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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.

ROBERT KENNETH BEAUSOLEIL,

Defendant.

No. A-057,452

VOLUME II

(Pages 167-291)

REPORTER'S TRANSCRIPT

Monday, November 17, 1969  
Tuesday, November 18, 1969  
Monday, November 24, 1969  
Tuesday, November 25, 1969  
Wednesday, November 26, 1969

APPEARANCES:

For the People:

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Deputy District Attorney

For the Defendant:

LEON M. SALTER,  
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LOS ANGELES, CALIFORNIA, THURSDAY, NOVEMBER 17, 1969,

11:07 A.M.

---O---

THE COURT: People versus Beausoleil.

MR. SALTER: We have a motion to be made. May we make it in chambers?

THE COURT: The defendant has not come yet. Where is Beausoleil?

THE BAILIFF: He is not here yet.

THE COURT: Is this motion that you are making going to require his presence?

MR. SALTER: Not really, your Honor.

THE COURT: Let us go into chambers.

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

THE COURT: First of all, let the record show that due to a failure in communication, the defendant Beausoleil was not brought out at the usual time this morning. He is en route from the county jail and will be here shortly.

At this time his counsel has indicated that he has a motion to make but that he feels that it can be made in the absence of the defendant.

MR. SALTER: That is correct, your Honor.

THE COURT: We are in chambers.

MR. SALTER: First of all, I would like to introduce as defendant's A, for purposes of this motion only, not, of

4  
1 course, to go in front of the jury, an article, and Counsel  
2 will stipulate that this article was in Friday's evening  
3 Outlook.

4 MR. ROSS: I will not stipulate. I will take your  
5 word for it.

6 MR. SALTER: It was in Friday's evening Outlook.  
7 This is the article plus a picture.

8 The Court remembers that about the 13th of October,  
9 Mr. Lester of our office, at my request, presented the  
10 Court with a written Order restricting the release of infor-  
11 mation pending in the trial, and requested that the Court  
12 sign the Order and make such an Order; and at that time the  
13 Court in its judgment decided not to.

14 THE COURT: I will tell you just exactly what the  
15 Court did. I got the perfunctory paper indicating a stand-  
16 ard order directing that nobody give out any prejudicial  
17 information with regard to this case, and at that time the  
18 Order was laid on my desk, and I did not sign it, because  
19 there was no showing that there was any need for it, and so  
20 I did not sign it.

21 MR. SALTER: Well, anyhow it wasn't signed. Anyhow,  
22 as a result, there is, at the end of the article, a refer-  
23 ence to certain statements made by another individual in  
24 which this other individual refers to things that my defend-  
25 ant, Mr. Beausoleil, had allegedly did.

26 I would make the following motion: First of all,

5

1 I would ask for a change of venue at this time to some area  
2 outside the Santa Monica area. Secondly, I would ask for  
3 the Order to restrict the releasing of information pending  
4 trial, that is, an Order in which the press is ordered not  
5 to release information other than what is presented in the  
6 witness stand in front of the jury. Thirdly, I would ask  
7 the Court to inquire of the members of the jury whether any  
8 of them have read any articles relating to this case since  
9 they have been impanelled as a jury. Fourthly, to order  
10 them not to read any articles relating to this case.

11 THE COURT: The motions are all denied.

12 MR. SALTER: The Court is not going to even inquire  
13 of the jury?

14 THE COURT: No.

15 MR. SALTER: Your Honor, I would ask for a mistrial  
16 in this matter, in that some jurors could have read this  
17 article, and this article would be so prejudicial to defend-  
18 ant's case as to his having a fair trial.

19 THE COURT: That motion will likewise be denied,  
20 and I am not asking for the very reason that it would a  
21 attract attention to the thing.

22 They have previously been advised not to look at  
23 any articles pertaining to this case, and I am going to act  
24 on the assumption that they are following my instructions  
25 in that regard.

26 To make this request at this time as to whether or

1 not anybody has done this, in violation of the Order, would  
2 merely attract attention to it and emphasize it so that I  
3 will act on the assumption, based upon experience that I  
4 have had for many years, that jurors do follow the Court's  
5 instructions.

6           Publicity does not affect jurors' verdicts.

7           MR. SALTER: May the article be admitted into  
8 evidence for purposes of this motion?

9           THE COURT: It will be received as a special Exhibit  
10 for the purpose of this motion only.

11           MR. SALTER: And not to go to the jury.

12           THE COURT: No.

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

15           THE COURT: Good morning ladies and gentlemen. We  
16 have had an unfortunate breakdown in communications this  
17 morning which delayed us somewhat, but at least we can get  
18 under way again.

19           Are you ready to proceed?

20           MR. ROSS: Sergeant Whitley, you may take the stand.

21           THE COURT: Ladies and gentlemen, I am going to give  
22 you a little illustration of what can happen. Now, I have  
23 told you not to discuss the facts in this case outside the  
24 jury room with anyone, and also I have instructed you to  
25 leave out reading any newspapers.

26           I will give you an illustration of what can happen.



1 I had a civil case going here in which there was a woman  
2 who had slipped and fallen in a market, and one of the  
3 jurors, very innocently and over a weekend, is talking to a  
4 nurse friend of hers about the case. Now, it was all very  
5 innocent, and the nurse said, "Oh, I remember her. She is  
6 the gal that slipped on the mayonnaise." There was no may-  
7 onnaise involved at all. It was just completely and totally  
8 erroneous.

9 I mention this to you because it shows how easy it  
10 is to get misinformed by sources outside of the courtroom.

11 That is why we urge you to avoid any contact outside  
12 of the courtroom. Just depend upon what you hear here,  
13 because this is the only thing that you can rely upon.

14 I point that out to you because it is important.  
15 Please bear that in mind.

16  
17 PAUL J. WHITLEY,

18 called as a witness by and on behalf of the People, was  
19 sworn, examined and testified as follows:

20 THE CLERK: Would you please raise your right hand.

21 Do you solemnly swear that the testimony that you  
22 may give in the cause now pending before this Court shall  
23 be the truth, the whole truth, and nothing but the truth,  
24 so help you God?

25 THE WITNESS: I do.

26 THE CLERK: Be seated and state your full name,

1 please, for the record.

2 THE WITNESS: Paul J. Whitley.

3 THE CLERK: Thank you.

4  
5 DIRECT EXAMINATION

6 BY MR. ROSS:

7 Q Officer, is this the knife and scabbard that we  
8 have been speaking of in 15 and 15a?

9 A That is correct.

10 Q Those were the ones that were shown on the two  
11 pictures I had shown to you earlier; is that correct?

12 A Yes.

13 Q You had identified this Fiat automobile from  
14 the pictures that we had had here earlier, and these were  
15 taken under your direction; is that correct?

16 A That is correct.

17 Q Did you go through the car rather thoroughly?

18 A Yes, I did.

19 Q Did you find in it anything which appeared to  
20 be blood or blood spots?

21 MR. SALTER: Your Honor, I am going to object to the  
22 question, unless he proceeds in a manner in which he took  
23 tests and such as an expert.

24 THE COURT: I think that is a matter of cross-  
25 examination.  
26

1 BY MR. ROSS:

2 Q Did you observe anything that appeared to be  
3 blood or blood spots?

4 A No.

5 Q During the course of the investigation, you  
6 also found that Mr. Hinman had another automobile; is that  
7 correct?

8 A That is correct.

9 Q From what did you determine this?

10 A From a registration that I found in the house  
11 and also from his employer, Mr. Krell, and also some of the  
12 friends.

13 Q What kind of an automobile was that?

14 A It was a Volkswagen, microbus.

15 Q I show you here the registration. Is this the  
16 registration that you found in the house?

17 A Yes, it is.

18 Q What is the license number there?

19 A Paul, George, Edward, 388.

20 Q It is PGE 388?

21 A That is correct.

22 Q I have here a colored photograph of several  
23 views of what appears to be a Volkswagen-type van. Have  
24 you seen this before?

25 A Yes, I have.

26 Q What does that show?

10

1 A That is a Volkswagen microbus with a thunderbird  
2 on the side, license number Paul, George, Edward, 388.

3 Q That is the one we have been referring to;  
4 is that correct?

5 A That is correct.

6 MR. ROSS: May that picture be marked number 31?

7 THE COURT: It will be received and so marked.

8 BY MR. ROSS:

9 Q I want to go back a moment to the house itself.  
10 Where were you in Old Topanga on the 1st of August or the  
11 late evening of the 31st of July?

12 MR. ROSS: I have here a letter from the Department  
13 of Motor Vehicles, in Sacramento, with a date on it. May  
14 this be marked number 32?

15 THE COURT: Very well.

16 BY MR. ROSS:

17 Q I show you a letter here with the name of  
18 Robert Kenneth Beausoleil on it and an address in San  
19 Francisco. Have you seen that before?

20 A Yes.

21 Q When and where did you first see that?

22 A I found this letter in a night stand on the  
23 porch almost at the bottom of the drawer.

24 Q That is the one that was depicted in the  
25 photographs earlier?

26 A Yes.

11

1 THE COURT: You mean, the night stand that was  
2 depicted?

3 MR. ROSS: Yes.

4 THE COURT: All right.

5 MR. ROSS: I have here another small black and white  
6 photograph of the kitchen area. May this be number 33, your  
7 Honor?

8 THE COURT: It will be so marked.

9 BY MR. ROSS:

10 Q I show you another photograph marked as number  
11 33. Does that scene appear familiar to you?

12 A Yes, it does.

13 Q What is that?

14 A This is the kitchen area. This photograph here  
15 is a reverse negative. The icebox belongs on the opposite  
16 side.

17 Q But on the other side it shows the scene but  
18 just reversed; is that correct?

19 A That is correct.

20 Q Directing your attention there to the sink area  
21 that is shown, were there any dirty dishes there in the sink?

22 A In the sink, no.

23 Q Are there any nearby or adjacent to it?

24 A There were dishes that were washed out and  
25 placed in this drainer.

26 Q And the brush that appears on the wall there,

12

1 was that hanging there at the time?

2 A Yes.

3 MR. ROSS: I have here a number of certified  
4 documents from the Department of Motor Vehicles pertaining  
5 to a Volkswagen, license number PGE 388. May these be  
6 marked as Exhibit number 34?

7 THE COURT: Are these documents that you sent for  
8 in order to show the registration?

9 THE WITNESS: Yes, they are.

10 THE COURT: These are certified copies?

11 MR. ROSS: They are certified. It says right here  
12 "certified."

13 THE COURT: Number 34.

14 BY MR. ROSS:

15 Q Sir, I show you what has been marked now as  
16 Exhibit number 34 for identification. Have you seen those?

17 A Yes.

18 Q Where did you get those from?

19 A I received these from the Department of Motor  
20 Vehicles.

21 Q These pertain to the Volkswagen bus we have  
22 been speaking about, do they not?

23 A Yes.

24 Q These were sent at your request from the  
25 Department of Motor Vehicles; is that correct?

26 A Yes.

1 Q When you were at the location, did you see a  
2 telephone there?

3 A Yes, I did.

4 Q Did the telephone appear to be in working order  
5 when you were there?

6 A Yes, I used it.

7 Q Were there any other knives, large-type knives,  
8 found at the house?

9 A Yes.

10 Q Where were they found?

11 A One was found at the bottom of the stairway  
12 leading into the porch.

13 Q Would you describe that for us?

14 A It is in the box there. It has a wooden handle.  
15 The blade is approximately half an inch in width by four  
16 inches in length.

17 Q Did you find any other knives other than just  
18 kitchen knives?

19 A There were some small knives in the kitchen,  
20 but they were steak knives and such, very small.

21 Q I show you here a knife with a wooden handle.  
22 Is this the one that you are referring to?

23 A Yes, it is.

24 THE COURT: Where did you find that knife?

25 THE WITNESS: This was at the bottom of the stairs,  
26 outside.

1 THE COURT: The stairs that are in the photograph  
2 on the outside of the house?

3 THE WITNESS: Yes, sir.

4 THE COURT: Was this on the ground, then?

5 THE WITNESS: Yes.

6 BY MR. ROSS:

7 Q That is on the outside of the house, not inside  
8 is that correct?

9 A That is correct.

10 MR. ROSS: May I have that marked number 35?

11 THE COURT: It will be so marked.

12 BY MR. ROSS:

13 Q Let's get back to San Luis Obispo. It stated  
14 that you had gone back up there, and that at the time you  
15 saw the defendant it was in the early morning some time  
16 on the 7th of August?

17 A It was on the 6th of August --

18 Q Excuse me.

19 A -- at approximately 10:00 p.m. at night.

20 Q Was that when you saw the defendant?

21 A Yes.

22 Q At the time that you saw the defendant, how  
23 was he dressed?

24 A He was in jail clothes.

25 Q Did you pick up from the booking officer there  
26 the clothes and property that had been booked to the



1 defendant?

2 A Yes.

3 Q Did you go through that property?

4 A Yes, I did.

5 Q Did you find any money in that property?

6 A Yes, there was a small amount.

7 Q Change, or what?

8 A I believe so. I don't think it was more than  
9 a dollar and a half.

10 Q I also show you the Exhibit that we have marked  
11 here as number 6, this pink slip for the Fiat. Did you also  
12 get that?

13 A Yes, this was in his property.

14 Q Was there anything unusual about his physical  
15 condition at that time?

16 A Yes. He had small scratch marks in the throat  
17 area and on the chest.

18 Q Would you describe those a little more fully,  
19 if you can?

20 A They were very thin scratch marks. He told us  
21 that.

22 Q Well, I didn't ask you that. Would you describe  
23 those?

24 A There were extremely thin, superficial scab  
25 marks on them. They appeared to be old.

26 Q Did you have a conversation with him at that

1 time?

2 A Yes, I did.

3 Q Were the statements freely and voluntarily  
4 made by him?

5 A Yes.

6 Q Would you tell us what he said?

7 A We asked Mr. Beausoleil what he was doing  
8 driving Gary Hinman's car, and he told me that Gary Hinman  
9 had loaned him the car; that Gary had signed the pink slip  
10 off and gave it to him so that if he got stopped by the law,  
11 there would be no problems.

12 We then told him that we had found a knife in the  
13 tire well of the vehicle and that it had blood on it. He  
14 told us that the knife belonged to him, and that he had  
15 been stopped in Santa Barbara by a police officer and he  
16 had hidden the knife in the tire well so that he wouldn't  
17 get in any trouble with the law. We then talked to him  
18 about it.

19 Q Well, just a moment. You stated that you found  
20 blood on the knife; is that correct?

21 A Yes.

22 Q Did it appear that you had seen some on it?

23 A There was something that appeared to be blood  
24 on the knife.

25 Q I show you the knife. Are there some kind of  
26 spots or anything that might indicate blood to you?

17

1 A Not now.

2 Q But there were at that time; is that correct?

3 A Yes.

4 Q So would you continue with your conversation?

5 A Where was I?

6 MR. SALTER: I am going to ask that the jury be  
7 instructed that the statement regarding blood not be con-  
8 sidered as a fact.

9 I think this has been very misleading in the testi-  
10 mony that has been presented.

11 THE COURT: Well, obviously, the statement that  
12 there was blood on the knife has not been proven. It is  
13 offered to show what these officers told Bobby at that time,  
14 coupled with the fact that the officer has also testified  
15 that at the time he first saw the knife there were some  
16 spots that are not on the knife now.

17 MR. ROSS: Yes, and goes to state of mind. That is  
18 all.

19 Counsel made a point about making a stipulation,  
20 and we would so stipulate that any spots that were there  
21 were removed by the chemist in making his examination. The  
22 coroner testified that he saw no blood spots there at the  
23 time.

24 MR. SALTER: I will so stipulate.

25 BY MR. ROSS:

26 Q Sir, you mentioned that you had stated to him

1 something about your finding blood on the knife. Would you  
2 continue from there.

3 A We then asked Mr. Beausoleil why he had told  
4 the CHP Officer that arrested him that he had bought the  
5 car from a Negro in Los Angeles for, I think it was, \$200  
6 or something; and he stated that the officer had lied; that  
7 he didn't say anything like that.

8 Then we asked him when was the last time that he  
9 had been up to the Hinman home.

10 He stated it was approximately two weeks prior to  
11 our conversation on the 6th, and that it was on a weekend.

12 He said that he had hitchhiked to the Old Topanga  
13 Canyon address with two girls, arriving some time in the  
14 evening hours. That when he arrived, he went in the house,  
15 and Mr. Hinman was in the bathroom bleeding from a cut on  
16 the ear, on the side of his face. That he told Mr. Hinman  
17 to go into the front room and lay down on the floor, and at  
18 this time he attempted to stop the bleeding by taking black  
19 electrical tape and taping the face together and some dental  
20 floss and a needle, attempting to suture the ear together.  
21 He said that the blood subsided, and that he was concerned  
22 over Mr. Hinman's condition so that he spent the night.

23 He slept in a chair alongside of Mr. Hinman, and  
24 the two girls stayed in the house. That they stayed all  
25 day Saturday, and that Mr. Hinman, in being grateful for  
26 his helping him, signed a pink slip off to his car and gave

19

1 him the keys to the Fiat to use.

2 He further stated that Mr. Hinman told him, when he  
3 first arrived at the house, that he had been jumped by some  
4 Negroes in Santa Monica over a political issue, and that  
5 they had hit in the face with a knife.

6 We then asked him if Mr. Hinman had any other  
7 wounds on him besides the ones across the face, and he  
8 said no, he did not.

9 We asked him how Mr. Hinman was dressed, and he  
10 said he was in a white T-shirt and blue Levi's, and that  
11 when he last saw him, he was lying on the living room floor  
12 with a green blanket up over him.

13 We asked him if there was any writing on the wall.  
14 He stated there wasn't.

15 We asked him why he hadn't called the doctor, and  
16 he said that Mr. Hinman did not want a doctor, didn't want  
17 any type of medical assistance or for anyone to know what  
18 had happened.

19 We then went back to the blood on the knife, and  
20 he stated that at one time that he had killed small animals  
21 with the knife, if there was blood on it, but that he had  
22 used it mainly for spreading peanut butter, and that possibly  
23 could be what we saw on the knife.

24 I then asked him about a credit card that we found  
25 on him.

26 MR. SALTER: Your Honor, I will object to that. I

1 don't see how that is material at this point.

2 THE COURT: Sustained.

3 BY MR. ROSS:

4 Q Did you ask him anything about the name  
5 Daniels at any point?

6 A Yes.

7 Q What was that conversation?

8 A We asked him why he was using the name of  
9 Jason Daniels, when he was first stopped, and then changing  
10 his name when he was at the county jail to Robert Beausoleil.

11 He stated the name Daniels was his professional name,  
12 what he used, and that he was a musician.

13 Q Did you ask him anything further about the car,  
14 from where he took it, why he was using it, and so forth?

15 A We asked him what his destination was at the  
16 time that he was arrested, and he stated San Francisco; that  
17 he was going to visit some friends.

18 We then asked him if Mr. Hinman had given him per-  
19 mission to take the car to San Francisco, and he stated,  
20 "Well, no, I don't think he would like that very much."

21 Q Did Mr. Beausoleil state where he was staying?

22 A No, he refused to.

23 Q Did he say what he did with the car, that is  
24 the Fiat, after he left Mr. Hinman's house?

25 A He said after he left the Hinman house, that  
26 he went to stay with some friends, and that then he decided

21

1 to go to San Francisco, and that he kept the car during  
2 this time.

3 Q Did he mention anything about his past acquaint-  
4 anceship with Mr. Hinman?

5 A Yes. He stated that approximately a year to a  
6 year and a half prior to that, he had stayed at the Hinman  
7 house for a month or so.

8 Q Mr. Beausoleil stated he had left the house.  
9 Did he ever state that he had gone back or attempted to get  
10 in contact with Mr. Hinman again?

11 A Yes. He stated that he left on a Saturday  
12 evening, and the following day he called the Hinman house  
13 to find out how Mr. Hinman was, and that he didn't receive  
14 an answer.

15 Q Did he make any other attempt to get a hold  
16 of him?

17 A No.

18 Q Did he indicate how long Mr. Hinman told him  
19 he could use the car?

20 A He said it was an undetermined amount of time.

21 Q Was there anything mentioned about this  
22 Volkswagen van or bus --

23 A No.

24 Q -- either by you or Mr. Beausoleil?

25 A We asked him about it. He said he didn't know  
26 anything about it.



1 Q Did he state whether or not Mr. Hinman had  
2 given him anything else other than the car?

3 A The keys to the car, the pink slip, and that was  
4 it.

5 Q What did he say about the pink slip, if anything?

6 A He said that Mr. Hinman had signed the pink  
7 slip off and had given it to him in case he was stopped by  
8 the police.

9 Q Did he state whether or not the car was to be  
10 given to him or just used by him?

11 A That it was just being used. It was loaned to  
12 him.

13 THE COURT: Pardon me, Mr. Ross. It is time for  
14 our noon recess.

15 I am sorry that we didn't get more time in, ladies  
16 and gentlemen, but this is the way that things go. In any  
17 event, I hope we will have a full, uninterrupted afternoon.

18 We will take our noon recess at this time and  
19 reconvene at 2:00 o'clock this afternoon. Please return at  
20 that time.

21 Remember not to discuss the facts in issue in the  
22 case.

23 (Lunch recess.)

24 THE COURT: Will you proceed.

25 MR. ROSS: Yes, thank you.

26 Sergeant Whitley, would you resume the stand.



## DIRECT EXAMINATION CONTINUED

BY MR. ROSS:

Q Before the noon recess, Sergeant, I asked you some questions regarding the statements of the defendant, and one statement was that he had gone to the house with some girls; is that correct?

A Yes.

Q Did he give the names of the girls?

A No, he refused to.

Q Directing your attention back to the house for a few moments, in the conversation was there anything mentioned about the defendant's having wiped up any blood?

A Yes.

Q What is that?

A He stated that he wiped up some blood on a gray sweat shirt and a sheet, and that they started to smell on Saturday, and he placed them in a garbage can.

Q At the house itself, did you go through the garbage can when you were there?

A Yes, I did.

Q Did you find any such objects in the garbage can?

A No.

Q Also, once again, back at the house, when you observed the body of Mr. Hinman, did you observe any tape on his person or nearby him?

1 A No.

2 Q Did you observe any tape at all at the house?

3 A Yes.

4 Q What was that and where was it?

5 A There was a roll of tape on the book shelves,  
6 four shelves up, about midway between the north and south  
7 wall and on the east wall in the living room.

8 Q Was this a whole role, or were there pieces,  
9 or what?

10 A Well, it was a portion of a role.

11 Q Did you observe any cut off pieces in any part  
12 of the house or on the body?

13 A No.

14 Q Did you observe any thread or dental floss at  
15 or near the body, especially near the site of the wound  
16 where the defendant stated he attempted to sew up?

17 A No.

18 Q Back to the house again for a moment -- and I  
19 show you Exhibit number 16 showing the area inside of the  
20 location where the words "political piggy" are written on  
21 wall there -- did you take a pretty good look at that?

22 A Yes, I did. Can I correct you, by the way?  
23 That is "politically piggy."

24 Q It didn't come out too well on there. What  
25 does it say?

26 A It is "politically piggy."

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Q There is a Y on there?

A There is another L and Y.

Q I see.

A They are very faint.

A They didn't come out too well on this  
photograph?

A That is correct.

Q What was the amount of blood there, large or  
small?

A Very small.

Q Did it appear to be put on by a finger?

A I really couldn't tell. I couldn't tell if it  
was a finger.

Q Did you find any brush nearby?

A Yes.

Q Where was that?

A The brush was next to Mr. Hinman's left hand.

MR. ROSS: I have a small paint brush here, your  
Honor. May we mark this as Exhibit next in order, which I  
believe will be number 36. The small knife was 35.

THE COURT: It will be so marked.

MR. ROSS: Thank you.

Q Showing you Exhibit number 36, does that  
appear to be the brush that you have been speaking of?

A Yes.

Q Thank you very much, sir.

MR. ROSS: You may cross-examine.

MR. SALTER: Thank you, Counsel.

CROSS-EXAMINATION

BY MR. SALTER:

Q Sergeant Whitley, how much time elapsed from the time you got there until the time the body was removed to the morgue?

A Approximately four hours and 15 minutes.

Q After you arrived?

A Yes.

Q You stated that you didn't find any -- incidentally, you said there was some tape that you found on a shelf, and that it was electrical tape; isn't that correct?

A Yes.

Q You said you didn't find any suturing on the body or around the body; is that what you testified to?

A Yes.

Q You didn't look for any suturing on the body, did you?

A No.

Q You didn't look for any tape on the body, did you?

A I looked for anything there that would be out of place.

1 Q But you didn't look specifically for any tape,  
2 did you?

3 A At which point?

4 Q At any point prior to the removal of the body?

5 A No. Afterwards I did.

6 Q How long afterwards?

7 A On the 17th of August.

8 Q That was about seven, eight days later?

9 A Yes.

10 Q Where was the book shelf where you found this  
11 tape was located in relationship to where you found Gary's  
12 body?

13 A It was approximately three feet east. It runs  
14 along the east wall.

15 Q You say there was a makeshift shrine like a  
16 Buddhist shrine there; is that correct?

17 A Yes.

18 Q That is what he was under?

19 A Yes, his head was directly under it.

20 Q There was a sheet next to that; is that correct?

21 A Yes.

22 Q Now, you had some conversation with Bobby when  
23 you went up to San Luis Obispo, and in the conversation you  
24 remarked regarding the scratches you found on his chest;  
25 isn't that correct?

26 A Yes.

1 Q He told you it was some cat he had been playing  
2 with at the ranch; isn't that correct?

3 A He didn't say the ranch.

4 Q He said some cat, though?

5 A Yes.

6 Q You had forgotten to mention that to the jury  
7 on direct examination; isn't that correct?

8 A No, I thought I mentioned it.

9 Q Regarding the knife, you said Bobby told you  
10 that he had stopped at a restaurant in Santa Barbara on his  
11 way up to San Francisco, and that some officer saw him with  
12 a knife and the scabbard and said, "You are not supposed to  
13 walk around with a knife like that"; and that is when he  
14 put it back in the tire well; isn't that correct?

15 A No.

16 Q Didn't he tell you that some officer stopped  
17 him some time that night?

18 A Yes.

19 Q The officer told him he shouldn't be walking  
20 around with a knife like that?

21 A Yes, but he did not say something about stoppin  
22 in a restaurant.

23 Q But some officer told him he wasn't supposed  
24 to be walking around with a knife like that?

25 A He didn't say what the officer said, but he  
26 said he was stopped by a policeman and identified the knife.

29

1 Q Didn't he tell you the officer commented about  
2 the knife?

3 A No.

4 Q Now, Bobby told you that he had talked to Gary  
5 at some time several weeks prior to going over there, and  
6 at that time Gary had promised him to let him use his auto-  
7 mobile to go up to San Francisco to visit somebody; isn't  
8 that correct?

9 A No.

10 Q He didn't tell you that?

11 A No.

12 Q Did he say something to that effect, then?

13 A No.

14 Q He told you he had stayed at Gary's house for  
15 some period of time about a year to a year and a half ago;  
16 isn't that correct?

17 A Yes.

18 Q There was a letter found addressed to Bobby on  
19 the premises; isn't that correct?

20 A Yes.

21 Q That letter was dated 1967; isn't that correct?

22 A Yes.

23 Q He told you that the reason that Gary gave him  
24 the pink slip was in case he got in an accident, that Gary  
25 would not be financially responsible?

26 A No.

1 Q Did he say something to that effect?

2 A No.

3 MR. SALTER: I have no further questions.

4 MR. ROSS: I have just one other question.

5  
6 REDIRECT EXAMINATION

7 BY MR. ROSS:

8 Q Officer, I sort of chopped up your testimony  
9 over several periods of time. When you went over to the  
10 house the first time, was that Metropolitan there at the  
11 location?

12 A Yes.

13 THE COURT: Was there what?

14 BY MR. ROSS:

15 Q Was the Metropolitan the third car and too,  
16 that is, the Fiat and Volkswagen, were missing; is that  
17 correct?

18 A Yes.

19 MR. ROSS: I have no further questions.

20 THE COURT: Thank you.

21 MR. ROSS: I call Deputy Guenther, please.

22  
23 CHARLES C. GUENTHER,

24 called as a witness by and on behalf of the People, was  
25 sworn, examined and testified as follows:

26 THE CLERK: Would you please raise your right hand.



31

1 Do you solemnly swear that the testimony that you  
2 may give in the cause now pending before this Court shall  
3 be the truth, the whole truth, and nothing but the truth,  
4 so help you God?

5 THE WITNESS: I do.

6 THE CLERK: State your name.

7 THE WITNESS: Charles C. Guenther. That is spelled  
8 G-u-e-n-t-h-e-r.

9  
10 DIRECT EXAMINATION

11 BY MR. ROSS:

12 Q What is your occupation and assignment?

13 A I am a deputy sheriff for the County of Los  
14 Angeles assigned to Headquarters, Detective Division,  
15 Homocide Bureau.

16 Q You are also one of the officers assigned to  
17 the investigation of this case; is that correct?

18 A Yes.

19 MR. ROSS: Your Honor, I have here another black  
20 and white photograph showing the interior of a home of a  
21 table and chair.

22 MR. SALTER: Counsel, that looks like a colored  
23 photograph.

24 MR. ROSS: I am sorry, it is a colored photograph.  
25 May this be marked number 37?

26 THE COURT: Very well.

1 BY MR. ROSS:

2 Q Deputy Guenther, I show you the Exhibit which  
3 we have earlier marked here, the checkbook of Gary Hinman.  
4 Did you recover that at the location in question?

5 A Yes.

6 Q I show you Exhibit number 37 that we have just  
7 marked. Does that scene appear familiar to you?

8 A Yes.

9 Q Whereabouts did you recover it, that is, the  
10 checkbook? Is it shown at the location in the picture  
11 there?

12 A The broken table covers the area, but the  
13 checkbook was found directly beneath the table on the  
14 broken side, lying on the floor.

15 Q This would be to the right side where the  
16 chair is sort of blocking the view there; is that correct?

17 A That is correct.

18 Q These other things that were on the floor  
19 there, scattered around the scarves and luggage and books  
20 and so forth, were they there at that time and place?

21 A Yes, they were.

22 Q What did you do with the checkbook then?

23 A I picked it up, placed it in my pocket, held  
24 it to check against Gary's account.

25 Q Did you show it to Sergeant Whitley?

26 A Yes, I did.

1 Q Then you kept it as part of the evidence in  
2 this case; is that correct?

3 A Yes.

4 Q Thank you, sir.

5 MR. ROSS: No further questions.

6 MR. SALTER: I have nothing further.

7 THE COURT: You may step down.

8 MR. ROSS: I call Mr. Puhek.

9

10 LOUIS JOHN PUHEK,

11 called as a witness by and on behalf of the People, was  
12 sworn, examined and testified as follows:

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

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

19 THE WITNESS: I do.

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

21 THE WITNESS: Louis John Puhek, P-u-h-e-k.

22

23 DIRECT EXAMINATION

24 BY MR. ROSS:

25 Q Your first name is spelled L-o-u-i-s?

26 A Right.

34

1 Q Mr. Puhek, do you live here in the Los Angeles  
2 area?  
3 A Yes.  
4 Q How old are you?  
5 A Nineteen.  
6 Q I show you an Exhibit here that we have marked  
7 as Exhibit number 31, a Volkswagen bus, with a Thunderbird  
8 on the side of it. Have you seen that automobile, that van,  
9 before?  
10 A Yes.  
11 Q When was the first time that you saw that car,  
12 approximately where and when?  
13 A The first time?  
14 Q Yes.  
15 A I really can't say.  
16 Q Could you give us an approximation of the time  
17 A At the beginning of August some time.  
18 Q Of this year?  
19 A Right.  
20 Q Where was it that you saw it?  
21 A I am not sure.  
22 Q Was someone driving that car, to your knowledg  
23 A Yes.  
24 Q Do you know that person's name?  
25 A Yes.  
26 Q Who was that?

1 A His name is Mark.

2 Q Do you know anything else about him of your  
3 own personal knowledge?

4 A Well, he is a friend. I met him through my  
5 sister's boyfriend.

6 Q Did you enter into some negotiations with him  
7 about purchasing that car?

8 A Yes.

9 Q When was that?

10 A In late August.

*See p 100 or p 201*

11 Q Had you seen him driving the car in the  
12 meantime?

13 A Yes.

14 Q I show you here some certified copies of a  
15 registration and what is commonly called a pink slip,  
16 Exhibit 34 in this case, and bearing in mind that this is  
17 a certified copy and not the pink slip itself, have you seen  
18 this document of the original before ?

19 A Yes.

20 Q Where was it when you first saw it, that is,  
21 that pink slip?

22 A When it was given to me, when I bought the  
23 car.

24 Q Did you pay for the car?

25 A Yes, I did.

26 Q How much did you pay for it?

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A \$350.

Q To whom did you give the money?

A To Mark.

Q Was this signature on the rear of the pink slip at the time that you saw it signed with that name, Gary Hinman, on the right there?

A Right.

Q It was stamped on there, stamped on by apparently the Bay Area Finance Company?

A Right.

Q It bears a date on it. It says 8-28-69. Was that the date that you got it?

A No, it wasn't.

Q What is the date that appeared on it when you got it?

A It was 7-something '69. *see p 199*

Q Did you alter it in some way?

A Yes, I did.

Q Why did you do that?

A Well, it had gone through people before it got to me.

MR. SALTER: Move to strike as hearsay.

THE WITNESS: Well, this is only --

MR. SALTER: Just a moment, sir. Just answer the question.

THE COURT: Would you state your objection.

37

1 MR. SALTER: It is hearsay.

2 THE COURT: The objection will be overruled.

3 BY MR. ROSS:

4 Q You changed the date, then; is that right?

5 A Right.

6 Q Why did you change that?

7 A So I wouldn't have to pay any penalty fees.

8 Q Which part of it did you alter?

9 A The month and the date.

10 Q What was the month when you first saw it, if

11 you recall?

12 A It was July.

13 Q That was a seven rather than an eight; is that

14 right?

15 A Right.

16 Q The second one is 28 with some kind of writing

17 over that. Do you recall what date that was when you first

18 saw it?

19 A I don't remember exactly, but it was sometime

20 in early July.

21 Q Sometime before the 28th; is that correct?

22 A Right.

23 Q You were subsequently driving or later driving

24 this car; is that correct?

25 A Right.

26 Q Then you were later picked up by the police in

1 the car?

2 A Yes.

3 Q Had you made any changes in the car yourself?

4 A Yes.

5 Q What had you done?

6 A I put a new engine in it, and I did a lot of  
7 interior work.

8 Q Had you changed the outside appearance of it  
9 any?

10 A No, I didn't.

11 Q So, in other words, the outside, with the  
12 license plate that is shown on here -- incidentally, is  
13 that the license we are talking about, PGE 388?

14 A Yes, it is.

15 Q The thunderbird painted on the side, that was  
16 the same, wasn't it?

17 A Right.

18 Q Thank you.

19 MR. ROSS: You may cross-examine.

20 MR. SALTER: No questions.

21 THE COURT: Thank you. You are excused.

22 MR. ROSS: Your Honor, I don't know which of the  
23 Exhibits have been received up to this point, but at this  
24 time I would like to move for the introduction of all of  
25 the Exhibits for identification.

26 THE COURT: In the absence of any objection, they



1 will be introduced.

2 MR. SALTER: Your Honor, we have matters before the  
3 Court. May we do that in chambers?

4 THE COURT: I might just as well give the jury a  
5 recess.

6 Ladies and gentlemen, remember not to discuss the  
7 facts in issue in the case. We will take our recess at thi  
8 time for at least 15 minutes.

9 (Short recess.)

10 (Whereupon the following proceedings were had in  
11 chambers, outside the presence and hearing of the jury.)

12 THE COURT: Let the record show that we are in  
13 chambers, and that the defendant is present.

14 MR. SALTER: Yes, your Honor, at this time I move  
15 for an entry of judgment of acquittal pursuant to 118.1 of  
16 the Penal Code. The People have failed to prove their case  
17 against the defendant. There has been much circumstantial  
18 evidence. The circumstantial evidence, none of it has gone  
19 to the identity of the person who killed Gary Hinman, and  
20 most circumstantial evidence is in itself -- not only has  
21 gone to the identity of the person that has killed Gary  
22 Hinman, it really hasn't hit much of anything. It missed  
23 the mark completely on everything.

24 There is no evidence on which to convict  
25 Mr. Beausoleil, and therefore I ask for an entry of judg-  
26 ment for acquittal.

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THE COURT: The motion will be denied.

MR. SALTER: That is my motion.

THE COURT: Well, that didn't take very long.

MR. SALTER: I have a witness who has to come in  
at 3:00.

THE COURT: Let's start questioning.

Just in case anybody has any doubts, dismissing the  
jury overnight went into effect on November 7.

MR. ROSS: That is at the Court's discretion.

MR. SALTER: Counsel won't make any objection to it  
(Whereupon the following proceedings were had in  
open court within the presence and hearing of the jury.)

MR. SALTER: Ready, your Honor.

JACK JOSEPH GERARD,  
called as a witness by and on behalf of the defendant was,  
sworn, examined and testified as follows:

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

You do solemnly swear that the testimony you shall  
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: Would you state your name for the recor

THE WITNESS: Jack Joseph Gerard.

1 THE CLERK: How do you spell Gerard?

2 THE WITNESS: G-e-r-a-r-d.

3  
4 DIRECT EXAMINATION

5 BY MR. SALTER:

6 Q What is your business or occupation?

7 A I am a theatrical agent.

8 Q Mr. Gerard, I show you Mr. Beausoleil, the  
9 defendant in this matter. Do you know Mr. Beausoleil?

10 A Yes, I do.

11 Q Do you know Mr. Beausoleil under another name  
12 also?

13 A Yes.

14 Q What other name do you know him under?

15 A Jasper Daniels.

16 Q Did you know him under a former name of Jasper  
17 Daniels?

18 A Jasper Daniels.

19 THE COURT: Did you know him under any other names  
20 other than Jasper Daniels?

21 THE WITNESS: No.

22 BY MR. SALTER:

23 Q The full name would have been Jason Lee Jasper  
24 Daniels?

25 A Yes.

26 Q That was his professional name?

42

1 A Yes.

2 Q Did you and he sign a contract?

3 A Yes.

4 Q Is what I have in my hand a copy of the contra

5 A Yes.

6 Q That has been signed in both his real name and

7 his professional name; is that correct?

8 A Yes.

9 Q In other words, by Robert K. Beausoleil and

10 Jason Lee Jasper Daniels; is that correct?

11 A Yes, that is correct.

12 Q This contract was signed it looks like, March

13 23rd, 1969?

14 A Yes, that is right.

15 MR. SALTER: I would ask that this be admitted into

16 evidence as defendant's A.

17 THE COURT: Defendant's A?

18 MR. ROSS: No objection.

19 MR. SALTER: Thank you. I have no further question

20 MR. ROSS: I have no questions.

21 MR. SALTER: Defense rests.

22 THE COURT: Both sides rest? No rebuttal?

23 MR. ROSS: No rebuttal.

24 THE COURT: All right, ladies and gentlemen. At

25 this time we will take our evening recess.

26 We have other things to do between now and tomorrow

morning.

Again, I must admonish you against discussing the facts in issue in the case amongst yourselves or with anyone else, and also to retain an open mind until the matter is finally submitted to you.

Due to the congestion we have around here tomorrow morning, I am going to request that you come back at 10:30 in the morning, and we will try to get going at that time. You are excused until 10:30 tomorrow morning. Good night.

2 1 SANTA MONICA, CALIFORNIA: TUESDAY, NOVEMBER 18, 1969

2 10:00 A.M.

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5  
6 THE COURT: Let the record show that we are in  
7 chambers without the defendant being present.

8 MR. ROSS: All I want to say, your Honor, is this:  
9 that I received a phone call from Deputy Guenther, one of  
10 the investigating officers in the case, and he informed me  
11 that the Los Angeles Police Department just told him a few  
12 minutes earlier that they had an individual who may have  
13 some information about this case. It is rather nebulous,  
14 because they don't know what the information is. They  
15 frankly do not know whether or not it will make any  
16 difference in the case. One way or the other, they don't  
17 know, and what they asked was that if I could get the case  
18 continued until 2:00 o'clock this afternoon, with the  
19 possibility of reopening it or at least informing counsel  
20 for the defense what this person that they are going to  
21 interview has to state.

22 It is now 10:30. By the time we go over the  
23 instructions, we couldn't get started until about 11:00  
24 o'clock this morning. So in effect, all I am asking for is  
25 a one-hour continuance to get this information this  
26 afternoon.

3 1 It is rather nebulous, and I will state that  
2 to the Court, because I don't know what he has to say, this  
3 person, or whether they can even get in contact with him;  
4 but I do feel that it might have some pertinent information,  
5 not only for the People but perhaps for the defense; and if  
6 there is something else that they do come up with, I think  
7 that fairness would require that we find out what it is,  
8 especially if it is going to be, in effect, a one-hour  
9 continuance.

10 MR. SALTER: I would say, your Honor, we object to  
11 this continuance in the matter. We would object to any  
12 reopening of the case.

13 The situation, as counsel appears to have  
14 accurately stated, and whatever information he knows, I  
15 know of no information that not only do they not know where  
16 this person is now located, that they would have to locate  
17 the person, and once that person is located, the information  
18 he has, they don't know what information it is, whether it  
19 is the type of information that would even be admissible,  
20 whether it is hearsay.

21 Evidently, he was arrested at one time by  
22 the police, and they didn't have anything on him or whatever  
23 They arrested him, and he has been released. So not only do  
24 they have to, one, find out where he is; secondly, they have  
25 to find out what he has to say; and thirdly, they would have  
26 to find out whether this would be admissible; and fourth of

all, if it were admissible, I would object to the impact upon the jury.

Upon those grounds, I would object strenuously to even an hour's continuance or a half hour's continuance, whatever it would mean, because in the final analysis, I am going to object to the People reopening their case in a matter like this.

It has a devastating effect upon the defense, and we put on about one minute of defense testimony, and all of a sudden they come up with something else.

MR. ROSS: Well, we would agree with Mr. Salter.

THE COURT: Just a moment. I will grant the motion. We will continue the matter to 2:00 o'clock this afternoon.

MR. ROSS: Very well.

THE COURT: I would like to see your instructions.

MR. ROSS: Yes, I do have them.

Do you want to inform the jury and then cut them loose?

THE COURT: I will, as soon as they are assembled. We will get them in.

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

THE COURT: Good morning, ladies and gentlemen. You know, I can remember a friend of mine that was on a jury once, and he said if I ran my business the way you run these jury trials, I would go broke. It was a very cogent



5 1 observation. However, there are so many strenuous factors  
2 that enter in that it is difficult. Let us say that.

3 There has been a matter brought before the  
4 Court which will require a continuance of this matter until  
5 2:00 o'clock this afternoon so that at this time I am going  
6 to excuse you until 2:00 o'clock. You girls can go Christmas  
7 shopping. In any event, you are excused.

8 Remember the admonition not to discuss the  
9 case, and report back here at 2:00 o'clock this afternoon.

10 Thank you, gentlemen.

11 (Lunch recess.)

12 (Whereupon the following proceedings were had in  
13 chambers outside the presence and hearing of a jury.)

14 THE COURT: Let the record show that we are in  
15 chambers out of the presence of the jury. The defendant and  
16 his counsel are present.

17 MR. ROSS: This morning I indicated to you that there  
18 was a possibility of some further information coming forth,  
19 and at that time I had indicated a call from a police  
20 officer and asked that the matter go to 2:00 o'clock this  
21 afternoon. It is just after 2:00 o'clock in the afternoon,  
22 and I have been informed by the police officers, that there  
23 is some information which is vital, can be vital to the  
24 outcome of this case, which information was not discovered  
25 until, I would say, approximately 9:00 o'clock this morning.

26 The officers informed me -- and I am not at

liberty to state what the basis of that information is --  
but they have stated to me that this information, as I stated  
could be quite vital. They will not be able to final up  
this information or the presentation of this evidence until  
Monday, the 24th of November.

I am therefore requesting that a continuance  
be granted until that time, the 24th of November, Monday,  
and that if such information does come forward, that we be  
permitted to reopen the case, depending upon the outcome  
of that information.

When I do have that information, it will,  
of course, be provided to the Public Defender on behalf of  
his client.

THE COURT: I want to get the complete record on this  
thing now.

Let the record show that upon my return to  
the courtroom just prior to 2:00 o'clock, at the time we  
were set for trial and in the presence of everyone, Mr. Fitz,  
who at that time was unknown to me, asked to come into  
chambers. We have just had a short conversation in chambers  
that is, Mr. Fitz and I personally -- and in that conversati  
Mr. Fitz has related to me what Mr. Ross has just told me,  
that there is information that is vital to this case.

On his representation that it is highly  
confidential, I did not demand of him that he disclose it  
even to me.

7 1 I want that on the record so that the record  
2 is complete on the thing.

3 Now, go ahead.

4 MR. SALTER: Well, I, of course, would say, your  
5 Honor, as far as the ethics of Mr. Fitz's even discussing  
6 this case outside my presence with the Court, I think, is  
7 highly unethical, and I appreciate the Court's putting on  
8 the record what did, in fact, happen inside; but I find it  
9 highly unethical of Mr. Fitz, and I certainly do not  
10 include Mr. Ross in this -- Mr. Ross, as far as I am  
11 concerned, handled himself above repute in any way.

12 THE COURT: Like he always does.

13 MR. SALTER: As far as I am concerned, I think it is  
14 unethical. I think it is improper, and I think it is unfair  
15 to the defendant to have any information.

16 Now, I know Mr. Fitz was in here about ten  
17 minutes, but I do know that it is improper in something so  
18 important as this to have any communication with this Court  
19 outside my presence.

20 I think, as far as I am concerned, it is  
21 enough for prejudicial error in this case.

22 THE COURT: I was here, and I have advised Mr. Fitz  
23 of the factors that he would establish for an appeal by  
24 taking this course of action, and this, of course, is a risk  
25 that the prosecution takes any time they do this.

26 I am going to say this: when the District

8  
1 Attorney, Mr. Ross or Mr. Fitz, represents to me that their  
2 situation is in this factor, and since they are fully aware  
3 of the effect that this will have on an appeal in this case,  
4 I am relying upon their representation, and I am going to  
5 grant the motion.

6 MR. SALTER: Your Honor, before the Court makes  
7 the ruling, I would like to be heard.

8 THE COURT: I want you to be heard fully.

9 MR. SALTER: First of all, for the record, and  
10 because I feel so strongly about it, I certainly object to  
11 any continuance in this matter, and a continuance to Monday,  
12 I think, is unheard of. Here we are at Tuesday. The case  
13 was closed sometime after 3:00 o'clock Monday. So that's in  
14 a sense a week's continuance. We don't know what will be  
15 said to whom in the jury, what conversations they will  
16 overhear.

17 There is also another matter in this case,  
18 a Susan Atkins, who sometime in the next week or so will be  
19 arraigned on this matter, and there have been some  
20 reports in the papers of her statements which are highly  
21 incriminating to Mr. Beausoleil.

22 THE COURT: Who is this Atkins?

23 MR. SALTER: Susan Atkins.

24 THE COURT: Yes?

25 MR. SALTER: Susan Atkins is allegedly one of the  
26 girls referred to by Mr. Beausoleil.

THE COURT: Is that the case you had out in Malibu?

MR. ROSS: Yes. That comes up for arraignment on the 26th.

MR. SALTER: I show the Court the article in the Evening Outlook. There was a statement of Susan Atkins as to Mr. Beausoleil's having done certain things in this matter, and the danger of this information getting to the jury becomes that much more as the days pass, especially considering the coverage the Outlook has given to this case.

People talk to other people, and the jurors, although they may try to refrain from hearing information --

THE COURT: Pardon me. May I ask a point of information? Is her arraignment due in Superior Court?

MR. ROSS: On the 26th, a week from tomorrow.

MR. SALTER: Now, we have a situation where I had about one minute of defense testimony. Then we rested. Now, all of a sudden, a whole week's continuance is going to take place. The jury is going to be out. There is not control of the jury during that week. If they do come up with something, then, they are going to start putting that evidence, and that becomes devastating, putting on evidence after I have rested, after a week. Then I may be in a position where I will need a continuance to investigate the evidence. That is a side issue as to how much information, knowledge, am I going to have of what evidence they have so that I can send my investigators out. That is besides the point.

10 1 I think a week's continuance in the case,  
2 when it is ready to go to the jury, and the jury was  
3 originally to come back at 10:30 to hear arguments, the  
4 delay has become unheard of; and I don't care what evidence  
5 they have, for a week's delay in this case is highly  
6 prejudicial; and I think it is error, and I am objecting.

7 I don't think it is a question, your Honor,  
8 of an appeal, the People putting themselves in a position  
9 where they may be subject to an appeal in this case, because  
10 if there is an appeal in this case, during the whole period  
11 of appeal, where does Mr. Beausoleil stay? He stays in  
12 State Prison.

13 It is the duty of this Court to determine  
14 at this time whether what they are asking is proper or not,  
15 and if the Court is even of the mind that they are in  
16 danger of an appeal, I think the Court may be of the state  
17 of mind that what they are asking is not proper, and I think  
18 it is the Court's duty to deny the request and have us  
19 proceed.

20 I would also request that anything else that  
21 Mr. Fitz said in chambers that may be part of the Court's  
22 reason for ruling, however the Court will rule, that it be  
23 made part of the record at this point.

24 THE COURT: All I can do is tell you, Mr. Salter,  
25 in that regard, that I have specifically asked Mr. Fitz not  
26 to go into any detail with regard to what it is, because of



1 his assurance that it is important.

2 I pointed out to him that he was inviting an  
3 appeal for this very reason, and he felt that it was  
4 sufficiently important to run that risk.

5 I am going to rely upon his representation  
6 to me.

7 MR. SALTER: I have been practicing law for about  
8 ten years, and as far as I am concerned, I have been  
9 completely shocked, because I had an idea, for the ten  
10 minutes that I was out there, that Mr. Fitz was talking  
11 about this case to the Court, and I find it shocking, your  
12 Honor. To me, it is shocking that when you are in the  
13 middle of a trial, where this young man can end up with a  
14 life imprisonment, that the District Attorney in such an  
15 important matter can walk into this chambers, and he has  
16 the audacity to talk about this case without my being  
17 present. I just find it shocking.

18 Nothing is that important as to warrant this  
19 type of behaviour from Mr. Fitz, and as far as the continuance  
20 I think it is outrageous.

21 THE COURT: Will you get the record straight?

22 MR. SALTER: The record is as it is, your Honor.

23 THE COURT: I am going to continue the matter until  
24 next Monday morning.

25 MR. SALTER: May I ask the Court, then, if the Court  
26 is making that order to instruct the jury that they are to

12 1 refrain from reading any articles, letting people talk to  
2 them about this matter, or anything concerning this matter,  
3 and that if anybody does mention anything to them, they are  
4 to come to Court right away, and that they cannot read the  
5 Outlook; they must refrain from reading the Outlook, and  
6 that also no information be given by the District Attorney's  
7 office. I would ask the Court to make an order that no  
8 information be issued to anybody, including the press, by  
9 the District Attorney's office or the Sheriff's office  
10 regarding this case.

11 THE COURT: Let me put it this way: if I find out  
12 that any law enforcement officer or agent is giving any  
13 information to the press about this case or any related case,  
14 I am going to grant a mistrial.

15 MR. SALTER: Well, your Honor, I am not asking for  
16 a mistrial. I am asking for an order.

17 THE COURT: What order do you want?

18 MR. SALTER: That the District Attorney's office and  
19 all law enforcement agencies be refrained from giving out  
20 any information in this case to any members of the press  
21 or anyone else not connected with this case.

22 MR. ROSS: Let me just state, your Honor, that in  
23 that connection I will give out only such information as  
24 things happen in open court.

25 MR. SALTER: I am not asking that. I am asking that  
26 no information be given.



13 1 THE COURT: I see no reason to give anybody  
2 information between now and Monday.

3 MR. ROSS: You can make the order. I won't give  
4 any information. It is as simple as that. I am happy to  
5 wear a muzzle.

6 MR. SALTER: I strenuously object to this continuance

7 THE COURT: I think your objection is sufficient  
8 for the record.

9 Let us get the jury in.

10 MR. SALTER: In view of the Court's order, it seems  
11 to me that I should be informed within a certain length of  
12 time as to what this information is, what evidence they are  
13 going to put in. I don't want to come in Monday, and then  
14 all of a sudden, they tell me what it is, and then I am in a  
15 position for a further continuance.

16 MR. ROSS: I had stated that, Counsel, when I first  
17 made my motion. As soon as I am in possession of any kind  
18 of concrete information that will do you or me any good, or  
19 in any case do anyone any good in connection with the  
20 case, I will supply it to you. I said that when I started  
21 this, and I can only reiterate it.

22 THE COURT: All right.

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

25 THE COURT: Well, ladies and gentlemen, it is good  
26 afternoon, good-bye. There has been a request for a

14  
1 continuance in this case, ladies and gentlemen, which I  
2 have granted; and at this time I am continuing the matter  
3 until next Monday morning.

4           Knowing the state of our Monday morning  
5 calendar, I am going to make it at 11:00 o'clock next Monday  
6 morning. So at this time you are excused, and that means  
7 that you are excused from the jury panel so that you don't  
8 have to report back at all. I don't want you to get  
9 involved in any other cases in the meantime. You are  
10 excused until next Monday morning, that is, the 24th of  
11 November, at 11:00 o'clock in this courtroom.

12           Now, I can't urge you too strongly not to  
13 discuss the case with anyone. If anyone attempts to  
14 discuss this case with you, I want to know about it.

15           Please refrain from reading any material  
16 that may be printed about it so that you don't contaminate  
17 the situation; and also remember that you are to retain an  
18 open mind in the case until it is finally submitted to you.  
19 So with all of those admonitions in mind, good luck to you,  
20 and have a good weekend. We will see you Monday morning.  
21 Thank you.

22                           \* \* \*  
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1 SANTA MONICA, CALIFORNIA; MONDAY, NOVEMBER 24, 1969

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5  
6 (Whereupon the following proceedings were had in  
7 chambers outside the presence and hearing of the jury.)

8 THE COURT: For the record, we are in chambers. The  
9 District Attorney and the defendant and his counsel are  
10 present.

11 Are we ready to proceed in the case?

12 MR. ROSS: Yes, your Honor. At this time the People  
13 will make a motion to reopen the case for its case in chief,  
14 and I will state my grounds and introduce evidence to that  
15 effect. As a matter of fact, I will present evidence right  
16 now.

17 Last week, when I had requested this  
18 continuance, I had been informed that there was some  
19 additional evidence which might take a couple of days to  
20 uncover which had just come to my attention at that time; and  
21 of course, this is all in the record of what happened last  
22 week. The continuance was granted until today.

23 At this time I do have a witness who is a  
24 vital and necessary witness in the case who would be able to  
25 testify concerning statements made by the defendant to this  
26 witness. These statements will definitely implicate the

3 1 defendant in the charge that we have before the Court. I  
2 want to reiterate that this was not known to me until last  
3 Tuesday. It was highly nebulous, and it was firmed up on  
4 Friday afternoon, Saturday morning.

5 Counsel for the defendant and myself went  
6 downtown, and we heard a tape recording of this statement,  
7 and counsel also received a copy of a transcript of this  
8 recording.

9 That was the first time I knew what the  
10 evidence was, and we are hear at this time as far as a motion  
11 is concerned.

12 Now, I would like to call Sergeant Whitley in  
13 connection with this to show that there is a cause for  
14 reopening the case. May he be permitted to testify at this  
15 time?

16 THE COURT: You are still under oath, sergeant, having  
17 been previously sworn.

18  
19 PAUL J. WHITLEY,  
20 called as a witness by and on behalf of the People, having  
21 been previously sworn, was examined and testified as follows:

22  
23 DIRECT EXAMINATION

24 BY MR. ROSS:

25 Q State your name.

26 A Paul J. Whitley.

4 1 Q Sergeant Whitley, it is true that you talked  
2 to me last Tuesday morning in connection with a matter that  
3 came up in this case with reference to new evidence?  
4 A Yes.  
5 Q Would you tell us when you received that  
6 information about this evidence?  
7 A That same morning.  
8 Q That would be last Tuesday which would be the  
9 15th of November; is that correct?  
10 A Yes.  
11 Q I don't think it was the 15th. I think it  
12 was the 18th.  
13 A The 18th.  
14 Q What information did you receive and from  
15 whom did you receive it?  
16 A The Los Angeles Police Department contacted  
17 me and stated that they had contacted a Daniel Decarlo, and  
18 that he had information in regard to this case.  
19 Q By way of follow-up, what did you then do?  
20 A I then contacted you, and then I subsequently  
21 went out and talked to Daniel Decarlo.  
22 Q When did you talk to Daniel Decarlo?  
23 A I can't remember whether I talked to him  
24 Tuesday night or Wednesday.  
25 Q Anyway it was after we had gotten the  
26 continuance; is that correct?

1 A Correct.

2 Q The information that you received, without  
3 going into it deeply, was that Mr. Decarlo had information  
4 and statements that the defendant had made to him; is that  
5 correct?

6 A That is correct.

7 Q When you talked to Mr. Decarlo on Tuesday or  
8 Wednesday, was there a recording made of this conversation?

9 A Yes.

10 Q Was that subsequently transcribed?

11 A Yes.

12 Q Then you set it up for Mr. Salter and myself  
13 to be here; is that correct?

14 A That is correct.

15 Q Once again, when was the first time that you  
16 had this information?

17 A Tuesday.

18 Q Did the Los Angeles Police Department say  
19 when they had gotten that information?

20 A I believe it was late Monday night.

21 Q Before this time, that is last Tuesday, had  
22 you heard of the name Danny Decarlo in connection with this  
23 case?

24 A Yes.

25 Q Had you had some information as to anything  
26 that he might have had to do with it?

6 1

A Yes.

2

Q What information did you have along that line?

3

A That he had sold -- was one of the persons that had been in possession of the Volkswagen bus that we initially recovered in Santa Monica.

6

Q When did you receive that information, approximately?

8

A I received this information approximately on October 7th or 8th.

10

Q In the course of the investigation, what did you do concerning that aspect of the case?

12

A I was called to Independence, California, in regard to another lead, and my investigation in Independence disclosed that Danny Decarlo had nothing to do with the Volkswagen bus.

16

Q Was he sort of dropped as far as implication in this case?

18

A Yes.

19

Q Then the next you heard of him was last Monday night or Tuesday morning; is that correct?

21

A Yes.

22

THE COURT: If I understand you, sergeant, what you mean is, that you checked out Danny Decarlo's connection with this case, and your investigation led you to believe that he had nothing to do with it, but that subsequently something else was found out which showed that he did have

26



7 1 something to do with it; is that the idea?

2 A He had nothing to do with this car, as far as  
3 I know. In other words, I originally received information  
4 fourth hand that Daniel Decarlo had possibly been in  
5 possession of a Volkswagen bus at some time. Just about the  
6 time that I received this information, I was called to  
7 Independence, California, where I talked to other witnesses  
8 who told me that Daniel Decarlo had nothing to do with the  
9 car; that it was another person, and I just completely  
10 dropped him at that time.

11 THE COURT: But it subsequently revealed that he  
12 actually did have something to do with it?

13 THE WITNESS: Yes.

14 Q BY MR. ROSS: In connection with the  
15 Volkswagen bus, did you speak with any other law enforcement  
16 officer, specifically from auto theft, in your office?

17 A Yes.

18 Q Whom did you speak to?

19 A Sergeant Gleason, Elliott, Sims, and  
20 Lieutenant Chaney.

21 Q What did you tell them about Mr. Decarlo?

22 A I asked them if they knew a Danny Decarlo  
23 and if they had a present address on him?

24 Q Anything else?

25 A They told me that they would run him down and  
26 give me an address on him, and before I got the information



8 1 I was up in Independence.

2 MR. ROSS: I have no further questions.

3

4

CROSS-EXAMINATION

5 BY MR. SALTER:

6 Q Were you aware during this investigation that  
7 Decarlo frequented the Spahn Ranch?

8 A No.

9 Q Did you ever follow up your investigation to  
10 talk to Danny Decarlo?

11 A No.

12 Q Were you aware that Danny Decarlo was in the  
13 Municipal Court of Los Angeles Judicial District on  
14 November 4th, 1969, at a preliminary hearing charging him  
15 with grand theft and receiving stolen property and  
16 possession of marijuana?

17 A No.

18 Q Are you aware of that now?

19 A Yes.

20 MR. SALTER: Would counsel stipulate that the  
21 defendant was at a preliminary hearing on November 4, 1969,  
22 in the Municipal Court of Los Angeles Judicial District,  
23 being charged with grand theft, receiving stolen property,  
24 and possession thereof?

25 MR. ROSS: Yes, I will so stipulate.

26 Q BY MR. SALTER: Now, you say on Tuesday the

9 1 18th of November, you were contacted by someone from the  
2 LAPD?

3 A That is correct.

4 Q Who was that?

5 A It was either Sergeant Pachett or Gutierrez.

6 Q Sergeant Pachett or Gutierrez?

7 A Yes.

8 Q What did they tell you? Did they say they  
9 had talked to him at that particular time?

10 A The conversation went through my partner  
11 Detective Guenther, and after the conversation -- now, I  
12 remember it was Gutierrez, the one they were talking to.

13 He said they had a conversation with  
14 Daniel Decarlo.

15 Q Referring to that morning?

16 A No, he was referring to the evening prior.

17 Q Were you aware that Decarlo was in this very  
18 courthouse? When I say this very courthouse, I mean 1725  
19 Main Street, the one we are in now, on the afternoon of  
20 November 18, 1969?

21 A Yes.

22 Q Is there any reason why you didn't talk to  
23 him sometime on the 18th of November?

24 A Yes.

25 Q What was that reason?

26 A I had to go somewhere else on a different

10 1 investigation.

2 Q This tape recording that you made occurred  
3 around the afternoon hours, around 5:00 o'clock on the  
4 19th of November; isn't that correct?

5 A Yes.

6 Q This individual, Danny Decarlo, who is to be  
7 your witness, as far as you know, his case is to be  
8 dismissed for testifying in this case; is that correct?

9 A Yes.

10 Q You also know that he is a person convicted  
11 of a felony; is that correct?

12 A Yes.

13 Q He is also a person who is known to be a  
14 member of a motorcycle group called the Straight Satans;  
15 isn't that correct?

16 A Yes.

17 Q That is a motorcycle group that is of similar  
18 repudiated character as the Hell's Angels; isn't that  
19 correct?

20 A Yes.

21 Q Danny Decarlo was to appear in Department A  
22 for plea on this charged against him, that is, grand theft,  
23 two 10851, possession of marijuana; isn't that correct?

24 A Yes.

25 Q He did appear in court this morning; isn't  
26 that correct?

1 A Yes.

2 Q At that time Mr. Ross asked the Court to  
3 continue the matter until tomorrow morning for the purpose  
4 of dismissing it?

5 A Yes.

6 Q His purpose was to dismiss once he has  
7 testified in this case; isn't that correct?

8 A Yes.

9 THE COURT: Well, he asked to have it continued until  
10 tomorrow; is that correct?

11 THE WITNESS: Yes.

12 Q BY MR. SALTER: And asked to have the case  
13 dismissed?

14 A Yes.

15 THE COURT: The evidence that you expect that  
16 Mr. Decarlo will testify to are alleged conversations he  
17 had with the defendant, Mr. Beausoleil; isn't that correct?

18 A Yes.

19 MR. SALTER: I have no further questions.

20 THE COURT: Any redirect?

21 MR. ROSS: No, your Honor.

22 THE COURT: Is that the evidence?

23 MR. ROSS: That is the evidence on my motion, your  
24 Honor, yes.

25 MR. SALTER: I will have to put on some witnesses,  
26 your Honor.

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MR. ROSS: How many do you need?

MR. SALTER: I want Sergeant Gutierrez.

MR. ROSS: I have him here.

MR. SALTER: I will start with him. I also want  
Danny Decarlo.

MR. ROSS: He is here.

THE COURT: On the motion?

MR. SALTER: This is on the motion, yes.

THE COURT: Well, then, I might as well call in the  
jury and excuse them until this afternoon.

Does this go to the reasonableness of the  
delay?

MR. SALTER: That is the idea.

THE COURT: Let us reconvene in the courtroom now,  
excuse the jury until this afternoon, and then we will hear  
this.

MR. SALTER: I object to the reasonable delay and  
the reasonableness of opening up the case.

THE COURT: Get the jury in.

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

THE COURT: Good morning, ladies and gentlemen.  
We are very lucky to get you all back in the right seats  
after this delay. It is now 11:05.

Now, we are confronted with another matter. I  
have matters that are going to take the balance of the

13 1 morning, and there is no use in keeping you around here  
2 waiting. So at this time I will excuse you until 2:00 o'clock  
3 this afternoon.

4 Again, remember the admonition not to talk to  
5 anybody about the case or discuss it with anybody. Please  
6 return at 2:00 o'clock this afternoon. You are excused  
7 at this time.

8 (Short recess.)

9 (Whereupon the following proceedings were held in  
10 open court outside the presence and hearing of the jury.)

11 THE COURT: I am ready to hear the witness.

12 MR. SALTER: We would prefer to have the matter  
13 heard in chambers.

14 THE COURT: Why? That was my whole purpose in  
15 getting rid of the jury so that we could take on the  
16 evidence.

17 MR. SALTER: Well, your Honor, the nature of the  
18 proposed testimony is such, if it is not admitted, I don't  
19 think it should be brought out in open court.

20 THE COURT: Why?

21 MR. SALTER: Because of the dangers of the jurors  
22 hearing about it, either through the press or through other  
23 means. I think the court must recognize that the press is  
24 not the controller.

25 THE COURT: All we are concerned with now is the  
26 reasonableness of the prosecution and not having this

14 available before last Tuesday.

2 MR. SALTER: That is fine, but in examining the  
3 witness, it would be necessary to bring out, especially,  
4 what Sergeant Gutierrez was told by this witness.

5 THE COURT: Are you making a motion to have this  
6 held out of the public courtroom?

7 MR. SALTER: That is correct.

8 THE COURT: The motion is denied. Let's proceed.

9 MR. ROSS: Apparently, one of the witnesses that  
10 counsel wanted, Officer Gutierrez, was here this morning,  
11 not under subpoena or anything, but was just here; and he  
12 was here at the time that I was talking in chambers. I said  
13 he was still here, but apparently he and his partner left  
14 before he knew he was going to be called by the defense.

15 THE COURT: Let's get the other witness.

16 MR. ROSS: Mr. Decarlo is here.

17 MR. SALTER: Mr. Decarlo, do you want to take the  
18 stand, please?

19

20 (TESTIMONY OF DANIEL DECARLO)

21

22

23 THE CLERK: Raise your right hand.

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

1 so help you God?

2 THE WITNESS: Yes.

3 THE CLERK: Be seated, please.

4 State your name.

5 THE WITNESS: Danny Decarlo.

6 THE CLERK: Is that D-e or D-i?

7 THE WITNESS: D-e.

8 THE CLERK: Thank you.

9 MR. SALTER: Your Honor, I understand now that  
10 Gutierrez is here. We would prefer to call Gutierrez first.

11 THE CLERK: Would you step forward.

12  
13 (TESTIMONY OF MANUEL GUTIERREZ)

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

20 THE WITNESS: I do.

21  
22 MANUEL GUTIERREZ,  
23 called as a witness by and on behalf of the Defendant,  
24 having been first duly sworn, was examined and testified  
25 as follows:

26 THE CLERK: Be seated and state your name.



16

THE WITNESS: Manuel Gutierrez, G-u-t-i-e-r-r-e-z.

DIRECT EXAMINATION

BY MR. SALTER:

Q Sergeant, what is your occupation?

A Police officer for the City of Los Angeles,  
currently assigned to Robbery-Homicide.

Q In the course of your duties, did you have  
occasion to talk with a Danny Decarlo?

A Yes, sir, I did.

Q On what date did you talk to him?

A I don't recall the exact date. Approximately  
a week and a half ago.

Q Do you have records of when you talked to  
him?

A I believe so.

Q At the time you talked to him, did you  
contact the Sheriff?

THE COURT: Were you the one that contacted  
Sergeant Whitley that there was something that had a  
bearing on this case?

THE WITNESS: Yes, sir, I did.

THE COURT: Last Tuesday -- Wait a minute.

MR. SALTER: On the 18th this case came in here.  
It was in trial.

THE COURT: Were you aware of the fact that it was

17 1 being tried?

2 THE WITNESS: Yes, sir, I was.

3 THE COURT: Now, last Tuesday, the 18th of November,  
4 I granted a continuance until today because of the fact that  
5 there was newly-found information. Now I am relating this  
6 fact to you merely to jog your memory with regard to dates.

7 Do you recall when you first called  
8 Sergeant Whitley and informed him that you had this  
9 information?

10 THE WITNESS: Sir, that would have been, then, on  
11 the day prior -- I think it was the day prior.

12 THE COURT: It would have been Monday the 17th?

13 THE WITNESS: Yes, sir.

14 Q BY MR. SALTER: At that time had you talked  
15 to Daniel Decarlo?

16 A Yes, sir, I had.

17 Q What information did you get from Daniel  
18 Decarlo at that time?

19 MR. ROSS: I object to that, your Honor. It is  
20 only pertaining to this case. I think there were some  
21 other things.

22 I would request that that be qualified as  
23 to this case.

24 THE COURT: Yes.

25 THE WITNESS: As near as I can recall, without  
26 my notes here, that was in regards to the Hinman murder,

18 1 and Mr. Decarlo related to me things he had heard from  
2 Mr. Beausoleil regarding the Hinman matter.

3 Q BY MR. SALTER: In other words, Mr. Decarlo  
4 related certain things to you that he had heard from the  
5 defendant, Mr. Beausoleil, in the Hinman homicide; is that  
6 correct?

7 A Yes, they were

8 Q At that time did you relate what you had  
9 heard from Mr. Decarlo to either Sergeant Whitley or  
10 Sergeant Guenther?

11 A Yes, I did.

12 Q Then that was on the --

13 A 17th.

14 Q -- 17th of November, is that correct?

15 A I believe it was.

16 Q That was about what time?

17 A Late afternoon, as I recall, sir.

18 Q Where was Mr. Decarlo at that time?

19 A I don't know, sir.

20 Q You talked to him that afternoon, didn't  
21 you?

22 A I believe the question was, sir, that  
23 you asked me was where was Mr. Decarlo when I talked to  
24 the Deputies. I don't know where he was at -- then.

25 Q Where was he when you talked to him?

26 A When I talked to Mr. Decarlo, he was at

191 the Police Building, 150 North Los Angeles Street.

2 Q At that time was he in custody on some  
3 matter?

4 A No, sir, he was not.

5 Q Was he cooperating with you at that time?

6 A Yes, sir.

7 Q What were you investigating?

8 MR. ROSS: Object to that, your Honor. It doesn't  
9 matter.

10 THE COURT: Sustained.

11 MR. ROSS: It is outside of this case.

12 Q BY MR. SALTER: Let me put it this way:  
13 Did he come in to discuss the Beausoleil case with you, the  
14 Hinman killing with you?

15 THE COURT: What you are getting at is, what was  
16 the purpose of the conversation that you had with Decarlo  
17 on that date; is that correct?

18 MR. SALTER: That is correct.

19 THE COURT: What was the purpose?

20 THE WITNESS: I was investigating another homicide.

21 Q BY MR. SALTER: How long after you had your  
22 conversation --

23 THE COURT: Just so I understand this, had you had  
24 him brought in or called him in for the purpose of  
25 discussing this other homicide?

26 THE WITNESS: No, sir, I had not, not for the

1 Beausoleil homicide. I did talk to him about another  
2 homicide.

3 THE COURT: How did he happen to be in there? Did  
4 you arrest him and bring him in, or did he come in  
5 voluntarily?

6 THE WITNESS: No, sir. He come in voluntarily.

7 THE COURT: You had sent word out, "I want to talk  
8 to you about this other case"?

9 THE WITNESS: That is correct.

10 THE COURT: In the course of that conversation, he  
11 related the statements that you are talking about here?

12 THE WITNESS: Yes.

13 Q BY MR. SALTER: Did you ask him at that time  
14 if he would be willing to testify in the Beausoleil case?

15 A No, sir I did not.

16 Q When he came in to relate whatever he had  
17 to relate about the other matter, did he give his address  
18 and information as to where he lived?

19 A Yes, sir, he did.

20 Q So you had information on how to get in  
21 touch with him; is that correct?

22 A Yes, sir, I did.

23 Q Did you talk to him again after Monday?

24 A Yes, sir, I've talked to him since.

25 Q Did you talk to him Tuesday morning? When  
26 I say Tuesday morning, I am referring to November 18.

21 1 A I may have talked to him on the phone, yes,  
2 sir.

3 Q Do you know how long you talked to him on  
4 the phone at that time?

5 A No, sir. I am not exact on the date of the  
6 18th, whether I talked to him on the phone that date or  
7 the following date, but I did talk to him on the phone.  
8 That was for about 15 or 20 minutes.

9 Q Incidentally, were you aware at the time  
10 that Mr. Decarlo had to appear in court on the 18th of  
11 November in Department A of this very courthouse?

12 A I had heard Mr. Decarlo mention something  
13 about the 19th. He at first thought it was on the 18th,  
14 and he thought it was the 19th, as I recall.

15 Q You are aware now that it was the 18th?

16 A Yes, sir, I am.

17 Q Have you subsequently read a reporter's  
18 statements as to what Mr. Decarlo stated to Sergeant Whitley  
19 and Sergeant Guenther?

20 A No, sir, I have not.

21 MR. SALTER: May we have a short recess?

22 I would like to have a short recess while  
23 I have this officer read this, and then I have another  
24 witness.

25 THE COURT: It will be denied.

26 MR. SALTER: Well, your Honor, I have a question.

1 MR. ROSS: It is there, Counsel. Why don't you  
2 just show it to him. It isn't that long.

3 Q BY MR. SALTER: I show you a statement. I  
4 ask you to read it right now, just to yourself.

5 THE COURT: What is the materiality of this,  
6 whether he has read this or not?

7 MR. SALTER: It is material, your Honor.

8 If this is a statement or substantially  
9 the statement that Mr. Decarlo gave him and then he  
10 related this to Sergeant Whitley, it is obvious that they  
11 didn't need any further time to investigate this case.  
12 They knew where this individual lived. On Monday they  
13 knew where he lived. They knew what he had to say.

14 We had to have a week's continuance for  
15 this. They could have taken care of this Tuesday.

16 This man appeared in this very courtroom  
17 Tuesday and is prepared to prove that, unless counsel is will  
18 ing to stipulate that Mr. Decarlo was in court Tuesday.

19 THE COURT: What you are trying to say is that  
20 when they took this statement, that you have just handed  
21 to them, they already knew everything that was in that  
22 statement; is that correct?

23 MR. SALTER: That is correct.

24 And this was on Monday night that they  
25 knew this.

26 On Tuesday Mr. Decarlo was in this very

1 courtroom at 2:00 o'clock and I am prepared to prove that.

2 MR. ROSS: I don't think you mean courtroom.

3 MR. SALTER: I mean this very courthouse in  
4 Department A.

5 We were forced to have a week's continuance  
6 in this matter, until today.

7 THE WITNESS: May I clarify something, your Honor?

8 THE COURT: Yes.

9 THE WITNESS: Not having any knowledge of the  
10 Hinman murder, I did not question Mr. Decarlo in depth  
11 on this, and thought that this would be something that the  
12 Deputies could do better than I could.

13 THE COURT:. You mean the Deputies assigned to the  
14 case?

15 THE WITNESS: Yes, sir. So there was no reason for  
16 me to go into detail with this.

17 This is why it was pushed over or given to  
18 the Deputies.

19 Q BY MR. SALTER: I take it, then, that what  
20 you are saying is that you did not interrogate Mr. Decarlo  
21 in detail with regard to what he knew about this particular  
22 case.

23 A Not to any minute detail, no.

24 Q I take it, however, that you received  
25 information from him in which he stated he had a conver-  
26 sation with Mr. Beausoleil, and in that conversation



1 Mr. Beausoleil made certain statements, incriminating  
2 statements in the Hinman killing; is that correct?

3 A Correct.

4 Q Did you question him further as to what  
5 those statements were?

6 A Yes, sir.

7 He said he --

8 Q Just answer that yes or not.

9 A Yes, sir.

10 Q So you went into detail, although maybe not  
11 as much detail as in that report; is that correct?

12 A Yes, sir, I went into small detail of --

13 Q And then you related that detail to  
14 Sergeant Whitley or Sergeant Guenther; is that correct?

15 A Whitley or Guenther.

16 MR. SALTER: I have no further questions.

17 MR. ROSS: I have just a couple of questions,  
18 your Honor.

19  
20 CROSS-EXAMINATION

21 BY MR. ROSS:

22 Q Is that Sergeant --

23 A Yes, sir.

24 Q Sergeant, you work for the L. A. City  
25 Police Department, is that correct?

26 A That is correct, sir.

1 Q Is this case that we are involved in, the  
2 alleged murder of Hinman, within your jurisdiction?

3 A No, sir, that is without my jurisdiction.

4 Q Were you in any way investigating that  
5 particular case for presenting evidence to this court?

6 A No, sir.

7 Q If I understand you, as soon as you heard  
8 this, whatever this was from Mr. Decarlo, that you called  
9 late in the afternoon and told the officers in this case,  
10 either Guenther or Whitley; is that correct?

11 A Guenther.

12 Q After saying that to them, did you indicate  
13 where they could get a hold of Decarlo?

14 A I believe I did, sir.

15 Q Did they contact you again about getting a  
16 hold of Decarlo?

17 A Yes, sir.

18 Q When did they contact you?

19 A That was the following day, as I recall,  
20 sir.

21 Q That would be on Wednesday, the 19th?

22 MR. SALTER: Just a minute, Counsel.

23 That is putting words in his mouth.

24 MR. ROSS: Well, I don't know which date.

25 Let me withdraw the question. I don't want  
26 to lead him.

Q You talked to him, that is, the officers in this case from the Sheriff's Department, on Monday afternoon; is that correct?

A I believe it was, yes, sir.

Q And then you had a conversation as to where they could find Decarlo; is that correct?

A Yes, sir.

Q Do you recall what date that was? Monday? Tuesday? Wednesday? Thursday?

A I believe it was late Tuesday, sir.

Q Whom did you call then?

A Either Sergeant Whitley or Sergeant Guenther.

Q What did you give them? Address? Phone number? What?

A I believe I had his address by then, or phone number where I could contact him.

Q Did you indicate to them that he had some kind of a court case out here in Santa Monica?

A Did I indicate to the Deputy?

Q Yes.

A I believe I did, sir.

Q Did you say where and when it was or what it involved, or anything like that?

A No, sir. I didn't know anything about it.

Q You heard this only from the defendant; is that correct?

A Yes.

MR. ROSS: I have no further questions.

REDIRECT EXAMINATION

BY MR. SALTER:

Q Sergeant Gutierrez, on Monday, when you talked to Decarlo, you had his address and telephone number as to where he could be located?

A I have just given that quite a bit of thought, and I didn't get his phone number. I had his address, but I didn't have his phone number. This would be his mother's phone.

MR. ROSS: May I have just a moment, your Honor?

THE COURT: Yes.

MR. ROSS: I need just a moment to talk to the officer.

(Short recess.)

THE COURT: Who is carrying the ball?

MR. SALTER: I have the ball, your Honor.

Q Sergeant Gutierrez, when you talked to Mr. Decarlo on Monday the 17th of November, did you have his phone number?

A No, I did not.

Q You had his address at that time?

A Yes, sir, I did.

Q You just forgot to get the phone number?

A That is exactly correct, sir.

Q Sir, you were investigating a rather high-powered case at that time, weren't you?

MR. ROSS: I object to the "high-powered case."

THE COURT: Sustained.

Q BY MR. SALTER: Sir, you were investigating the Tate murder case at that time, were you not?

THE COURT: Sustained.

MR. SALTER: Your Honor, may I be heard on this? In fact, I have a right to be heard as far as arguing is concerned.

It is my point, my position, that this officer is trying to tell this Court that he interviews a witness, which I think we can prove he was interviewing this witness with regard to the Tate murder case; and I think it is very unlikely that the officer is incompetent. He is competent, and he is going to get the address of such a witness for such a case as that and not inquire even as to his phone number? He just happened to forget his phone number?

I mean, if it was a small case, fine, but he is investigating a case in which there has been so much publicity, and they are rather anxious, I imagine, to find out who did it.

I find it very unreasonable of this officer not to get his phone number, and I think it is proper

1 THE COURT: Just a moment. The objection is  
2 sustained.

3 Q BY MR. SALTER: All right. You had his  
4 address and then you got his phone number sometime later;  
5 is that correct?

6 A That is correct.

7 Q Do you know when you got the phone number?

8 A Yes. I believe it was on Wednesday, the  
9 19th, 19th of November.

10 Q When you first got the name of Daniel Decarlo  
11 you got that name from some other officer, is that  
12 correct?

13 A No, sir.

14 Q From whom did you get the name?

15 MR. ROSS: We will object to that, your Honor.  
16 I don't think it is material to his proceeding. He  
17 stated he was investigating something else that wasn't  
18 connected with this.

19 THE COURT: I think it irrelevant, but I assume  
20 it goes to the question of when he first had information  
21 about this thing. However, we are not concerned about  
22 when he first got information. We are concerned about  
23 when it was first given to Sergeant Whitley.

24 MR. SALTER: That is correct.

25 THE COURT: I will sustain the objection.

26 MR. SALTER: I have no further questions.

1 MR. ROSS: I have nothing further.

2 THE COURT: Thank you.

3 Step down.

4 Mr. Decarlo, would you come forward and  
5 take the stand, please. You have been previously sworn,  
6 and you are still under oath.

7 MR. SALTER: I have no questions at this time.  
8 I want to recall Sergeant Whitley.

9 THE COURT: You do not want him?

10 MR. SALTER: Not at this time.

11 THE COURT: All right, have a step down.

12 MR. SALTER: Sergeant Whitley.

13 THE COURT: Are you going to use this witness  
14 at all?

15 MR. SALTER: Not yet.

16 MR. ROSS: He will be here on the matter anyway.

17  
18 (TESTIMONY OF PAUL J. WHITLEY)

19  
20  
21 PAUL J. WHITLEY,  
22 called as a witness by and on behalf of the Defendant,  
23 having been previously sworn, was examined and testified  
24 as follows:  
25  
26

## DIRECT EXAMINATION

BY MR. SALTER:

Q Sergeant Whitley, you had a conversation with Mr. Fitz of the District Attorney's office, the Head Deputy, in Santa Monica regarding this matter; is that correct?

A Yes..

Q That conversation, I am referring to, took place Tuesday; isn't that correct?

A Yes.

Q That was Tuesday, the 18th of November; is that correct?

A Yes.

Q At that time did you tell Mr. Fitz the name of this witness that you had?

A I can't recall.

Q You knew it was Danny Decarlo at that time; is that correct?

A Yes.

Q You also knew that he had this case pending; is that correct?

A I can't remember at that time if I knew about it or not?

Q You don't know whether you told Mr. Fitz the name of the witness or not?

A I can't remember that.



32

1 Q Did you tell Mr. Ross the name of the  
2 witness?

3 A On Tuesday morning I really can't recall  
4 whether I gave Mr. Ross that information at that time or  
5 not.

6 Q Did you tell him Tuesday afternoon, prior  
7 to 2:00 o'clock?

8 A I can't recall.

9 MR. SALTER: No further questions.

10 MR. ROSS: I have no questions.

11 THE COURT: Step down.

12 MR. ROSS: Your Honor, I believe we can mutually  
13 stipulate, as far as the name being furnished at least to  
14 myself, that I was informed of the name of the proposed  
15 witness before 2:00 o'clock in the afternoon, after we  
16 had continued the matter over until the afternoon. I  
17 didn't know the name at that time and I did learn of the  
18 name before 2:00 o'clock, and we came in to request the  
19 continuance.

20 MR. SALTER: In other words, it is stipulated that  
21 you knew the name of Danny Decarlo prior to the motion that  
22 took place on November 18, 1969, that took place around  
23 2:00 o'clock.

24 MR. ROSS: I knew the name of a proposed witness,  
25 yes, that is all I can state.

26 MR. SALTER: You knew Danny Decarlo?

33

1 MR. ROSS: I didn't know any information as to what  
2 it was, but I knew the name Danny Decarlo.

3 MR. SALTER: Yes, we will so stipulate to that.

4 THE COURT: Is that all of the evidence?

5 MR. SALTER: No, your Honor, one more stipulation.

6 THE COURT: What stipulation do you want?

7 MR. SALTER: Counsel and I would like to have a  
8 stipulation. May we have a minute? We want to talk to  
9 Mr. Fitz.

10 THE COURT: All right, go ahead.

11 (Short recess.)

12 THE COURT: Let us get back to Beausoleil. Where  
13 were we, gentlemen?

14 MR. SALTER: I call Mr. Fitz.

15

16

17 (TESTIMONY OF DAVID N. FITZ)

18

19 THE CLERK: You do solemnly swear that the  
20 testimony you are about to give before this Court shall be  
21 the truth, the whole truth, and nothing but the truth, so  
22 help you God?

23 THE WITNESS: I do.

24

25

26 DAVID N. FITZ,  
called as a witness by and on behalf of the Defendant,

34

1 having been first duly sworn, was examined and testified  
2 as follows:

3 THE CLERK: Would you take the stand.

4 Would you state your full name for the  
5 record.

6 THE WITNESS: David N. Fitz.

7  
8 DIRECT EXAMINATION

9 BY MR. SALTER:

10 Q Mr. Fitz, what is your occupation or  
11 profession?

12 A Deputy District Attorney.

13 Q What is your position in the District  
14 Attorney's office?

15 A Head Deputy of the Santa Monica Branch  
16 Office.

17 Q Mr. Fitz, drawing your attention to the  
18 date of November 18, that was last Tuesday of this year,  
19 did you have a conversation with either or both  
20 Sergeant Whitley and Sergeant Guenther?

21 A I did.

22 Q That was regarding the Beausoleil case?

23 A It was.

24 Q Did this conversation take place prior  
25 to 2:00 p.m., Tuesday, November 18?

26 A It did.

35

1 Q At that time did they tell you that they had  
2 a witness that they thought was important in this case?

3 A They did.

4 Q Did they give the name of that witness to  
5 you?

6 A Yes, they did.

7 Q They told you that the witnesses's name  
8 was Daniel Thomas Decarlo?

9 A I remember Decarlo.

10 Q At that time you were also aware that your  
11 office was prosecuting him on a grand theft charge or some  
12 type of charge --

13 A I became aware of that.

14 Q -- prior to 2:00 o'clock?

15 A I knew that prior to 2:00 o'clock.

16 Q Do you know what time you became aware of  
17 that?

18 A It would be sometime between a quarter after  
19 1:00 -- in the neighborhood of 1:30.

20 Q This information that you have just  
21 testified to, did you relate that to this Court in  
22 chambers sometime just shortly after 2:00 o'clock?

23 A That is true.

24 Q At that time that you related the  
25 information you weren't in chambers by yourself?

26 THE COURT: What information are you talking about?

1 MR. SALTER: The information just brought out  
2 on the stand.

3 THE WITNESS: With reference to --

4 THE COURT: Let us put it this way: Mr. Fitz  
5 told me that he had evidence and was requesting that the  
6 matter be put over, but I don't think I ever heard the name  
7 of Decarlo. I don't think he ever told me that.

8 THE WITNESS: I don't recall that I did, your Honor.

9 THE COURT: My recollection is that I told you I  
10 didn't want to know what the evidence was, because I didn't  
11 want to get any information outside of court.

12 MR. SALTER: What information did you have?

13 THE COURT: That based upon your information as  
14 a Deputy District Attorney that it was material, that I  
15 would grant the continuance. That was the gist of it.

16 Q BY MR. SALTER: Do you recall what  
17 information you gave the Court in chambers at that time?

18 A I advised the Court generally that there was  
19 a possible witness in the Beausoleil matter. That the  
20 testimony could be extremely important to the case. That  
21 this particular witness was also being interrogated by  
22 other agencies, and that it was desirable that the matter  
23 be recessed so that the deputies assigned to the investi-  
24 gation of this case might themselves personally interview  
25 this witness. I advised the Court that they had not done  
26 so, and, in a sense, evaluate what they heard so that a

37

1 determination could be made as to whether that individual  
2 could be made a witness in the Beausoleil case.

3 Q That was the entire conversation with the  
4 Court?

5 A That is the gist of it.

6 Q That was in chambers, just you and Judge Shea  
7 is that correct?

8 A That is true.

9 Q That took place between 2;00 o'clock and --

10 THE COURT: Do you remember you had to explain to  
11 me that you were running the office instead of Joe Chandler?  
12 I didn't even know he was the Head Deputy. I thought Joe  
13 was still around the office.

14 THE WITNESS: That is right. We did grope for a  
15 while in trying to find out who I was.

16 Q BY MR. SALTER: You had seen me in court  
17 itself before going into chambers?

18 A I had.

19 Q You went into court to discuss this  
20 with the Court yourself; is that correct?

21 A I did.

22 Q One more question, Mr. Fitz. You  
23 didn't tell me what you were going into chambers for,  
24 did you?

25 A No, I did not.

26 Q You did not invite me in there to discuss

38 1 the case with you and the Judge; is that correct?

2 A I did not.

3 MR. SALTER: I have no further questions.

4 MR. ROSS: No questions.

5 THE WITNESS: Am I excused?

6 THE COURT: Yes, thank you.

7 MR. SALTER: I have no further evidence on the  
8 motion.

9 I do have some other motions, however,  
10 arguments, as far as the People's motion is concerned.

11 MR. ROSS: I have nothing further.

12 THE COURT: Let's hear them.

13 MR. SALTER: I think the introduction of the  
14 proposed testimony is highly prejudicial and unreasonable,  
15 your Honor. First of all, the continuance, it turns out  
16 to be unreasonable. The officers has -- strike that.

17 I call Mr. Decarlo to the stand.

18 THE COURT: Will you come forward.

19

20

21 (TESTIMONY OF DANIEL DECARLO)

22

23

DANIEL DECARLO,

24

called as a witness by and on behalf of the Defendant,

25

having been previously sworn, was examined and testified

26

as follows:

1 THE CLERK: You have been sworn, sir, and are still  
2 under oath.

3  
4 DIRECT EXAMINATION

5 BY MR. SALTER:

6 Q Mr. Decarlo, drawing your attention to  
7 2:00 o'clock, November 18, 1969, were you in Department A  
8 of Los Angeles County Superior Court?

9 THE COURT: Wasn't that stipulated to?

10 MR. ROSS: I thought it had been, too.

11 Q BY MR. SALTER: Were you in court at that  
12 time?

13 A Yes.

14 Q That was right downstairs in this building?

15 A That is correct, yes.

16 Q In the morning you were at home awaiting  
17 call from Sergeant Guenther and Sergeant Whitley; is that  
18 correct?

19 A I don't know if it was either of them two,  
20 but I was expecting a phone call.

21 Q You were told to stand by awaiting a phone  
22 call from somebody regarding this case?

23 A Yes.

24 Q Who told you to stand by? Sergeant Guenther?

25 A Yes, sir.

26 Q You had given them your name; is that



1 correct?

2 A Yes.

3 MR. SALTER: I have no further questions.

4 THE COURT: Step down.

5 MR. ROSS: Just one question.

7 CROSS-EXAMINATION

8 BY MR. ROSS:

9 Q You had not talked to the people in the  
10 Sheriff's Department before you came to court here Tuesday  
11 afternoon?

12 A You mean, did I talk to them?

13 Q Right.

14 A I talked to somebody. I don't know who they  
15 were from. It was prior to me going to court.

16 Q Well, did you talk to this officer sitting  
17 next to me, Sergeant Whitley?

18 A Yes, sir.

19 Q Is that yes?

20 A Yes.

21 Q Was that before going there?

22 A I believe so.

23 Q Where was it that you talked to them?

24 A Downtown.

25 Q And a tape was made of your conversation?

26 A I didn't.

41 Q Somebody out there typed out what you had  
1 to say on one of those stenorette machines?

2 A This was after they took the tape.

3 Q Did you talk to them before then?

4 A Yes.

5 Q When was that?

6 A Three or four days before, maybe.

7 Q Where did you talk to them?

8 A Downtown.

9 Q Was it the same policeman or the police  
10 department, or where would that have taken place?

11 A The only police officer I know by name  
12 is Mr. Guenther.

13 Q Is he the fellow you talked to?

14 A Yes.

15 MR. ROSS: I have nothing further.

16 MR. SALTER: I have nothing further.

17 MR. ROSS: Step down.

18 In light of that, I would like to call  
19 Sergeant Whitley for just one second.

20 MR. SALTER: Are you reopening your motion to  
21 reopen?

22 MR. ROSS: Do you want to call it a rebuttal to  
23 reopen?

24 You have previously been sworn in the matter.  
25 I remind you that you are still under oath.  
26

42 1 (TESTIMONY OF PAUL J. WHITLEY)

2  
3 PAUL J. WHITLEY,  
4 called as a witness by and on behalf of the People,  
5 having been previously sworn, was examined and testified  
6 as follows:  
7

8 FURTHER REDIRECT EXAMINATION

9 BY MR. ROSS:

10 Q On Tuesday the 18th, where were you in the  
11 morning hours?

12 A I went to work Monday night at approximately  
13 10:30 of the 17th. I worked all night until 9:30 a.m. of  
14 the 18th. I then went to Department 101 where I testified  
15 in a murder trial.

16 Q Were you with Deputy Guenther?

17 A He shuffled between 101 and another court  
18 where we had a kidnapping case going. That went on until  
19 ten minutes after 5:00 of the 18th.

20 Q Did you come out here sometime during the  
21 18th?

22 A I can't remember whether I did or not. I  
23 think at lunchtime I ran out here and then back to the  
24 Hall of Justice to testify again.

25 Q And were coming out and having your little  
26 conference in Mr. Fitz's office until 1:00 o'clock?

43 1

A Yes, it was at lunch.

2

Q You were still working on these other cases?

3

A Yes.

4

Q Were you the only two officers that had been assigned to this defendant's case?

6

A Yes.

7

8

FURTHER RECROSS-EXAMINATION

9

BY MR. SALTER:

10

Q In other words, you and Sergeant Guenther were out here between 1:00 and 2:00 o'clock on the 18th of November, 1969?

13

A That is correct.

14

Q You were talking to Mr. Fitz during that time?

15

A Yes.

16

Q You also talked to Mr. Ross during that period of time; is that correct?

18

A Yes.

19

THE COURT: Are you through, gentlemen?

20

MR. ROSS: I just have one other question.

21

22

FURTHER REDIRECT EXAMINATION

23

BY MR. ROSS:

24

Q Did you know Mr. Decarlo was out here that afternoon?

26

A No.

MR. ROSS: Nothing further.

THE COURT: Step down.

MR. SALTER: Your Honor, the motion to reopen is prejudicial and unreasonable. The motion to continue, in fact, was prejudicial and unreasonable in view of the evidence.

On Monday sometime, Sergeant Guenther and Sergeant Whitley had the information of what Mr. Decarlo was going to testify to. They knew, number one, that if they testified as to certain statements, incriminating statements, or allegedly incriminating statements, said by Mr. Beausoleil, there was nothing further to investigate as to whether it is admissible or not, whether they needed substantiation or not. They knew right at that point the legal substantiality of the statements. They knew his address. They knew his name. They knew everything. They had no further investigation. They could have possibly asked him a few more details, which could have been done in a half an hour's conversation before Court on Tuesday or 3:00 o'clock Tuesday.

They then tell Mr. Fitz about this matter, and Mr. Fitz becomes aware of this matter sometime before 2:00 o'clock Tuesday.

Mr. Fitz knows the name of the individual. He knows the information. He knows the admissibility of it, and then he makes a representation to this Court that it is

45 1 solid evidence, et cetera, et cetera.

2 Now, at 2:00 o'clock our Mr. Fitz also, by  
3 the way, is aware that his office is prosecuting  
4 Mr. Decarlo.

5 Mr. Decarlo then comes to this very building  
6 at 2:00 o'clock in the afternoon on Tuesday and makes an  
7 appearance in Department A on this other matter. The  
8 District Attorney's office is therefore advised, either  
9 through Mr. Fitz or someone else who make an appearance --  
10 if the Court wants, we can bring him up, the person who  
11 represented the District Attorney's office -- at 2:00 o'clock  
12 so that they knew Mr. Decarlo was there at 2:00 o'clock.  
13 There was no need for a continuance. You could bring  
14 Mr. Decarlo up here, make a motion to reopen, and if it is  
15 granted, the matter is then heard at 2:00 o'clock. There  
16 was no reason whatsoever to continue.

17 Now, Mr. Whitley said that one of the reasons  
18 they needed a continuance was because he was busy on other  
19 matters. Well, there is no legal ground for a legal  
20 continuance when you are in trial in a case, and either  
21 Sergeant Whitley or Guenther were present during most of the  
22 trial. There has been no legal excuse, no legal grounds for  
23 a continuance, and now the question is of reopening the  
24 matter.

25 The Court heard evidence that this individual  
26 whom they propose to put on after almost a week's

46 1 continuance, is an individual who has been promised that his  
2 case, in which he is charged with grand theft, receiving  
3 stolen property, possession of marijuana, will be dismissed  
4 by the District Attorney's office; in fact, the Court has  
5 heard evidence that in Department A this morning, his case  
6 was put over to tomorrow morning for that purpose.

7           You also heard evidence that this man is a  
8 member of the Straight Satans, which is a group like the  
9 Hell's Angels. You also heard that this man has been  
10 convicted of conspiracy to smuggle narcotics. So he is a  
11 convicted felon.

12           I say this type of testimony at this stage,  
13 after this length of a continuance, is prejudicial. It is  
14 error. I object, your Honor.

15           We have already rested. I have only put on  
16 one minute's worth of testimony. Look at the effect that  
17 this testimony is going to have on the jury. All of a  
18 sudden, they throw in this. This is the only thing that they  
19 could even call substantial evidence, if it is to be believed  
20 in this whole case. The only other thing they had was some  
21 vague circumstances. There was nothing which would tie  
22 Mr. Beausoleil in with the murder. Now, all of a sudden,  
23 they are going to put on a statement, a very harmful  
24 statement, at this stage, after having a week's continuance.  
25 Imagine the effect this is going to have on the jury.

26           Your Honor, I checked through the reopening of

47 1 the People's case, and I also move for mistrial on the  
2 grounds of an unlikely and unreasonable delay in this  
3 matter.

4 THE COURT: The objection will be overruled.  
5 The motion for a mistrial will be denied.

6 The motion of the People to reopen is  
7 granted, and at 2:00 o'clock, gentlemen, we will proceed  
8 with the trial.

9 MR. ROSS: Thank you.

10 (Lunch recess.)

11 THE COURT: Good afternoon, ladies and gentlemen.

12 Call your next witness, please.

13 MR. ROSS: Very well, your Honor.

14 MR. SALTER: Your Honor, before we proceed, I have  
15 one more motion that I would like to make. It is a very  
16 quick motion, your Honor.

17 THE COURT: Let's go into chambers.

18 (Whereupon the following proceedings were had in  
19 chambers, outside the presence and hearing of the jury.)

20 MR. SALTER: Let the record show we are in  
21 chambers with the defendant, outside the presence of the  
22 jury.

23 Your Honor, at this time I would ask the  
24 Court to cite Mr. Fitz for misconduct and move for a  
25 mistrial, based on the conduct of the District Attorney,  
26 Mr. Fitz, who represents the District Attorney's office in



48 1 this case. You have already heard my thoughts as to his  
2 misconduct, by going in and discussing this case with the  
3 Court outside my presence, without my knowledge; and as a  
4 result, a motion that has been harmful to defendant was  
5 granted, a continuance, which I felt was beyond reason and  
6 with no showing on the record at that time as to what the  
7 reason for the continuance was, as far as solid facts.

8 THE COURT: I thought I made it perfectly clear that  
9 at the time he came in here, he did not discuss anything  
10 about the merits of the case, only that he had information,  
11 which was the basis for the request for continuance; and I  
12 said that I would rely upon their representation in that  
13 regard.

14 MR. SALTER: Well, that was my whole point. He  
15 made representation outside my presence to this Court, and  
16 then there still was no showing at that time as to what  
17 the evidence was.

18 The Court has taken the representation of  
19 someone who was not on record in this case but was the  
20 Head District Attorney of the Santa Monica Branch Office;  
21 and based upon his representation, outside my presence in  
22 chambers, the Court granted a motion; and I think that was  
23 misconduct on behalf of the District Attorney's office, and  
24 that is why I am asking for a mistrial in this matter.

25 THE COURT: The motion is denied.

26 (Whereupon the following proceedings were had in

open court within the presence and hearing of the jury.)

(TESTIMONY OF DANIEL DE CARLO)

DANNY DE CARLO,

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

THE CLERK: State your name for the record.

THE WITNESS: Danny De Carlo.

DIRECT EXAMINATION

BY MR. ROSS:

Q It is Danny De Carlo; is that right?

A Yes.

Q You live here in the Los Angeles area?

A Yes.

Q Are you acquainted with the defendant Bobby  
Beausoleil?

A Yes, I know him.

Q When did you first meet him, approximately?

A Around the middle of July.

Q Of this year?

A Yes.

Q Where was it that you met him?

A At Spahn's Movie Ranch.

1 Q Spahn's Movie Ranch; is that what you said?  
2 A Yes.  
3 Q Whereabouts is that located?  
4 A It is out in the Valley, in Chatsworth.  
5 Q Were you staying up at that location?  
6 A Yes, sir.  
7 Q Was the defendant Bobby Beausoleil staying up  
8 at that location?  
9 A Yes.  
10 Q How long a period of time did you stay at that  
11 ranch?  
12 A Off and on for about three months.  
13 Q Was there some period of time there during July  
14 when the defendant or Mr. Beausoleil left the ranch for  
15 awhile?  
16 A Yes, sir.  
17 Q How long was he gone?  
18 A Approximately three days.  
19 Q Did you have any conversation with Bobby as to  
20 where he was going?  
21 A Not until he got back.  
22 Q When he got back, did you have some conversation  
23 with him as to where he had been?  
24 A Yes.  
25 Q Was there anyone else present at the time of  
26 this conversation?

1 A There might have been a few girls running in  
2 and out of this particular place that he was at, but other  
3 than that, it was me.

4 Q Where was that that it took place?

5 ~~A~~ At the end of the ranch in the bunkhouse.

6 ~~Q~~ To the best of your knowledge, when approximately  
7 can you fix the time or date, if you can?

8 A Around the last part of July.

9 Q That's this year, of course?

10 A Right.

11 Q What was the conversation that you had?

12 A Oh, where he had been.

13 Q What did he say?

14 A Oh, they went up to -- him and two girls went  
15 up to Gary Hinman's house.

16 Q Did he say where this place was?

17 A No, sir.

18 Q What else did he say?

19 A They went up there to get some money off of  
20 him, and they went inside to talk to Gary.

21 They talked in there for about two, three hours.  
22 They just talked about old times.

23 Q Did he say he knew Gary before that?

24 A Well, I heard the name mentioned. Now, whether  
25 he knew him before that, I don't know.

26 Q You say he talked to him about old times.

Then what did he say?

A During the course of the conversation he pulled a gun on him and demanded that Gary give him the money that he had. He was supposed to have \$20,000.

And Gary told him to get out of the house, "Take your gun and everybody else and get out."

So then Bobby hit him with a gun, punched him around a little bit.

Q Continue if you will, please.

A But Gary still wanted him out of the house. He wasn't going to conform to what anybody said. He just told him to get out.

Q Will you slow down a little bit.

He told him to get out; right?

A Yes.

Q What else did he say?

A Well, he continued -- proceeded to beat him, to punch him around, tried to show him that he wasn't a joker in any way, and that he wanted the money and anything else that was in the house.

But, then, Gary said, "No, get out."

So he called up a guy named Charley at the ranch.

Q That is back at the Spahn Ranch?

A Right.

Q So what happened?

1 A So Charley and this guy went up to the house  
2 where Bobby was at. I didn't see them leave, though.

3 Q You knew this guy Charley?

4 A Yes.

5 Q This is what Bobby is telling you still?

6 A Right.

7 Q Go ahead.

8 A So when Charley got there, Gary ran up to him  
9 and told him to take your kind and get out.

10 So Charley had a long sword, hit him with the  
11 sword, cut his ear off.

12 So he told Gary that, you know, "You had better  
13 conform, or you had better do what you are told," along  
14 those words.

15 So then he left.

16 Q Who left now?

17 A Charley did, and left Bobby back up there again.

18 So he stayed there, I guess, another six or  
19 seven hours with Gary, and then he called back Charley --  
20 up, and said, "Gary isn't cooperating."

21 So Charley told him, "You know what to do."

22 So he stuck him with a knife.

23 Q This is Bobby still saying this?

24 A Right.

25 Q What did you say about sticking him with the  
26 knife?

1 A He said he hit him once with a knife. It  
2 didn't kill him right off. He hit him again and again.  
3 He did not say how many times he did it. He didn't die  
4 right away. It took him awhile.

5 After he was dead, they took the blood and  
6 put a panther paw upon the wall with the words "Political  
7 Piggy," or something along that line. I can't exactly  
8 remember -- remember exactly what the words were that he  
9 put on there, but he put it in Gary's blood.

10 Q Did he say why he put that on the wall?

11 A Well, it deviated toward the Black Panther.

12 Q Did he say anything about any property that was  
13 taken?

14 A No, he didn't say what property was taken, but  
15 they came back with two cars.

16 ↑ Q What kind of cars did he come back with?

17 W/2 A One was a small white Toyota and the other  
18 they was a Volkswagen bus.

19 Q Mr. De Carlo, I show you a picture here that we  
20 have marked as Exhibit 31, a Volkswagen bus.

21 Does that appear familiar to you?

22 A Yes, it does.

23 Q Is that the bus you are talking about?

24 A Yes, sir.

25 Q Was that brought back to the ranch when Gary (sic  
26 came back?

55

1 A Yes, sir.

2 THE COURT: Excuse me.

3 Do you mean the defendant Bobby?

4 THE WITNESS: Yes.

5 BY MR. ROSS:

6 Q I show you this exhibit that we have marked as  
7 No. 1 and ask you to look at that.

8 Does that look familiar?

9 A Yes. It is a little white car.

10 Q Is that the one you are referring to that  
11 came back when Bobby did?

12 A Yes, sir.

13 Q When you were talking with Bobby at this time,  
14 did he have any weapons on him?

15 A He had a small bowie knife that he carried in a  
16 sheath on his belt.

17 Q I have an exhibit here that we have marked as  
18 Exhibit 15 with this hawk or the bird on the front of it.

19 Does that appear to be the knife that he had?

20 A Yes, sir, that's it.

21 Q Did he carry that with him?

22 A Yes, sir.

23 Q Was this inside some kind of a sheath or  
24 scabbard of any kind?

25 A It was made out of leather.

26 Q Does this appear to be the scabbard with the



1 leather sheath that you are talking about?

2 A It was something like that.

3 Q Why was Bobby telling you all this?

4 A Because I belong to a motorcycle club --

5 Q Which club is that?

6 A The Straight Satans from Venice; and it was  
7 maybe more or less to impress me, or because the idea was  
8 to get my club up there and more or less protect everybody  
9 else; and I was the only one up there, so they more or less  
10 preyed on me with the boasterous (sic) acts they did.

11 Q Boasting, did you say?

12 A Boasting, right.

13 Q Did Bobby say anything to you about going back  
14 to the house after the stabbing?

15 A Yes, sir.

16 They went back there to wipe off the writing  
17 they put on the wall.

18 Q Did they wipe anything else other than just the  
19 writing?

20 A They wanted to clean the house up extra good,  
21 but it was mostly to take the writing off the wall.

22 Q Did they say they had done that?

23 A I can't remember whether he did or not.

24 Q Did he say anything about how long had gone by  
25 between the time he left the house and the time that he  
26 came back?

1 A Approximately two days.

2 Q Did he say anything about what the place looked  
3 like when he got back there?

4 A Other than he could hear the maggots eating  
5 away on Gary and how the house stunk pretty bad.

6 Q Now, you have a case pending here in Santa  
7 Monica Court, do you not?

8 A Yes, I do.

9 Q You talked with me this morning about the  
10 matter, did you not?

11 A Yes.

12 Q I indicated to you that I wanted you to testify  
13 in this case; is that correct?

14 A Yes.

15 Q What did I tell you I wanted you to testify to?

16 A To tell nothing but the truth.

17 Q Are you telling me that now?

18 A Yes, sir, I am.

19 Q I also indicated to you that if you did tell the  
20 truth in this case, as you indicated, that your other case -  
21 we would recommend that that case be dismissed against you?

22 A Yes, you did.

23 Q You are charged with stealing a motorcycle; is  
24 that correct?

25 A Yes.

26 MR. ROSS: I have no further questions.

## CROSS-EXAMINATION

BY MR. SALTER:

Q You are charged with stealing a motorcycle and possession of marijuana; is that correct?

A Yes.

Q You made an appearance downstairs in Department A this morning; is that correct?

A Yes, sir, I did.

Q At that time you were supposed to enter a plea; is that correct? That is what it was scheduled for?

A Yes, sir.

Q At that time Mr. Ross did appear and the matter was continued until tomorrow; isn't that correct?

A Yes, sir, it was.

Q For your testimony today you expect Mr. Ross at that time, or someone from the District Attorney's Office, to dismiss the case; isn't that correct?

A Well, I don't know what his intentions are.

Q Well, he told you he was going to dismiss the case?

A Well, if that is what he said, that is what he is going to do.

Q You heard what he just said, didn't you?

A Yes, that is what he said.

Q He told you to tell the truth; is that correct?

A Yes, sir, he did.

1 Q This is what you told him was the truth; isn't  
2 that correct?

3 A Yes, sir.

4 Q This is the truth that you told him in return  
5 for the dismissal of the case; isn't that correct?

6 A Yes, sir.

7 Q So all Mr. Ross has is your word that it is the  
8 truth, isn't it?

9 A Just my word, yes, sir.

10 Q You have been convicted of a felony before,  
11 haven't you?

12 A Yes.

13 Q You have been convicted of conspiracy to smuggle  
14 narcotics, haven't you?

15 A Yes, sir.

16 Q As a member of the Straight Satans -- that is a  
17 club something like the Hell's Angels, isn't it?

18 A Yes, sir, it is.

19 Q Do you have a code of truth in that club, too?

20 A What do you mean by "a code of truth"?

21 Q Well, as a member of the Straight Satans, are you  
22 sworn to uphold truth and law and order?

23 A You mean among my club?

24 Q Yes. You said you were a member of the Straight  
25 Satans. Is it like the Hell's Angels; it is like the boys  
26 discuss that you are to uphold the law and order and the

1 truth?

2 A We do the best we can.

3 Q This person Charley that you referred to in  
4 your testimony, were you aware of this person Charley's  
5 full name?

6 A Charles Manson.

7 Q You heard the statement, you say, sometime in  
8 July. Is that correct?

9 A Yes.

10 Q You are testifying here for the sole purpose  
11 of getting your case dismissed; is that correct?

12 A I will testify to what I heard.

13 Q Is the purpose of your testimony today solely so  
14 that you will get your case dismissed?

15 A No, sir.

16 Q You have other motives, too; is that correct?

17 A A man was killed for no reason at all. That is  
18 the motive.

19 Q That is your motive?

20 A That's right.

21 Q Were you aware that Mr. Beausoleil was being  
22 charged with this crime?

23 A Yes, I did.

24 Q When did you become aware of that?

25 A When he got caught with the white car.

26 Q So it was around August 6th or 7th that you

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1 became aware that he was being charged with a crime; is  
2 that correct?

3 A Yes, sir.

4 Q Now, did your desire to bring out all of  
5 these facts well up within you so much that you came forth  
6 at that time on August 6th or shortly thereafter --

7 A No.

8 Q Let me finish before you shake your head.  
9 -- shortly after and say to the Sheriff or  
10 to Mr. Ross or to somebody else, "Wait. I want to tell  
11 the truth and I want to tell what happened. And I had  
12 a conversation with Mr. Beausoleil"? Did you do that at  
13 that time?

14 MR. ROSS: Excuse me.

15 I wish to interpose an objection, number one,  
16 in that it is a compound question; number two, it is  
17 argumentative.

18 THE COURT: Sustained on both grounds.

19 MR. SALTER: All right.

20 Q Did you, at the time that you found out  
21 Mr. Beausoleil was arrested and charged with this crime,  
22 go forth to the authorities and tell them of the conversa-  
23 tion that you say you had with Mr. Beausoleil?

24 A Because when he first told me --

25 Q Just answer that with a yes or no, sir. I am not  
26 asking you for any reason.

1 If you have any reasons, Mr. Ross is fully  
2 qualified to question you on them.

3 A At first, no.

4 Q You didn't come forth, I take it, until sometime  
5 after you were charged with a crime; is that correct?

6 A With which crime?

7 Q With this crime of theft of a -- what was it?  
8 -- theft of a motorcycle?

9 A Yes.

10 Q That's the theft of a motorcycle; is that  
11 correct?

12 A An engine. An engine that I sold.

13 Q Well, you didn't come forth to the authorities  
14 until after you had been charged with that crime, did you?

15 A No.

16 Q Just answer that yes or no.

17 Mr. Ross is fully competent to ask you any  
18 further questions if he desires.

19 A No.

20 Q Were you and Mr. Beausoleil friends?

21 A I like him. I liked Bobby.

22 Q I did not ask you that. I asked you if you were  
23 close friends.

24 A I considered him a friend, yes.

25 Q You say he made this statement so you could  
26 protect him -- you and your gang?

1 A No, sir. He just told me about it.

2 Q You were under the impression that he gave you  
3 this statement so that you could protect him, you and your  
4 gang; is that correct?

5 A When he first told me --

6 Q Is that what you were under the impression of?

7 A So that my club would protect him?

8 Q Is that what you said?

9 A No, I said that it was Charley's idea.

10 Q Charley Manson's idea?

11 A Yes, right.

12 Q That your club was going to protect Charley  
13 Manson?

14 A Right.

15 MR. SALTER: I have no further questions of this  
16 witness.

17 THE COURT: Mr. De Carlo, when was it that you first  
18 disclosed to any law enforcement agency or any officer of  
19 the fact of this conversation that you had had?

20 MR. SALTER: Your Honor, I object to the Court's asking  
21 this witness any question. I object to the Court even  
22 asking any questions on this matter.

23 THE COURT: The objection is overruled.

24 Do you understand my question?

25 THE WITNESS: You want to know when I first went to  
26 the police?



1 THE COURT: Well, I guess you could put it that way.

2 What I want to know is: When did you first  
3 disclose to any law enforcement officer this conversation  
4 that you had had with Bobby?

5 THE WITNESS: Approximately a couple of weeks ago;  
6 maybe not that long. Maybe a week and a half.

7 THE COURT: Do you recall the occasion of your talking  
8 to anyone --

9 THE WITNESS: The first one that was talking to me  
10 were the Venice Detectives.

11 THE COURT: The what?

12 THE WITNESS: The Venice Detectives.

13 THE COURT: That is the first time you told anybody  
14 about this conversation?

15 ~~THE WITNESS: I didn't tell them. He just asked me~~  
16 ~~about it.~~

17 THE COURT: And you say about a week and a half ago?

18 THE WITNESS: Yes, sir, probably a week and a half,  
19 two weeks ago.

20 THE COURT: You don't remember the exact occasion?

21 THE WITNESS: No, sir, I don't.

22 THE COURT: Any redirect?

23 MR. ROSS: No, nothing further.

24 MR. SALTER: Nothing further.

25

26

\* \* \*

1 THE COURT: Anything else by the defendant?  
2 MR. SALTER: I have already rested by case, your Honor.  
3 MR. ROSS: Your Honor, I guess we can get into the argu  
4 ment of the case. There is some matters on the instructions  
5 which I would like to discuss with you briefly before we  
6 go into the argument.  
7 THE COURT: We will take a five-minute recess, ladies  
8 and gentlemen.  
9 (Recess.)  
10 THE COURT: Now, ladies and gentlemen, it is time for  
11 Counsel to present their arguments at this time.  
12 (Whereupon, closing arguments were made by  
13 the respective counsel.).  
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13-1

1 SANTA MONICA, CALIFORNIA; TUESDAY, NOVEMBER 25, 1969

2 8:50 A.M.

3 ---o0o---

4  
5 THE COURT: People versus Beausoleil.6 Good morning, ladies and gentlemen. I think  
7 this is about as close to getting started on time as I can  
8 remember around here.9 I might say, just to start with, we have another  
10 jury trial in progress so that it is going to be necessary  
11 to find some place for you to conduct your deliberations.  
12 I have checked with Judge Clinco and we will use the jury  
13 room in Department A. So just as soon as we have concluded  
14 instructions, the bailiff will take you downstairs. You  
15 will conduct your deliberations down there.16 In the event that it becomes necessary to ask  
17 any questions during your deliberations, you will inform  
18 the bailiff, and we will take care of it from there, and  
19 we will be able to reconvene if that becomes necessary.

20 (Whereupon, the jury was instructed.)

21 Upon retiring to the jury room, you will select  
22 one of you, who will sign the verdict to which you agree.  
23 In order to return a verdict, it is necessary that all 12  
24 of the jurors agree to the decision. As soon as all of you  
25 have agreed upon a verdict, you will have it signed and  
26 dated by your foreman and then return with it to this

13-2

1 courtroom.

2 In that regard, ladies and gentlemen, you have  
3 in this case three possible verdicts: One would be a  
4 verdict of, one, guilty of murder of the first degree, or  
5 fixing it at second degree, or a verdict of not guilty.  
6 Therefore, three forms will be provided to you. You will  
7 select one which represents your ultimate decision in the  
8 case and ignore the other two.

9 You will have with you in the jury room all of  
10 the exhibits which have been introduced into evidence. You  
11 will also have these instructions with you.

12 If, during your deliberations, you have any  
13 question about any of the evidence or any of the instruc-  
14 tions, just let the bailiff know, and we will reconvene  
15 to answer any such questions.

16 The Clerk will swear the bailiff.

17 THE CLERK: Do you solemnly swear that you will take  
18 charge of the jury and keep them together, and that you  
19 will not speak to them yourself, nor allow anyone else to  
20 speak to them upon matters connected with this case, except  
21 by order of the Court, and when they have agreed upon a  
22 verdict, you will return them into Court, so help you God?

23 THE BAILIFF: I do.

24 THE COURT: Now, ladies and gentlemen, if you will  
25 please remain together, the bailiff will take you down to  
26 the jury room in Department A.

SANTA MONICA, CALIFORNIA; WEDNESDAY, NOVEMBER 26, 1969

11:04 A.M.

---oOo---

THE COURT: People versus Beausoleil.

Let the record show that everyone is present now.

Mr. Erlich, you are the foreman of the jury. I have received information that you are of the opinion that the jury has reached an impass in the case; is that correct?

MR. ERLICH: Yes.

THE COURT: Without disclosing which way you stand, could you tell me, numerically, what your ballot is at this time?

MR. ERLICH: Yes, I can, 8-4.

THE COURT: 8 to 4. How long has it been in this situation of 8 to 4?

MR. ERLICH: An hour or two yesterday.

THE COURT: You mean, your situation was 8 to 4 about an hour before we recessed last night?

MR. ERLICH: Yes.

THE COURT: And this morning it has not changed?

MR. ERLICH: Correct.

THE COURT: Do you feel from your discussion that there is no possibility of changing that; that further deliberations will not be to any avail?

MR. ERLICH: That is my opinion, yes.

13-4

1 THE COURT: I would like a show of hands of the remain-  
2 ing members of the jury as to how many of you agree with  
3 Mr. Erlich in that situation?

4 THE JURY: (Indicating.)

5 THE COURT: It is unanimous.

6 Very well, ladies and gentlemen, I understand  
7 the circumstances, and I will excuse you at this time.

8 Thank you very much for your service in this  
9 department, and at this time I will excuse you until next  
10 Monday at which time you will report back to the jury room  
11 for further duty.

12 I don't know whether any of you are supposed to  
13 be discharged in the interim.

14 Thank you very much.

15 (Whereupon, the jury was excused.)

16 All right, gentlemen, at this time, since there  
17 has been a failure of the jury to agree, I will declare a  
18 mistrial. It will be necessary to reset the matter for  
19 trial.

20 I think the proper procedure is to assign this  
21 matter to Department A for assignment to another department.

22 MR. SALTER: May I confer with him a moment?

23 THE COURT: Yes.

24 MR. SALTER: We will keep it in here. First of all,  
25 your Honor, I would ask at this time --

26 THE COURT: Well, first of all, let's agree on a date.

1 MR. SALTER: I didn't bring my book with me.

2 THE COURT: Well, we should move it as rapidly as  
3 possible.

4 MR. SALTER: Any date is all right, I guess.

5 THE COURT: I am going to set it over to December 8th.

6 MR. ROSS: That is awfully soon, your Honor. I don't  
7 think I can get any subpoenas out.

8 THE COURT: Every one of these people is available on  
9 a phone call.

10 MR. ROSS: I don't know if they are or not. I sort of  
11 lost track of some of them.

12 Can we put it over for maybe next Monday or  
13 Tuesday for a setting date?

14 MR. SALTER: That sounds like a good idea.

15 MR. ROSS: Then we can get all of the things ironed  
16 out. It is almost impossible for me to get subpoenas out  
17 that soon.

18 THE COURT: Then I will set it over to Monday,  
19 December 1, for trial setting.

20 MR. SALTER: Your Honor, I move that the Court make an  
21 order that the reporter prepare a transcript of the trial  
22 for both sides.

23 THE COURT: I will consider that on Monday.

24 The matter will be continued to Monday, December  
25 at 9:00 o'clock in this courtroom for trial setting.

26 Mr. Beausoleil, you are ordered to report back

1 here at that time.

2 MR. SALTER: Your Honor, at this time we would also  
3 ask that bail be set in this matter. There has been no  
4 death penalty requested in this matter. I think that bail  
5 should be set in this matter.

6 THE COURT: I will also consider that on Monday.  
7 Let's pass it for the time being.

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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. )

No. A-057452

ROBERT KENNETH BEAUSOLEIL, )

Defendant. )

STATE OF CALIFORNIA )

) ss.

COUNTY OF LOS ANGELES )

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 290 page 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