



**WILLIAM WHITE**  
Slain in Gun Battle

# Slaying Is Probed

By AL WINTER

Ukiah Bureau Chief

**UKIAH, May 1**—The Mendocino County sheriff's office today pressed its investigation of the events which surrounded the death of Chief Criminal Deputy William White in a Saturday night gun duel at a lonely mountain ranch west of Hopland.

Mr. White, 40, a former Willits police chief, died of shots from a .22 calibre rifle in the hands of Carl Silverthorn Burgess, Jr., 27. In his dying moments, Mr. White returned the fire with his revolver and wounded Mr. Burgess.

Mr. Burgess was still on the critical list tonight in Ukiah General Hospital. The bullet entered his back and pierced the abdomen.

Held as a material witness is a friend of Mr. Burgess', John Kelly, 23. Mr. Kelly told officers they thought Mr. White was a prowler. He said the Burgess ranch had been losing stock to rustlers and that he and Mr. Burgess were alerted by the approach of the deputy's car and investigated when they heard the motor stop and saw the lights go off.

**SHERIFF Beverly Broaddus** today drew this picture of the fatal shooting:

Mr. White and Game Warden Gary Heryford drove up to the Burgess ranch in the Los Feliz district about six miles west of Hopland at about 10 p.m. Saturday. They were investigating game law violations and sheep thefts in the area.

The two men split up at the car, Mr. White going up the hill toward the front of the Burgess ranch house and Mr. Heryford going up the road to approach the house from the side.

**MR. KELLY** and Mr. Burgess, investigating the approach of the car, went outside, meanwhile, Mr. Burgess carrying a rifle and Mr. Kelly carrying a shotgun. Almost immediately, they saw Mr. White in the moonlight and called to him to stop, that they were armed. Mr. White did not reply, but turned and retreated down the hill and around a rock ledge into some brush.

(Sheriff Broaddus said Mr. White was hoping the two would not realize they were under suspicion and were being watched.)

The two ranchers pursued the deputy, Mr. Kelly going up onto the rock ledge and Mr. Burgess going around it. The hunters and the hunted were quiet, stalking each other. Then Mr. Burgess heard a twig snap in the underbrush and opened fire with his pump type .22. One of his shots struck the deputy in the left breast. Mr. Burgess emptied his gun and turned away. It was then that Mr. White's shot struck the rancher.

**MEANWHILE, Mr. Kelly, atop**  
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the ledge, heard the furious barrage of shots below him and fired his shotgun into the brush. Sheriff Broaddus said the marks of shotgun pellets were found on the deputy's hand and gun. After firing three shots, Mr. Kelly ordered Mr. White to come out of the brush with his hands up and empty. The deputy complied, but collapsed after staggering 50 feet

into a clearing. As he collapsed, Mr. White called out that he was a police officer. Mr. Kelly then approached the dying officer, took his wallet and verified that the man was a deputy and tried to drag him toward the cabin.

Mr. Burgess, in the meantime, staggered up to the cabin and collapsed. Seeing this, Mr. Kelly went up to the cabin, saw that his friend was comfortable and went back to Mr. White with a quilt. The deputy, unconscious by that time, died on the quilt.

While this was happening, Game Warden Heryford had completed his patrol and returned to the car. He said he did not hear the shots, but was summoned by Mr. Kelly who came down to the car to investigate. Mr. Heryford aroused a nearby rancher who phoned for an ambulance and more police help.

District Attorney James Busch of Mendocino County said filing of charges in the case will await further investigation.

Funeral services for Mr. White will be held at 2 p. m. tomorrow (Tuesday) from the Eversole Mortuary, Ukiah. He is survived by his widow, Lora, and four children—Larry, 17; Grace, 15; Richard, nine, and Lora Kay, six; and a brother in Southern California and another brother in the East.



# Murder Charged In Mendocino Deputy's Slaying

By AL WINTER

UKIAH, May 2 — John R. Kelly, 23 and Carl S. Burgess, Jr. 27, were charged tonight with the slaying of Chief Criminal Deputy William A. White. The officer was making an investigation of the Burgess ranch Saturday night when the killing occurred. Kelly and Burgess were denied bail pending further investigation, according to Mendocino County District Attorney James B. Busch.

Kelly, who has been held in the Ukiah jail as a material witness, is now held for murder on a warrant issued late today by Justice of the Peace Will Van Dyke.

District Attorney James Busch charged that Kelly was "equally responsible" with Burgess for the murder of Deputy White, according to United Press.

Kelly was originally released after the shooting affair when he explained to officers that he fired a shotgun over Mr. White's head while the deputy approached Burgess' cabin.

He was rearrested yesterday when officers found marks resembling shotgun pellets on the dead deputy's hands and on his revolver.

Burgess, who was seriously wounded by Deputy White during the shooting fray, is confined to the Ukiah General Hospital where doctors say his condition is much improved. Permission has been granted doctors to move him to the French Hospital in San Francisco tonight for treatment by specialists.

The bullet from Mr. White's gun pierced his liver. He will be served with the warrant when his condition permits, Mr. Busch added.

IN THE warrant issued tonight both men are specifically charged with violation of section 187 of the California Penal code which states:

"Unlawful killing of a human being with malice aforethought."

According to Sheriff Beverly Broadbuss, Mr. White had been conducting an investigation in the area for some time.

MORE than 250 persons crowded Eversole mortuary for Mr. White's services today and almost double that number attended graveside services at the cemetery.

Rev. Charles G. Lindemann officiated. Burial was in Ukiah Cemetery with graveside services under the direction of the Ukiah Elks Lodge.

Fellow officers on the list of pallbearers included, in addition to Sheriff Broadbuss, Undersheriff Erwin Ransdell and Deputy Sheriff Ward Ries of Fort Bragg. Deputies Reno Bartolomei and Dallas Stipp of Ukiah, and Deputy E. R. Witter of Covelo. Ukiah police department officers acted as honor guard.

Mr. White is survived by his wife, Lora, and four children, Larry, 17, Grace, 15, Richard 9, and Lora Kay, 6, and three brothers, Capt. Richard White of the California Highway Patrol in Los Angeles, Charles White of Calpella, and Pierce White of Baltimore, Md.

## Kelly Hearing Is Today

By AL WINTER  
Ukiah Bureau Chief

UKIAH, May 3 — Preliminary hearing for John R. Kelly, 23, one of the two men accused of the murder of Chief Criminal Deputy William A. White Saturday night, was postponed today until tomorrow morning.

At that time Kelly will appear for a return on warrant in the court of Will Van Dyke, Ukiah justice of the peace, Sheriff B. G. Broaddus said. He added that Kelly had engaged a San Francisco attorney.

In reference to tomorrow morning's hearing Sheriff Broaddus said:

"A continuation is to be expected due to the condition of Burgess."

Carl S. Burgess Jr., 27, the other accused man, is in French Hospital, San Francisco, recovering from a bullet wound he suffered in an exchange of shots with the dying deputy.

Mr. White was killed during an investigation of the Burgess ranch near Hopland. Authorities have declined to clear up the exact nature of the investigation.

Kelly and Burgess were denied bail pending further investigation, according to Mendocino County District Attorney James B. Busch.

## Murder Complaint Read In Mendocino Slaying

By AL WINTER  
Ukiah Bureau Chief

UKIAH, May 4—Reading of the formal murder complaint against John R. Kelly, 23, and Carl S. Burgess Jr., 27, charged with the slaying of Chief Criminal Deputy William A. White, was conducted today by Justice of the Peace Will Van Dyke.

Mr. White died Saturday night in a gun battle on the Burgess ranch near Hopland. Burgess is charged with firing the fatal shots from a .22 caliber rifle. Kelly was his companion. They told officers they thought Mr. White was a prowler.

The complaint charges first degree murder, specifying "the defendants did then and there, wilfully, unlawfully and feloniously and with malice aforethought, murder one William A. White, a human being."

It was read by Justice of the Peace Van Dyke with only Kelly present.

Earlier Sheriff Beverly G. Broaddus of Mendocino County admitted that Mr. White did not have a warrant when he went on the Burgess ranch property.

"Mr. White and Mr. Heryford (Game Warden Gary Heryford, who accompanied the slain deputy) were investigating reports of sheep and cattle thefts," Sheriff Broaddus said.

**ASKED IF** there were any other facts behind the first degree murder charge other than that Mr. White was killed while making an investigation, Sheriff Broaddus said, "That is the way it will have to be written."

Kelly told officers that the deputy failed to answer when challenged.

Kelly appeared haggard and unshaven in his first court appearance since the shooting. He listened quietly to the reading of the charges and took a copy for his lawyer, Arthur F. Edwards of San Francisco, who was not present.

Mr. Van Dyke continued the setting of a formal hearing date because of the condition of Burgess. Burgess is in French Hospital, San Francisco, recovering from a bullet wound suffered in the exchange of shots with the dying deputy.



## UKIAH SLAYING

# Heryford Makes Statement

By AL WINTER

Ukiah Bureau Chief

UKIAH, May 5 — Mendocino County Gary Heryford tonight for the first time made a public statement concerning the fatal shooting of Deputy Sheriff William A. White, who was killed last Saturday.

Held on murder charges in the slaying are John R. Kelly, 23, and Carl S. Burgess Jr., 27, who is recovering from a stomach wound in French Hospital, San Francisco. Burgess was wounded in an exchange of shots with Mr. White. Mr. Heryford accompanied Mr. White at the time of the shooting on what has been termed an investigation for sheep rustling.

**CONTACTED** by telephone in Fort Bragg tonight, Mr. Heryford said:

"At the time the shots were fired I was about one-half mile from the scene, in the car, with the heater going. I was probably in the car about five minutes before it happened, according to the estimated time of the shooting.

"Kelly later admitted a shot was fired out the window at their (Kelly's and Burgess') first observation of White. He also admitted Mr. White identified himself before any more shooting took place."

Mr. Heryford continued, "We had received reports of sheep missing from ranches on both sides of the Burgess' ranch (where the shooting took place) and have had reports from at least 20 people that deer have been shot on and in the vicinity of the Burgess ranch. There is a one-way road into the Burgess ranch and according to our information there had been an awful lot of cars going in and out of the Burgess ranch. We were investigating those reports at the time and had been for several weeks."

(EARLIER, Undersheriff Erwin Ransdell had said the Burgess ranch had been under investigation. (Continued on Page 7, Col. 1)

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tion for two years but declined to state why the ranch had been under investigation. He had said the sheep rustling was part of the matter but not necessarily connected with the main charge, but that the main charge, of "rather serious nature" undoubtedly would come out in the trial.

(Sheriff Beverly G. Broadus, when asked whether sheep rustling was the main subject of investigation, had said, "That is the way it will have to be written.")

Regarding a report that Kelly and Burgess had become suspicious when they saw the lights of a car turn off, Mr. Heryford said:

"Mr. White's car was parked before dark and no lights had been turned on.

"It has been reported," he continued, "that Mr. White did not have a warrant at the time he entered the Burgess ranch. No warrant is necessary when conducting an investigation. We very seldom have a warrant in such a case."

MR. HERYFORD said that after the shooting, Kelly phoned the sheriff's office from a ranch approximately four miles away from the Burgess ranch, in the opposite direction from which Mr. White's car was parked. He would not have passed the parked car in that case.

He said that on the ranch he found five rifles, one shotgun and "one pistol, illegal by federal regulations."

Earlier today, Attorney Arthur F. Edwards, San Francisco, who is representing Kelly, said he was "astonished" that authorities were pressing formal murder charges.

He said he thought the sheep rustling angle was "a lot of foolishness" and that the murder charge was the result of the "high personal regard" in which Deputy White was held.

"Kelly is a good boy with an exemplary past," Mr. Edwards said. "Bill White had five chances to come out and identify himself before the shots were fired."

"And why was it that Game Warden Gary Heryford didn't hear the shots fired when he was so close by? He said he first heard of the shooting over the radio, according to news accounts, but the news hadn't come over the radio at that time."

Burgess will be represented by Attorney Toland C. McGettigan of Santa Rosa. Assisting Mr. Edwards will be Gordon Mallatrat, San Francisco attorney.

Mr. Edwards will not ask for a separate trial for Kelly.

Kelly had been working as a mechanic in San Francisco, Mr. Edwards said, and had known Burgess for seven years. When he became unemployed Burgess invited him to his Hopland ranch.

REGARDING the so-called sure of Mr. White to identify himself, Undersheriff Ransdell, in the absence of Sheriff Broadus, who is in Sacramento, said flatly that the deputy sheriff identified himself, as he always did, as "Officer White of the sheriff's office."

Furthermore Kelly's own written statement admitted that he, Kelly, knew who the deputy was "after the first shot was fired," according to Mr. Ransdell.

Game Warden Heryford was a half mile away, separated by intervening hills and hence could not hear the shots, he added. He and Mr. White had agreed to meet at the car at a certain time. Mr. White's failure to show up told him something was wrong.

All personal effects of Mr. White's and other objects collected from the scene of the crime have been taken to the Criminal Investigation and Identification laboratory in Sacramento for examination, Mr. Ransdell said.

## REDWOOD CHIPS

By AL WINTER

**UKIAH, May 6**—Never in our experience have we heard so many sincere expressions of regret and sympathy as were uttered in Ukiah and in Mendocino County at the sudden and tragic death of William White, chief criminal deputy of the Mendocino County sheriff's office.

A quiet and efficient law enforcement officer, he will be sorely missed by all citizens of the county whose rights he protected. He was known in every section of the county and was apt to appear in Willits early in the morning, deep in the mountains at noon and in Fort Bragg late at night.

His reputation for tenacity in trailing lawbreakers was outstanding and his work contributed in a large measure to the fine record of efficiency held by the Mendocino County sheriff's office.

Despite the contention that all officers draw their weapons at the first sign of danger, Bill had a reputation for thinking out a problem before shooting it out. His regard for a prisoner's welfare and his method of finding the facts made him an ace among investigators.

**IN PAYING** tribute to his chief deputy, Sheriff Beverly Broaddus said, "He was a fine officer with a firm devotion to duty. He gave his life not only for the people of Mendocino County, but for law abiding people everywhere. He will be very hard to replace."

One of our favorite stories about Bill was the time his fellow officers dubbed him "Pluto" for his uncanny ability to follow a trail. For example, a rancher reported the theft of a hog and when deputies, including Bill, went to investigate they found the spot where the animal had been butchered. It was at the edge of a deep woods. Fellow

officers swear that Bill simply lifted his head in the air, sniffed, and walked into the woods straight to the spot where the men were hiding. Many tales are being told these days of similar feats of detection.

The deep pall of sorrow and shock which hangs over the county will not easily be dissipated. Bill White is gone and his loss will be felt for a long, long time.



## Bullet Test Points to Burgess

UKIAH, May 10—Sheriff Beverly Broadbuss said today the bullet which killed his deputy, William White, matched perfectly Carl Burgess' .22 rifle, Associated Press reported.

Burgess is in critical condition in a San Francisco hospital, as a result of bullet wounds he received in an exchange of shots with White last April 30.

Burgess, 24-year-old rancher, is charged with murder. Together with John R. Kelly, 23. The exchange of rifle fire took place on a mountain ranch near Ukiah where White had gone to investigate reports of sheep rustling.

Arthur Edward, lawyer hired to represent the defendants, conferred today with Kelly.

Edward said the defense will be built on the late deputy's being mistaken for a prowler after he had an opportunity to identify himself.

## Kelly Out On Bail

By AL WINTER

UKIAH, May 11—John Kelly, 23, accused with Carl S. Burgess Jr., 27, of the murder of William White, chief criminal deputy of the Mendocino County Sheriff's office, this evening was admitted to bail on the authority of James S. Busch, Mendocino County District Attorney.

Kelly's attorneys, Arthur F. Edwards and Gordon Mallatratt, both of San Francisco arranged for the posting of \$2,500 surety bond. Mr. Busch had stipulated that Kelly must produce \$2,500 in cash or \$5,000 in real property.

The district attorney said Kelly's release was necessary to his (Busch's) plans to conduct the trial of Kelly and Burgess at the same time. If Kelly had not been admitted to bail, he could have demanded an immediate trial. Burgess is at French Hospital, San Francisco, still in serious condition from wounds received in the April 29 shooting fray in which Mr. White was killed. Kelly immediately left for his home in San Francisco.

Mr. Busch said all the evidence in the case would be presented to the Mendocino Grand Jury for action within the next two weeks.

## Burgess Is Returned To Ukiah

By AL WINTER  
Ukiah Bureau Chief

UKIAH, May 31—Carl S. Burgess, 27, who with John Kelly, 33, is charged with the murder of William White, Mendocino County chief deputy sheriff, was brought back to Ukiah from San Francisco at 6:15 p.m. today.

Mr. Burgess was returned by Mendocino County Sheriff Beverly Broadbuss and Deputy Sheriff Reno Bartolomei from French Hospital. He had been hospitalized since being seriously wounded in the April 29 shooting fray in which Deputy White was slain.

Pale and nervous, Mr. Burgess said he was surprised the charge of murder had been placed against him.

Shortly after his arrival in Ukiah, Mr. Burgess was given a thorough physical examination by James Massengill, who said that the accused was in "satisfactory" condition to be put in jail.

SHERIFF Broadbuss had asked the doctor to make the examination so that there would be no question of the prisoner's ability to stand confinement.

As Deputy Arnold Ormsbee took Mr. Burgess' personal history record, the prisoner remained seated and answered questions in a low, steady voice.

Mr. Burgess was met at the sheriff's office here by his attorney, Toland D. McGettigan, Santa Rosa, who said he had asked Justice of the Peace Will Van Dyke to entertain a motion to grant bail for his client.

Mr. Kelly, the other accused, is out on bail.

Hearing of Mr. Burgess' case will be held in Justice Van Dyke's court Friday afternoon.

## William White Fund Shoot Set

By Staff Correspondent

**PT. ARENA, June 22**—A trapshoot will be held Sunday by Pt. Arena Rod and Club for the benefit of the William White Fund. (Deputy Sheriff White was killed at Hopland in a gun fight.)

The shoot will start at 10:30 a. m. at the club shooting grounds, Highway One and Boonville Road.

Oh, the irony of holding a shooting contest to raise funds for a sheriff that was shot to death while on duty.

## Burgess Is Released On Bail

By Staff Correspondent

**UKIAH, June 29**—Carl Burgess Jr., 27, this afternoon was served with a bench warrant informing him of the manslaughter charge placed against him in the fatal shooting of Chief Deputy Sheriff William A. White. Sheriff Beverly Broadus presented the warrant to Mr. Burgess at the county jail.

The Mendocino County Grand Jury yesterday returned the manslaughter indictment against Mr. Burgess and John R. Kelly, 23, after deliberating a day and one-half.

Mr. Burgess was released at 9:30 p. m. today when his mother, Mrs. Armanda Burgess, provided a \$5,000 bail bond.

**MR. BURGESS** has been in jail here since May 31 when he was returned from the French Hospital, San Francisco, where he recovered from a bullet wound suffered in the shooting. Mr. Kelly was taken into custody today by San Francisco police pending the arrival of Sheriff Broadus.

It is believed he will be returned to Ukiah and held until an additional \$2,500 bail is forthcoming. He put up \$2,500 bail bond on May 11 and was released.

A hearing on the indictment will be held by Superior Judge Lilburn Gibson next Friday at the county courthouse, according to District Attorney James E. Busch. Date of the trial has not been set but it is expected to be held late in July or early August, he said.

## Kelly-Burgess Trial Sept. 18

**UKIAH, July 22**—The manslaughter trial of John R. Kelly, 23, and Carl S. Burgess, 27, has been set for Sept. 18 by Superior Court Judge Lilburn Gibson.

The two men are charged with slaying Mendocino County Deputy Sheriff William A. White the night of April 29 while the latter was investigating reports of sheep losses and game violations on the Burgess ranch eight miles southwest of Hopland.

Judge Gibson refused to grant a defense motion for dismissal of the grand jury indictment against Kelly. He set 10 a. m. Sept. 11 as the date for drawing a jury.

Both defendants entered not guilty pleas.



# Burgess-Kelly Go To Trial For Killing

By Joan Fraser

A second venire was exhausted at 11 a.m. Wednesday, the third day of the trial of Carl Burgess, 24, and John R. Kelly, 23, charged by Grand Jury indictment with the death of Deputy Sheriff William White on the Burgess ranch the night of April 29, 1950.

Judge Lilburn Gibson adjourned court until 1 o'clock and called for five more prospective jurors. A total of 75 will have been summoned, approximately half of that number being excused for cause.

A jury composed of six men and six women was accepted at 2:45 p.m. The court then recessed until 3 o'clock. Garrie Heryford game warden was called as first witness when the trial commenced.

The defense has taken 12 challenges and the prosecution five. Defense attorneys have exhausted the joint challenges of 10 and each has five challenges separately.

Of the original 12 prospective jurors called to the jury box only three remained this morning. Since this morning the prosecution passed all jurors seated at that time. The prosecution has taken six challenges.

Following the paneling of the jury evidence will be taken through Thursday. Judge Gibson states that an adjournment will then be taken until Monday. Friday is calendar day and there is a heavy calendar, due in part to the recent court vacation.

When court adjourned at 5 o'clock Tuesday only seven members of a jury venire of 70 remained. Defense counsel had exercised eight of 20 challenges allowed, 10 jointly for the two defense attorneys and five for each separately. Three times the prosecution had signified satisfaction with the 12 men and women in the jury box. The prosecution exercised four challenges.

Twenty prospective jurors appeared in Court Tuesday morning, the court appointing J. P. Smith as special officer Monday afternoon to summon the additional veniremen.

Twenty prospective jurors appeared in Court Tuesday morning, the court appointing J. P. Smith as special officer Monday afternoon to summon the additional veniremen.

This group included B. F. Simmons, G. S. Hayes, Margaret W. Nelson, Redwood Valley; Mrs. Milton Benish, Calpella; Arthur Whitaker, Jr., E. L. Cadle, Frank Gibson, Charles Cardoza, Howard Brooks, A. R. Catenacci, Frank Lowe, A. B. Crafts, Elizabeth Marshall, Burt Thomas, J. J. Furber, J. W. Casey, all of Potter Valley. Four were excused for cause out of the 20.

## Prosecution Challenges

Challenges taken by the prosecution included Clifford Chapman, —(Continued on Page 2)—

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lineman for the P.G. & E., Mrs. Mona Stipp, Ukiah, an aunt of Deputy Sheriff Dallas Stipp, E. L. Cadle, storekeeper of Potter Valley, O. S. Hayes, Redwood Valley farmer.

Defense challenges included John Venturi, Ukiah; Frank Williams, Ukiah; Ray Shultz, Redwood Valley; Mrs. Jessie Hildreth, Ukiah; Mrs. Milton Benish, Calpella; Joe L. Lenhaves, Mendocino City; Mrs. Mary Brennan, Hopland; Mrs. Dorothy Calletti, Elk.

When court convened at 1:30 Tuesday afternoon Attorney Tealand C. McGettigan of Santa Rosa joined the trio of defense attorneys.

## Inside Information

Attorney De Castle, attorney for Carl S. Burgess, showed knowledge of prospective jurors. When Mrs. Jessie Hildreth was under examination he asked if she knew W. A. Thornton of Santa Rosa. Mr. Thornton formerly was court reporter here, and before that time a deputy in the office of the county clerk. He is now a court reporter in Santa Rosa. He is a member of a pioneer family in Potter Valley.

Attorney De Castle continued with Mrs. Hildreth's history. She is an aunt of Mrs. W. A. Thornton, a sister of Admiral W. H. Standley, chairman of the Crime Commission; she had lived here all her life; had taught school here. Mrs. Hildreth was later challenged by the defense.

## Many Farmers

A majority of the men who passed under examination in the jury box were farmers or sheep or cattlemen in this county; many had had trespassers on their property; nearly all are busy at this time of the year and desired exemption from jury duty. Except in extreme cases they were held. Several were challenged because of avowed friendship and years of association with District Attorney Busch, Sheriff Broadus or Deputy Sheriff Reno Bartolome.

As the hours of examination of



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prospective jurors went by the defense expanded on the theme of a deputy sheriff going onto property without a search warrant or warrant of arrest, snooping under the bedroom window. Each prospective juror was asked in substance, "Do you believe in a different law for peace officers from that of other people?" And the district attorney countered continually, "Would you shoot a man for that?"

**Twice District Attorney Busch took exception to the mode of questioning on the part of the defense and his objections were upheld by the court; only once did the defense object to the district attorney's questioning and the court overruled the objection.**

As the afternoon got under way and the prospect of a jury by 5 o'clock was fading, Judge Gibson asked the attorneys to speed up a little. He called to the attention of counsel for defense that the prospective jurors were not lawyers and asked them to couch their questions on the basis of evidence to be presented or court instructions. Abstract suppositions, he stated, cannot be answered intelligently. Judge Gibson explained that he was throwing out his remarks as suggestions; he did not object to attorneys asking the state of mind regarding evidence to be presented, but when they asked a juror to define the law that was another matter.

#### **Sympathy Outlawed**

The sympathy note was carefully handled. Any reference to Deputy Sheriff White was along the line of a highly respected officer and citizen who unfortunately lost his life. The attitude was genuine. On the other hand District Attorney Busch questioned prospective jurors on their attitude of sympathy toward two young men, in their twenties. Mention of Mrs. White and the four children were frequent.

The demeanor of the defendants in court is in their favor. Sitting hour after hour almost motionless with eyes straight ahead, they reflect in their whole being an understanding of the seriousness and the sadness of the situation.



# Slain Ukiah Deputy Was Drinking, Witness Says

By SAM HANSON  
Bureau Chief

**UKIAH.** Sept. 20—State witness Garrie Heryford, Division of Fish and Game warden, testified today that both he and Deputy Sheriff William A. White had consumed intoxicating liquor shortly before the latter met his death in a gun duel on the Burgess Ranch eight miles southwest of Hopland the night of April 19.

Mr. Heryford's statement came under cross examination by Toland McGettigan, Santa Rosa attorney for Carl S. Burgess, one of two youthful defendants in the manslaughter trial now under way in Mendocino County Superior Court.

Mr. Heryford was the first prosecution witness called by District Attorney James E. Busch after the jury was selected late this afternoon. He was still on the stand when court recessed until tomorrow morning.

Under questioning by Mr. McGettigan, the fish and game officer said that he and Deputy White had drunk at least two ounces each of Cream of Kentucky whiskey shortly before the shooting incident. He said they drank the whiskey in a cabin at the Burger Ranch nearly a mile from the Burgess cabin.

The fish and game official also testified they had no warrants to search the Burgess Ranch or any of three ranches they were investigating in the area.

The trial of John R. Kelly, 23, and Carl S. Burgess, 24, started Monday before Superior Court Judge Lilburn Gibson. Two trial venires, one of 50 and another of 20, were exhausted before a jury was selected at 2:45 p. m. today.

**MEMBERS OF the jury are:** Howard Brooks, Potter Valley; Mrs. Grace McCord, Potter Val-

ley; Mrs. Elizabeth Marshall, Potter Valley; Warren C. Lindberg, Calpella; Mrs. Mabel Sacchi, Ukiah; Mrs. Margaret Ostini, Ukiah; Mrs. Anna L. Gallagher, Albion; Karl De Witt, Ukiah; B. F. Simmons, Redwood Valley; Mrs. Margaret W. Nelson, Redwood Valley; Isaac C. Burke, Ukiah; and J. W. Casey, Potter Valley.

Mr. Lindberg and Mr. Casey were the only two jurors picked out of the original venire of 50.



# Burgess-Kelly Trial Is Recessed to Monday

John R. Kelly fired the first shot on the Burgess ranch the night Deputy Sheriff William White was shot to death, according to a statement made by Carl S. Burgess to Deputy Sheriff Reno Bartolomie the night of the shooting.

## Burgess-Kelly Jury

**Howard Brooks**, a Potter Valley farmer for 33 years.

**Mrs. Grace McCord** owns a sheep ranch in Potter;

**Mrs. Elizabeth Marshall**, wife of a garage owner in Potter Valley; has lived in county nine years.

**Walter Lindbergh**, lumberman located at Calpella.

**Mrs. Mabel Sacchi**, wife of an employe of the N.W.P.R.R. Lives in Ukiah.

**Mrs. Margaret Ostini**, well known resident of Ukiah, wife of William Ostini.

**Mrs. Anna L. Gallagher**, ranch owner located two miles from Albion. Resided in county five years.

**Earl De Witt**, woodsman whose home has been in Ukiah 10 years.

**B. F. Simmons**, foreman of Rochester ranch, Redwood Valley.

**Mrs. Margaret Nelson**, wife of Att'y. John Nelson. Mrs. Nelson is a lawyer in her own right, but has never practiced.

**I. C. Burke**, for many years outstanding sheep raiser in this county, now retired, and lives in Ukiah.

**J. W. Casey**, farmer in Potter valley. Has lived here only two years but "went through" the county for 25 years.

Burgess stated that "John fired out the window and yelled at a guy to stop." This was before the two men left the cabin. The statement was made to Deputy Bartolomie in the ambulance the night of the shooting. The deputy boarded the ambulance about three miles southwest of Hopland and drove to Ukiah General Hospital with Burgess and his mother.

## Prosecution Opens

Four witnesses testified for the prosecution Thursday in the trial of Burgess and Kelly, charged with manslaughter. They were Game Warden Garrie Herryford, who accompanied Deputy Sheriff White in the investigation on the Burgess and neighboring ranches; Deputy Sheriff Reno Bartolomie; Mrs. Goldie May Cooper, to whose home John Kelly went following the shooting, to use the telephone; ballistic expert, Roger Greene, of the division of criminology of the state department, Sacramento.

## Herryford's Testimony

Warden Herryford told the story of the night that Deputy White lost his life. The two men went to the area on the afternoon of April 28 and spent the night at the Alex Burger cabin in the vicinity of the Burgess ranch.

At 4:30 o'clock, the morning of the shooting, the men were at work, walking over miles of ranch acreage on and near the Burgess ranch. They returned to the Burger cabin early in the afternoon to cook their dinner. They had a couple of cocktails each while their meal was cooking. Mr. Burger had told them there was an open bottle of bourbon in the cabin, and to help themselves. Dinner was over about 3 p.m.

Continuing their work, they arrived near the Burgess cabin about 7:30 p.m. Herryford accompanied Deputy Sheriff White to within 100 yards of the cabin, then left to investigate two points on the ranch which had aroused suspicion when viewed through binoculars earlier in the day. Deputy White told Herryford that he was going up to the house and try to hear the conversation of the two men, Burgess and Kelly. Both officers were to return to White's automobile when they had completed the designated work. The automobile had been parked off the county road, a quarter or half a mile away from the entrance to the Burgess ranch.

The shooting occurred about 9:30 that night.

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Mr. Herryford returned to the car in about three-quarters of an hour, or an hour; he started the engine and turned on the heater and the radio. Neither one was kept on all the time. He did not hear any shots nor did he hear the motorcycle when John Kelly went to the Cooper ranch.

## Radio Call For White

Herryford's first knowledge of the shooting was a call from the sheriff's office for Deputy White. Herryford answered the call and was told there had been a shooting on the Burgess ranch; that two men were shot. He went at once to the ranch, spoke to Mr. and Mrs. Burgess, Sr., and heard Carl Burgess talking in the cabin, but did not see him. He asked where the other man in the shooting was and was told he was down in the swamp. Mr. Burgess, Sr., accompanied Herryford to the spot where "Bill's" body was lying. Herryford examined his friend, ascertained he was dead, reported that fact to the sheriff's office by radio and stated he would go to the gate of the Burgess ranch and direct the ambulance and the sheriff and deputies to the Burgess cabins.

## Complaints Investigated

Mr. Herryford testified that over a period of several years there had been reports of sheep disappearing and game law infringements, spotlighting and hunting out of season on and in the vicinity of the Burgess ranch, and of cars going in and out of the ranch in the dead of night. A year before he had gone on the ranch with a search warrant and searched the barn and cabins but had found nothing. He had made investigations four or five times previous to April 29.

In the day and a half preceding the shooting on the night of April 29, Bill White and Herryford had traversed parts of four or five ranches, including the Burgess ranch, looking for clues.

Herryford testified that while the investigation was under way on the night of the shooting, a car with three young men arrived at the ranch about 1 o'clock.

## Objects To Statement

The statement made by Carl Burgess to Deputy Bartolomie in the ambulance was the center of a legal battle in court. Before the deputy sheriff had hardly gotten into the ambulance, Attorney McGittigan of Santa Rosa, representing defendant Carl Burgess, rose to his feet in front of the jury and addressing the court objected, "in the interest of justice," to any statement made by Burgess being introduced in court. The attorney stated that the objection might not have the authority of law, but that the court could exclude the evidence.



Continued

#### Court Says "Premature"

Judge Gibson stated the objection was premature; that no evidence had been introduced which would show the court how Burgess was at the time. Attorney McGettigan argued that he had been the victim of a shot, was being transported in an ambulance and the court had the power to give consideration to such facts.

"What can you point out to the court in support of such action?" Judge Gibson asked, stating that he had not heard of such action. Attorney Malistratt for John Kelly entered his objection to the statement being considered in court and Judge Gibson stated that the objection was not applicable to the case; that it was all premature.

District Attorney James E. Busch stated that dying statements of people fatally wounded were accepted in courts as evidence.

Attorney McGettigan asked for a recess to secure confirmation of his points and the court granted the request. When court reconvened there were no cases cited in confirmation of the point argued.

#### Not On Record

The court ruled later that the statement of Burgess to Deputy Bartolome could not be submitted for court record, as it was not signed by Mr. Burgess. At the hospital Carl Burgess either could not read the statement, or was too weak to sign it, according to the deputy sheriff and the statement went unsigned, except by the mother of Carl Burgess, who read the statement and signed her name. She was in the ambulance when the statement was made.

#### Read Into Evidence

The statement, over vigorous objections of the defense attorneys, was read by Deputy Bartolome in court, and entered as evidence.

#### Called the Sheriff

Mrs. Cooper, nearest neighbor to the Burgess ranch, related the arrival of John Kelly at her home the night of the shooting and his request, "Get a doctor quick." "There has been a shooting and one or two men have been shot," Mrs. Cooper replied. "We better phone the sheriff not a doctor," and she did so. Mrs. Cooper testified that she heard the motorcycle on which John Kelly was riding not far away from the house, probably in the lane which is half a block in length

from the county road to the Cooper house. Mrs. Cooper testified Kelly said, "The Burgess boy had done the shooting."

When ballistic expert, Greene, was on the stand counsel for defense stipulated that the bullet which was found at the autopsy in the body of William White was fired from the gun of Carl Burgess.

A considerable part of the court's time at the trial Thursday was consumed by a constant barrage of objections from the four attorneys for the defense, a large part of which were overruled by the court. Game Warden Heryford was on the witness stand five hours and he and Deputy Bartolome were cross-examined in length by counsel for defense.

Court adjourned at 5 p.m. Thursday to convene Monday morning at 10 o'clock.

# Burgess-Kelly Trial Resumed

By Joan Fraser

"Where's Garrie, Where's Garrie?" Those words coming over the telephone formed the first intimation received at the sheriff's office on the night of April 29 that Chief Deputy William White had been one of the two men shot on the Burgess ranch near Hopland.

John Kelly, one of the defendants in the trial for manslaughter, in the death of Deputy White, was speaking on the telephone from the Cooper ranch to the office of Sheriff Broaddus in Ukiah, following the shooting.

He was speaking to Deputy Sheriff Arnold Ormsbee from the Cooper telephone where he had gone to summon a doctor for Carl Burgess, also a defendant in the case.

According to Deputy Ormsbee, Kelly had said, in answer to an inquiry, that the man shot was not an officer.

Later Kelly stated that there must be another man around for the man who was shot kept saying, "Where's Garrie?"

Deputy Ormsbee testified that those words made him realize that Deputy White had been shot and he replied, "You fellows have made a terrible blunder. You damn fools have shot the Chief Deputy Sheriff."

According to Ormsbee, John Kelly told him over the telephone that Carl Burgess was already in bed and that he, Kelly, had just put out the light when he saw a prowler in the yard run behind the trees. Kelly told Ormsbee that he said to Burgess, "There is a man out here." They grabbed their guns and ran outside. Kelly, according to Ormsbee, stated that he could not recall who started the shooting. He stated that he fired two or three shots over the man's head and that both the prowler and Burgess were shooting.

Deputy Sheriff Ormsbee and Under Sheriff Erwin Ransdell related the events in the office of Sheriff Broaddus that went into action that night when the first word came in at 10:10 o'clock, that there had been a shooting on the Burgess ranch.

It was Under Sheriff Ransdell, awakened from his sleep at home, who was at the sheriff's office in eight or ten minutes. To him fell the task of going to the home of

Deputy White and telling the wife that her husband had been shot, and was dead.

Within a matter of minutes Sheriff Broaddus and deputies and the ambulance were on the way to the Burgess ranch. In the group were Deputies Reno Bartolomie, Dallas Stipp, Vernon Yates and Game Warden Floyd Loots.



# Burgess Takes Witness Stand

By Joan Fraser

Carl Burgess, first witness for the defense, and defendant in the manslaughter charge in the death of Deputy Sheriff William White, testified that Deputy White fired the first shot and that shot was the one that wounded Burgess on the night of April 29, at the Burgess ranch.

Mr. Burgess stated that he was standing in the open in the bright moonlight when Deputy White, hidden in the bushes, fired on him.

Burgess testified that before any shots were fired he saw a figure of a person hiding in the brush and called out, "Come out we have you covered."

Burgess told Kelly of seeing the figure. Kelly at that time was about eight feet from Burgess.

Burgess stated that the person jumped deeper into the brush and fired. Burgess put his hand to his back, felt the blood and returned the fire. The firing continued between the two men and Burgess testified that he heard a couple of shots go over his left shoulder. Burgess then walked back to the house.

He testified that when his statement, given to Deputy Bartolomie in the ambulance, was read in court he had no memory of the questions answered nor did he recall being taken into the hospital. Dr. J. B. Massengill had previously testified on the witness stand that Burgess "was fully conscious" at the hospital up to the time the anesthetic was administered.

## Prosecution Rests

The prosecution rested at 2:30 p.m. Tuesday afternoon.

Attorneys McGettigan and Mallatratt, in behalf of their clients, made a motion that the evidence presented was insufficient to warrant a jury in returning a verdict of guilty and asked the court to

so instruct the jury. Judge Gibson denied the motion.

Suggestive testimony runs through the Burgess-Kelly trial.

## Sheriff Cross-Examined

Under cross examination by the defense, Sheriff B. G. Broadus was interrogated on his knowledge of the exact location of Game Warden Heryford at the time of the shooting on the Burgess ranch or just before.

Carl Burgess testified that he heard sounds like someone walking through the trees, just before shooting; and he heard the gate shut where that road enters the Burgess ranch. The gate and road are in the opposite direction to the location of the shooting that night.

## "Where Is That Paper"

In cross examining Mrs. Burgess, District Attorney James E. Busch asked the witness whether as the ambulance was taking Carl Burgess from the ranch, she recalled this conversation with John Kelly in the presence of Mr. Roulsten, driver of the ambulance. The conversation as stated by the District Attorney was, "Where is that paper." and John Kelly answered, "I burned it." Mrs. Burgess replied, "That is good." Mrs. Burgess explained that she had asked John Kelly to sit down and write what had happened and that was the paper to which she referred.

Mrs. Burgess had testified that when she picked up Deputy Sheriff White's wallet from beside the dead deputy she had put it in the pocket of her bathrobe and taken it to the house.

Mrs. C. S. Burgess, mother of the defendant, Carl Burgess, followed her son on the witness stand this morning. Mrs. Burgess related the story that has now been told in court several times of the events the night of the shooting.

## Burgess Ranch Gun Battle Described In Kelly's Statement to Broaddus

By Joan Frazer

"Don't shoot, I'm a peace officer."

John Kelly quoted Deputy Sheriff William White as making this statement on the night of the shooting on the Burgess ranch, April 29. Kelly quoted the deputy sheriff in a statement made the day after the shooting to Sheriff B. G. Broaddus. His statement was taken verbatim by Waldo Munday, court reporter.

Kelly was not sure whether the two statements, "Don't shoot," and "I'm a peace officer," were made together, nor was he sure just when in connection with the shooting the statements were made.

Court Reporter Munday testified that Kelly did not appear under strain or nervous at the time he was making the statement to the sheriff.

### Story of Shooting

John Kelly told the story of that night's events in his statement. He said that Deputy White called, "I'm hit, I'm hit," and "I told you not to shoot."

### Deputy White's Last Words

Deputy White was ordered to throw out his gun and he answered that he had done so and Kelly answered, "I did not hear it and I don't believe you." Deputy White, shot through both lungs, crawled out from his hiding place on his hands and knees, Kelly stated, rolling from side to side.

He said, "Come here, I want to tell you something." They were the last words he spoke. According to the testimony of Dr. J. B. Massengill the lungs filled with blood.

Dr. Massengill, who performed the autopsy on Deputy White, gave as his opinion that the deputy could not have lived more than fifteen minutes after he was shot and probably not that long. He could not, Dr. Massengill said, have walked more than 100 feet.

### Did Not Believe White

John Kelly, in his statement to the sheriff, said he told White he did not believe him when he said he was a peace officer, and Deputy White said, "I'll show you my badge."

Once during the shooting, Kelly said he told Carl Burgess, "Don't hit him." Kelly fired at the flash of the deputy's gun. Dr. Massengill testified that shots from a shot gun hit Deputy White in the knuckles of the right hand.

In the statement to the sheriff, Kelly said that Carl Burgess said to Deputy White, "Come on out," then he fired. The "other fellow" started firing, "or maybe he said, 'Don't shoot' before he fired."

Kelly's statement said that Carl Burgess was in bed and he was "half in" about 10 p.m. when he saw someone crouched down and moving outside. He told Burgess there was some one outside and Burgess answered that it might be a cow.

Kelly said he opened the window and poked a gun out. He told the man that he had a gun aimed at him and would shoot. The gun, Mr. Kelly stated was not loaded at that time.

### Mrs. Burgess Said "Shoot"

Kelly and Mr. Burgess grabbed guns and went out. The noise aroused Mrs. Burgess, Sr., and Kelly told her there was someone out there and she replied, "Well, shoot him."

Kelly and Burgess ran around to the back of the cabin and to the top of a rock from which they could view the area. They heard pebbles moving and threw rock down from the rock on which they were standing.

### Burgess Shot First

Kelly said he was about to give up and go back to the house when they heard twigs break. Carl shouted, "Come on out," and fired and the fellow said, "Don't shoot." Both Burgess and White were shooting, Kelly stated, when he fired three shots at the flash of the deputy's gun.

Carl Burgess, who was wounded in the stomach by the deputy's gun walked up to the house, and Kelly followed him. Then he and Mrs. Burgess went back to Deputy White's body and found his identification card in his wallet. Mrs. Burgess went back to the house to her son and sent Kelly to the Couper ranch to telephone.

### Sheriff Broaddus Testifies

Sheriff Broaddus, who was on the witness stand for three hours Tuesday morning, testified that John Kelly did not tell him until two days after he was in custody that Kelly had fired at the flash of Deputy White's gun. Kelly stated at that time, Sheriff Broaddus said, that he had fired into the tops of the pepperwood trees

behind which Deputy White was hiding.

It was not until after the evidence was secured by the autopsy showing that Kelly's shots had gone through the right hand knuckles of the deputy sheriff and marked his revolver, that Kelly admitted he had fired "at the flash" of the deputy's gun.

Sheriff Broaddus testified that John Kelly told him that the deputy sheriff said, "Don't shoot," and that he had heard the words, "I'm a peace officer," both when White was in the trees, and also when he was walking out from that location.

Deputy Bartolomeo was recalled to the witness stand Tuesday and identified the pepperwood branches and bark which he testified had been perforated by shot. These had been taken from the trees at a height of 30 to 36 inches, the highest being waist high.



## Final Arguments Today In Burgess-Kelly Trial

By SAM HANSON  
Bureau Chief

UKIAH, Sept. 27—Prosecution and defense will present their final arguments tomorrow in the manslaughter trial here of Carl Burgess and John Kelly and the case will go to the jury at 9 a. m. Friday.

Mr. Burgess and Mr. Kelly are on trial for manslaughter in connection with the death of Deputy Sheriff William White in a shooting duel April 29 on the Burgess ranch. Defense and prosecution rested their case today.

Court opened today with Mr. Burgess on the stand under cross examination by District Attorney James Busch. The district attorney questioned Mr. Burgess at length as to where the man whom he and Mr. Kelly

have said they thought was a prowler went.

Mr. Burgess repeated that he was just taking Mr. Kelly's word as the fact that there was a man outside and, as he never saw the man before the shooting started, he couldn't of his own knowledge say where the man had gone when they came out to investigate.

After Mr. Busch had vehemently demanded repeatedly to know: "Did he just jump up into the air and disappear?" Mr. Burgess replied:

"He may have found a shovel and dug a hole and buried himself, but I hardly think he had time."

Other witnesses testifying yesterday included Mr. Kelly, Sheriff B. G. Broaddus and Boris Ralston, ambulance driver.

# Burgess-Kelly Trial Goes to Jury Today

By SAM HANSON

Ukiah Bureau Chief

UKIAH, Sept. 28 — The Burgess-Kelly manslaughter case will go to the jury tomorrow morning after instructions by Mendocino County Superior Court Judge Lilburn Gibson.

In closing arguments today, defense attorneys pleaded for a not-guilty verdict for Carl F. Burgess, 24, and John Kelley, 23, claiming they shot Deputy Sheriff William A. White as a prowler the night of April 29 on the isolated Burgess ranch, eight miles southwest of Hopland.

The defense also contended that the shot that hit Carl Burgess in the back could have been fired by a person other than Deputy White and urged the jury "and the community" to have the case "re-opened and re-investigated" to find out what "actually happened on that mountain that night."

**DEFENSE COUNSEL** strongly maintained that the officers were "prowling and eavesdropping" and violated the constitutional rights of American citizens. They also declared that the investigation had been improperly handled by the office of Sheriff B. G. Broadus.

District Attorney James E. Busch defended conduct of the case, declaring that Fish and Game Officer Heryford, chief prosecution witness, and Sheriff Broadus were not on trial. He said the officers had reasonable complaints concerning sheep thefts, illegal deer hunting and cars at unusual hours.



## Jury In Deputy's Death Dismissed; Deadlocked, 7-5

The jury in the trial of Carl Burgess, Jr., and John Kelly, charged with manslaughter, in the shooting to death of Deputy Sheriff William White, deadlocked at seven to five for acquittal. The jury was dismissed at midnight Friday after being out 14 hours. I. C. Burke of Ukiah was foreman.

Only twice in that time did the members of the jury seek information from the court. About 4 p.m., they asked the court for instruction on trespassers. At 10 p.m., they returned to the court and asked that the statement of Carl Burgess be read.

Judge Lilburn Gibson and the attorneys for defense and prosecution consulted for nearly an hour debating for one subject whether or not the case would be heard again.

Jurymen voting for acquittal were: Mrs. Elizabeth Marshall, Potter Valley; Warren Lindberg, Calpella; Mrs. Mabel Sacchi, Ukiah; Mrs. Margaret Ostini, Ukiah; Earl De Witt, Ukiah; B. F. Simmons, Redwood Valley; J. W. Casey, Potter Valley.

Jurymen voting for conviction were: I. C. Burke, foreman, Ukiah; Mrs. Grace McCord, Potter Valley; Mrs. Anna L. Gallagher, Albion; Mrs. Margaret Nelson, Redwood Valley; Howard Brooks, Potter Valley.

## Burke Is Taken to Bay City Hospital

I. C. Burke, retired, well known sheepman of this county was taken to San Francisco Tuesday. He is at the German Hospital for observation and treatment under the care of Dr. Irie Montgomery.

Mr. Burke, foreman of the Kelly-Burgess jury in the manslaughter charge in the shooting of Deputy Sheriff William White, was taken ill in the jury room. He has been confined to his bed since that time.

I. C. Burke was for many years one of the most prominent and successful sheep men in the county. His ranch was in Anderson Valley.

## Burgess-Kelly Up Friday; to Reset

The Burgess-Kelly manslaughter case comes up for hearing in Superior court Friday, October 13, and the general opinion is that the case will not be retried.

The Burgess-Kelly jury deadlocked after 14 hours, seven to five for acquittal. Carl Burgess and John Kelly were tried on a manslaughter charge in the shooting to death of Deputy Sheriff William White on the Burgess ranch the night of April 29. The charge was made through Grand Jury indictment.

### PEOPLE VS. BURGESS-KELLY

The case of the People vs. Carl Burgess and John Kelly has been dropped from the Superior court calendar. The trial of Burgess and Kelly, charged with manslaughter in the death of Deputy Sheriff William White, ended with the jury deadlocked at 7 to 5 for acquittal.