you describe as the date of the defendant's arrest, which date was that?

A: I don't think I described any date of arrest.

Q: You did refer to the day of the defendant's arrest, did you not?

A: No.

Q: Didn't you refer to being present at a conversation in the office of the Special Service Detail?

A: That is right.

Q: Was that on the date of the arrest?

A: That is right.

Q: Do you know what that day was?

A: No, I don't recall what the day was.

Q: Do you know approximately how long after June 7th that was?

A: About three or four weeks maybe.

Q: Three or four weeks?

A: That is right.

Q: Now, your testimony there was, I think, Mr. Gobert, that you were called in after Officers Vaughn and Myall had been with the defendant, is that correct?

A: That is correct.

Q: And your statement there was that the defendant said that he had sold you two packages?

A: That is right.

Q: How long were you there with the defendant with these two officers?

A: About fifteen or twenty minutes.

Q: Is that all the conversation there was?

A: Well, they talked to him before I did, the two officers did.

Q: You were in the presence of the defendant and in the presence of the two officers for fifteen minutes?

A: That is right.

Q: And did you personally question the defendant?

A: No, I didn't question him.

Q: The other officers questioned him in your presence?

A: No, they didn't.

Q: Did the defendant make a statement in response to a question?

A: I don't know what kind of a statement he made.

Q: Didn't he make any remark to the effect that he had sold you two packages?

A: Yes, he did.

Q: Is that the only thing he said during these fifteen minutes?

A: He said quite a few other things but it wasn't concerning the narcotics.

Q: How did he happen to make this statement that he sold you two packages, was that in response to a question by you?

A: No, he was telling the other officers about the night that he sold me the salt and that is how that came about.

Q: Did you question the defendant at all at that time?

A: No, I didn't question him.

Q: Isn't it true, Mr. Gobert, that at that time the defendant denied making a sale to you on June 7th?

A: No, he denied nothing.

MR. NUNES: That is all.

MR. HEDERMAN: No further questions.

THE COURT: Very well, this officer may be excused.

MR. HEDERMAN: At this time, your Honor, I will offer the stipulation that if Mr. Floyd E. Theisen were called as a witness, he would qualify as an expert chemist with the State Division of Narcotic Enforcement, and further that he would testify that he received People's Exhibit No. 1 for identification on the 26th of May, 1952 and that he examined the same and found the same to contain one grain of heroin, and that he received People's Exhibit 3 for identification on the 9th of June, 1952, examined the same and found it to contain one grain of heroin, and that the two items were in his possession from the dates mentioned until the 11th day of August, 1952, at which time he turned them over to me and they have been in my custody and control from that date until the time that they have been presented here in court.

THE COURT: Is the stipulation acceptable as made?

MR. NUNES: For the purpose of the preliminary examination, your Honor, yes.

THE COURT: All right, let that be the limitation then, for the purpose of the preliminary examination only, such stipulation is made and let the record so show.

MR. HEDERMAN: And I will offer the chemist's report for identification to take the next number as a People's Exhibit, No. 5, I believe.

THE COURT: It may be so ordered and so marked.

MR. HEDERMAN: At this time we will offer the People's Exhibits 1 and 3 in evidence.

THE COURT: They may be admitted and so marked.

MR. HEDERMAN: The matter is submitted, your Honor.

MR. NUNES: Submitted.

THE COURT: It appearing to me that the offense, Felony, to wit: a violation of Section 11500 of the Health and Safety Code has been committed and that there is sufficient cause to believe the within named defendant, Albert L. Lipscomb, guilty thereof, I order that he be held to answer to the Superior Court of Alameda County to the same and that he be admitted to bail in the sum of \$2,000.00, and he is committed to the Sheriff of the County of Alameda until he gives such bail.