

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST "G"

HON. JOHN SHEA, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff, )

vs. )

No. A-057,452 )

ROBERT KENNETH BEAUSOLEIL, )

VOLUME I )

Defendant. ) (Pages 1-166)

REPORTER'S TRANSCRIPT

Wednesday, November 12, 1969

Thursday, November 13, 1969

Friday, November 14, 1969

## APPEARANCES:

For the People:

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Deputy District Attorney

For the Defendant:

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1 SANTA MONICA, CALIFORNIA: WEDNESDAY, NOVEMBER 12, 1969

2 4:00 P.M.

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4 THE COURT: People versus Beausoleil.

5 Just to get the record straight, it appears that  
6 this matter will go to a jury trial. We want to excuse  
7 Officer Humphrey until tomorrow. The suggested time,  
8 Officer, is 2:00 o'clock tomorrow afternoon, and we will  
9 be selecting a jury, and we will work you in tomorrow  
10 afternoon sometime.

11 I think we are ready to proceed.

12 At this time it has been agreed by counsel that  
13 in this case the People are not seeking the death penalty,  
14 and that therefore there will be no voir dire examination  
15 with regard to the death penalty.

16 It has further been agreed that the matter of  
17 guilt and the degree of the crime will be submitted to the  
18 jury for their determination, and that the sentence will  
19 be left up to the Court with the understanding that there  
20 will be no death penalty invoked.

21 MR. ROSS: That is correct.

22 MR. SALTER: If the jury comes back with first degree  
23 murder, then the Court will impose the sentence, and there  
24 will be no death penalty?

25 THE COURT: That is right.

26 MR. ROSS: It will necessitate a waiver on that aspect

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1 of the penalty.

2 MR. SALTER: We would waive that.

3 MR. ROSS: Well, Mr. Beausoleil has to do that  
4 personally.

5 Mr. Beausoleil, you have heard what the Court  
6 has just stated, that in the event you are convicted of  
7 first degree murder, you have a right to have your penalty,  
8 whatever it will be, imprisonment or death in the gas  
9 chamber, submitted to the jury on the issue of guilt or  
10 innocence.

11 THE DEFENDANT: Yes, sir.

12 MR. ROSS: It has just been stated that the Court is  
13 not seeking the death penalty, and the Court has stated it  
14 will not impose it.

15 In light of that fact, and in light of the fact  
16 that you understand that you have a right to a jury trial,  
17 do you waive and give up your right to a jury trial on the  
18 issue of the penalty only? I am talking about whether you  
19 are innocent or guilty.

20 MR. SALTER: In other words, you understand what would  
21 happen? The jury comes back with a finding of first degree  
22 murder, under the law it is up to them to determine whether  
23 the punishment would be life imprisonment or death. It has  
24 been proposed that we waive the right to have a jury deter-  
25 mine whether it is life imprisonment or death and submit  
26 that issue to the Court.

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1           The Court has stated that if that issue is  
2 submitted to it, it will not impose the death penalty.  
3 In other words, it would not impose a death penalty.  
4 Therefore, under those conditions, do you wish to waive your  
5 right to trial on the issue of penalty in the event that you  
6 were found guilty of first degree murder?

7           THE DEFENDANT: Yes, sir.

8           MR. SALTER: I will join in the waiver.

9           THE COURT: All right. Let's order a jury.

10           (Short recess.)

11           THE COURT: It has just been brought to my attention  
12 that there is not a jury panel available for the trial of  
13 this case at this time, and there will not be until  
14 tomorrow morning. It therefore becomes necessary to set  
15 this matter over until tomorrow morning.

16           So, Mr. Beausoleil, this matter will be continued  
17 until 10:00 o'clock tomorrow morning. You are ordered and  
18 directed to be back here at 10:00 o'clock in the morning.

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1 SANTA MONICA, CALIFORNIA; THURSDAY, NOVEMBER 13, 1969

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4  
5 THE COURT: Are we ready to proceed in the matter  
6 of People versus Beausoleil?

7 MR. SALTER: Yes, your Honor. At this time,  
8 Counsel and I request, along with Mr. Beausoleil, that we  
9 have a short hearing inside of chambers with the reporter  
10 present.

11 THE COURT: Let's go into chambers.

12 (Whereupon a conference was held in  
13 chambers.)

14 THE COURT: Let the record show that we are in  
15 chambers. The defendant is present with Counsel.

16 MR. SALTER: At this time I would like to have  
17 Mr. Beausoleil sworn for purposes of a motion.

18  
19 (TESTIMONY OF MR. ROBERT KENNETH BEAUSOLEIL)

20  
21 ROBERT KENNETH BEAUSOLEIL,  
22 called as a witness in his own behalf, having been first  
23 duly sworn, was examined and testified as follows:

24 THE CLERK: You do solemnly swear that the test  
25 you may give in the cause now pending before this Court  
26 shall be the truth, the whole truth, and nothing but the

1 truth, so help you God?

2 THE WITNESS: Yes

3

4

DIRECT EXAMINATION

5 BY MR. SALTER:

6 Q Mr. Beausoleil, what time did you go to  
7 bed last night or early this morning?

8 A I got back to my module around 1:15;  
9 approximately 1:15.

10 THE COURT: Last night?

11 THE WITNESS: Yes.

12 BY MR. SALTER:

13 Q What time did they wake you up to come to  
14 court?

15 A 3:30.

16 Q At this time do you feel that you are in  
17 a position to proceed with the trial without having had  
18 sufficient rest?

19 A No.

20 Q Do you feel that you are alert because of  
21 two hours sleep?

22 A No.

23 MR. ROSS: May I cross-examine him? He is under  
24 oath.

25 THE COURT: Yes.

26

CROSS-EXAMINATION

BY MR. ROSS:

Q Mr. Beausoleil, you are drinking your coffee. How do you feel now?

A I have only taken a couple of sips out of it.

Q Do you think after you have had your coffee that you would feel up to selecting a jury today?

A I think so.

THE COURT: How old are you?

THE WITNESS: I just turned 22.

THE COURT: The only problem is, you kids aren't used to getting up that early or going to bed that late.

Why didn't you get to bed until 1:30?

THE WITNESS: I don't know. It took them that long to get -- sometimes it takes that long. It could be anywhere from 10:00 o'clock to like it was last night, 1:15, 1:30 sometime. It depends on how busy they are, and I don't know.

MR. SALTER: May I inquire, your Honor?

THE COURT: Yes.

REDIRECT EXAMINATION

BY MR. SALTER:

Q Mr. Beausoleil, have you information regarding the routine at the new County jail, that is, the

1 one down on Bouchet Street?

2 A I went to court there several times.

3 Q What is the routine there? What time do  
4 you get back to your module there?

5 A You wake up at approximately the same time,  
6 a little bit later, so you don't have to make the transpor-  
7 tation trip.

8 Q What time do you usually get to bed there?

9 A About approximately an hour after you get  
10 back from court.

11 THE COURT: I am going through this routine all  
12 the time.

13 MR. SALTER: The deal is, under the routine of the  
14 old County jail, I do not feel I have a defendant, who is  
15 facing a life imprisonment sentence, who can be alert  
16 enough to go through the trial.

17 THE COURT: I am not concerned about the hogwash  
18 of what he is faced with. I know that.

19 What is the situation in the jail? Why is  
20 it that one jail is so miserable and the other one is not?

21 MR. SALTER: That I don't know.

22 THE COURT: Well, I mean, this warrants a little  
23 Grand Jury investigation, then?

24 MR. SALTER: I am not here to ask for Grand Jury  
25 investigation.

26 THE COURT: Why is it if a man is in trial, as he

1 is, that there is a difference in the way they treat him  
2 in the two jails?

3 MR. SALTER: Evidently, as far as the time element,  
4 there is a difference.

5 THE BAILIFF: It appears that if the person is in  
6 the old County jail, which the defendant is in, they have  
7 to be gotten up earlier in the morning, because most of  
8 the buses start from the new County jail.

9 THE COURT: Why don't they have him in the new  
10 County jail?

11 THE BAILIFF: I don't know. They usually try to  
12 keep the people who are awaiting trial in the old County  
13 jail.

14 MR. SALTER: Of course, Mr. Elder, who happens  
15 to be sitting here, is in the new County jail, so there  
16 are people from the new County jail that come out to these  
17 courts.

18 THE COURT: Except for one thing: My function is  
19 to see that this thing is handled properly.

20 MR. SALTER: I understand.

21 THE COURT: That is all I am concerned with, but  
22 it is not my function to tell the Sheriff how to run his  
23 jail.

24 MR. SALTER: I think it is the Court's function,  
25 when a fair trial is being interfered with, to order that  
26 he be put in another jail.



1 THE COURT: I am going to see what I can do to  
2 correct it.

3 Number one, the motion to continue will be  
4 denied. When I was 22, there were lots of nights when I  
5 did not have any sleep, so I am not too concerned about  
6 that, but I am concerned with the trial as it progresses.

7 Number two, will you check and see if there  
8 is going to be any insurmountable transportation problems  
9 in so far as having this boy confined to the new County  
10 jail during the trial of this case?

11 THE BAILIFF: Yes, sir.

12 THE COURT: We will see what changes can be made.

13 MR. SALTER: Thank you, your Honor.

14 (Whereupon the following proceedings were  
15 held in open court within the presence and hearing of the  
16 jury.)

17 THE COURT: Ladies and gentlemen of the jury, I  
18 think we are ready to proceed.

19 Will you please rise at this time to take  
20 your oath regarding your qualifications as jurors.

21 THE CLERK: You, and each of you, do solemnly  
22 swear that you will well and truly answer the questions  
23 asked you, touching upon your qualifications to act as  
24 trial jurors in the cause now pending before this Court?

25 (Whereupon the prospective jurors indicated  
26 in the affirmative.)

1 THE COURT: Now, ladies and gentlemen, as your  
2 names are called, will you fill in the jury box under the  
3 direction of the bailiff.

4 You may call a jury, Mr. Clerk.

5 (Whereupon voir dire examination of  
6 prospective jurors was begun.)

7 MR. ROSS: We will take the panel.

8 MR. SALTER: Defendant will accept the jury as  
9 now constituted, your Honor.

10 THE COURT: Will you please rise, ladies and  
11 gentlemen, to take your oath as jurors.

12 (Whereupon a jury was duly impaneled and  
13 sworn to try the cause.)

14 THE COURT: Thank you, ladies and gentlemen.  
15 At this time I am going to take about a five-minute recess.

16 Please do not discuss the facts in issue  
17 in the case. We will reconvene in about five minutes.

18 (Short recess.)

19 THE COURT: You are impaneled now as a jury, and  
20 we have a matter to take up at this time so I will excuse  
21 you for this evening. We will take our evening recess at  
22 this time and reconvene tomorrow morning at 10:00 o'clock.  
23 Please return at that time.

24 I must admonish you that during the course  
25 of the trial, you are not to discuss the facts in issue  
26 in the case amongst yourselves or with anyone else.

1           You are to retain an open mind throughout  
2 the trial and not arrive at any conclusion in the matter  
3 until it is finally submitted to you. Please bear that in  
4 mind at all times.

5           I don't think you are going to see anything  
6 in the paper, but if you should, just skip over it. Don't  
7 pay any attention to it and avoid contact with anyone that  
8 has anything to do with the case.

9           Thank you and good night.

10           (Whereupon at 4:00 o'clock p.m. an adjourn-  
11 ment was taken until Friday, November 14, 1969, at 10:00  
12 o'clock a.m.)

13           (Whereupon the following proceedings were  
14 had between the Court and Counsel in open court outside  
15 the presence and hearing of the jury.)

16           MR. ROSS: Do you wish to proceed with the officer?

17           THE COURT: Yes.

18           MR. ROSS: At this time we have an officer that  
19 will testify, and the Court will have to make a determina-  
20 tion on certain issues out of the presence of a jury.

21           We are now out of their presence, and I am  
22 calling Officer Humphrey on this issue.

23           THE COURT: Will you come forward, Officer Humphrey.

24           Officer, you were previously sworn  
25 yesterday so that you are still under oath.  
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(TESTIMONY OF FORREST HUMPHREY)

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FORREST HUMPHREY,

called as a witness by and on behalf of the People, having  
been previously sworn, was examined and testified as  
follows:

THE CLERK: State your name for the record.

THE WITNESS: Forrest Humphrey.

DIRECT EXAMINATION

BY MR. ROSS:

Q You testified in connection with a motion  
in this case yesterday, and as the Court has reminded you,  
you are still under oath in this matter.

I am going to over many of the same things  
that we did yesterday, and I will start by asking you  
again, have you seen the defendant, Mr. Beausoleil, before?

A Yes, I have.

Q Do you have a report concerning that  
incident?

A A copy of it.

Q Was that made by you?

A Yes.

Q You have referred to it to refresh your  
recollection?

A Yes.

1 Q When and where was it that you saw the  
2 defendant, on what date?

3 A On August 6, 1969, at approximately 10:50  
4 p.m. -- a.m. on Highway 101, approximately three miles  
5 north of San Luis Obispo.

6 Q What were your duties at that time?

7 A I was a uniform State traffic officer.  
8 My primary duty was to enforce the Vehicle Code.

9 Q This was on your CHP patrol area?

10 A Yes.

11 Q What time was it approximately that date  
12 that you first observed an automobile where the defendant  
13 was?

14 A I can't exactly determine the exact time  
15 that I first saw the vehicle. I went to work at 7:00 that  
16 morning. I get out of the office about 7:30 in the morning,  
17 and I had driven north; and sometime shortly after that,  
18 I observed a vehicle that the defendant was in parked on  
19 the side of the road.

20 Q Would you describe that vehicle for us?

21 A It was a 1965 Fiat station wagon, white  
22 in color.

23 Q What was the license number?

24 A OYX 833.

25 Q You had observed this car sometime before  
26 you approached it; is that correct?

1 A Before the 10:50?

2 Q Yes.

3 A Yes, sir.

4 Q Then you did come over to it about 10:50;  
5 is that correct?

6 A Yes, sir. The first time I saw -- I had  
7 seen it, I went on by it and went on north up the road  
8 patrolling.

9 Q It was pulled off the major traveled  
10 portion of the road?

11 A Yes, sir. It was in a wide spot on the  
12 east of the roadway.

13 Q It was facing what, north or south?

14 A North.

15 Q That would be toward San Francisco; is  
16 that correct?

17 A Yes, sir.

18 Q Why did you go over to the car?

19 A To check it out.

20 Q What did you do when you got over to the  
21 car?

22 A Well, as I approached the car, the  
23 defendant raised up from the back area of the vehicle.

24 Q What was he doing at that time?

25 A He was inside of his sleeping bag.

26 Q Was anyone else in the car?

1 A No, sir.

2 Q Did you observe any other objects in the

3 car?

4 A A sleeping bag that he was in, and there

5 was a guitar and a jacket. That is all I saw.

6 Q What did you do then when he raised up?

7 A I said hello to him, and I asked him if

8 there was anything wrong.

9 Q What did he say?

10 A He said that he had broken down during

11 the night and that there was something wrong with his car.

12 Q What occurred then?

13 A I asked him if he had his driver's license

14 and the registration to the car.

15 Q What was the purpose of that?

16 A Just to find out if it was his vehicle.

17 Q What occurred then?

18 A He got -- he produced a wallet and gave me

19 the registration card and the ownership to the vehicle.

20 Q Did it have a name on it?

21 A The registration card, yes, sir. It was

22 registered to a Gary Allen Hinman.

23 Q Did he say anything about that, that is,

24 the defendant?

25 A At this time the defendant told me that he

26 had bought the vehicle approximately a week ago from a

1 colored man.

2 Q Did he say where?

3 A No, sir.

4 Q What did you say?

5 A I asked him for his driver's license, and  
6 he didn't have one, and I asked him if he had any identifi-  
7 cation at all; and as he was going through the wallet, he  
8 did have a credit card.

9 Q Did you ask him his name?

10 A Yes, sir, I did.

11 Q What did he say?

12 A He told me his name was Daniels, Jason  
13 Daniels.

14 Q What occurred then?

15 A At this time I went back to the patrol  
16 vehicle and ran the license number through my dispatcher.

17 Q Why did you do that?

18 A To check to see if there was any warrants  
19 on this vehicle.

20 Q Was it some kind of an unusual vehicle?

21 A Apparently the original engine had been  
22 removed and a larger engine had been installed in this  
23 vehicle. The grill had been removed from it, and the front  
24 of the engine protruded further forward than the original  
25 engine had.

26 Q Did you run that over then through your



1 mind?

2 A Yes, sir.

3 Q What did you ask?

4 A My dispatcher called back and told me that  
5 the vehicle was stolen.

6 Q What occurred then?

7 A I got out of my patrol vehicle and went  
8 back up to the Fiat and told the defendant to get out of  
9 the vehicle, and I would see if I could help him find out  
10 what was wrong with it.

11 Q What did he do?

12 A He got out of the vehicle.

13 Q What occurred then?

14 A I drew my service revolver, and I told him  
15 to walk over and put his hands on one side of the vehicle.

16 Q You were alone, or was there another officer  
17 with you?

18 A I was alone at this time.

19 Q What then happened?

20 A I placed him under arrest for auto theft  
21 and patted him down and handcuffed him.

22 Q Did you advise him of some rights at that  
23 time?

24 A After I handcuffed him.

25 Q Did you have any more conversation?

26 A No, sir.

1 Q He was taken back to the station subsequently,  
2 and booked?

3 A The San Luis Obispo County Jail.

4 Q Did you have any further conversation with  
5 him, at least, pertaining to this matter?

6 A Not anything that I can recall.

7 Q Thank you, sir.

8 MR. ROSS: You may cross-examine.

9  
10 CROSS-EXAMINATION

11 BY MR. SALTER:

12 Q Just prior to discussing who the car  
13 belonged to in your discussion with the defendant, you felt  
14 there was a possibility it may have been stolen because it  
15 was not registered to him; is that correct?

16 A After I had -- after he had given me the  
17 registration card, and it wasn't registered to the person  
18 he said it was, yes, sir.

19 Q Then you were suspicious of the possibility  
20 of its being a stolen vehicle?

21 A I thought it warranted investigating out.

22 Q Then you started discussing as to who owned  
23 the car, you and the defendant?

24 A Yes, sir.

25 Q Prior to that discussion and after having  
26 the suspicion that the car was possibly stolen, did you

1 give him his rights?

2 A I am not sure of the time element that you  
3 are talking about now. I didn't advise him of his rights.

4 Q You never advised him of his rights, did  
5 you?

6 A I read this card to him after I arrested  
7 him.

8 Q You read that card to him after he had  
9 made these statements about his getting the car and paying  
10 \$200 for it; is that correct?

11 A Yes, sir.

12 Q So it was after that that you gave him his  
13 rights; is that correct?

14 A Yes, sir.

15 Q It was before he made the statement about  
16 buying the car for \$200 that you became suspicious that it  
17 was a stolen vehicle; isn't that correct?

18 MR. ROSS: I object to that as assuming facts not  
19 in evidence. The officer hasn't testified to that.

20 THE COURT: Sustained.

21 BY MR. SALTER:

22 Q Were you suspicious that it was a stolen  
23 vehicle?

24 A At what time?

25 THE COURT: When did you first become suspicious  
26 of the fact that it might have been a stolen vehicle?

1 THE WITNESS: When I had the registration card  
2 showing that it was registered to Gary Hinman, and the  
3 defendant told me his name was Daniels.

4 BY MR. SALTER:

5 Q Was it after you had the registration card  
6 showing Gary Hinman's name on it, and after the defendant  
7 told you his name was Daniels, that this conversation about  
8 buying the car for \$200 took place?

9 A I think so.

10 Q This conversation about buying the car for  
11 \$200 took place before you gave him his rights; isn't that  
12 correct?

13 A Yes, sir.

14 Q You made out an investigation report as a  
15 result of this arrest; is that correct?

16 A Yes, sir.

17 Q That is File No. 60-470-69; is that correct?

18 A Yes, sir.

19 Q How long after the conversation that you  
20 have related that you had with the defendant, that is,  
21 about buying the car for \$200, did you make out this  
22 investigation report?

23 A I started it approximately an hour later.

24 Q On this investigation report you put down  
25 some writing regarding statements that the defendant made  
26 to you; isn't that correct?

1 A Yes, sir.

2 Q When you wrote that down, did you write  
3 that down from memory or from other notes that you had  
4 taken?

5 A The only other notes that I -- well, I did  
6 have some notes.

7 Q Did those notes include conversations you  
8 had with the defendant?

9 A No, sir.

10 Q In other words, the part of the investiga-  
11 tion report relating to a conversation you had with the  
12 defendant regarding buying the car from a colored man about  
13 a week ago and paying \$200, this was written down as a  
14 result of your memory and not as a result of anything you  
15 had written down before that?

16 A That is correct.

17 Q After you had arrested the defendant, did  
18 you take him to the station or did someone else take him  
19 to the station?

20 A Another officer accompanied me in the  
21 vehicle. We both took him to the station.

22 Q During your ride to the station, did you  
23 have some conversation with the defendant about various  
24 things?

25 A I am sure there were some things said  
26 between the time we left the scene and got to the jail,

1 yes, sir.

2 Q When you made out this investigation report,  
3 was this after you had found out that the car was -- strike  
4 that.

5 Prior to making out this investigation  
6 report, had you any information as to warrants as far as  
7 the automobile was concerned?

8 A Yes, sir.

9 Q What was that information?

10 A The first information I received was not  
11 to get inside of the vehicle but just to store the vehicle  
12 with the lock-up.

13 Q Then you made out this investigation  
14 report?

15 A No. Before I got -- hardly got started on  
16 the report, I got a copy of an all points bulletin that  
17 was issued by the Los Angeles Sheriff's Department.

18 Q To what effect was that?

19 A I have a copy of it here. Do you want me  
20 to read it?

21 Q Yes, please.

22 A The entire thing?

23 Q No, just what you received.

24 A "Vehicles wanted and occupant held  
25 for questioning of murder, 187 P.C., supple-  
26 mentary to 54 L.S.H. 8-1-69, APBDC - 10,

1 "approximately 7-25-69. Gary Hinman was  
2 murdered, 9610 Topanga Road, Topanga.  
3 Victim's vehicle is missing from location.  
4 Last seen driving a '65 Fiat, four-door  
5 station wagon. Vehicle has Toyota motor  
6 protruding out the grill and radiator is  
7 cocked at a 45-degree angle. No front  
8 grill. License number OYX 833.

9 Number two, 1958 Volkswagen, red  
10 and white in color, with large eagle  
11 painted on both sides, license number  
12 PGE 388. License numbers may be inter-  
13 changed on vehicles.

14 If located, please impound vehicles  
15 and hold for prints and hold all occupants  
16 for questioning."

17 Q "Special attention Malibu Sheriff's Station"  
18 right?

19 A Right.

20 Q Did you have this before you questioned the  
21 defendant regarding how he got the automobile?

22 A No, sir.

23 Q Did you have this before you made out your  
24 investigation report?

25 A When I originally started, I didn't have it.  
26 Can I explain that answer?



1 Q Yes, go ahead.

2 A The first page of this, parts of it, I  
3 filled out at the jail. As far as the defendant's name,  
4 the address, he gave me a description, and then after I got  
5 to my office, I received this copy of this all points  
6 bulletin.

7 Q Then you put down the same statements; is  
8 that correct?

9 A Yes, sir.

10 MR. SALTER: I have no further questions.

11

12 REDIRECT EXAMINATION

13 BY MR. ROSS:

14 Q In speaking to the defendant at the time  
15 that you were at the scene, before he was arrested, what  
16 was your purpose in talking to him?

17 A Originally?

18 Q Yes.

19 A Well, originally when I saw -- when I  
20 first walked up to the vehicle, I thought it was abandoned;  
21 and then when the defendant raised up, originally I wanted  
22 to see if I could help him after he had told me that he  
23 had car trouble.

24 Q At any point in the conversation that you  
25 had with him -- strike that.

26 I have no further questions.



1 MR. SALTER: I have one point.

2  
3 RECROSS-EXAMINATION

4 BY MR. SALTER:

5 Q After you found out about the car trouble,  
6 there was one point in the conversation as you were  
7 talking to him that you became suspicious of an auto theft,  
8 and it was subsequent to that that you had that conversation  
9 which he said he bought the car for \$200; is that correct?

10 A Yes.

11 MR. SALTER: I have no further questions.

12  
13 FURTHER REDIRECT EXAMINATION

14 BY MR. ROSS:

15 Q The defendant had not been arrested up  
16 until the time that you told us about, that is, after it  
17 came back as a stolen?

18 A No, he had not been arrested.

19 MR. ROSS: I have nothing further.

20 THE COURT: Thank you.

21 I see that you are going to have to go  
22 through all of this for the jury.

23 MR. ROSS: Well, just as to the statements, if  
24 the Court makes a ruling as to its admissibility; and I  
25 would submit that it appears to be admissible on the basis  
26 of what has been said.

1 MR. SALTER: I would submit that he hadn't been  
2 given his rights at the time he had suspicion of -- that he  
3 was investigating an auto theft at the time, and that his  
4 rights should have been given. Therefore, the statements  
5 are not admissible.

6 THE COURT: Motion denied. The ruling is that  
7 they are admissible.

8 Will we be ready to proceed in the morning?

9 MR. ROSS: Yes.  
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42  
1 SANTA MONICA, CALIFORNIA; FRIDAY, NOVEMBER 14, 1969

2 10:00 A.M.

3 ----oOo----

4  
5 THE COURT: Good morning, ladies and gentlemen.  
6 I believe we are ready to proceed.

7 Do you desire to make an opening statement?

8 MR. ROSS: Yes, your Honor.

9 (Opening statement.)

10 THE COURT: Is there any statement at this time?

11 MR. SALTER: Not at this time.

12 THE COURT: I want to advise you gentlemen, because  
13 of the lateness with which we are getting started, we will  
14 go through without a recess unless somebody is inconvenience  
15 this morning.

16 MR. ROSS: We call Kathy Lutesinger.

17  
18 (TESTIMONY OF KATHARINE LUTESINGER)

19  
20 KATHARINE LUTESINGER,  
21 called as a witness by and on behalf of the People, having  
22 been first duly sworn, was examined and testified as  
23 follows:

24 THE CLERK: Raise your right hand to be sworn.

25 You do solemnly swear that the testimony  
26 you may give in the cause now pending before this Court

1 shall be the truth, the whole truth, and nothing but the  
2 truth, so help you God?

3 THE WITNESS: I do.

4 THE CLERK: State your name for the record.

5 THE WITNESS: My name is Katharine Lutesinger.

6 THE CLERK: Katharine with a C or K?

7 THE WITNESS: K.

8 THE CLERK: Would you spell your last name.

9 THE WITNESS: L-u-t-s-i-n-g-e-r.

ok ?

10  
11 DIRECT EXAMINATION

12 BY MR. ROSS:

13 Q Kathy, how old are you?

14 A Seventeen.

15 Q Do you know the defendant Robert Beausoleil?

16 A Yes, I do.

17 Q How long have you known him?

18 A Since about April.

19 Q Of this year?

20 A Yes.

21 Q Directing your attention up to this summer,  
22 were you with him this summer at a location up in Malibu  
23 known as the Spahn Ranch?

24 A Yes.

25 Q Were there some other people there at that  
26 time, too?

1 A Yes.

2 Q When did you leave the Spahn Ranch?

3 A Around the end of July.

4 Q Directing your attention to that time, was  
5 the defendant up there at that time?

6 A I can't remember seeing him.

7 Q He was up there during the period of July,  
8 though, was he not?

9 A Yes.

10 Q Somewhere toward the end of July and just  
11 before you left the ranch up there, did you overhear any  
12 conversation or hear the defendant say anything about going  
13 some place?

14 A Yes.

15 Q What was that conversation?

16 THE COURT: I think we had better have a little  
17 more foundation.

18 BY MR. ROSS:

19 Q Do you recall when it was, Kathy?

20 A Maybe a week before I left.

21 Q Where did this conversation take place?

22 A In the back of the Spahn Ranch.

23 Q Who else was present at that time?

24 A No one.

25 Q What was the conversation?

26 THE COURT: When you say no one, were you and

1 Mr. Beausoleil together?

2 THE WITNESS: Yes.

3 THE COURT: What was the situation? I mean, was  
4 there anything going on at the time?

5 THE WITNESS: You mean at the ranch, at the ranch  
6 out in front?

7 THE COURT: You say at the back of the ranch.  
8 Were you in a building or out in a field?

9 THE WITNESS: In a building.

10 THE COURT: What kind of a building?

11 THE WITNESS: Oh, just a one-room type shack.

12 THE COURT: Is it a living quarters or a barn?

13 THE WITNESS: No, it is living quarters, I guess.

14 THE COURT: Then you were together in this, you  
15 say, kind of a shack?

16 THE WITNESS: Yes.

17 THE COURT: What time of day was it?

18 THE WITNESS: It was after-dark.

19 THE COURT: There were just the two of you there?

20 THE WITNESS: Yes.

21 THE COURT: Now, you had a conversation in which  
22 he said something about leaving; is that right?

23 THE WITNESS: Yes.

24 THE COURT: Go ahead.

25 MR. SALTER: Unless a further foundation is laid  
26 to get closer to the date of the conversation --

1 THE COURT: She said about a week before.

2 MR. SALTER: When she left?

3 THE COURT: When did you leave there?

4 THE WITNESS: Around the end of July.

5 THE COURT: Will it help you any to look at a  
6 calendar?

7 THE WITNESS: No.

8 THE COURT: It wouldn't. In other words, the best  
9 you can say is that you left this premises, back of the  
10 ranch that you are talking about --

11 THE WITNESS: No, I left --

12 THE COURT: In the end of July, you left that  
13 location; is that right?

14 THE WITNESS: I left the ranch again.

15 THE COURT: You left the ranch near the end of  
16 July?

17 MR. SALTER: Possibly, if the Court can inquire as  
18 to the date -- maybe not the date, but the date that she  
19 left.

20 MR. ROSS: Well, your Honor, I think this is  
21 subject to cross-examination. We are not getting anywhere  
22 this way.

23 THE COURT: I would like to fix it a little more.

24 MR. ROSS: Perhaps I can a little better. May I  
25 be allowed to?

26 THE COURT: You told us you left there about the

1 end of July, and this conversation took place about a week  
2 before that.

3 THE WITNESS: Yes.

4 THE COURT: Go ahead.

5 BY MR. ROSS:

6 Q Does the first of August sound anywhere  
7 familiar to you?

8 A No.

9 Q What was the conversation?

10 MR. SALTER: To which I will object, your Honor,  
11 unless we can have an offer of proof as to the materiality  
12 of this conversation in relation to the time it took place.

13 THE COURT: I am going to assume that Mr. Ross  
14 knows what he is doing in that regard.

15 MR. SALTER: I would ask the Court not to assume  
16 anything under those facts.

17 THE COURT: I have to start with the assumption  
18 that you fellows know what you are doing, and if you don't,  
19 there is a remedy.

20 Go ahead.

21 BY MR. ROSS:

22 Q What was the conversation?

23 A Well, he told me he was going somewhere.

24 Q Did he say where he was going?

25 A It seems as though he were waiting for  
26 somebody to come pick him up.



1 ~~X~~ Q Did he say where he was going, if you recall?

2 ~~A~~ No.

3 Q Did he say what he was going to do?

4 A To get some money.

5 Q Did he say from whom he was going to get  
6 this money?

7 A No.

8 Q Was anything mentioned about this person,  
9 the type of person?

10 MR. SALTER: Well, now, your Honor, I am going to  
11 object again. I think it is entirely necessary that we  
12 have a hearing outside the presence of the jury to see if  
13 this is material before she starts testifying.

14 THE COURT: Overruled. Proceed.

15 BY MR. ROSS:

16 Q Did he say anything about the type of  
17 person he was going to see?

18 MR. SALTER: May we approach the bench? I think  
19 this is important enough to be discussed.

20 THE COURT: Come on in.

21 (Whereupon the following proceedings were  
22 had in chambers outside the presence and hearing of the  
23 jury.)

24 MR. ROSS: Your Honor, since this is my supposed  
25 offer of proof, let me state this: Counsel knows full well  
26 what I intend to elicit from this statement. He was out

1 in the hallway talking with her quite a bit this morning,  
2 filling her in with a lot of things.

3 THE COURT: I already said I am relying upon  
4 your knowing what you are doing, and what is your objection?  
5 That is what I want to know?

6 MR. SALTER: This is my point, your Honor: It is  
7 my understanding she is going to testify that  
8 Mr. Beausoleil said he was going to get some money from,  
9 I think, a rich fag or some kind of a fag or something to  
10 that effect.

11 THE COURT: A what?

12 MR. SALTER: A rich fag. Now, unless the People  
13 intend, first of all, to show some type of evidence that  
14 this man was considered a fag, either by Mr. Beausoleil  
15 or by her or by some other manner, it doesn't pin this  
16 down at all to the victim in this case, Gary Hinman.  
17 Second of all, she said she left sometime near the end of  
18 July.

19 When I discussed this case with her in  
20 the hall, as I recall, she pinned it down to the last  
21 Wednesday in July, which would have been the 30th. If it  
22 was a week before this, that would make it around the 23rd.

23 Now, Mr. Hinman was last seen by his  
24 employer sometime in the evening of the 25th, so whatever  
25 conversation --

26 THE COURT: This merely goes to the credibility.

ok

1 MR. SALTER: It doesn't go to credibility. No one  
2 is questioning at this time the credibility of this witness  
3 as far as her statements are concerned. It is the question  
4 of materiality of the statement to this case. It is a  
5 highly prejudicial statement. If it is not material, it  
6 should not be entered unless the People intend to in some  
7 way show that the reference to a rich fag is meant to be  
8 Gary Hinman. This could show another activity by  
9 Mr. Beausoleil as to some other individual, and there is no  
10 way that I know that the People are going to be able to  
11 show that either Mr. Beausoleil thought this Gary Hinman  
12 was a rich fag, or Katharine Lutesinger thought he was a  
13 rich fag, or that he even had a reputation for being a rich  
14 fag or any kind of a fag.

15 That is why I asked the Court to see if  
16 the Court could pin it down as to when she recalled  
17 leaving. As I said in the hall, she said it was the 30th  
18 of July. A week before that is the 23rd. That is two days  
19 before the 25th; and on the 25th in the afternoon, an  
20 employer of the victim, Gary Hinman, had seen him as still  
21 alive. So unless there is some way to connect this up,  
22 this should not be brought in front of a jury, and that is  
23 why I made the objection.

24 THE COURT: The objection is overruled. Go ahead.


25 (Whereupon the following proceedings were  
26 had in open court within the presence and hearing of the

1 jury.)

2 THE COURT: Proceed.

3 BY MR. ROSS:

4 Q Do you recall any other part of the conver-  
5 sation now, Kathy?

6  A I couldn't tell you exactly the words that  
7 ~~were used.~~

8 Q Do you recall the words "rich fag" having  
9 been used?

10 A Well, there were several --

11 MR. SALTER: Your Honor, I am going to object to  
12 his leading the witness.

13 THE COURT: I will sustain the objection.

14 MR. ROSS: Your Honor, may I be heard for a  
15 moment before all of this goes on?

16 THE COURT: It is leading.

17 MR. ROSS: It is, but it is permissible to lead  
18 a witness when she says she doesn't remember the conversa-  
19 tion. That is in the evidence code, and that has always  
20 been the rule. I would ask the Court to allow me to ask  
21 that question.

22 MR. SALTER: The Court must rule upon my motion  
23 for a mistrial.

24 THE COURT: The motion will be denied.

25 Do you recall the use of those words?

26 THE WITNESS: Some words which made me think that

1 is where he was going.

2 ~~THE COURT:~~ That is not the question. The question  
3 is, do you recall the use of --

4 MR. SALTER: May that last statement be stricken?

5 THE COURT: Yes, it will be stricken.

6 BY MR. ROSS:

7 Q Do you recall those words having been used?

8 ~~A~~ Yes, it seems that those were the words  
9 used.

10 Q These were the words used by the defendant  
11 Robert Beausoleil?

12 A Yes.

13 ~~A~~ Q What did he say in that connection?

14 A The best I can remember, it seemed that he  
15 said he was going to go get some money from a rich faggot.

16 Q After this conversation, did you see the  
17 defendant Bobby again later on?

18 A Not for a couple of days.

19 ~~A~~ Q When you saw him a couple of days later,  
20 did you see him drive any car, any vehicle, at that time?

21 A No.

22 Q Did you at any time see a small white Fiat  
23 station wagon up there with a funny looking front?

24 A Yes.

25 Q When was that that you saw that? Was that  
26 before or after this conversation?

1 A After.

2 Q Where was that car when you saw it?

3 A Well, I saw it at the ranch.

4 Q Was anyone driving the car?

5 A No, just when I went somewhere in it.

6 Q With whom did you go in the car?

7 A Another girl.

8 Q Who was driving?

9 A A girl named Mary.

10 Q Did you ever at any time up there --

11 THE COURT: Who was driving the car?

12 MR. ROSS: A girl named Mary.

13 Q Did you after this time, after you had this  
14 conversation that you told us about, see a Volkswagen van-  
15 type vehicle up there?

16 A Yes.

17 Q Do you recall anything particularly unusual  
18 or distinctive about that vehicle?

19 A Yes. It had a thunderbird on the side of  
20 it.

21 Q Was that painted on the side of it?

22 A Yes.

23 Q Do you recall anyone ever driving that?

24 A No.

25 Q I have here a picture of the front of an  
26 automobile showing a small white car with no grill and

1 radiator in front.

2 I would like this marked as Exhibit No. 1,  
3 if the Court please.

4 THE COURT: All right, we will mark it.

5 BY MR. ROSS:

6 Q Kathy, I show you this picture. Does this  
7 look like the car that we have been talking about, this  
8 little white one?

9 A Yes.

10 THE COURT: Now, this is the car that you went  
11 riding in, and Mary was driving it. Is that what we are  
12 talking about?

13 THE WITNESS: Yes.

14 BY MR. ROSS:

15 Q You know the defendant as Bobby; is that  
16 right?

17 A Yes.

18 Q After he came back, how much longer after  
19 that did you leave the ranch?

20 A It seemed like about a week.

21 Q That is just an estimate or a guess or what?

22 A An estimate.

23 MR. ROSS: You may cross-examine. I have no  
24 further questions.

25

26



## CROSS-EXAMINATION

1  
2 BY MR. SALTER:

3 ~~Q~~ When you left the ranch to go home, do  
4 you recall in your mind that you went home the last  
5 Wednesday of July?

6 A Yes.

7 THE COURT: I missed that, Mr. Salter. What did  
8 she do on the last Wednesday?

9 MR. SALTER: She went home on the last Wednesday  
10 in July.

11 THE COURT: In other words, you recall that the  
12 date that you went home from the ranch was the last  
13 Wednesday in July; is that right?

14 THE WITNESS: Yes.

15 BY MR. SALTER:

16 Q So this conversation that you say you had  
17 with Bobby took place sometime about a week before the 30th?

18 ~~A~~ I couldn't say for sure.

19 ~~Q~~ Well, you said that after Bobby had returned  
20 you left about a week later; right?

21 A It seemed like about a week.

22 Q You left, then, on the 30th of July,  
23 because you remember going home on a Wednesday, the last  
24 Wednesday in July; is that correct?

25 A Yes.

26 Q So Bobby returned, then, to the ranch



27  
1 somewhere about the 23rd of July, that being a week before  
2 the 30th; is that correct?

3 ~~Q~~ A Yes.

4 Q So your conversation with Bobby wherein  
5 you say he said something about getting money from a rich  
6 faggot took place about the 31st of July; isn't that  
7 correct? *↑* *error* *?*

8 A Yes.

9 Q Now, you also knew Bobby by another name;  
10 is that correct?

11 A Yes.

12 Q What was that name?

13 A Jasper.

14 Q Was there another former name that you knew  
15 him by?

16 ~~Q~~ A Daniels.

17 Q Jasper Daniels. That was a professional  
18 name of his; is that correct?

19 A Yes.

20 Q That was for his profession as a musician?

21 A Yes.

22 ~~Q~~ Q Was his full professional name known to you  
23 as Jason Jasper Daniels?

24 A Yes.

25 Q The best that you can remember of the  
26 conversation is he said this guy was going to pick him up;

1 is that right?

2 A Yes.

3 MR. SALTER: No further questions.

4  
5 REDIRECT EXAMINATION

6 BY MR. ROSS:

7 ~~A~~ Q Is it fair to say, Kathy, that some of  
8 these dates are a little vague in your mind?

9 A Yes.

10 MR. ROSS: I have no further questions.

11 THE COURT: If I understand you correctly, you  
12 were up on this ranch, whatever it is -- is it a one-room  
13 shack; is that the idea?

14 THE WITNESS: Yes.

15 THE COURT: Were you actually living there?

16 THE WITNESS: Not in the one-room shack.

17 THE COURT: Well, where were you living?

18 THE WITNESS: All over the place.

19 THE COURT: You used the word "Bobby." When you  
20 use that word, you are talking about Mr. Beausoleil?

21 THE WITNESS: Yes.

22 THE COURT: He is the man that is sitting right  
23 there in the courtroom?

24 THE WITNESS: Yes.

25 THE COURT: Were you in his company on this ranch?

26 THE WITNESS: Not all the time.

1 THE COURT: Were you both living all over the  
2 ranch?

3 THE WITNESS: Yes.

4 THE COURT: So that from time to time, you were in  
5 his company on the ranch; is that right?

6 THE WITNESS: Yes.

7 THE COURT: Now, on the occasion that we are  
8 talking about, where you are in this shack, I think you have  
9 called it --

10 THE WITNESS: Yes.

11 THE COURT: -- what was the occasion for your going  
12 there?

13 MR. SALTER: Your Honor, I am going to object to  
14 the Court's questioning this witness. I think the Court is  
15 relying -- the D.A. is competent. The D.A. is prosecuting  
16 this case, and I object to the Court's questioning the  
17 witness in this manner, the Court not being familiar with  
18 whatever the D.A. is trying to bring out.

19 THE COURT: The objection is overruled.

20 I will tell the jury that Mr. Salter not  
21 only has a right to object to my questions, he has a duty  
22 to. So don't hold it against him.

23 What I am trying to get at here is, I want  
24 to find out what this is all about.

25 Do you recall the occasion why you were in  
26 this shack, as you called it?

1 THE WITNESS: No. He just wanted to be with me.

2 THE COURT: How did you go there?

3 THE WITNESS: Walk.

4 THE COURT: Where did you walk from?

5 THE WITNESS: From in front of the ranch.

6 THE COURT: In other words, you had walked from  
7 the front of the ranch back to this place together?

8 THE WITNESS: Yes.

9 THE COURT: This is the point where he told you  
10 that somebody was going to come and pick him up; is that  
11 the idea?

12 THE WITNESS: That is the idea that I got.

13 THE COURT: Did he tell you who was going to come  
14 and pick him up?

15 THE WITNESS: No.

16 THE COURT: It was just somebody?

17 THE WITNESS: Yes.

18 THE COURT: That is when he made this statement  
19 that he was going to see a rich fag or something like that,  
20 the word that we have been talking about a moment ago?  
21 That is when he made this statement up there?

22 ~~THE WITNESS: Yes. He didn't make the statement~~  
23 ~~he was going to see a rich fag. I can't remember the~~  
24 ~~statement that he made, but that is the idea that I got.~~

25 THE COURT: In other words, he was going to go  
26 away for a couple of days; is that right?

1 THE WITNESS: Yes.

2 THE COURT: So that this was the time that you were  
3 informed that he was going to leave for a couple of days?

4 THE WITNESS: Yes.

5 THE COURT: Did he leave after that?

6 THE WITNESS: I didn't see him leave.

7 THE COURT: Well, was he gone for some period of  
8 time?

9 THE WITNESS: I didn't see him on the ranch; so  
10 I guess he was.

11 THE COURT: You didn't see him around the ranch  
12 so you guess he was gone; is that the idea?

13 THE WITNESS: Yes.

14 THE COURT: After this conversation, was there a  
15 period of more than one day that you did not see him?

16 THE WITNESS: Yes.

17 THE COURT: How long was it until you saw him again?

18 THE WITNESS: It seemed like at least a day and a  
19 half.

20 ~~THE~~ COURT: So that your best recollection is that  
21 it was about a day after until you saw him again?

22 THE WITNESS: Yes.

23 THE COURT: What were the circumstances when you  
24 next saw him?

25 THE WITNESS: He was out in front of the ranch.

26 THE COURT: You were out in front of the ranch?

1 THE WITNESS: Yes.

2 THE COURT: What happened?

3 THE WITNESS: And I just went up to him and said  
4 hello.

5 THE COURT: Where was he when you went up to him?

6 THE WITNESS: In front of the ranch.

7 THE COURT: Was he just standing there?

8 THE WITNESS: Yes.

9 THE COURT: Did he arrive at the ranch in a car?

10 MR. SALTER: Objection. That is calling for a  
11 conclusion. She has already said she has never seen him.

12 THE COURT: If you know?

13 THE WITNESS: No.

14 THE COURT: You don't know?

15 THE WITNESS: I don't know.

16 ~~THE COURT: Now, you have told us that you and~~  
17 ~~Mary went in this car that is in this picture, and you drove~~  
18 ~~some place from the ranch; is that right?~~

19 THE WITNESS: Yes.

20 THE COURT: Where did you get the keys to the  
21 vehicle?

22 ~~THE WITNESS: Well, she had the keys.~~

23 THE COURT: Do you know whether or not this was  
24 her vehicle?

25 THE WITNESS: No, I didn't know whose it was.

26 THE COURT: Any further questions?

1 MR. ROSS: No.

2  
3 RECROSS-EXAMINATION

4 BY MR. SALTER:

5 Q I take it, you don't remember when you  
6 drove in the Fiat, either?

7 A No, I couldn't say what day it was.

8 MR. SALTER: I have no further questions.

9 MR. ROSS: Thank you. You may step down.

10  
11 (TESTIMONY OF MIKE IRWIN)

12  
13 MIKE IRWIN,

14 called as a witness by and on behalf of the People, having  
15 been first duly sworn, was examined and testified as  
16 follows:

17 THE CLERK: Raise your right hand, please.

18 You do solemnly swear that the testimony  
19 you may give in the cause now pending before this Court  
20 shall be the truth, the whole truth, and nothing but the  
21 truth, so help you God?

22 THE WITNESS: I do.

23 THE CLERK: Be seated, please, and state your name.

24 THE WITNESS: Mike Irwin.  
25  
26 -----

## DIRECT EXAMINATION

BY MR. ROSS:

Q Sir, where do you reside?

A Studio City.

Q Are you acquainted with Gary Hinman?

A Yes.

Q Do you recall where he lived?

A He lived on Topanga Canyon.

Q Is it 946 Topanga?

A Yes.

Q Did you go over to his house on a number of occasions?

A I was there twice altogether.

Q Directing your attention to the 31st of July of this year, did you have occasion to go over to his house?

A I don't know what date it was.

Q Was it a Thursday night in the latter part of July?

A Yes.

Q Did someone else go over there with you?

A Yes, two other boys.

Q When had you last seen Gary before that time?

A I don't really recall the last time I saw him. Approximately maybe eight or nine days before that



1 time.

2 Q What was your purpose in going over on  
3 this particular evening?

4 A Well, nobody had heard from him.

5 MR. SALTER: I am going to object to that, your  
6 Honor, as hearsay, "nobody had heard from him."

7 THE COURT: Overruled.

8 MR. SALTER: He can tell what he knows.

9 BY MR. ROSS:

10 Q Way did you go over there?

11 MR. SALTER: I might say, then, it is immaterial  
12 as to why he went over there.

13 THE COURT: Overruled.

14 BY MR. ROSS:

15 Q You may answer that.

16 A Do you want it from the beginning?

17 Q No. You said something about your seeing  
18 him eight or nine days before you went to his house.

19 A Well, we thought we would check to see if  
20 he was dead or alive.

21 Q Had you heard from him lately?

22 A No.

23 Q Had your friends heard from him, to your  
24 knowledge?

25 A No.

26 Q How long had it been that you had not heard

1 from him?

2 A About nine days.

3 Q Did you see him socially, business-wise,  
4 professionally, in school, or what?

5 A Well, both. He was my family's piano  
6 teacher. He taught piano to two sisters and a brother,  
7 and guitar; and he was involved in this Buddhism, and both  
8 of us are Buddhists; so he came to the meetings.

9 Q Does this Buddhism have a particular name?

10 A Yes. It is called Nichiren Shokyu.

11 Q Is its headquarters down here on Coast  
12 Highway?

13 A Yes.

14 Q How long had you been involved with that?

15 A Me myself?

16 Q Yes.

17 A Two years.

18 Q Do you know how long Gary had been involved  
19 with that?

20 A About a year, I think.

21 Q Had you had meetings where you had gone  
22 together?

23 A Not together, but he came to the meetings.  
24 He was a participating member.

25 Q What type of an organization is this  
26 Nichiren Shokyu?

1                   A       We practice philosophy, Buddhist teachings.  
2       That's all.  
3                   Q       Does it have any outside political activities  
4       of any kind?  
5                   A       Only in Japan, not in America.  
6                   Q       It does in Japan?  
7                   A       Yes.  
8                   Q       Who are the other persons that went over  
9       there with you at the time?  
10                  A       Glen Jardinelli and John Nicks.  
11                  Q       I show you here a colored photograph  
12       showing the outside portion of a house. Does that appear  
13       to be the house where Gary lived?  
14                  A       Yes.  
15       MR. ROSS: May I have this marked No. 2, your  
16       Honor, if the Court please.  
17       THE COURT: It will be so marked.  
18       MR. ROSS: Thank you.  
19                  Q       What time was it that you got over to the  
20       location?  
21                  A       I don't remember. It was about 8:00, 8:00  
22       or 8:30.  
23                  Q       Was it still light out, or was it dark?  
24                  A       It was just beginning to get dark.  
25       THE COURT: You mean, 8:30 at night?  
26       THE WITNESS: Yes.

1 BY MR. ROSS:

2 Q What did you do when you got over there?

3 A Well, we climbed the stairs, and due to  
4 the stench and the flies, we went to the side window --  
5 first, we went to all the doors to see if they were open,  
6 and then we decided that we would go through the side  
7 window, and the stench was really horrible and just weird  
8 feelings, and there was flies everywhere; so we just went  
9 next door and called the police -- called the Sheriff and  
10 told them what we suspected.

11 Q You went and called for the Sheriff or  
12 the police?

13 A Yes.

14 Q Were you there when the Sheriffs arrived?

15 A Yes.

16 Q How much later was that?

17 A That was about maybe 20 minutes later that  
18 they came.

19 Q Had you actually gone into the house  
20 during that period of time that you were there?

21 A We had gone into the back porch section,  
22 which is in that picture there, and our first thought was  
23 to go in, and then we did.

24 Q Just tell us what you did.

25 A We just went into the back porch, and we  
26 came back out because it smelled too bad.

1 Q Did you look inside the house at all?  
2 A No.  
3 Q In between that time, you called the  
4 Sheriffs and then they arrived, and I understood you to say  
5 that you did not go in; is that correct?  
6 A I did not go in.  
7 Q Are you familiar with what kind of auto-  
8 mobiles Gary drove?  
9 A Yes.  
10 Q What kind were they?  
11 A He had a Toyota and a VW.  
12 Q Did he also have another car?  
13 A I think he had a Rambler.  
14 Q Do you know whether that Rambler was working  
15 or not?  
16 A I don't think so.  
17 Q Had you ever seen him drive it?  
18 A No.  
19 Q Had you ever seen him drive the Fiat?  
20 A Yes.  
21 Q Had you ever seen him drive the VW?  
22 A Yes.  
23 Q Was there anything distinctive about that  
24 VW?  
25 A It had a thunderbird on the side.  
26 Q This was painted on?

1 A Yes.

2 Q I show you here a picture, Exhibit No. 1.  
3 Does that appear to be the Fiat that we are talking about?

4 A Yes.

5 Q That was either the Fiat or the VW there  
6 when you came over that evening?

7 A No.

8 Q When was the last time that you had been  
9 inside of Gary's house?

10 A About maybe almost a year before, when I  
11 first met him.

12 Q You hadn't gone in the house since that  
13 time; is that correct?

14 A No.

15 MR. ROSS: I have here a colored photograph that  
16 appears to be the inside of a room. May this be marked  
17 No. 3, your Honor?

18 THE COURT: No. 3.

19 BY MR. ROSS:

20 Q Shown there in front of the chair is some  
21 object with a white portion on it and a darker purple.  
22 Do you recognize that?

23 A Yes.

24 Q What is that?

25 A Those are beads.

26 Q What kind of beads are they?

1 A They are the beads that we use when we  
2 chant.

3 Q Those are prayer beads?

4 A Yes.

5 Q Did Gary have these prayer beads?

6 A Yes.

7 Q Do you know whether he wore any kind of  
8 thing around his neck or body at any time with any chain  
9 on it?

10 A No.

11 Q Do some of the members of your group wear  
12 that?

13 A No.

14 THE COURT: Talking about that photo where you have  
15 identified the beads, do you recognize the general scheme  
16 in that photo?

17 THE WITNESS: No.

18 THE COURT: You don't recognize it?

19 THE WITNESS: No.

20 BY MR. ROSS:

21 Q Do you know which of the two automobiles  
22 that Gary usually used for transportation?

23 MR. SALTER: Object to that as calling for a  
24 conclusion of this witness as to what he usually drove.

25 THE COURT: Do you know which of the two?

26 MR. ROSS: Let me rephrase the question. I will

1 withdraw it.

2 Q Do you know which one he drove with more  
3 frequency than any of the others?

4 MR. SALTER: I object to that. He can answer as  
5 to which car he saw him most frequently with.

6 THE COURT: Let's change it to that.

7 Which automobile did you see him most  
8 frequently use?

9 THE WITNESS: Most frequently, I saw him using  
10 the VW.

11 MR. ROSS: All right. I have no further questions.

12 MR. SALTER: No questions.

13 MR. ROSS: We will call Mr. Krell.

14 MR. SALTER: Your Honor, I am sorry. Is Mr. Irwin  
15 still in court? I do have one question.

16 THE COURT: You want to question the last witness?

17 MR. SALTER: Yes.

18  
19 CROSS-EXAMINATION

20 BY MR. SALTER:

21 Q When you were up at Mr. Hinman's house on  
22 the date you have just been referring to, did you see  
23 something in the mailbox?

24 A Yes.

25 Q What was that?

26 A It was different letters.



1 Q Among the letters, did you see something  
2 called a ~~Maotist~~ Report?

3 A Yes.

4 Q That is ~~M-a-o-t-i-s-t~~.

5 ~~A~~ Maotist.

6 Q You saw that in his mailbox; is that correct

7 A Yes.

8  
9 REDIRECT EXAMINATION

10 BY MR. ROSS:

11 Q Do you know what that was?

12 A No -- well, I know what it was. It is the  
13 Maotist review.

14 Q What is that?

15 ~~A~~ It is a paper that's got the views of  
16 Mao Tse Tung on it. I don't read it myself. This is the  
17 Chinese Communist philosophy.

18 THE COURT: I gather that you saw an accumulation  
19 of mail in the mailbox.

20 THE WITNESS: Yes, and in there was this paper.

21 THE COURT: Is this a standard type of mailbox  
22 that you see out in the country, a metal mailbox?

23 THE WITNESS: Yes.

24 MR. ROSS: Nothing further.

25 THE COURT: Thank you.  
26

(TESTIMONY OF GLENN KRELL)

GLENN KRELL,  
called as a witness by and on behalf of the People, having  
been first duly sworn, was examined and testified as  
follows:

THE CLERK: Raise your right hand, please, sir.

You do solemnly swear that the testimony  
you may give in the cause now pending before this Court  
shall be the truth, the whole truth, and nothing but the  
truth, so help you God?

THE WITNESS: I do so affirm.

THE CLERK: Be seated, please, and state your name.

THE WITNESS: My name is Glenn Krell, K-r-e-l-l.

THE CLERK: Is it Glenn with one n, sir, or two?

THE WITNESS: Two.

DIRECT EXAMINATION

BY MR. ROSS:

Q Mr. Krell, whereabouts do you live?

A In West Los Angeles.

Q Do you have some kind of business in that  
area, too?

A I have a music school.

Q That is located in West Los Angeles?

A Yes, at 10846 Missouri.

??

1 Q Were you acquainted with Mr. Gary Hinman?

2 A Quite well.

3 Q You were a close friend of his?

4 A Yes, sir.

5 Q How long had you known him?

6 A Approximately a year and a half.

7 Q Were you related in some way to him in  
8 business?

9 A He was a co-worker. He taught music students  
10 at my school.

11 Q What type of instruments did he teach?

12 A He was quite talented. He taught piano,  
13 bagpipes, a little trombone, a little drum.

14 Q Many instruments, in other words?

15 A Yes. He was not a trained musician, but  
16 he had a natural, intuitive sense of handling it.

17 Q To your knowledge, was he going to school,  
18 or had he gone to school?

19 A He was very close to a Ph.D. in political  
20 science at U.C.L.A.

21 Q At the time that you knew him, was he also  
22 working toward that degree just part-time, or what?

23 A I think about the time that I met him, he  
24 had discontinued studies at U.C.L.A., although he felt --  
25 if he had mentioned to me once that --

26 MR. SALTER: I object to what he mentioned.

1 THE COURT: Overruled. It is not for the truth  
2 of the matter asserted. It is just to show this man's  
3 acquaintance with him.

4 MR. SALTER: It is immaterial if it is not for  
5 the truth of the matter.

6 BY MR. ROSS:

7 Q Would you say he was your closest friend?

8 A I don't have a closest friend, but he would  
9 be as close to it as I could think of.

10 Q I want to direct your attention to the  
11 25th of July of this year. Did you see him at that time?

12 A Yes, I did.

13 Q What time was it on that date that you first  
14 saw him? This was a Friday, incidentally.

15 A It was at approximately 2:30, 2:45.

16 Q This is a Friday.

17 A Friday, yes.

18 Q Where was it that you saw him?

19 A I first saw him at my place of business.

20 Q Did he ask you to go some place with him?

21 A Yes. He called previously to see if I  
22 could go downtown as a witness for him. He was getting a  
23 passport to make a pilgrimage in order to go to Japan.

24 Q Did you go with him?

25 A I went downtown with him in the night.

26 Q What time did you return from downtown

1 Los Angeles?

2 A At exactly 5:00 o'clock.

3 Q I show you a picture here, which is  
4 Exhibit No. 1. Does that appear to be the car that we are  
5 talking about?

6 A This is the car.

7 Q Do you know whether or not Gary had any  
8 other cars?

9 A Yes, I do.

10 Q Which cars were they?

11 A He had a Metropolitan which had not been  
12 running for several months, and he had a VW bus, which I  
13 ~~was buying from him.~~

14 Q Was there anything unusual or distinctive  
15 about this bus?

16 A There was only one bus like this bus.

17 Q Why was that?

18 A The right front was somewhat crumpled,  
19 and the right door closed with difficulty. There was on  
20 the left rear of the bus like a tin pole holder, and on  
21 the sides of the bus was an Indian thunderbird or eagle  
22 design, and the bus was basically maroon with a white top.

23 THE COURT: In other words, when they say thunder-  
24 bird, they don't mean the word thunderbird, but they mean  
25 the symbol of a thunderbird.

26 THE WITNESS: Right. It was a picture.

??

BY MR. ROSS:

Q It was the big bird-type, Indian-type?

A It was.

Q Had you entered into any negotiations to purchase this car?

A Yes, I had.

Q What kind of negotiation did you have?

A He had agreed to sell it to me for several hundred dollars, and since I didn't have the \$700, he was agreeable with my buying it on a percentage, let me say. As he taught students in my school, a certain percentage went to me as rent, and instead of taking that percentage, he was going to keep that for himself until \$700 had been reached, at which time the title was to have been turned over to me.

Q Was he to keep the bus in this period of time?

A I suppose, but he was ready to give it to me that weekend. I asked him if I could use it the weekend of the 27th or the 28th. I had use for it, and he said no to that weekend because he was going to ~~have~~ ~~rocks~~ for his driveway, and that he would let me have it the next weekend.

Q How much had you already paid into the bus by that time?

A I don't know, but he had not been paid his

1 teacher's commission for approximately three months.

2 Q So that would have amounted to how much?

3 A A couple of hundred dollars, at the most.  
4 Not a lot.

5 Q You came back from downtown and were with  
6 him in the white car; is that correct?

7 A That is correct.

8 Q What time did you get back, then, to your  
9 school?

10 A At 5:00 o'clock.

11 Q Did you see him after that?

12 A Yes, I did.

13 Q When was the last time that you saw him on  
14 that evening?

15 A To the best of my knowledge, it was 7:10,  
16 although I could possibly be in some error on it.

17 Q Did he say where he was going when he left  
18 you that evening?

19 A He said he was going to a meeting. He was  
20 always going to meetings.

21 Q He didn't say what kind of a meeting? Did  
22 he say?

23 A Not on that particular occasion.

24 Q Did he say anything as to where he was going

25 A He was not specific.

26 Q It was just to some meeting; is that right?



1 A I know 99 per cent what it would be.

2 MR. SALTER: I object to that, your Honor. That  
3 question has been asked and answered.

4 THE COURT: The objection will be sustained.

5 BY MR. ROSS:

6 Q Did you see Gary after that?

7 A After that day?

8 Q Yes.

9 A No.

10 Q Did you go over to his house after that?

11 A I was set to, but I did not.

12 Q You were going to?

13 A I had car troubles that week. I had made  
14 arrangements --

15 MR. SALTER: I will object. He has answered the  
16 question.

17 THE COURT: Overruled.

18 BY MR. ROSS:

19 Q You did not go back, then; is that correct?

20 A No, I did not go to his house.

21 Q Had you ever been to Gary's house on any  
22 other occasion?

23 A I had been to it, but not in it, on one  
24 occasion.

25 THE COURT: I gather from your answer that you have  
26 never been in his house?



1 THE WITNESS: No.

2 THE COURT: You had one occasion to go there and  
3 to the front of the house, so to speak?

4 THE WITNESS: He had some work done on one of his  
5 cars, and I drove him home so that he could pick up the  
6 other car.

7 BY MR. ROSS:

8 Q Do you recall when he got this Fiat car?

9 A Not exactly, but he had it for, oh, six  
10 months. Maybe not that long. At least three months.

11 Q Do you recall first seeing the car?

12 A Yes. It was when he returned from Colorado.  
13 I don't know when that was, but I am sure it could be  
14 established.

15 Q Was it in this condition, or did it look  
16 different than this?

17 A I don't believe he had put the motor in it  
18 yet. He had motor trouble.

19 Q Is that how it got this weird look on it?

20 A Yes. There's an oversized motor.

21 THE COURT: Just for the record, this photograph  
22 that we have been referring to, which is People's 1, shows  
23 a Fiat with a rather unusual mechanical condition on the  
24 front end. That's what's so distinctive about the car?

25 THE WITNESS: Yes.

26 THE COURT: Do I understand from your testimony

1 that Gary was the one who caused the car to be in this  
2 condition?

3 THE WITNESS: He had that work done to the car.

4 THE COURT: So that what would be a normal grill  
5 in front had been removed?

6 THE WITNESS: He wanted more power than what the  
7 little car had, and he had an oversized motor placed in it.  
8 BY MR. ROSS:

9 Q Did you have a number of conversations  
10 socially with Gary? You can answer that yes or no.

11 A I don't know if I can.

12 Q Did you have another --

13 A We were not socially related, but we were  
14 good friends, and we talked many times at my place of  
15 business.

16 Q By that, I mean, did you talk about things  
17 other than the business?

18 A Yes, sir.

19 Q You had a number of these conversations  
20 with him?

21 A Yes.

22 Q Did you get to know him pretty well?

23 A Yes, I did.

24 Q Let me ask you this: I don't mean to be  
25 impertinent about it, but would Mr. Hinman have given the  
26 impression of what is commonly known as a homosexual or a

1 fag?

2 MR. SALTER: Objection.

3 THE COURT: I will sustain the objection.

4 BY MR. ROSS:

5 Q Would you describe the appearance of  
6 Mr. Hinman for us?

7 THE COURT: I think you can reach it more directly  
8 in this manner:

9 Was there anything about him that gave you  
10 any indication that he had any homosexual tendencies?

11 THE WITNESS: To someone who did not know him  
12 well, he was soft spoken and gentle, but he was a man.  
13 He had been married and divorced, had girl friends, and to  
14 my knowledge was chanting for reconciliation with his wife.

15 BY MR. ROSS:

16 Q Now, let's say that you know him quite well;  
17 is that correct?

18 A That is right.

19 Q To a person who did not know him as well  
20 as you knew him, would he have given the outward appearance  
21 of being a homosexual?

22 MR. SALTER: Your Honor, this is going for very  
23 personal opinions.

24 THE COURT: Yes, and I am going to sustain the  
25 objection.  
26

1 BY MR. ROSS:

2 Q Would you describe, then, his outward  
3 appearance as to other people who might know him?

4 A He was gentle. He was kind. He was very  
5 firm, and I believe he would have stood by his convictions  
6 to the point of death, and he had very firm political  
7 beliefs. He was left at the center; however, he believed  
8 very firmly in the Buddhist principal of bringing about  
9 change in the establishment, within the establishment,  
10 without --

11 MR. SALTER: I think these are all conclusions  
12 as to what his political beliefs are.

13 THE COURT: I think they are merely observations  
14 of what he thought of the guy.

15 MR. SALTER: Which is immaterial as to what he  
16 thought.

17 THE COURT: Are you making a motion?

18 MR. SALTER: Yes, to strike.

19 THE COURT: The motion will be denied.

20 THE WITNESS: He believed in --

21 MR. SALTER: I object to anything further.

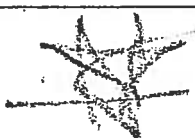
22 THE COURT: There is no question pending.

23 Sustained.

24 ~~Let's come back to the basic question here.~~

25 ~~I take it there is nothing that you knew about him that~~  
26 ~~gave you an indication that he was a homosexual?~~

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THE WITNESS: That is correct.

MR. ROSS: Your Honor, I would like a conference  
in chambers on this point.

THE COURT: Come on in.

(Short recess.)

(Whereupon the following proceedings were  
had in open court within the presence and hearing of the  
jury.)

BY MR. ROSS:

Q Mr. Krell, when you saw Gary the last time  
on the 25th of July, did he have any outward appearance of  
any injuries of any kind?

A None whatsoever.

Q I have here a photograph showing a man on  
this piece of paper here. Does that appear to be Gary  
Hinman?

A That is an old picture of him, yes.

Q Did he look somewhat like that?

A Yes.

Q That is his picture?

A Yes, it is.

MR. ROSS: May we have this marked as People's  
No. 4, if the Court please.

THE COURT: Yes.

MR. ROSS: I have no further questions.

-----

## CROSS-EXAMINATION

BY MR. SALTER:

Q ~~Mr. Krell, was Gary the type of individual -- you said he was a very generous individual -- who would loan his car to another individual for a few weeks?~~

A ~~He might.~~

Q In other words, when you had heard that he loaned his car to Mr. Beausoleil, you were not surprised at all by that, were you?

A (No response.)

Q ~~By that, I mean his personality was of the type that he would loan his car; is that correct?~~

A I accept the possibility.

Q I have just one other question: Was he the type of person that would loan things out like that?

A ~~From time to time, yes.~~

Q ~~Did he have some sort of a generous nature, then?~~

A Very much so.

Q ~~Would he give away money to people?~~

A May I give an example?

Q Well, no, just tell us, if you can, from your experience of things.

A ~~When he had money, he was generous with it. He enjoyed helping people. When he did not have money, he would ask for 30 cents to go down and get a hot dog.~~

1 MR. SALTER: Nothing further.

2 THE COURT: Thank you, Mr. Krell.

3 MR. ROSS: Officer Humphrey.

4  
5 (TESTIMONY OF FORREST HUMPHREY)

6  
7 FORREST HUMPHREY,

8 called as a witness by and on behalf of the People, having  
9 been first duly sworn, was examined and testified as  
10 follows:

11 THE CLERK: You do solemnly swear that the testimony  
12 you may give in the cause now pending before this Court shall  
13 be the truth, the whole truth, and nothing but the truth,  
14 so help you God?

15 THE WITNESS: I do.

16 THE CLERK: Be seated and state your name, please.

17 THE WITNESS: Forrest Humphrey.

18  
19 DIRECT EXAMINATION

20 BY MR. ROSS:

21 Q What is your occupation?

22 A I am a State highway officer for the  
23 Highway Patrol.

24 Q What is your current assignment?

25 A San Luis Obispo, California.

26 Q Were you so assigned on the 6th of August



1 of this year?

2 A Yes, sir, I was.

3 Q On that date, did you have occasion to see  
4 the defendant?

5 A Yes, sir.

6 Q Where was it that you saw him?

7 A It was on Highway 101, approximately three  
8 miles north of San Luis Obispo.

9 Q Was he in some type of vehicle or on foot  
10 at that time?

11 A He was in the back of a vehicle.

12 Q When did you first observe the vehicle on  
13 that date, if you can recall?

14 A I started my tour of duty at 7:00 o'clock  
15 that morning. I got out of the office at approximately  
16 7:30. Sometime shortly after that, I observed the vehicle  
17 that I saw the defendant in parked alongside of the road  
18 at this location.

19 Q Did you stop at that time?

20 A No, sir, I did not.

21 Q How much later was it that you stopped?

22 A I stopped at approximately 10:50 that  
23 morning.

24 Q That would be several hours, then, later?

25 A At least, two.

26 Q Where was the automobile? Was it on the



1 side of the road, on the road, or what?

2 A It was east of the roadway, facing north.

3 Q What kind of automobile was it?

4 A It was a 1965 Fiat station wagon.

5 MR. ROSS: I have two pictures here. One has  
6 already been marked as Exhibit No. 1. I have another one  
7 here showing a rear portion of a white vehicle, a station  
8 wagon type. May this be marked as No. 5?

9 THE COURT: Very well.

10 BY MR. ROSS:

11 Q I show you Exhibits for identification,  
12 1 and 5. Is that the automobile you saw the defendant in?

13 A Yes, sir, it appears to be the same auto-  
14 mobile.

15 Q Is that the license number as indicated  
16 here that you wrote down?

17 A Yes, sir.

18 Q What is that license number?

19 A OYX 833.

20 Q When you saw the car, then, at 10:50, I  
21 believe you stated, what did you do?

22 A I stopped my patrol vehicle behind this  
23 vehicle.

24 Q Why did you go over there in the first  
25 place?

26 A To check the vehicle out.

1 Q What happened when you went over there?

2 A As I got out of my patrol vehicle and  
3 walked toward the Fiat, and as I got closer to it, the  
4 defendant raised up out of the back.

5 Q Where was he at that time?

6 A He was inside of a sleeping bag.

7 Q Was there anyone else in the vehicle?

8 A No, sir.

9 Q Was there anything else inside the vehicle  
10 itself that you noticed?

11 A I observed a -- besides the sleeping bag,  
12 there was a guitar and a jacket.

13 Q Anything else?

14 A I didn't see anything else.

15 Q When he raised up, what happened?

16 A I asked him what the problem was, and he  
17 said that he had --

18 MR. SALTER: Your Honor, at this time -- never  
19 mind. I have nothing.

20 THE COURT: Proceed.

21 BY MR. ROSS:

22 Q You asked him what the problem was; is  
23 that correct?

24 A Yes, sir.

25 Q You were just making inquiry or what?

26 A Well, I just walked up to the car, and I

1 said hello to him and asked him if there was any problem  
2 or what the problem was.

3 Q What did he say?

4 A He told me that the car had broken down  
5 on him the night before, and that he had just spent the  
6 night there.

7 Q What did you say?

8 A I asked him if the car belonged to him.  
9 He said yes, and I asked him for the registration and his  
10 driver's license.

11 Q What occurred, then?

12 A He gave me the registration card of the  
13 vehicle and a copy of the ownership certificate.

14 MR. ROSS: I have here two documents, commonly  
15 known as a pink slip and a white slip. May I have the  
16 pink slip marked as No. 6, if the Court please, and the  
17 white slip as No. 7 for identification.

18 THE COURT: It will be so marked.

19 MR. ROSS: Thank you.

20 Q I show you these two documents marked 6 and  
21 7 for identification. Are these the documents that you  
22 are talking about?

23 A Yes, sir.

24 Q What occurred, then, when he handed you  
25 these documents?

26 A I asked him if he had any -- well, I asked

1 him what his name was.

2 Q What did he say?

3 A He told me his name was Daniels.

4 Q Did you write that down in your report  
5 there?

6 A I have it in the report. He told me his  
7 name was Jason Lee Daniels.

8 Q When he told you that, that was before he  
9 had given you the two certificates there, or was it after?

10 A I can't say for sure, but right near the  
11 same time.

12 Q Does the name Jason Lee Daniels appear on  
13 any of those documents?

14 A No, sir.

15 Q What did you do, then?

16 A He told me that he had bought the car about  
17 a week ago from a colored man.

18 Q Did he say how much he paid for it or  
19 where he had gotten it from?

20 A He didn't say where he had gotten it from.  
21 He said he paid \$200 for it.

22 Q Did you say anything else to him at that  
23 time?

24 A No, sir.

25 Q Then what did you do?

26 A I went back to my patrol vehicle and ran

1 the license number through, all the statistics through my  
2 dispatcher.

3 Q Did you get a response from them?

4 A A couple of moments later.

5 Q After the response, what did you do?

6 A Well, the response was that my dispatcher  
7 told me the vehicle was stolen.

8 MR. SALTER: I object to any conversation with  
9 the dispatcher.

10 BY MR. ROSS:

11 Q The question was, what did you do after  
12 you got the response?

13 A I went back to the Fiat.

14 Q What did you do then?

15 A I asked the defendant to get out of the  
16 car.

17 Q Did he get out of the car?

18 A Yes.

19 Q What did you do then?

20 A I drew my service revolver, and I told him  
21 to put his hands on the hood of the Fiat.

22 Q What happened, then?

23 A I handcuffed him, told him that he was  
24 under arrest for suspicion of auto theft.

25 Q During this period of time, had the  
26 defendant shown you any type of identification, or had you

1 asked for any?

2 A Yes, sir. When he was going through his  
3 wallet to locate this registration card and ownership  
4 certificate, I saw a credit card in there in the wallet.

5 Q Did it have his --

6 MR. SALTER: It is not responsive to the question,  
7 your Honor. I move to strike.

8 THE COURT: Denied.

9 BY MR. ROSS:

10 Q Did the credit card have the name Daniels  
11 on it?

12 A No, sir, it didn't.

13 Q Was he taken back to the station, to the  
14 Sheriff's office then?

15 A I lost the time element.

16 Q You placed him under arrest now for auto  
17 theft.

18 A Yes, sir.

19 Q Then what occurred?

20 A I advised him of his constitutional rights.

21 Q Did you call for any back-up unit or  
22 anything?

23 A I didn't, no, sir.

24 Q Did some other unit arrive?

25 A Yes, sir.

26 Q After that other unit arrived sometime later

1 did you go some place with the defendant?

2 A Yes, sir.

3 Q Where was that?

4 A To San Luis Obispo County Jail.

5 Q At the San Luis Obispo County Jail, what  
6 occurred there?

7 A He was booked.

8 Q Did you have any further conversation with  
9 him?

10 A No, sir.

11 ~~Q~~ Now, on the report there you have the name  
12 Beausoleil.

13 A Yes, sir.

14 ~~Q~~ Where did you get that name?

15 ~~A~~ This was the name that he gave the deputy  
16 sheriff that handled the paper work at the jail.

17 Q Were you there during the booking procedure?

18 A Yes, sir.

19 Q What type of clothing, if you recall, was  
20 the defendant wearing at that time?

21 A I can just remember that he had on a pair  
22 of old blue Levis.

23 Q Was his clothing booked into evidence there  
24 at the Sheriff's station?

25 A Yes, sir, it was.

26 Q All of his property; is that correct?

1 A Yes.

2 Q This included the wallet and his clothing  
3 and everything?

4 A Yes, sir.

5 Q Also, at one particular time there, had  
6 you asked him for his date of birth?

7 A Yes, sir.

8 Q Where did that take place?

9 A At the same time I asked him what his name  
10 was.

11 Q What did he respond as to his date of birth?

12 A He told me at that time that his birth date  
13 was November 11th, 1946.

14 Q Was that date subsequently changed?

15 MR. SALTER: Well, I am going to object, your  
16 Honor, unless the question is did he specifically tell you  
17 a different date.

18 MR. ROSS: I withdraw the question.

19 Q Did he subsequently tell you or someone in  
20 your presence a different date?

21 A At the jail when they were filling out the  
22 booking slip, he said his birth date was November 6th, 1947.

23 MR. ROSS: You may cross-examine.  
24  
25  
26



## CROSS-EXAMINATION

BY MR. SALTER:

Q Now you don't remember the exact time when you first saw the automobile parked on the side of the road, do you?

A Not the exact time, no, sir.

Q The automobile was parked in a parking area, in a sense, on the side of the road; is that correct?

A Yes, sir.

Q Did you actually participate in the booking of his various properties, or did someone else do that?

A No, I observed what took place.

Q About how long did your conversations with Mr. Beausoleil take place?

A Less than five minutes.

Q All of the conversations that you had with Mr. Beausoleil, the entire time of those conversations, took place in less than five minutes?

A The conversations that I have talked about, that is right.

THE COURT: Let's clarify one thing. First of all, you saw him at the side of the road, you approached the vehicle, and you had a conversation then?

THE WITNESS: Yes, sir.

THE COURT: Subsequently, you took him into the police station --

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THE WITNESS: Yes, sir.

THE COURT: -- or to the Sheriff's office, I should say?

THE WITNESS: Yes, sir.

THE COURT: I believe that is the County jail in San Luis Obispo.

THE WITNESS: Yes, sir.

THE COURT: During the course of that ride, did you talk to him?

THE WITNESS: There was some conversation in the vehicle.

THE COURT: So that now when you get to the jail, you asked him the questions that you put in your report?

THE WITNESS: No, sir, I didn't ask him any more questions at the jail. The deputy sheriff that booked him did.

THE COURT: I thought you said that you had gotten his name and birth date and all that stuff then?

THE WITNESS: The second time, yes, sir.

THE COURT: Well, the point I am getting at is this: It takes more than five minutes.

THE WITNESS: Well, I don't consider the booking process at the jail as a conversation with me.

THE COURT: Well, all I am trying to get at is, what do you mean by the five minutes? That is what I am getting at.

1 THE WITNESS: Just the time that I talked to him  
2 out at the scene.

3 THE COURT: All right. Proceed.

4 BY MR. SALTER:

5 Q Did you overhear the conversation between  
6 the booking officer and Mr. Beausoleil?

7 A Yes, sir, he was standing next to the  
8 defendant.

9 Q Since this time in August, you have been  
10 on duty, I take it, as a patrol officer?

11 A Yes, sir.

12 ~~A~~ You had many conversations with many other  
13 individuals in their line of duty since that time; is that  
14 correct?

15 A Yes.

16 MR. SALTER: I have no further questions.

17 MR. ROSS: I have just one question.

18 REDIRECT EXAMINATION

19 BY MR. ROSS:

20 Q What happened to the automobile, Officer?

21 A It was stored at a Jim's Tow in San Luis  
22 Obispo.

23 Q Did you lock it up yourself?

24 A No, sir.

25 Q Was it secured there at the scene?  
26

1 A Yes, sir.

2 MR. ROSS: I have nothing further.

3 MR. SALTER: I have one more question.

4  
5 RECROSS-EXAMINATION

6 BY MR. SALTER:

7 Q Officer, with reference to this conversation  
8 that you had with the defendant, you are testifying from  
9 what you remember of that date back in August of 1969; is  
10 that correct?

11 A Yes, sir.

12 MR. SALTER: I have nothing further.

13 MR. ROSS: I have nothing further of this witness.

14 THE COURT: Are we through with this officer?

15 MR. ROSS: Yes.

16 MR. SALTER: Yes.

17 THE COURT: You are excused.

18 MR. ROSS: Your Honor, there are just a couple of  
19 minutes left before the noon hour. I don't think I can  
20 get through another witness.

21 THE COURT: Yes. What I am going to ask is that  
22 some of these documents be circulated to the jury.

23 MR. ROSS: They have only been received for  
24 identification. I would at this time offer them into  
25 evidence.

26 THE COURT: They will be received and marked.

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I probably should explain to you that those tags that appear on those documents are registration tags. The only thing we are concerned with are the registration certificates themselves.

Now, ladies and gentlemen, it is time for our noon recess. We will recess until 2:00 o'clock this afternoon.

Remember the admonition not to discuss the facts in issue in the case and also to retain an open mind until the matter has been finally submitted to you.

We will see you at 2:00 o'clock this afternoon.

(Lunch recess.)

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SANTA MONICA, CALIFORNIA; FRIDAY, NOVEMBER 14, 1969  
2:00 P.M.  
---oOo---

THE COURT: People versus Beausoleil.  
MR. ROSS: Deputy Piet.

(TESTIMONY OF PAUL PIET)

PAUL PIET,  
called as a witness by and on behalf of the People, having  
been first duly sworn, was examined and testified as  
follows:

THE CLERK: Would you raise your right hand to be  
sworn.

You do solemnly swear that the testimony  
you may give in the cause now pending before this Court  
shall be the truth, the whole truth, and nothing but the  
truth, so help you God?

THE WITNESS: I do.

THE CLERK: Be seated and state your name.

THE WITNESS: Paul Piet.

DIRECT EXAMINATION

BY MR. ROSS:

Q I see from your uniform that you are a

1 Deputy Sheriff of Los Angeles County; is that correct?

2 A Yes, sir.

3 Q To what station are you assigned?

4 A I am assigned to Malibu, the Patrol Division.

5 Q I want to direct your attention to the  
6 evening of the 31st of July of 1969, which was a Thursday  
7 evening. Did you have occasion to respond to a call in  
8 Old Topanga?

9 A Yes, I did.

10 Q Where was that?

11 A 984 Old Topanga.

12 Q When you got to the location, were you met  
13 by someone else?

14 A I was met by three gentlemen, one was named  
15 Irwin, and his two companions.

16 Q Was that the gentleman who testified  
17 earlier here today?

18 A Yes, it was.

19 Q Did you have a conversation with him at  
20 that time?

21 A Yes, I did.

22 Q After having a conversation with him, what  
23 did you do?

24 A I looked up, and I saw a window ajar on  
25 the southeast side of the building with numerous flies and  
26 a strong odor emitting from the window.

1 I took the ladder. I put the ladder up  
2 against the window, climbed to the top, and looked in.

3 At this time I saw a victim lying on the  
4 floor of a living-bedroom-type room. With my flashlight  
5 I put it in his face. I observed his face to be a little  
6 black and decomposed. At this time I climbed down the  
7 window.

8 Q The person was obviously dead?

9 A Yes, sir.

10 Q I show you here an exhibit which we have  
11 marked as People's No. 2. Does that scene appear familiar  
12 to you?

13 A Yes, sir.

14 Q The window that you are talking about, is  
15 it shown in the picture?

16 A Yes, it is.

17 Q Which one is that?

18 A The window that is ajar.

19 Q That is the one that is in the upper right  
20 hand corner?

21 A Yes, sir.

22 THE COURT: Left-hand.

23 MR. ROSS: Left-hand, but is the one to the right  
24 hand side of the picture. It is ajar.

25 Q When you climbed into the location, what  
26 was the condition of the room that you entered, and which



1 room was it?

2 A I entered through the window next to the  
3 doorway that leads to the kitchen. At this time I observed  
4 the table to be broken and down, and I stepped over it to  
5 get into the kitchen, and then I entered the living room.

6 Q Did you disturb any portion of the scene  
7 or the furniture when you came in?

8 A No, sir.

9 Q When you got back outside, what did you do?

10 A I secured the premises. No one was allowed  
11 to go in or disturb anything.

12 Q Did you call for any other assistance or  
13 units?

14 A Yes, I called Homicide, Los Angeles  
15 Sheriff's Department, and talked to Sergeant Whitley and  
16 Deputy Guenther.

17 Q Did they come out to the scene?

18 A Yes.

19 Q Approximately what time was that?

20 A Approximately 9:05.

21 Q Had anyone gone into the location before  
22 the Homicide officers arrived?

23 A My partner, Deputy Lane, was with me at  
24 that time.

25 Q Had anyone else gone inside the location?

26 A No, sir.

1 Q It was secured and kept closed?

2 A Yes, sir.

3 Q Did you go inside with another officer  
4 when they arrived?

5 A Yes, sir.

6 Q Did you go in with the photographer and  
7 the I.D. man also?

8 A No, sir.

9 Q Were you present when they took any pictures

10 A I believe the Coroner's office -- the  
11 gentlemen took pictures.

12 Q Was the body of the person covered with  
13 anything at the time you observed it?

14 A Yes, it was covered with a blanket, and the  
15 left side of the face was covered with a pillow.

16 THE COURT: You mean, when you first observed him?

17 THE WITNESS: Yes, sir.

18 BY MR. ROSS:

19 Q Did you move the blanket or anything?

20 A No, I didn't.

21 Q Could you see whether or not the person  
22 had any clothing on?

23 A No, I couldn't tell.

24 MR. ROSS: You may cross-examine.

25 MR. SALTER: I have no questions at this time,  
26 your Honor. I would reserve the right to cross-examination.

1 THE COURT: Thank you. You may step down.

2 MR. ROSS: We call Deputy Whitley.

3  
4 (TESTIMONY OF PAUL J. WHITLEY)

5  
6 PAUL J. WHITLEY,  
7 called as a witness by and on behalf of the People, having  
8 been first duly sworn, was examined and testified as  
9 follows:

10 THE CLERK: Would you raise your right hand to be  
11 sworn.

12 You do solemnly swear that the testimony  
13 you may give in the cause now pending before this Court  
14 shall be the truth, the whole truth, and nothing but the  
15 truth, so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Be seated and state your name, please.

18 THE WITNESS: Paul J. Whitley, W-h-i-t-l-e-y.

19  
20 DIRECT EXAMINATION

21 BY MR. ROSS:

22 Q What is your occupation?

23 A Detective Sergeant, Los Angeles Sheriff's  
24 Office, Homicide Bureau.

25 Q You were one of the officers who was  
26 assigned to the investigation of this case; is that correct?

1           A       That is correct.

2           MR. ROSS: Your Honor, I have here what is  
3 commonly known as a fingerprint exemplar card. I would  
4 like that marked next in order.

5           THE COURT: All right.

6 BY MR. ROSS:

7           Q       Sir, I show you the exhibit that we have  
8 marked as No. 8 for identification. Have you seen that  
9 before?

10          A       Yes, I have.

11          Q       When and where did you see that?

12          A       On August 7th, 1969, at the Hall of Justice  
13 Record Bureau.

14          Q       Were you present when the prints that  
15 appear on both sides of that card were put on?

16          A       Yes, I was.

17          Q       By whom were they put on?

18          A       Deputy Jake Jordan of the Latent Print  
19 Section of the L.A. Crime Lab.

20          THE COURT: Those are his prints? He is the one  
21 who rolled them?

22 BY MR. ROSS:

23          Q       Whose prints are they?

24          A       They are the fingerprints of Robert  
25 Beausoleil.

26          THE COURT: Mr. Jordan was the fingerprint

1 technician that did the job?

2 THE WITNESS: That is correct.

3 BY MR. ROSS:

4 Q Were you at the location when Deputy White  
5 from the Fingerprint Section was called out?

6 A Yes, I was.

7 Q Did he dust the location we are talking  
8 about, at 964 Topanga, for fingerprints?

9 A Yes.

10 Q When was that?

11 A I would have to refresh my memory. I think  
12 it was August 1st, 1969.

13 Q Would it be in the early morning hours?

14 A No, it was in the afternoon hours.

15 Q You were present at the location at what  
16 time and when?

17 A I arrived at approximately 10:00 p.m. on  
18 July 31, 1969. I left the location at approximately 2:30  
19 a.m. on the 1st. I returned at approximately 1:30 of the  
20 1st and stayed until 7:00 p.m.

21 I returned again at approximately 5:30 a.m.  
22 of the 2nd, and I did this for three continuous days.

23 Q Thank you, sir.

24 MR. ROSS: Nothing further at this time.

25 MR. SALTER: I have nothing further.

26 THE COURT: Thank you.

1 MR. SALTER: May I reserve any cross, your Honor?

2 THE COURT: Yes.

3 MR. ROSS: Mr. White, would you take the stand.

4  
5 (TESTIMONY OF FLOIS WHITE)

6  
7 FLOIS WHITE,

8 called as a witness by and on behalf of the People, having  
9 been first duly sworn, was examined and testified as  
10 follows:

11 THE CLERK: Would you raise your right hand.

12 You do solemnly swear that the testimony  
13 you shall give in the cause now pending before this Court  
14 shall be the truth, the whole truth, and nothing but the  
15 truth, so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Be seated and state your name, please.

18 THE WITNESS: Flois, F-l-o-i-s, White.

19  
20 DIRECT EXAMINATION

21 BY MR. ROSS:

22 Q Mr. White, what is your occupation?

23 A Deputy Sheriff for the County of Los  
24 Angeles, currently assigned to the Scientific Services  
25 Identification Unit, Fingerprint Bureau.

26 Q Do you have any particular type of duties

1 there in that unit?

2 A Yes, I do.

3 Q What are those duties?

4 A At present, my duties are in the field  
5 searching for latent fingerprints. When I find a latent  
6 print, I place it on a card, put the pertinent date on the  
7 card, and see that it gets into a locked cabinet in the  
8 identification unit office.

9 Q Do you also do comparison of prints?

10 A That is correct.

11 Q How long have you been engaged in this  
12 activity?

13 A Over six years.

14 Q What training and experience have you had  
15 for this job?

16 A I took the F.B.I. fingerprint course at  
17 East Los Angeles Junior College. I have made possibly in  
18 excess of 100,000 comparisons. I have testified in court  
19 in excess of 70 times as a qualified expert. I have had  
20 various conversations with other experts. I have read  
21 articles concerning fingerprints and fingerprinting.

22 I have made tapes of the course I took in  
23 college. I replay those tapes periodically.

24 Q In other words, you keep up in your field  
25 of identification; is that right?

26 A Yes, sir.



1 MR. ROSS: I have here a couple of objects which  
2 I would like marked, your Honor.

3 The first is a small card, approximately  
4 three by five inches in size, with some writing and what  
5 appears to be part of a print on it. May this be Exhibit  
6 No. 9 for identification?

7 THE COURT: It will be so marked.

8 MR. ROSS: The next appears to be a blow-up of  
9 print marked "latent print," by the Sheriff's Department  
10 of Los Angeles County. May this be marked as No. 10 for  
11 identification?

12 THE COURT: It will be so marked.

13 BY MR. ROSS:

14 Q I show you now the exhibits that we have  
15 marked as 8, 9, and 10 for identification. Have you seen  
16 those before?

17 A Yes, sir, I have.

18 Q Specifically, I want to direct your  
19 attention to the exhibit that is No. 9, the small card  
20 there. What is that?

21 A This is a latent fingerprint lift card.

22 Q Did you lift the print that is indicated  
23 on that card?

24 A I did.

25 Q Where did you lift that thumb?

26 THE COURT: I think we ought to preface this



1 a little explanation.

2 What do you mean when you say you lift a  
3 print?

4 MR. ROSS: I will get into that in a moment.

5 Q Did you lift that print?

6 A Yes, I did.

7 Q Tell us how you went about doing that and  
8 what that constitutes.

9 A When you search for latent fingerprints,  
10 you have powder and brushes. You search for a fingerprint  
11 by brushing this powder on the surface which you think  
12 could contain a latent fingerprint. When you see dark  
13 ridges showing up, this indicates that there is a finger-  
14 print or handprint present.

15 At this time you develop this print as  
16 well as possible with the powder and the brush, and then  
17 you place the tape across this impression. The mucilage on  
18 the tape lifts the powder from the surface, and this you  
19 place on the card.

20 Q That gives you, then, the outline of the  
21 fingerprint exactly as it seemed from the powder, then,  
22 in other words?

23 A Exactly.

24 Q Then it is placed on the card, and then  
25 what? Is a picture taken of it, or what?

26 A This is the card as it was originally made.

1 This is the tape. The handprint impression is merely the  
2 powder -- the powder is on the back of the mucilage and is  
3 placed on here and kept this way.

4 THE COURT: Officer White, what you have there  
5 appears to be a photograph.

6 THE WITNESS: It is not a photograph, sir.

7 THE COURT: All right, go ahead.

8 MR. ROSS: That is just the tape over it. This  
9 is what is commonly called a latent fingerprint lift.

10 Q Where did that print come from?

11 A This fingerprint came from the south facing  
12 of the door frame between the kitchen and the hall. The  
13 print was approximately 36 inches above the floor.

14 Q Is that at the location of 964 Old Topanga  
15 that we are speaking of?

16 A That is correct.

17 THE COURT: May I see that?

18 THE WITNESS: Yes.

19 THE COURT: If I understand you correctly, then,  
20 what you are saying is that this card, which is marked --  
21 what is the number of this?

22 THE WITNESS: No. 9.

23 THE COURT: It is marked No. 9.

24 Is what you call a tape, is that it?

25 THE WITNESS: This card originally is made in a  
26 book form.

1 THE COURT: Let's keep your voice up so that the  
2 jury can hear this.

3 THE WITNESS: Yes, sir. In other words, the card  
4 that you see is made into blank form with the exception of  
5 the printing that you see on this, which indicates the file  
6 number, the deputy who took the print, the date, the  
7 victim's name, the head rest, and the location of the  
8 print.

9 When the print is lifted with the tape,  
10 the tape is merely placed on the card. This is not a  
11 photograph. It is actually a fingerprint lift.

12 THE COURT: Well, then, what you have there is an  
13 identification card, and this portion, which is in the  
14 lower-hand corner, is the tape that you use to lift it?

15 THE WITNESS: That is correct.

16 THE COURT: Now I understand.

17 BY MR. ROSS:

18 Q Did you also take a number of photographs  
19 when you were out there?

20 A Yes, sir, I did.

21 Q I show you a photograph here which appears  
22 to be the interior of a location, with the refrigerator  
23 on the left and a table and a chair and a coat hanging up.

24 MR. ROSS: May this be marked next in order, which  
25 I believe will be 11, your Honor?

26 THE COURT: All right.

1 BY MR. ROSS:

2 Q Do you recognize what that scene depicts?

3 A Yes, sir.

4 Q Is that the location we are speaking of?

5 A This is the interior of the kitchen.

6 Q Did you take that picture?

7 A I did.

8 Q In relation to this picture, No. 11, where-  
9 abouts would that print be?

10 A To the best of my knowledge and memory,  
11 behind this coat, out of the picture is a door frame  
12 leading from the kitchen into a hallway.

13 Q It would be on that door frame, then, that  
14 you are speaking of; is that correct?

15 A That is correct. The print would be 36  
16 inches above the floor, on the south door frame. I believe  
17 it would be the south frame.

18 Q How far from the chair, if you recollect,  
19 was that?

20 A Without having anything to refresh my  
21 memory, I would say from this chair to the door frame was  
22 probably 12 to 15 inches.

23 Q If a person were sitting in that chair and  
24 leaning, so to speak, on the wall, would this be about the  
25 height where the hand would reach?

26 A In my opinion, yes.

1 Q Now, the blow-up that we have here, what  
2 is that? That is Exhibit No. 10.

3 A This is an enlargement made of a hand  
4 impression, a palm — part of a palm, excuse me. The  
5 picture on the left is an enlargement of the latent finger-  
6 print lift. The one on the right is an enlargement of a  
7 rolled impression.

8 Q Is that rolled impression there Exhibit  
9 No. 8?

10 A Yes, it is.

11 Q So if I understand you correctly, then,  
12 in putting 8 and 9 together and blowing them up, what we  
13 have is the latent print over here where it says latent  
14 print on the left of this card, and the print on the right,  
15 which is a portion of the exhibit on the exemplar card,  
16 which we have been speaking of; is that correct?

17 A That is correct.

18 Q This was made by the Sheriff's Department?

19 A That is right.

20 Q Did you form any opinion as to the similarity  
21 of those prints?

22 A I did.

23 Q What is that opinion?

24 A They were made by the same person.

25 Q What portion of the hand or palm or fingers  
26 does that represent?

1           A       It represents a portion of this section  
2 of the right palm.

3           Q       You are indicating the right palm there  
4 over by the little finger.

5           A       That is correct, beneath the little finger.

6           Q       How many points of comparison do you have  
7 there?

8           A       There are in excess of 35 on this one.

9           Q       They are just numbered 1 through 12 there.  
10 What does that indicate?

11          A       Usually we feel that on a palm impression,  
12 two is satisfactory for a positive identification.

13          Q       By positive identification, what do you  
14 mean?

15          A       That means that there would be no question  
16 that both were made by the same person.

17          Q       I have heard about fingerprints being the  
18 same or different on all people. Is this true of other  
19 prints on the hand?

20          A       Absolutely.

21          Q       In that one, you said you counted in excess  
22 of 35.

23          A       Yes, sir.

24          Q       Is there any question that they were made  
25 by one and the same person?

26          A       There is no doubt in my mind.

1 MR. ROSS: You may cross-examine.

2 MR. SALTER: No questions.

3 MR. ROSS: Thank you, sir. You may step down.

4 THE COURT: Thank you.

5 MR. ROSS: We would offer those next four exhibits  
6 in order, 8, 9, 10, and 11.

7 THE COURT: Yes. I don't think he identified 11.  
8 I suppose there is no objection anyway.

9 MR. ROSS: That is the one he said he took.

10 THE COURT: That is the one where he said the  
11 door wasn't in the picture.

12 MR. ROSS: That is right, but it shows the location.

13 THE COURT: All right, this is 8.

14 MR. ROSS: I have one more question.

15 Would you come back, please.

16 Q Just for reference, 8 was the exemplar card;  
17 9 was the latent print card. The blow-up was 10, and the  
18 colored photograph was 11.

19 In determining prints, is there any way  
20 of determining their age, that is, how old a print would  
21 be?

22 A No, sir.

23 Q In forming a fingerprint such as this,  
24 what causes the formation of that print to show up from  
25 the powder?

26 A The moisture which is exuded by the sweat



1 pores.

2 Q This would be the moisture as distinguished  
3 from the oil; is that correct?

4 A That is correct. A latent fingerprint is  
5 made up basically of moisture, which is the impression.  
6 There is very little other substances in preparation other  
7 than the water.

8 Q Is there any way of determining the outside  
9 limit of how long a print could be at a particular location?

10 A Assuming that a print was a perfect print  
11 at the time it was placed on an object, and this object  
12 had a smooth, non-porous surface, it is quite likely that  
13 a print could last 10 days in a protected location, that  
14 is, out of the wind, sun, heat, et cetera. That would be  
15 in my opinion the limit that a print could last on any  
16 object.

17 Q You lifted the print on this particular  
18 one, and what about this location in relation to your  
19 ideal type of situation? That is, the porous surface and  
20 so forth.

21 A To the best of my memory, it was rather  
22 worn. This is in a shaded area. It was inside a house,  
23 and there was no extreme heat; so there is a possibility  
24 this could have been there a week to 10 days.

25 Q That would be the outside limit?

26 A In my opinion, yes, sir.



1 Q Thank you.

2 MR. ROSS: I have nothing further.

3 MR. SALTER: No questions.

4 THE COURT: Thank you, sir.

5 MR. ROSS: Dr. Katsuyama.

6  
7 (TESTIMONY OF DAVID M. KATSUYAMA)

8  
9 DAVID M. KATSUYAMA,  
10 called as a witness by and on behalf of the People, having  
11 been first duly sworn, was examined and testified as  
12 follows:

13 THE CLERK: Raise your right hand, please, sir.

14 You do solemnly swear that the testimony  
15 you may give in the cause now pending before this Court  
16 shall be the truth, the whole truth, and nothing but the  
17 truth, so help you God?

18 THE WITNESS: I do.

19 THE CLERK: Be seated, please.

20 Will you state your full name.

21 THE WITNESS: My name is David M. Katsuyama.  
22 The last name is spelled K-a-t-s-u-y-a-m-a.

23  
24 DIRECT EXAMINATION

25 BY MR. ROSS:

26 Q What is your occupation, sir?

1           A       I am a Deputy Medical Examiner for the  
2   Coroner Medical Examiner of the County of Los Angeles.

3           Q       What are your duties there?

4           A       One of my duties is to examine the bodies  
5   of the deceased in order to determine the cause of death.

6           Q       What kind of training or experience have  
7   you had for this?

8           A       I have a medical school degree, which I  
9   received in 1959. I went to an internship at Los Angeles  
10   County General Hospital, then a four-year residency in  
11   pathology, which I am certified by the American Board of  
12   Pathology in clinical pathology and anatomical pathology.  
13   These were in 1965 and '66.

14           I have been previously associated as an  
15   autopsy surgeon for the Coroner's Office of the County of  
16   Orange, and more recently, since the first of this year,  
17   Deputy Medical Examiner for the Coroner Medical Examiner  
18   of Los Angeles County.

19           Q       By pathology, what is meant by that?

20           A       Pathology is the specialized field in  
21   medicine that deals with the study of disease, its findings  
22   in the various parts of the body.

23           Q       Your duties or your job, as it exists now,  
24   is to perform post-mortem examination in order to determine  
25   causes of death and then to testify to that in court?

26           A       Yes.

1 Q You have been so engaged in that both in  
2 this county and in Orange County over the last few years?

3 A Yes, sir.

4 MR. ROSS: Counsel, would you stipulate that a  
5 post-mortem examination was conducted upon Gary Hinman,  
6 who is the person found at the location at 964 Topanga?

7 MR. SALTER: So stipulated.

8 BY MR. ROSS:

9 Q Did you perform an autopsy on the body of  
10 Gary Hinman?

11 A I performed an autopsy on the body identi-  
12 fied to me as Gary Hinman.

13 Q When did that take place?

14 A On August 1, 1969, at approximately 10:45  
15 in the morning.

16 Q Where did that take place?

17 A At the Hall of Justice in our offices in  
18 Los Angeles.

19 Q What was the condition of the deceased's  
20 body at that time?

21 A In poor condition. There was extensive  
22 decomposition that had taken place. The body was partly  
23 infested with a lobby of flies and maggots.

24 Q Did you make any determination as to how  
25 long the person had been dead?

26 A In general, probably somewhere -- a minimum

6  
1 of three days and probably not more than seven to ten days.

2 Q ~~It would be approximately three to seven;~~  
3 would that be fair to state?

4 A That would be fair to state.

5 Q This is based on what?

6 A The condition of the body, the extent of  
7 deterioration.

8 Q Did you perform an autopsy, that is, a  
9 post-mortem examination on this body?

10 A Yes. I examined the body both externally  
11 and internally.

12 Q For what cause?

13 A To document the findings, to determine the  
14 cause of death.

15 Q In doing that, I take it, you prepared  
16 a report; is that correct?

17 A Yes, I did.

18 Q Do you have that report before you?

19 A It is here with me.

20 Q Would you take that out for a moment.  
21 By referring to your autopsy report also along with that,  
22 did you make some charts concerning wounds that you found  
23 on the body?

24 A Yes, I did.

25 Q What did you determine the cause of death  
26 to be?

1           A       I ascribed the cause of death to a stab  
2 wound to the chest.

3           Q       In performing your examination, Doctor,  
4 did you find more than one wound?

5           A       Yes.

6           Q       How many did you find altogether?

7           A       Five wounds, all of which I considered  
8 stab wounds.

9           Q       I have here some copies which appear to be  
10 copies of originals that you have in your file of the  
11 sketches that have been made here concerning this matter.  
12 This is the same file number, is it not?

13          A       Our file number is 698448, and that  
14 corresponds.

15          Q       These three are copies of ones that you  
16 have in your file with the exception of that portion that  
17 has been circled in ink; is that correct?

18          A       Yes, it is.

19          MR. ROSS: Your Honor, I would like to have these  
20 copies marked as follows: First, the copy showing the  
21 side portion of a human figure, those just identified by  
22 Dr. Katsuyama, and the next one will be Exhibit No. 12.

23          THE COURT: The one you have in your hand is the  
24 head.

25          MR. ROSS: A side portion of the head.

26          THE COURT: Both sides, isn't it?

1 MR. ROSS: Yes, both sides.

2 THE COURT: All right, what I meant, is you are  
3 offering that one sheet as one exhibit?

4 MR. ROSS: That is correct.

5 THE COURT: That is No. 12?

6 THE CLERK: Yes. Are you marking them, Mr. Ross?

7 MR. ROSS: Yes, I am.

8 The next one shows a front portion of the  
9 body.

10 THE COURT: That is a whole human body.

11 MR. ROSS: That would be No. 13.

12 THE COURT: No. 13.

13 MR. ROSS: And the final one of this series shows  
14 the rib cage, No. 14.

15 THE COURT: No. 14 is the rib cage.

16 BY MR. ROSS:

17 Q Doctor, a moment ago, you stated that you  
18 found five wounds which you considered to be stab wounds;  
19 is that correct?

20 A Yes, I did.

21 Q Doctor, let's take them in the order that  
22 you have them listed in your report there.

23 As far as number one is concerned, would  
24 you describe that for the jury, please?

25 A It is on the left side of the scalp, just  
26 to the left side of the mid-line, was approximately one

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1 inch to the left and approximately one and one half inches  
2 in length.

3 Q I show you here the exhibit that we have  
4 marked as No. 12, and I have a circle around here in  
5 number one. I have gone over these with you before. Is  
6 that the number one wound that we have talked about?

7 A Yes, it is.

8 Q Also, this wound is depicted on Exhibit 13,  
9 the front portion of the body. We have a number one and  
10 a circle up there.

11 A Yes, sir, it is.

12 Q Is this a deep wound, superficial wound,  
13 or what?

14 A Superficial wound. It does not penetrate  
15 through the scalp, and it did not leave any evidence on  
16 the bony portion of the skull.

17 Q Is this considered to be a fatal or non-  
18 fatal wound?

19 A I would not consider it to be fatal.

20 Q Let's skip over wound number two for just  
21 a moment and go on to number three. Would you describe  
22 that for us?

23 A Three and one inches from the top of the  
24 head. It was about five eighths of an inch in length.  
25 It was behind the upper portion of the right ear, and it  
26 was going somewhat backward.



1 Q This is the one that we have the circle  
2 around here as number three on Exhibit No. 12?

3 A That is number three, yes.

4 Q Is that what you consider fatal or a  
5 superficial wound, or what?

6 A A superficial wound.

7 Q Let's go to wound number two that I have  
8 there. Would you describe that for us?

9 A It was on the left side of the face. It  
10 started somewhere over the jawbone. It angled toward  
11 the ear, the upper portion. It actually partially cut,  
12 in fact, almost completely -- cut through the upper portion  
13 of the ear. This was approximately five inches in length.  
14 It exposes the deeper structures in the tissues underneath  
15 the skin itself. It went downward, inward, but it did not  
16 go into the cavity of the mouth.

17 Q Is that the one depicted on exhibit there  
18 that we have before you, that is No. 12?

19 A Yes, that is depicted as number two.

20 Q That is the one that has the circle around  
21 that says number two?

22 A Yes.

23 Q How deep did this particular wound go?

24 A It was one inch in maximum depth by my  
25 probing.

26 Q In this one inch in the maximum depth that



1 you have indicated on there, would this have cut any  
2 number of the capillaries or arteries or anything of that  
3 nature?

4 A A certain number of blood vessels would  
5 have been cut in this particular area. Most of them would  
6 be relatively small. There may be one or two a little bit  
7 larger.

8 Q When this type of wound was inflicted,  
9 if you could tell, would there have been any spurting of  
10 blood?

11 A Possibly.

12 Q Was this particular wound considered to  
13 be fatal or non-fatal, or what?

14 A I considered that possibly fatal.

15 Q By that, how did you arrive at that conclu-  
16 sion?

17 A If it was not treated, if the wound itself  
18 was not closed, if the bleeding that would have resulted  
19 was not controlled, a person could conceivably bleed to  
20 death because of this particular wound.

21 Q Now, if there was nothing done to take care  
22 of it, that is, no pressure applied or something of that  
23 nature, how long would it have taken for a person to bleed  
24 to death?

25 A If the bleeding did not stop by itself,  
26 if it continued without the blood clotting and stopping the

1 bleeding by itself, it probably would have taken half an  
2 hour to a number of hours.

3 ~~Q~~ So, in other words, this could have stopped  
4 by itself by a clotting even though there was nothing  
5 else applied to it; is that correct?

6 A ~~It could possibly have occurred.~~

7 Q Could you see from the wound whether or not  
8 that had occurred?

9 ~~A~~ The body was in such a state of decomposi-  
10 tion that it would be impossible to really state.

11 ~~Q~~ Did you observe any evidence of any attempted  
12 suturing or closing of the wound in any way?

13 ~~A~~ I did not see any major material -- which  
14 I would consider a material attempt to stop the bleeding.  
15 However, with the body in such a state of decomposition,  
16 it could have very easily been either involved in decompo-  
17 sition or I could have very easily overlooked it myself.

18 Q Did you see anything such as an attempt to  
19 suture it up, any surgical thread, anything of that nature?

20 A No, I did not.

21 Q Had it been noted, would you have observed  
22 any?

23 ~~A~~ If it was alarming enough for me to  
24 immediately detect, I would have noted it. On the other  
25 hand, I was not aware that this possibility existed at the  
26 time of my examination.

1 Q Well, I understand that, and I am just  
2 calling back in retrospect that if you had observed any,  
3 you would have written it down.

4 A Yes.

5 Q Now, let's go to wound number four, which  
6 is depicted there in Exhibits No. 4 and 5. Wounds number  
7 four and five which are shown, I believe, on Exhibits 13  
8 and 14, are these the two that have been circled four and  
9 five on each of these exhibits?

10 A Number four and five were on the anterior  
11 chest. Number four was higher than number five. Number  
12 four entered the chest wall, actually, and the skin of the  
13 chest in the midline. It appeared to have a slight angle  
14 from the right to left. The uppermost portion of this  
15 opening was 1 3/4 inches from the top of the head.

16 Q That would be the one that is depicted by  
17 the circle?

18 A Number four, and it was approximately one  
19 and one half inches in length. This particular one was  
20 relatively superficial. It showed a glaze mark on the  
21 sternum, the front portion of the sternum, but had not gone  
22 beyond it into the chest space.

23 Q If I understand you, then, this one is  
24 right in the middle of the chest bone; is that right?

25 A Right in the middle of the chest bone.

26 Q This did not penetrate into any of the

ok

1 vital organs; is that correct?

2 A Not within the rib cage itself.

3 Q Did it penetrate or go into any part of the  
4 chest bone?

5 A It had marked the outer portion of the  
6 chest bone.

7 Q Would this be a blow of sufficient force,  
8 or could you tell what had caused that?

9 A It could leave a mark there; on the other  
10 hand, it could have been easy to deflect, rather.  
11 Obviously, it did not have sufficient force to enter the  
12 bone to any significant extent.

13 Q Is the sternum, the bone that we are  
14 speaking about, a thick bone, thin bone, or what?

15 A It is approximately a quarter of an inch  
16 thick. It is fairly hard on both the outer and inner  
17 surface, and there are spaces in between that contain  
18 the marrow.

19 Q Does it take a rather strong blow to  
20 penetrate it, or can a weak blow of an instrument penetrate  
21 it?

22 A A moderate amount of force is necessary.

23 Q Let's go on. This, I take it, you considered  
24 non-fatal?

25 A Yes, I considered it non-fatal.

26 Q As to wound number five, is that the one

#5  
1 you have circled there on the two exhibits in the rib cage  
2 on the front portion?

3 A Yes, it is.

4 Q Would you tell us what that is?

5 A This entered the chest 20-1/2 inches from  
6 the top of the head, is approximately in the midline,  
7 and was approximately one and one-half inches in length.  
8 It actually was more to the left than from the midline and  
9 toward the left. It had entered the chest space disrupting  
10 the junction of the sixth and the seventh with the sternum.

11 The wound penetration involved the peri-  
12 cardial sac. Also, a knife had entered the right side of  
13 the heart before and the posterior portion of it, a septum  
14 between the right side and the left side of the heart.  
15 The defect itself was approximately one and one fourth  
16 inches in length.

17 The sac around the heart was distended with  
18 blood to its capacity, and this wound I did consider fatal.

19 Q If I understand you, then, this wound went  
20 into the chest about an inch and a half, or two inches,  
21 from where wound number four was; is that correct?

22 A Approximately.

23 Q It penetrated into what is called the  
24 pericardial sac, which is the sac surrounding the heart;  
25 is that correct?

26 A Yes.

1 Q It also went right inside one of the valves  
2 of the heart; is that correct?

3 A Not the valves, the side of the -- the  
4 wall of the heart chamber.

5 Q The wall of the heart chamber?

6 A Yes.

7 Q What did this cause?

8 A It caused hemorrhage or bleeding into the  
9 sac of the heart.

10 Q This pericardial sac --

11 A The sac itself is a limited capacity. When  
12 the sac fills up with blood, the heart itself is pumping  
13 against itself, and because of this pumping against itself,  
14 it can no longer function.

15 Q How much blood did you find in there?

16 A I did not record the amount of blood.

17 Q Was the sac full?

18 A The sac was full.

19 Q In your opinion, how long would it have  
20 taken from that wound, in the filling and so forth, to  
21 cause death?

22 A A matter of minutes or even shorter.

23 Q It would have been a very brief time?

24 A A very brief time.

25 Q Doctor, is there any way of telling whether  
26 or not any of these five wounds that you described were



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1 all caused at the same time or were inflicted over a period  
2 of time?

3 A In the condition of the body that it was  
4 in, they all appeared to be within a very short interval  
5 of time. Conceivably, they could have all been within a  
6 short period of time.

7 By short period of time, it may have been  
8 as long as several hours, between the time of the injury  
9 and the time of the examination of the body.

10 Q As to your examination of the decomposition  
11 of the body, how would that affect your opinion or conclu-  
12 sion?

13 A I think I am getting a little confused,  
14 but there are certain changes that occur after injury.  
15 It takes a certain amount of time for these changes to  
16 appear.

17 Q But what type of changes do you mean?

18 A Scarring, healing, the healing process.

19 Q Is there any evidence of any healing  
20 process here on any of these —

21 A It would have been difficult to recognize  
22 it with the amount of decomposition that was present.

23 Q Did you note any?

24 A I did not note any evidence of healing.

25 Q Incidentally, was someone else present  
26 at the time of the autopsy?

1           A       Yes, investigator Guenther and Whitley  
2       from the Sheriff's Homicide Division were present at the  
3       autopsy.

4           Q       Then, I take it, you did the regular  
5       routine examination of the rest of the body; is that  
6       correct?

7           A       Yes, I did.

8           Q       Did you find any other evidence as to  
9       any pathology, so to speak, or cause of death?

10          A       There was actually, additionally, some  
11       blood in the chest space, in the space around the lungs.

12          Q       What would that be from?

13          A       From the same chest wounds.

14          Q       Was any other part of the organs or organism  
15       affected in any way?

16          A       Nothing definite that I could attribute to  
17       other causes of death.

18          Q       So the only causes of death that you have  
19       indicated are those that you have told us about here today;  
20       is that correct?

21          A       Yes, that is.

22          Q       As to the wound that we are talking about  
23       as the fatal wound, was the fatal wound in your opinion  
24       number five? Would you check the report in there. What is  
25       the width of number five?

26          A       It appeared to be approximately one-fourth



1 of an inch in maximum width.

2 Q ~~What~~ about the incision itself? How long  
3 was it?

4 A The opening itself was one and one half  
5 inches long.

6 Q So it would be fair to state that it was  
7 caused by something a quarter of an inch wide and an inch  
8 and a half long; is that correct?

9 A Inch and a half, yes.

10 Q The body was in a state of decomposition,  
11 as you have said. Would this affect your opinion any as to  
12 the width of the wound?

13 A The opening could be slightly larger  
14 because of the changes of decomposition.

15 Q Now, this particular one went through  
16 somewhat of a harder structure, the cartilaginous structure,  
17 did it not, that is, number five?

18 A Yes.

19 Q Was there any change in that structure  
20 itself?

21 A No, not significant.

22 Q In other words, had the skin on the outside  
23 portion of the body slipped somewhat?

24 A Yes.

25 Q What about this cartilaginous part?

26 A It appeared to be approximately what it

1 would have been at the time of death.

2 Q This is where you measured this quarter by  
3 one half; is that correct?

4 A This includes both.

5 Q Both entrances; is that correct?

6 A Yes.

7 Q Could you state, or do you know how deep  
8 the penetration was that caused this number five?

9 A Only in general estimations because of the  
10 decompositional changes and the heart being a mobile  
11 structure within the heart sac, my estimation was between  
12 three to five inches.

13 Q What type of instrument caused this, if  
14 you could come to some conclusion?

15 A A knife-like instrument.

16 Q Knife-like?

17 A Heavy knife-like instrument.

18 Q This would be distinguished from something  
19 which is like —

20 A A pipe.

21 Q Yes, something with a different type of  
22 cutting edge on it; is that correct?

23 A Yes.

24 Q Thank you very much, Doctor.

25 MR. ROSS: You may cross-examine.

26 MR. SALTER: It is 3:00 o'clock. May we have a

1 recess before cross-examination?

2 THE COURT: Yes.

3 (Short recess.)

4 MR. ROSS: I do have one more area of inquiry very  
5 briefly.

6 I have in my hand, your Honor, a knife  
7 with a bird of some kind on it and a blade with a notch  
8 on it. May this be marked as Exhibit No. 15 for identifi-  
9 cation?

10 THE COURT: It will be so marked.

11 BY MR. ROSS:

12 Q Doctor, I show you here the exhibit that  
13 we have marked as No. 15 for identification. You have  
14 seen that before; is that correct?

15 A If I believe, Mr. Whitley showed it to me.  
16 It might have been Mr. Guenther.

17 Q Also, I showed it to you a few minutes  
18 ago during the recess.

19 A Yes.

20 Q We measured the knife; is that correct?

21 A I will measure it again.

22 Q Now, you have just measured it again. Is  
23 this knife compatible with having caused the wound that we  
24 are speaking of, that is, number five?

25 A It could have.

26 Q What about the other ones? Is there also

1 a compatibility or non-compatibility, or can you tell?

2 A The other smaller wounds could have been  
3 caused, as I mentioned, sir, not measurably on the other  
4 ones. Number four could also have been caused by it.

5 Q Thank you, Doctor.

6 MR. ROSS: No further questions.

7

8 CROSS-EXAMINATION

9 BY MR. SALTER:

10 Q When you say it could have been caused by  
11 it, likewise, on the other side of the coin, it might not  
12 have been caused by it?

13 A If the knife were being used, yes.

14 Q Dr. Katsuyama, calling your attention to  
15 wound number two, which is the one on the left side of the  
16 cheek wound, were you able to determine whether any major  
17 blood vessels were cut as a result of wound number two?

18 A I could not find any major vessels. I  
19 recall trying to see if I could.

20 Q If no major blood vessels were cut as a  
21 result of the wound to number two, then is it your opinion  
22 that wound number two would not have been fatal?

23 A If the bleeding would have been stopped.  
24 I feel that a certain amount of bleeding would occur from  
25 a wound of that nature. It is just the question of how  
26 much bleeding.

1 Q It would be difficult to determine?

2 A Yes, it would be difficult to determine.

3 Q If there were no major blood vessels cut

4 and there was nothing done to the wound to take care of it,

5 do you think that the person who received that wound would

6 bleed to death from that wound?

7 ~~A~~ There is a possibility.

8 Q There is a possibility?

9 ~~A~~ Yes.

10 Q You wouldn't say that is about as far as

11 you can go as far as a possibility; is that correct?

12 A Yes.

13 Q If that possibility came to pass, how long

14 would it take that person to bleed to death, if you can

15 tell?

16 A Anywheres up to several hours.

17 Q Would it be two or three days if there was

18 no major blood vessels cut?

19 A It would take quite a long while for a

20 sufficient amount of blood to be lost.

21 ~~Q~~ So that could go into two or three days?

22 A It could, possibly.

23 Q If there was a cut, and even assuming one

24 or two major blood vessels were severed, which you weren't

25 able to observe but assumed that there were some as a result

26 of this cut wound number two, and yet there was something

1 done to stop the bleeding, some taking care of the wound,  
2 how long would a person live as a result of that wound?

3 ~~A~~ If the bleeding was controlled, and it is  
4 just a matter of minutes, then this would not even be  
5 considered fatal.

6 Q You weren't able to tell because of the  
7 condition of the body whether or not there had been some  
8 clotting or any attempt to stop the bleeding; is that  
9 correct?

10 A Yes.

11 Q So you could say from what you observed  
12 that the number two wound could have occurred, let's say,  
13 as much as two days prior to the number five wound in the  
14 chest?

15 A It is very possible.

16 Q You mentioned something about the condition  
17 of the skin slipping; is that correct?

18 A There was extensive decompositional changes  
19 in certain area of the skin that were actually stripping,  
20 peeling.

21 Q If there had been some type of a tape, a  
22 tape bandage, placed on the skin either near the number two  
23 wound or anywhere on the skin, would it be in all likelihood  
24 to have fallen off because of this decomposition?

25 A It could very easily have slipped off.

26 Q Also, did you find some ethanol in the



1 blood, as far as you know? By ethanol, we mean alcohol;  
2 is that correct?

3 A The blood was decomposed, but there was  
4 approximately 0.8 per cent alcohol in the sample.

5 Q In other words, there was alcohol in the  
6 blood at that time?

7 A There was alcohol.

8 MR. SALTER: I have no further questions.

9 MR. ROSS: I just have two.

10

11

# REDIRECT EXAMINATION

12 BY MR. ROSS:

13 Q Did you find any tape on the body itself?

14 A No, I did not.

15 Q What does the term autolysis mean?

16 A Autolysis means the self disintegration  
17 of the body and its parts after death.

18 Q Does autolysis of the blood create ethanol?

19 A It is a combination of autolysis and  
20 bacterial action.

21 Q This 0.8 ethanol in the blood could have  
22 been caused by the autolysis process?

23 A Part of it, yes.

24 Q How much would it have caused; do you know?

25 A It could have been entirely due to the  
26 autolytic decomposition; on the other hand, maybe only half

1 of it is.

2 Q There is no way of telling. In other words,  
3 the ethanol could be self generated or in part by  
4 autolyzation?

5 A Yes.

6 MR. ROSS: I have nothing further.

7 MR. SALTER: No further questions.

8 THE COURT: Thank you, Doctor.

9 MR. ROSS: Your Honor, these other exhibits, with  
10 the exception of the knife, No. 15, the last three exhibits,  
11 13, 14, and 15, I would offer into evidence at this time.

12 THE COURT: They will be received.

13 MR. ROSS: I call Deputy Fraser.

14  
15 (TESTIMONY OF JAMES K. FRASER)

16  
17 JAMES K. FRASER,

18 called as a witness by and on behalf of the People, having  
19 been first duly sworn, was examined and testified as follows

20 THE CLERK: Raise your right hand, please.

21 You do solemnly swear that the testimony  
22 you may give in the cause now pending before this Court  
23 shall be the truth, the whole truth, and nothing but the  
24 truth, so help you God?

25 THE WITNESS: I do.

26 THE CLERK: Be seated and state your name, please.



1 THE WITNESS: James K. Fraser, F-r-a-s-e-r.

2  
3 DIRECT EXAMINATION

4 BY MR. ROSS:

5 Q What is your occupation?

6 A Examiner of questioned documents for Los Angeles  
7 County Sheriff's Scientific Services Bureau.

8 Q Is that sergeant?

9 A Yes.

10 Q Sergeant, how long have you been engaged in that  
11 activity?

12 A For approximately two years.

13 Q What are your primary duties in that connection?

14 A The examination of questioned documents and hand-  
15 writing comparisons.

16 Q What sort of training did you receive for that?

17 A My training was under the supervision of  
18 Herbert L. Campbell, the departmental document examiner.

19 I examined cases, in addition for the Sheriff's  
20 Department, also for 37 other police agencies -- the Federal  
21 Government, State of California, and other county agencies,  
22 and at the request of various local courts.

23 During this time, I have examined over 3,800 cases  
24 involving approximately 30,000 documents.

25 Q This has been for the purpose of the authenticity  
26 or writing; is that correct?

1 A That is correct.

2 Q Have you testified before in court here in  
3 Los Angeles on any occasions as an expert in that field?

4 A Yes, both Municipal and Superior Courts.

5 Q Did you do any comparisons in this case?

6 A I did.

7 ~~Q~~ Sergeant, I show you the exhibit that we have  
8 marked here as People's No. 8, <sup>really pers 6 see in 2-14 + p. 11</sup> commonly known as a pink slip  
9 and direct your attention to the rear portion thereof, to  
10 the signature of Gary Hinman. Have you seen that before?

11 A Yes, sir.

12 Q Do you recall when you saw it?

13 A Yes, November 13, at approximately 12:30 p.m.

14 Q That was in my office here in Santa Monica?

15 A It was.

16 Q At that time did you also see some other docu-  
17 ments that I have here as a group, including what appears  
18 to be a traffic ticket and a contract of sale and, it looks  
19 like, another work order contract of sale?

20 A Yes, I did.

21 Q I direct your attention to the portion with the  
22 name of Gary Hinman. Did you do an examination with those  
23 writings of these exemplars I have just talked about, the  
24 tickets and the contracts, with the rear portion of the pink  
25 slip there?

26 A Yes, I did.

1 Q Did you form any opinion as to the similarity of  
2 the writing?

3 A I did.

4 Q What is that opinion?

5 A In my opinion, the name Gary Allan Hinman appear-  
6 ing on the back of People's 6 was made by the same person  
7 that signed Gary A. Hinman on those documents.

8 Q Thank you, sir.

9 MR. ROSS: No further questions.

10 May it be stipulated, Counsel, that the documents that  
11 the sergeant was reading from, as far as exemplars are con-  
12 cerned, were documents that were found in the home of  
13 Gary Hinman?

14 MR. SALTER: So stipulated.

15 THE COURT: Very well.

16 MR. ROSS: Do you have any questions?

17 MR. SALTER: I have no questions.

18 THE COURT: Thank you. You are excused.

19 MR. ROSS: Mr. Turney.

20 THE CLERK: Raise your right hand, please.

21 You do solemnly swear that the testimony you may give  
22 and the cause now pending before this Court shall be the  
23 truth, the whole truth, and nothing but the truth, so help  
24 you God?

25 THE WITNESS: I do.

26 THE CLERK: Please be seated and state your name.

1 THE WITNESS: Francis G. Turney, T-u-r-n-e-y.

2  
3 DIRECT EXAMINATION

4 BY MR. ROSS:

5 Q Mr. Turney, what is your occupation?

6 A I am a criminalist employed by the Los Angeles  
7 County Sheriff's Laboratories.

8 Q How long have you been so employed?

9 A For approximately eight years.

10 Q What are your duties in that capacity?

11 A I am supervisor in charge of the physical evidenc  
12 section, where the physical evidence is examined for burglar  
13 homicide, and other than chemical analyses of narcotics,  
14 blood alcohols.

15 Q What training do you have for that?

16 A I have a bachelor's degree from the University of  
17 Redlands, with a major in chemistry. I was employed by  
18 San Bernardino for 10 years as an analyst. I was employed  
19 by the Oakutt Industry for approximately 10 years as a  
20 research chemist.

21 Since coming with Los Angeles County, I have been unde  
22 the direction of the head criminalist in the procedures of  
23 blood analysis, as well as biological fluid analysis, physi-  
24 cal comparison of two marks, glass comparison.

25 I have also had approximately 13 units of graduate  
26 study at California State College at Los Angeles in

1 criminalistics.

2 Q You have testified in court as an expert in that  
3 field on numerous occasions here in Los Angeles?

4 A Yes, I have.

5 Q Did you make some analysis of human blood in this  
6 case?

7 A Yes, I did.

8 Q Do you have a report with you to refresh your  
9 recollection?

10 A Yes, I do.

11 Q Did you go out to a location at 964 Old Topanga i  
12 Los Angeles County here?

13 A Yes, I did.

14 Q When did you go out there?

15 A August 7, 1969.

16 Q Did you make some analysis there for blood?

17 A Yes, I did.

18 MR. ROSS: Your Honor, I have here several other  
19 objects which I would like to have marked at this time.

20 THE COURT: Very well.

21 MR. ROSS: The next is a photograph of the interior  
22 portion of the house.

23 THE COURT: Why don't you just mark those with the  
24 next sequence of numbers, and then we will identify them.

25 MR. ROSS: All right, sir. The next colored photograp  
26 with be No. 16.

1 The next is another interior portion of the house  
2 marked No. 17.

3 The next is what appears to be a kitchen. It will be  
4 marked No. 18.

5 The next is a black polo shirt with a pocket in it.  
6 It would be No. 19.

7 Finally, No. 20 would be a pair of Levis.

8 THE COURT: Including a wide belt.

9 MR. ROSS: Yes.

10 Q I show you the three colored photographs that we  
11 have just marked as Exhibits 16, 17, and 18 along with  
12 Exhibit No. 11, which has been previously marked and receive  
13 I show you these four photographs and ask do those scenes  
14 appear familiar to you?

15 A Yes, sir.

16 Q Is that the interior portion of the house that we  
17 are speaking of?

18 A Yes, it is.

19 Q Did you make an examination there for blood at  
20 that location?

21 A Yes, I did.

22 Q What was the result of that examination?

23 A We will start in the living room. There was some  
24 writing on the wall which I determined to be blood.

25 Q Is that the writing which says "political piggy"  
26 there?

1 A That is correct, and a simulated hand print.

2 Q Was all of that writing in blood?

3 A I think I just checked part of one letter, and  
4 it all looked the same, and it was all blood.

5 Q It all appeared to be blood?

6 A Yes.

7 Q What kind of an examination did you perform?

8 A A benzidine test for blood.

9 Q What does that constitute?

10 A It is a test for enzymes which is in blood. The  
11 oxidization of the benzidine in the presence of peroxide  
12 forms a glucose.

13 Q This is positive, so to speak, for blood?

14 A It is not altogether specific, but pretty specific.

15 THE COURT: Well, in your opinion, is what you found  
16 blood?

17 THE WITNESS: In my opinion, it was blood.

18 THE COURT: That is, the writing on the wall.

19 So we will have it straight, this is Exhibit 16?

20 THE WITNESS: I also found some blood on the corner of  
21 a table in the same room which is not in any of these  
22 photographs.

23 I found blood in the hallway which was between the  
24 living room and the kitchen; also the bathroom, or entrance  
25 onto it, and there was blood spots. There were stairs there  
26 blood spots on the stairs and in the hallway.



1 In the kitchen I found numerous splatterings of blood  
2 on the wall, the ceiling, and on the floor.

3 Q Is this the scene in Exhibit No. 11, the kitchen?

4 A This is one end of the kitchen. Most of the  
5 blood was at the other end of the kitchen.

6 Q This would be along a wall, was it?

7 A There was some blood on the refrigerator, which  
8 is shown on this picture. It was on the probably west wall,  
9 the north wall, and on the ceiling; and the spots were such  
10 that they appeared to have been thrown there by some person  
11 flinging their hand or swinging an instrument with blood on  
12 it.

13 Q Sort of a spray-like?

14 A Yes.

15 Q Did you check in the bathroom itself?

16 A Yes, and my recollection is we did not find any  
17 blood in the bathroom.

18 Q It was on the hallway portion, outside the bath-  
19 room; is that correct?

20 A Yes.

21 Q How far across the ceiling did this splattering  
22 of blood go?

23 A As I recall, they were kind of generally clear  
24 across the ceiling.

25 MR. ROSS: I have another two photographs. One is a  
26 colored photograph showing the interior of the house and a

1 table. May that be No. 21?

2 THE COURT: It will be 21.

3 MR. ROSS: And the next is a small black and white  
4 photo showing what appears to be a kitchen area. May that  
5 be No. 22?

6 THE COURT: Very well.

7 MR. ROSS: Let me withdraw No. 21. The one I actually  
8 need is already in evidence as Exhibit No. 3. So we will  
9 make the small black and white one No. 21.

10 THE COURT: All right, let's change it.

11 BY MR. ROSS:

12 Q I show you what has been marked earlier as  
13 Exhibit 3. Is that ~~the table~~ you are speaking of where you  
14 found the blood?

15 A That is correct.

16 Q Was this also spattering or was this larger  
17 plotches, or what?

18 A If I remember, it was kind of a smear along one  
19 edge and kind of going underneath the edge, not on top, but  
20 close to the corner.

21 Q In the picture that we have here, Exhibit No. 16,  
22 which appears as an outline of a body, is that blood on the  
23 carpet there?

24 A As I recall, I didn't even check it. I was told  
25 that was where the body was lying.

26 Q Did it appear to be blood?

1           A     It appeared to be blood, yes. There was no  
2 reason to confirm it.

3           MR. ROSS: Here is an exhibit to be marked 21 for  
4 identification. It is called a reverse photograph.

5           Q     Is that the interior of the kitchen we are speak-  
6 ing of?

7           A     Yes.

8           Q     Does that indicate the area we are talking about  
9 where blood spatters were?

10          A     Yes. You say this is 20 --

11          Q     21.

12          A     This is backwards. Yes, this was actually on the  
13 other side, and the spattering was along -- somewhere on the  
14 drawer fronts. There is a corner at the cabinet. There was  
15 some on the back wall above the sink, and then it went up  
16 and across the ceiling.

17          Q     Across what would be the top upper portion of the  
18 photograph?

19          A     Yes.

20          Q     Sir, did you also perform a chemical examination  
21 on the two items of clothing that we have marked here, the  
22 shirt and the Levis, Exhibits 19 and 20?

23          A     Counsel, I did not get the numbers. Are the  
24 Levis 19 or 20?

25          Q     The shirt was 19; the Levis are 20.

26          A     Yes, I did.

1 Q Did you mark these with your initials and confirm  
2 that?

3 A Yes, I did. On the tag my initials are -- here  
4 is the tag. It says "Towncraft" on that, and my initials  
5 are just above the label Towncraft.

6 Q That is the way you marked the Levis?

7 A Yes. On the Levis I put the laboratory receipt  
8 number 13606 and my initials.

9 Q Where did you get these two items of clothing?

10 A They were given to me by either Sergeant Whitley  
11 or Sergeant Guenther on the same day he was out at the  
12 location.

13 Q Did you perform a chemical examination for blood  
14 on these items?

15 A Yes.

16 Q Did you find any?

17 A Yes, I did.

18 Q Where was that?

19 A I have to refer to my notes.

20 Q You may use your report to refresh your recollec-  
21 tion if it is necessary.

22 ~~A~~ A It was on the right leg of the blue jeans and on  
23 the front at the bottom, and the right sleeve of the T-shirt

24 Q It would be on the right leg of the blue jeans  
25 down here where I am pointing to; is that correct?

26 A I don't remember. I would have to look to see

1 exactly where.

2 Q Go ahead.

3 A If I remember, it was found toward the bottom  
4 part, these stains in the bottom.

5 Q Those are stains or dirt marks; is that correct?

6 A Yes.

7 Q Whereabouts on the shirt was that?

8 A The notes indicate the lower front and the right  
9 sleeve. There were just traces so that I didn't cut the  
10 garments, and it is rather hard to tell exactly.

11 Q These were just small traces?

12 ~~A~~ Yes.

13 ~~Q~~ Was there enough for typing of blood?

14 A There was just enough to determine that it was  
15 blood.

16 Q And it was in fact blood?

17 A Yes.

18 Q Thank you.

19 MR. ROSS: I have no further questions.

20

21 CROSS-EXAMINATION

22 BY MR. SALTER:

23 ~~Q~~ You also examined, I take it, People's 15, which  
24 is this knife.

25 A Yes, I did.

26 Q You examined that for blood?

1 ~~A~~ Yes, I did.

2 ~~Q~~ Did you find any traces of blood on the knife?

3 ~~A~~ No.

4 ~~Q~~ Your answer is no?

5 ~~A~~ No.

6 ~~Q~~ You examined some boots also?

7 ~~A~~ Yes, I did.

8 ~~Q~~ Did you find any traces of blood on the boots?

9 ~~A~~ No.

10 ~~Q~~ Here is what appears to be a scabbard. Did you  
11 examine that for blood?

12 ~~A~~ Yes, I did.

13 ~~Q~~ Did you find traces of blood on the scabbard?

14 ~~A~~ No.

15

16

#### REDIRECT EXAMINATION

17 BY MR. ROSS:

18 Q If blood is washed off of an instrument or run  
19 into water or wiped off of an instrument, such as the knife,  
20 would it appear, then, on your test?

21 A It would be very possible to remove all the blood  
22 with a thorough washing so that it could not be found.

23 MR. ROSS: I have no further questions.

24

25

26

## RECROSS-EXAMINATION

BY MR. SALTER:

Q What about a scabbard? Do you think that blood could be removed on this type of a scabbard?

A No, it could not. If there was blood on that, I don't think you would be able to remove it.

Q So if there were blood on the knife and you put the knife on the scabbard, there would be some blood?

A Yes.

Q There are some little creases around the knife. Wouldn't it be a little difficult to wash blood off of this type of knife with these little creases and stuff?

A It is a pretty tight knife. I would say that it would be quite easy to remove all the blood from this knife.

Q Just by washing, you think?

A A thorough washing; maybe scrubbing it with a brush to insure that you get it off.

Q What kind of a brush would you have to use?

A A fingernail brush or comb cleaning brush that people have.

MR. SALTER: I have no further questions.

MR. ROSS: Nothing further of this witness.

THE COURT: Thank you. You may step down.

MR. ROSS: Your Honor, we can save considerable length of time if we can have a conference in chambers with the



1 defendant and the reporter for about five minutes.

2 THE COURT: Well, you might as well take a short  
3 recess, ladies and gentlemen.

4 At this time we will go into chambers until you are  
5 called.

6 (Whereupon the following proceedings were had in  
7 chambers outside the presence and hearing of the jury.)

8 MR. ROSS: The next witness that I have will be one of  
9 the officers who will testify to, number one, the scene and  
10 number two, certain statements that were made by the  
11 defendant. Of course, this requires, then, an out-of-court  
12 hearing that we had earlier, and I had talked to Mr. Salter,  
13 and if it is agreeable, then we can submit it on the previous  
14 testimony that we had at the 1538.5 hearing. I went into it  
15 at that time because I wasn't quite sure whether or not it  
16 was proper at that time or proper at this time, or both.

17 So if you recall the hearing that we had on that where  
18 the officer Whitley testified --

19 MR. SALTER: That was where the officer testified that  
20 he had given Mr. Beausoleil his rights, and Mr. Beausoleil  
21 got up and said he asked for an attorney, and the officer  
22 said he didn't ask for an attorney, and there was an issue  
23 of fact that the Court had to decide upon, and unless I  
24 thought the Court decided differently, I see no reason for  
25 repeating it. It will be the same testimony on both sides.

26 We will stipulate that that testimony, as far as both

1 sides are concerned, is now being brought before this Court  
2 as to the admissibility of the statements, but I am objecting  
3 that he was not given an attorney when he asked for an  
4 attorney. So it is a question of law really more than a  
5 question of fact.

6 THE COURT: At this point we have the statement of  
7 Officer Humphrey, that he read the rights out at the scene.  
8 We have the further testimony of another officer.

9 Who was that other officer?

10 MR. ROSS: Sergeant Whitley, that he read the rights.

11 MR. SALTER: And we also have the testimony of  
12 Mr. Beausoleil, that he asked for an attorney and he was  
13 not given an attorney; and as I recall, Officer Whitley said  
14 he didn't ask for an attorney so that there is a conflict of  
15 testimony.

16 MR. ROSS: Yes, and he stated the only time he asked  
17 about an attorney was at a time way at the end of the con-  
18 versation when the part about two girls was mentioned. So  
19 we would now at this time submit this testimony and the  
20 issue for purposes of my now objecting to the admissibility  
21 of those statements.

22 THE COURT: I will rule that they are admissible.

23 MR. ROSS: I can proceed with the rest of the officer

24 MR. SALTER: Is the Court's ruling based on the con-  
25 sideration of both Mr. Beausoleil and Officer Whitley?

26 THE COURT: Yes.

1 MR. ROSS: Okay.

2 (Whereupon the following proceedings were had in open  
3 court within the presence and hearing of the jury.)  
4

5 PAUL J. WHITLEY,  
6 called as a witness by and on behalf of the People, having  
7 been previously duly sworn, was examined and testified  
8 further, as follows:

9 THE COURT: Will you take the stand. You are still  
10 under oath.  
11

12 DIRECT EXAMINATION

13 BY MR. ROSS:

14 Q Sir, I remind you, as the Court just did a moment  
15 ago, that you testified earlier here today and that you are  
16 still under oath in this case.

17 Would you restate your name, please.

18 A Paul J. Whitley, W-h-i-t-l-e-y.

19 Q Once again, what is your occupation?

20 A Detective Sergeant for Los Angeles County  
21 Sheriff's Office, Homicide Brueau.

22 Q You are one of the officers assigned to the  
23 investigation of this case; is that correct?

24 A Yes.

25 Q Directing your attention to the late evening hours  
26 of the 31st of July of this year, did you receive a call to

1 9640 Topanga?

2 A Yes, I did.

3 Q That is in Los Angeles County in the Topanga area

4 A Yes.

5 Q Did you go with anyone else?

6 A Yes, I did.

7 Q With whom did you go there?

8 A Detective Charles Guenther.

9 Q What time did you arrive at that location?

10 A At approximately 10:00 p.m. on the night of the  
11 31st.

12 Q Did you see some other people there at that time?

13 A Yes, I did.

14 Q Who was that?

15 A There were three young men there, one of whom was  
16 the witness, Mr. Irwin, that testified, and Deputy Piet was  
17 there and his partner.

18 Q Did you go inside the residence location there?

19 A Yes, I did.

20 Q Who else went in with you at that time?

21 A Deputy Charles Guenther.

22 Q Did you find a dead body in there?

23 A Yes, I did.

24 Q Where was that located inside the house?

25 A The body was in the living room, with the head  
26 up against the north wall, lying on its back, with the arms

1 extended outward. He was dressed in a T-shirt and a pair of  
2 Levis and white Jockey shorts.

3 Q Did he have anything covering him?

4 A Yes, he had a ~~green blanket up approximately~~  
5 ~~chest high.~~ There was also a pillow off to the left side  
6 of the face, leaning up against the face, and a crumpled  
7 white sheet off to the right of the face, up against the  
8 wall.

9 MR. ROSS: Your Honor, I have a picture here. It is  
10 approximately four by five in size, showing a person lying  
11 on the floor.

12 May this be marked as Exhibit No. 22 for identificatio

13 THE COURT: Very well.

14 BY MR. ROSS:

15 Q I show you the exhibit that has been marked  
16 No. 22, this black and white photograph. What does that  
17 depict?

18 A This is how I viewed the body when I first arrive

19 Q It does not have a blanket on it?

20 A That is correct. I moved the body off to examine  
21 it, to determine --

22 THE COURT: You mean, the blanket?

23 THE WITNESS: I mean, the blanket off the body to  
24 determine what the cause of death was.

25 BY MR. ROSS:

26 Q How far was the blanket from the body?

1 A It was approximately just below the shoulders.

2 Q Just a couple of inches below the chin?

3 A Yes.

4 Q Did you observe any wounds on the body?

5 ~~A~~ A At that time I was not sure whether they were  
6 wounds or not. There were numerous maggots and beetles  
7 eating on the body, and the body fluids had moved in to  
8 what were later determined to be knife wounds and had caused  
9 the water fluid to rise above, which the beetles were moving  
10 into. It was hard to determine the death.

11 Q Did you subsequently determine whether there were  
12 stab wounds there in the body?

13 A Not at this time.

14 Q Viewing the location that you are talking about,  
15 on the chest where all this was, was that portion of the  
16 body covered?

17 A Yes.

18 Q Was an ID technician and Deputy White called  
19 out there at that time?

20 A Not at that time.

21 Q When was he called?

22 A That was later. I called for the coroner's office  
23 and a deputy coroner came to the location and made an exam-  
24 ination of the body; and he also felt, as I did, that we  
25 couldn't determine anything in the house and that we were  
26 going to have to remove the victim to the morgue.

1 Q Was he then removed to the morgue?

2 A Yes, he was.

3 Q At the time you made an examination of the body,  
4 did you find any type of thread or suturing material up near  
5 the head or face part of the body?

6 A No.

7 Q Did you find any tape on any portion of the body?

8 A No.

9 Q Did you observe a wound on the upper left-hand  
10 portion of the ear and the face of the body?

11 A Yes.

12 Q I show you these exhibits that we have previously  
13 marked, specifically Exhibit No. 8, which you have already  
14 referred to here. Excuse me, it is not No. 8.

15 MR. SALTER: It says 8.

16 MR. ROSS: That was marked at the preliminary hearing.  
17 That is No. 22, I am sorry, Exhibit 22.

18 THE COURT: Do you remember leaving that tag on it?

19 MR. ROSS: That is just a preliminary hearing tag.

20 THE COURT: Let us get rid of it. We don't need it  
21 any more.

22 BY MR. ROSS:

23 Q Was the body in that condition, other than the  
24 blanket on it, when you saw it?

25 A Would you be more specific.

26 Q Well, were the trousers on, as they appear there?



1 A Yes, they were exactly like that.

2 Q Did you find anything in the trousers themselves?

3 A Yes. In the right pocket of the trousers, the  
4 ~~wallet was sticking out halfway.~~

5 Q Did you remove that wallet?

6 A Yes, I did.

7 Q Did it have some identification things in it?

8 A Yes, it did.

9 Q Who was that for?

10 A For Gary A. Hinman.

11 Q Did the wallet itself have any money in it?

12 A ~~No, it did not.~~

13 Q Now, directing your attention to some of the  
14 other exhibits that we have here, first Exhibit No. 3, does  
15 that depict the interior portion of the house?

16 A Yes, it does.

17 Q There is some yellow chalk or paint mark or  
18 something on the floor. What does that indicate?

19 A I took a yellow crayon, and I outlined the body  
20 before I removed it.

21 Q I show you Exhibit No. 16. Does this also depict  
22 the interior portion of the house as you found it?

23 A That is correct.

24 Q Go ahead.

25 A The sheet here is still lying in the same positio  
26 it was in at the time that I first entered the room. The

1 pillow here had been moved off to the right.

2 Q There is a little chart here in the lower right-  
3 hand corner. What is that?

4 A That is a color contrast chart. It is so that  
5 when the pictures are reproduced, the colors will be correct

6 Q You can get a reference to the color, then; is  
7 that correct?

8 A That is correct.

9 Q This writing on the wall, the political piggy,  
10 which is just above where the person was found and below  
11 the subject here, was that there at the time?

12 A Yes, it was.

13 Q That is depicted in the top of the picture here.

14 A Yes.

15 Q Directing your attention back here to photograph,  
16 Exhibit No. 3, just to the left of this chalked mark on the  
17 rug here, was this object down here previously identified  
18 as the chanting beads there?

19 A Yes, they were.

20 Q Directing your attention now to Exhibit No. 17,  
21 what does this depict?

22 A This is the living room, looking from the north-  
23 west corner due east. It shows the lower portion of the  
24 body extending out from the chair and also the objects that  
25 we found by the left hand of the victim.

26 Q What are those?

1 THE COURT: Well, just to clarify, those are the  
2 markings that you made as to where the body had previously  
3 been?

4 THE WITNESS: Yes.

5 BY MR. ROSS:

6 Q That chalk outline is where the body had been,  
7 and you made that before the body was removed?

8 A That is correct.

9 Q What are those objects?

10 A There is a small paint brush, and a small bronze,  
11 what appears to be a dish or ashtray and a couple of books  
12 and a piece of paper.

13 Q I show you now Exhibit No. 11. Do you recognize  
14 that scene?

15 A Yes, this is in the kitchen at the same location.

16 Q In relation to the other room where the body was  
17 found, what is that?

18 A It is approximately 20 feet from where the body  
19 was found to the kitchen table.

20 Q Is that an adjacent room, or is there room in  
21 between?

22 A There is a small hallway leading from the living  
23 room into the kitchen.

24 Q What is off of that hallway?

25 A The door to the rear porch and the only entrance  
26 into the house.

1 Q Is there a bathroom at that location?

2 A Yes. It sets between the kitchen and the living  
3 room.

4 Q I show you now Exhibit No. 8. Do you recognize  
5 that scene?

6 A Yes, this is in the kitchen.

7 Q Other than placing the marks there on the floor,  
8 as you have indicated, did you disturb the scene in any  
9 other way?

10 A No, I did not, except for removing the body, and  
11 I did one other thing.

12 Q What is that?

13 A I removed a white sheet that was across the  
14 doorway from the living room to the hallway. It was tacked  
15 with two thumb tacks.

16 Q Directing your attention back to Exhibit No. 3,  
17 this table here, there are some objects underneath the table.  
18 What are those objects?

19 A Ballpoint pens.

20 Q How many of them were down there?

21 A There were approximately 10 pens and two pencils

22 Q Were there any such objects in the kitchen?

23 A Yes, I believe so. There was one ballpoint pen  
24 in the kitchen underneath the table.

25 MR. ROSS: I have another picture here, Your Honor.  
26 It shows the interior portion of the house and a small nigh

1 stand. May we have that marked as No. 23 for identification?

2 THE COURT: Very well.

3 BY MR. ROSS:

4 Q I show you the exhibit that we have marked as  
5 No. 23 for identification. What does that depict?

6 A This is from the doorway. There are two entrance  
7 into the house from the exterior into this porch and then  
8 one entrance from the porch into the house. One entrance,  
9 which is off to the west here, has a stairway that leads up  
10 to it. You come through a door, turn left, go through the  
11 second door, which is depicted in this picture, and you  
12 enter the house.

13 The other door is at the south end, and you have to  
14 go up a small path to get to it.

15 Q I show you Exhibit No. 2 here that was previously  
16 marked and received. In relation to that picture, Exhibit  
17 No. 2, where is No. 22?

18 A The doorway in this picture is to the left of  
19 this picture.

20 Q So that is the doorway here where the man is  
21 standing; is that correct?

22 A That is correct.

23 Q That would be just to the left, inside the house?

24 A Now, this is the porch here, and this is the  
25 porch in the right portion here where the man is standing.  
26 He is in the porch.

1 Q This would be that area that we are talking about  
2 A Yes, he would be right off to here (indicating).  
3 Q To the left, inside a few feet; is that correct?  
4 A That is correct.  
5 Q Were the drawers in the night stand in that  
6 condition at the time you saw them?  
7 A Yes.  
8 Q I have another photograph here showing the floor  
9 area, and it has a table and an old-time stove.  
10 MR. ROSS: May this be No. 24 for identification?  
11 THE COURT: Very well.  
12 BY MR. ROSS:  
13 Q I show you this photograph, Officer, No. 24 for  
14 identification. What does this scene depict?  
15 A This is a stove that sets in the middle of the  
16 porch area, and to the rear here of the stove is the door  
17 that leads from the pathway, and off to the right here would  
18 be the door that leads in here through the stairway.  
19 Q There are some objects that are circled there.  
20 What are those objects?  
21 A Those are small pieces of a chain.  
22 Q These are broken pieces of a chain?  
23 A Yes.  
24 THE COURT: Just so we have this straight, I notice  
25 that in this photo there are dark circles, and I think that  
26 is what we are referring to; is that right?

1 THE WITNESS: That is correct.

2 THE COURT: Those appear to be marks that have been  
3 placed on the floor surrounding the small pieces of chain.

4 THE WITNESS: That is correct.

5 THE COURT: If you look closely, you can look inside  
6 of that circle, and you can see something, and that is what  
7 you are calling small pieces of chain?

8 THE WITNESS: Yes. We were afraid they wouldn't  
9 photograph because of their size.

10 THE COURT: That is what I have been getting at.

11 MR. ROSS: Your Honor, I have just opened an envelope  
12 here which contains small broken pieces of chain. May this  
13 be marked No. 25?

14 THE COURT: Very well.

15 BY MR. ROSS:

16 Q Officer, I show you these pieces of chain that  
17 we have just taken out of this envelope here. What is that?

18 A That is the chain that is depicted in this  
19 picture and circled by the black marks.

20 Q That is the photograph we have been talking about  
21 Exhibit No. 24; is that correct?

22 A That is correct.

23 Q And you picked it up and put it in this sealed  
24 envelope; is that correct?

25 A That is correct.

26 THE COURT: Well, if I understand you, you marked the



1 location of the pieces of chain on the floor, then you took  
2 the photo?

3 THE WITNESS: That is correct.

4 THE COURT: So that the photo shows where they were  
5 when you got there?

6 THE WITNESS: That is correct.

7 THE COURT: After, you had them marked.

8 THE WITNESS: That is correct.

9 THE COURT: After that, you picked them up, and that  
10 is what we have in the envelope.

11 THE WITNESS: That is correct.

12 BY MR. ROSS:

13 Q In relation to the rest of the house, as,  
14 specifically, the kitchen and the living room, where is  
15 this room where you have marked the chain on there?

16 A This probably would be easier if I could draw  
17 you a diagram of this house. It sits on the outside of a  
18 hill, and it has got kind of an unusual floorplan.

19 Q Here is the house itself here, and we have at  
20 least the front portion of it in Exhibit No. 2. Would it  
21 be in the front portion or the back portion of the house?

22 A It was in the porch area right here (indicating),  
23 and it would be approximately six feet this way (indicating)  
24 from where Detective Guenther is standing.

25 Q That is six feet to the right there, from looking  
26 at this photograph, which is Exhibit No. 2; is that correct?

1 A That is correct.

2 Q That is just off the location that you have indi-  
3 cated where the night stand was, which is next to the  
4 kitchen, or am I getting confused? Where in relation to the  
5 kitchen would that chain be?

6 A We have the porch where the chain is found.  
7 Then you have to enter a hallway. If you go to the right  
8 in the hallway, you are in the kitchen; to the left, you are  
9 in the living room; and straight ahead, you are in the  
10 bathroom.

11 Q In Picture 23 here, you are standing in the porch  
12 looking through a window into the kitchen, and it is just  
13 off to the right of that area?

14 A Yes.

15 MR. ROSS: Your Honor, I have here also a checkbook,  
16 personalized to Gary Hinman, at 964 Topanga Canyon. May thi  
17 checkbook and its contents be marked as Exhibit No. 26?

18 MR. SALTER: May I see that, Counsel?

19 MR. ROSS: Yes, surely.

20 THE COURT: Very well.

21 BY MR. ROSS:

22 Q Officer, I show you here the exhibit that we have  
23 marked as No. 26 for identification, this checkbook. Have  
24 you seen this object before?

25 A Yes, I have.

26 Q Where was that when you first saw it?

1           A       Deputy Guenther found this in the kitchen area,  
2       called me in.

3           Q       And pointed it out to you?

4           A       Yes.

5           Q       Do you recall whereabouts it was?

6           A       Not exactly. I believe it was in a coat that  
7       was hanging in the kitchen. I am not sure, though.

8           Q       Did you make a search of the house itself?

9           A       Yes.

10          Q       Did you find any money around the house at all?

11          A       No.

12               MR. ROSS: I have another object here, your Honor.

13       It is another pink slip to an automobile. Metropolitan  
14       is the type of automobile. May that be marked as No. 27?

15               THE COURT: Very well.

16               BY MR. ROSS:

17           Q       I direct your attention to Exhibit No. 27 which  
18       has just been marked for identification, this pink slip.  
19       Did you find this at the location also?

20          A       Yes.

21          Q       Whereabouts did you find that?

22          A       This was in a metal cabinet in the living room.

23          Q       Directing your attention into the kitchen area  
24       of this house, did you observe any place where there  
25       appeared to be blood spots?

26          A       Later, yes.

1 Q Whereabouts did you observe that?

2 A I observed that on the ceiling, the north wall,  
3 the west wall, and east wall.

4 Q Would you tell us what those looked like?

5 A They were very minute spots, splattering all  
6 over, very, very fine. It was hard to detect. It was also  
7 on the refrigerator on the front door, on the table top --  
8 countertop, I should say, on the east counter, and along  
9 the kitchen cabinets up above, going all the way to the  
10 ceiling, and then extending across the ceiling.

11 Q All the way across the ceiling or just part-way,  
12 if you recall?

13 A It was splattered all the way, concentrated more  
14 on the east portion of the kitchen than the west portion.

15 Q What about in the living room?

16 A Yes, there was what appeared to be blood under-  
17 neath where the body was found on the wall, the writing;  
18 also in the hallway right in front of the bathroom door.

19 Q You were there, I take it, when this Mr. Turney  
20 came out to make his physical examination or chemical  
21 examination; is that correct?

22 A Yes, he did it at my direction.

23 Q Was there anything unusual about the scene where  
24 the blood was located at the time when you were there  
25 earlier?

26 A No.

1 Q You hadn't wiped any of it up or attempted to  
2 wash any of it or anything?

3 A No.

4 Q Did you find any blood or what appeared to be  
5 blood in the bathroom itself?

6 A No.

7 Q Did you find any in the hallway near the bathroom

8 A Yes.

9 Q Were these fine sprays or were they larger spots,  
10 or what?

11 A Very small spots.

12 Q I want to direct your attention to a few days  
13 later, to the 6th of August of 1969. Did you get a call  
14 from San Luis Obispo authorities?

15 A Yes, I did.

16 Q Did you go up to San Luis Obispo?

17 A Yes, I did.

18 Q Who else went with you, if anybody?

19 A Detective Guenther and a latent print deputy,  
20 Jake Jordon.

21 Q Detective Guenther is the gentleman seated to my  
22 right here; is that correct?

23 A Yes.

24 Q When you went up there, what time did you get up  
25 there, and when?

26 A In the evening hours. I believe it was about

1 8:30 in the evening.

2 Q Of the 6th or on the following day?

3 A Of the 6th.

4 Q When you got up to the location, did you see  
5 the defendant, Mr. Beausoleil?

6 A Not at that time, I didn't.

7 Q When did you see him?

8 A We saw him at approximately 10:00 p.m. that  
9 evening.

10 Q Whereabouts was it, I should say, that you saw  
11 him?

12 A I saw him at the San Luis Obispo County Jail.

13 Q From the time that you saw him, or before you  
14 saw him, or after, or sometime during that period of time,  
15 did you get some property out of the custody of the  
16 Sheriffs that had been booked to the defendant?

17 A Yes.

18 Q Among that property, did you have these exhibit  
19 that we had previously marked, the levis, which are  
20 Exhibit No. 20, and the black shirt, which is Exhibit No. 1

21 A Yes.

22 Q Both of the objects?

23 A Yes.

24 Q Were they submitted to Mr. Turney in the crime  
25 lab?

26 A Yes, they were.

1 Q Did you also see a Fiat automobile up there?

2 A Yes, I did.

3 Q I show you two exhibits that we have previously  
4 marked as 1 and 5. Exhibit 1 is the front portion of an  
5 automobile. Is that the automobile we are talking about?

6 A Yes.

7 Q I show you Exhibit No. 5, which is a rear portion  
8 of a white automobile. Is that the automobile that we are  
9 talking about?

10 A Yes.

11 Q That has the license number OYX 833?

12 A Yes.

13 THE COURT: I want to interrupt for just a moment.

14 Sergeant Whitley, you told us now that you made  
15 this trip to San Luis Obispo and saw this car. Prior to  
16 making this trip to San Luis Obispo, did you have any infor-  
17 mation concerning this car?

18 THE WITNESS: Yes, I did.

19 THE COURT: Where did you first get information concern  
20 ing the car?

21 THE WITNESS: From Mr. Irwin and the two young men that  
22 were with him that found Mr. Hinman.

23 THE COURT: In other words, you had taken information  
24 from them as to the kind of a car that the decedent had?

25 THE WITNESS: Yes.

26 THE COURT: Had you made any official report in the



1 Sheriff's office and to the various police agencies to the  
2 effect that the car was missing?

3 THE WITNESS: Yes, after I verified it with the  
4 department.

5 THE COURT: When did you make that report?

6 THE WITNESS: I believe that was done on August 2nd.

7 THE COURT: Thank you.

8 BY MR. ROSS:

9 Q You determined that automobile to have been  
10 Mr. Hinman's, the one we are speaking of?

11 A Yes.

12 Q That is the same one that is shown on the pink  
13 slip and the white slip that was earlier identified,  
14 Exhibits No. 6 and 7; is that correct?

15 A Yes.

16 MR. ROSS: Your Honor, I have here four black and white  
17 photographs. I would like to mark them 28, which is the  
18 rear portion of the seat down at the station wagon vehicle.

19 THE COURT: Well, let's just mark them in the order  
20 that you want to offer them.

21 MR. ROSS: All right. The next is a picture of what  
22 appears to be a knife on a wheel. This would be No. 29.  
23 No. 30 is two hands holding a knife and a scabbard.

24 Q I show you what we have marked as No. 28 for  
25 identification. Do you recognize that?

26 A Yes.

1 Q What is that?

2 A This is the rear portion of the station wagon  
3 with the door open..

4 Q I show you Exhibit No. 29. Do you recognize  
5 that?

6 A Yes. This is the rear portion of the station  
7 wagon with the door open and the floorboard pulled up to  
8 show the tire well.

9 Q Depicted there ~~is what appears~~ to be a knife  
10 and scabbard. Was that ~~there at that time?~~

11 A That is correct.

12 Q I show you here what we have as Exhibit No. 15,  
13 the knife.

14 MR. ROSS: And I would like to mark this scabbard as  
15 Nb. 31, if you would, your Honor?

16 MR. SALTER: Just so the record is clear, could the  
17 scabbard, Counsel is now marking --

18 MR. ROSS: Perhaps, we will make that 15-A.

19 THE COURT: I think that is probably a good idea.

20 MR. SALTER: May the record reflect that the scabbard  
21 15-A is the same one that Mr. Turney testified to regarding  
22 the testing for blood.

23 THE COURT: Yes.

24 BY MR. ROSS:

25 Q I show you the knife, Exhibit 15, and the scabbard  
26 15-A, is that the knife and scabbard that we are speaking of

1 here in this photograph, Exhibit No. 29?

2 A Yes.

3 Q Where was that found?

4 A They were found in the tire well at the rear  
5 portion of 19 -- I can't remember. It is a Fiat station  
6 wagon, 1965.

7 Q That would be shown in Exhibit No. 28 here, the  
8 rear portion of the station wagon with a seat or the tail-  
9 gate open, I should say, if you just lift up this rug or  
10 rubber mat here? That would be underneath it here; is that  
11 correct?

12 A That is correct.

13 Q Exhibit No. 30 here that we have, does that show  
14 the same knife and scabbard listed?

15 A Yes. This picture was taken as we were removing  
16 the knife from the tire well.

17 THE COURT: Pardon me, Mr. Ross. This is probably as  
18 good a time as any to break for the evening recess.

19 We will take our evening recess at this time.

20 Ladies and gentlemen, let me admonish you again  
21 not to discuss among yourself or with anyone else anything  
22 pertaining to this case or the evidence that has been  
23 received.

24 Also remember to retain an open mind until the  
25 case has been finally submitted to you.

26 In the morning we have a rather congested calend

1 around here. I am quite sure, from looking at the Clerk's  
2 calendar, that we will not be able to get to this trial  
3 until at least 11:00 o'clock. So to those of you, who are  
4 so minded, you may be able to sleep in a little later. In  
5 any event, I am going to recess until 11:00 o'clock tomorrow  
6 morning. Will you all please return at that time.

7  
8  
9 ---o---

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. WEST G

HON. JOHN SHEA, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

ROBERT KENNETH BEAUSOLEIL,

Defendant.

No. A-057452

STATE OF CALIFORNIA )

COUNTY OF LOS ANGELES ) ss.

I, ANITA SHAW, Official Reporter of the Superior Court of the State of California, for the County of Los Angeles, do hereby certify that the foregoing 165 pages comprise a full, true and correct transcript of the proceedings had and the testimony taken in the matter of the trial on the aforementioned dates in the above-entitled cause.

Dated this 15th of January, 1970.

/s/ Anita Shaw

Official Reporter