

CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

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STATE OF LOUISIANA	.	198-059
vs.	.	14:26 (30)
CLAY L. SHAW	.	SECTION "C"
.....	.	

PROCEEDINGS IN OPEN COURT OF
February 26, 1969

Fesse Garner

16 pages (15 pages plus cover)

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.
Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130 - 522-3111

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
JESSIE GARNER	2	13	15	--

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AFTERNOON PROCEEDINGS

2

1
2 THE COURT:

3 AS I understand it, some reporters have
4 asked me, they have to get out about
5 5:00 o'clock to make a deadline, so
6 at five minutes to 5:00 we will just
7 stop the questioning and those that
8 want to leave at five minutes to
9 5:00 can go out, we will just stop
10 the questioning. We are not going to
11 take a recess at that time.

12 Call your next witness.

13 MR. DYMOND:

14 We call Mrs. Jessie Garner, please.

15 JESSIE GARNER,

16 having been first duly sworn by the Minute Clerk,
17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. DYMOND:

20 Q Mrs. Garner, if you will, talk right into the
21 end of the microphone and we won't have
22 any trouble hearing you. Now, for the
23 record, Mrs. Garner, would you please
24 state your full name.

25 A My name is Mrs. Jessie Garner.

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1 Q Mrs. Garner, what is your occupation?

2 A Housewife.

3 Q Are you married, Ma'am?

4 A Yes.

5 Q Where were you living, Mrs. Garner, during the
6 summer months of the year 1963?

7 A Same address, 4911 Magazine Street.

8 THE COURT:

9 4911 Magazine?

10 THE WITNESS:

11 Yes.

12 BY MR. DYMOND:

13 Q Now, Mrs. Garner, the premises which you occupy,
14 are there several apartments there?

15 A Yes, there is.

16 Q And what would be the addresses of the entire
17 structure?

18 A Well, one is 4907, one is 4905, and there is
19 two back apartments, 4905½.

20 Q I see. You say you were living there during
21 the summer of 1963?

22 A I was.

23 Q Now, in what capacity were you and Mr. Garner
24 living in that place? Did you own it or
25 were you managing it, or what?

1 A No, we don't own it, we just managed it for
2 a friend of ours.

3 Q To what use do they put the apartments other
4 than the one that you and Mr. Garner
5 occupy?

6 A What was that, sir?

7 Q To what use at that time were the other apart-
8 ments being put, were they vacant or
9 rented or what?

10 A No, they was all rented.

11 Q All rented?

12 A Yes.

13 Q Now, did you at any time, Mrs. Garner, have
14 occasion to meet a man by the name of Lee
15 Harvey Oswald?

16 A Yes, when he came to rent an apartment.

17 Q I believe it is "State 1," a photograph of
18 Oswald.

19 MR. DYMOND:

20 I would like that other one with the beard
21 on it.

22 BY MR. DYMOND:

23 Q Mrs. Garner, I show you a photograph which has
24 been introduced into evidence and marked
25 for identification "State 1," and I ask if

1 you recognize this as a photograph of
2 Lee Harvey Oswald?

3 A I do.

4 Q I now show you another photograph which has
5 been marked for identification "State 19,"
6 it also being an item of evidence, and ask
7 you whether you ever saw Lee Harvey Oswald
8 with a beard such as indicated on this
9 photograph?

10 A No, I haven't.

11 Q Now, Mrs. Garner, when was the first time that
12 you saw Lee Harvey Oswald?

13 A Well, it was the early part of May, 1963.

14 Q And would you tell us how you happened to see
15 him, what were the circumstances of that
16 matter?

17 A Well, he came by to rent the apartment and that
18 was the first time I ever saw him.

19 Q Now, was he with anyone or by himself?

20 A Yes, he was with about a middle-aged lady,
21 reddish hair.

22 Q A middle-aged lady?

23 A Yes, it seems like she knew the family because
24 she spoke to him like she knew him very
25 well.

1 Q And did you rent the apartment to him?

2 A Yes, I went to show him the apartment and she
3 kept telling him "Yes, it would be very
4 nice for you and your family," and final-
5 ly he decided to take it.

6 Q Now, Mrs. Garner, did you later come to know
7 Lee Harvey Oswald's wife?

8 A Well, just by seeing her all day and stuff like
9 that, but I did not know her real good.

10 Q Was that the same lady who had come with him
11 to rent the apartment?

12 A No.

13 Q Now, approximately how long after he rented the
14 apartment from you did his wife Marina
15 Oswald appear on the scene?

16 A About a week later.

17 Q About a week later?

18 A Yes.

19 Q Now, after she appeared, did they occupy this
20 apartment together?

21 A Yes, they did.

22 Q Did they have any children, to your knowledge?

23 A One.

24 Q Could you tell us approximately how old the baby
25 was?

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1 A Oh, I really would not know.

2 Q Was it a little, small baby, or a half-grown
3 child, or what?

4 A No, it was walking around.

5 Q Now, when Mrs. Oswald appeared on the scene,
6 do you know whether she came alone or with
7 someone?

8 A Well, I did not see when she came in, but I did
9 see a station wagon out in front where Mrs.
10 Paine took her back, took her to New
11 Orleans.

12 Q Now, do you know after Mrs. Paine came, did Mrs.
13 Paine stay there with them or else where?

14 A She stayed a few days.

15 Q A few days?

16 A Yes, right there with them.

17 Q Did you come to know Mrs. Paine?

18 A No, I did not.

19 Q Now, approximately how long did Lee Harvey
20 Oswald occupy this apartment, Mrs. Garner?

21 A Well, it was the early part of May until about
22 the middle part of September.

23 Q I see. Now, during that period, approximately
24 how long would you see, how often would
25 you see Lee Harvey Oswald?

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1 A Well, I would see him maybe once a week cross-
2 ing the street to get a bus and then when
3 I would go get my rent from him.

4 Q You would see him about once a week, you say.
5 Is that correct?

6 A Yes.

7 Q Did you ever see him with a beard on?

8 A No, I never did.

9 Q Now, with regard to his general appearance,
10 was he a dirty-looking person or was he a
11 neat-looking person?

12 A No, he was very neat.

13 Q Did you ever see him when he looked dirty and
14 unkempt?

15 A Never did.

16 Q Now, if you don't know this of your own
17 personal knowledge don't answer it, Mrs.
18 Garner, but do you know whether or not
19 Lee Harvey Oswald ordinarily spent his
20 nights at home there?

21 A I really would not know.

22 Q You don't know?

23 A No.

24 Q To your knowledge, did he ever do any
25 travelling while he was living at your

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place?

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NARA *VSU* DATE *10/19/93*

1
2 A I would not know.

3 Q Now, Mrs. Garner, the gentleman with the white
4 hair sitting to my right is Mr. Clay Shaw,
5 the Defendant in this case. Did you at
6 any time see Mr. Shaw with Lee Harvey
7 Oswald?

8 A I never had seen him before, until he showed
9 up on the papers and TV, I never heard of
10 him.

11 Q Is this the first time that you ever saw him
12 in person?

13 A In person, Friday, rather, Friday when I was
14 here.

15 Q Now, before Mr. Shaw was charged in this case,
16 had you ever heard of him?

17 A No.

18 Q Had you ever heard Lee Harvey Oswald mention
19 his name?

20 A No, I never talked to him that much.

21 Q I would like to have Ferrie's picture, please.
22 Mrs. Garner, I show you a photograph
23 which has been marked for identification
24 "State 3," being a photograph of the
25 late David Ferrie, and I ask you whether

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1 you have ever seen that man in your life,
2 to your knowledge.

3 A Yes, I did.

4 Q You did?

5 A Yes.

6 Q Where did you see him?

7 A In my house.

8 Q In your house?

9 A Yes.

10 Q When was that?

11 A It was either the same day that happened that
12 President Kennedy got killed or the
13 following day, he come in and he rang the
14 bell and opened the door and there was
15 some --

16 MR. ALCOCK:

17 I object to anything said, Your Honor.

18 THE COURT:

19 It is objectionable, of course.

20 BY MR. DYMOND:

21 Q You may not say what anybody said to you,
22 but I wish that you would tell us the
23 circumstances under which you saw this man.

24 A Well, I could say about him coming home?

25 Q Yes, you can say about that.

1 A I don't know if it was the same night or the
 2 following night, as soon as it happened,
 3 there was so many coming in and out, I
 4 opened the door because I thought he was
 5 a Secret Service man or something, I don't
 6 know, so as I walked in he says to me --

7 MR. ALCOCK:

8 Objection, Your Honor.

9 MR. DYMOND:

10 You can't say what he said.

11 THE WITNESS:

12 I can't say what he said?

13 BY MR. DYMOND:

14 Q Was he with anyone or by himself?

15 A He was alone.

16 Q And how long did he stay there?

17 A A few minutes, and when I found out he was not
 18 somebody important, I just asked him to get
 19 out.

20 Q You asked him to get out?

21 A Yes.

22 Q Is that the only --

23 A Well, what I am trying to say, when I found out
 24 he was not an FBI man, I just asked him to
 25 leave.

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1 Q I see. Now, do you recall whether this was
2 the evening of the assassination or the
3 evening after the assassination?

4 A I don't really know, but I do think it was the
5 same night or the following night.

6 Q The same night or the following night?

7 A It was in the evening, late after dark.

8 Q Now, Mrs. Garner, do you know when Mrs. Oswald
9 left the home that you had rented to her,
10 that is, Marina Oswald?

11 A I don't -- she left about the middle part of
12 September, it was between the 21st, about
13 the middle part of September, it was be-
14 tween the 21st and the 23rd.

15 Q I see. Now, at the time that she left, did
16 Lee Harvey Oswald leave too or did he stay
17 there?

18 A He did not leave right away, he left that night.

19 Q Was it the same night?

20 A The same night.

21 Q And did you ever see him again after that?

22 A No, I did not.

23 Q Now, Mrs. Garner, do you know whether Lee Harvey
24 Oswald was living in your apartment during
25 the entire month of September -- August,

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1963?

A Yes, he was.

Q Do you know whether he was living there during the entire month of July, 1963?

A He was, I used to see him going back and forth, catching the bus.

Q How often would you see him catching the bus?

A At least once a week, maybe more, a little more. I used to see him catching the bus because he used to come around the back part of the house, past the dining room where the garbage was, away and --

Q Do you know whether Lee Harvey Oswald was living in your house up until the latter part of September, 1963?

A Up until between the 21st and 23rd.

Q He was living there?

A Yes.

MR. DYMOND:

We tender the witness.

CROSS-EXAMINATION

BY MR. ALCOCK:

Q Mrs. Garner, did you have many conversations with Lee Harvey Oswald?

A Not too many.

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1 Q Did he appear to you to be a talkative person?

2 A No, he was not.

3 Q Did you ever have any disagreements with him?

4 A No, not -- yes, one time, one time.

5 Q And after that time, did you have many conver-
6 sations with him?

7 A No, just except when I went for my rent.

8 Q Mrs. Garner, did he pay the rent in cash or by
9 check?

10 A Cash.

11 Q And what was the rent?

12 A \$65.00.

13 Q \$65.00 a month?

14 A Yes.

15 Q Mrs. Garner, after Lee Oswald left, did you have
16 occasion to go into the apartment?

17 A Well, after he left, I was sure that he was not
18 coming back, I went in.

19 Q And what was the condition of the apartment?

20 A Dirty.

21 Q In what respects?

22 A Well, everything was broken, the icebox door was
23 broken, the mattress was all messed up,
24 the stove was broke, stuff like that.

25 Q Was it in a generally dirty condition?

1 A Well, it was clean when he got it.

2 Q No, when you went in after he left, was it in
3 a generally dirty condition?

4 A It was dirty, plenty dirty.

5 MR. ALCOCK:

6 No further questions.

7 REDIRECT EXAMINATION

8 BY MR. DYMOND:

9 Q One question. Mrs. Garner, did Lee Harvey
10 Oswald pay his rent promptly?

11 A The first month he did and after that I had to
12 go after him.

13 MR. DYMOND:

14 That's all.

15 THE COURT:

16 Have you any further need of Mrs. Garner?

17 MR. DYMOND:

18 No, sir.

19 THE COURT:

20 You are released from the obligations of
21 the subpoena, Mrs. Garner.

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