

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

4
5 THE PEOPLE OF THE STATE OF CALIFORNIA,)

6 Plaintiff,)

7 -vs-)

8 BRUCE MCGREGOR DAVIS,)

9 Defendant.)
10

223

NO. A-267861

VOLUME 2311
12
13 REPORTERS' DAILY TRANSCRIPT

14 Thursday, January 13, 1972

15 Friday, January 14, 1972

16 VOLUME 23

BAILEY

WALKER

ARNESON ✓

STANOFF

HUMPHREY

17
18 APPEARANCES:

19 For the People:

JOSEPH P. BUSCH, JR., District Attorney

20 BY: ANTHONY MANZELLA

and

21 STEPHEN R. KAY,

Deputies District Attorney

22 For Defendant Davis:

23 GEORGE V. DENNY, III

24
25
26 MARY LOU BRIANDI, CSR
ROGER K. WILLIAMS, CSR
Official Court Reporters27 COPY
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I N D E X

<u>PEOPLE'S WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
WALKER, Melvin James	3320K	3324			
ARNESON, Marcus John	3335K	3353	3378K	3383	
STANOFF, Nat	3395M	3403	3393K	3393	
HUMPHREY, Forrest Joe	3462K				
BAILEY, Ella Jo (Cont'd)		3434			

DEFENDANT'S:

STANOFF, Nat	3411
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E X H I B I T S

<u>PEOPLE'S:</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
39 - temporary driver's license	3400	
73 - photograph	3368	
42 - vehicle registration card	3431	
34 - 42 - (previously identified)		3432
95-A, 95-B and 95-C - California driver's licenses	3434	

DEFENDANT'S:

D - copy of Firearms Transaction Record	3409
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1 LOS ANGELES, CALIFORNIA, THURSDAY, JANUARY 13, 1972 3:10 P.M.

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3
4 THE COURT: The Court will note that Mr. Denny is
5 present. That Mr. Davis is present.

6 The Court and counsel have spoken to Mr. Chavers
7 on the telephone and I have conveyed to Mr. Chavers the
8 Court's sympathy at the event of Mr. Chavers' mother's
9 death. It was a sudden death. He had spoken to her yester-
10 day and she had indicated to him and to his brother that she
11 felt fine, and then this morning she died without warning.

12 Apparently, Mr. Chavers' brother found her dead.
13 So it is quite a shock to Mr. Chavers, of course, and the
14 Court understands his state of mind at this time and has
15 expressed the Court's sympathy and counsel's and the jurors',
16 all of the jurors' sympathy for the happening and for the
17 death of his mother.

18 The Court did request that he return tomorrow
19 morning, if he could, and inquired as to whether or not he
20 felt he could proceed and listen to the evidence properly,
21 and he said that he could. So I asked him to come in at
22 9:30.

23 So, ladies and gentlemen, the Court will recess
24 until that time.

25 You are obliged during the recess not to converse
26 amongst yourselves, nor with anyone else, nor permit anyone
27 to converse with you on any subject connected with the
28 matter, nor form or express any opinion on the matter until

1 it is finally submitted to you.

2 I'll see you tomorrow morning at 9:30.

3 Miss Bailey, would you return tomorrow morning
4 at 9:30.

5 You have other witnesses?

6 MR. KAY: Yes, if we could wait a couple of minutes.

7 THE COURT: All right.

8 (Whereupon, the jury retired from the courtroom
9 and the following proceedings were had:)

10 MR. KAY: Are we on the record again, your Honor?

11 THE COURT: Yes.

12 MR. KAY: I have several witnesses here, your Honor.
13 who have been quite patient. And I understand why we had
14 to recess this afternoon was due to the death of Mr. Chavers'
15 mother.

16 Nat Stanoff is one of the witnesses. I under-
17 stand that he is leaving for New York this Saturday.

18 Is that correct?

19 MR. STANOFF: Right.

20 THE COURT: And Mr. Forest Humphrey, who is the
21 California Highway Patrol officer from San Luis Obispo,
22 who has been down here since Tuesday. I understand from
23 Mr. Humphrey that he had -- he brought his wife down with
24 him and his wife had to go back to work and had to drive her
25 back to San Luis Obispo and come down again last night.

26 And Mark Arneson, who is from out of state, and
27 unfortunately Mr. Arneson has been here for approximately a
28 week.

1 MR. ARNESON: Approximately two.

2 THE COURT: Approximately two weeks. Two weeks.

3 So I wonder, and I know I've talked to Mr. Denny,
4 and with the Court's permission, if these witnesses could be
5 taken out of order tomorrow, so that they could get back to
6 their businesses and their job.

7 I know it has been quite an inconvenience with
8 them and they certainly have been quite understanding and
9 patient about it.

10 THE COURT: Is it your thought that Mr. -- that all
11 the witnesses testify, all the three could be heard tomorrow
12 on direct and cross?

13 MR. KAY: I think so. They're all very short witnesses.

14 Do you think that's a fair estimate, Mr. Denny?

15 MR. DENNY: Yes, I do.

16 THE COURT: All right, I regret the delay to you and the
17 inconvenience that it has caused.

18 Mr. Arneson, what's your problem? Are you -- so
19 far as your living arrangements are concerned?

20 MR. ARNESON: There's no immediate problem except I have
21 a snow plow business in Oregon.

22 THE COURT: You have a what?

23 MR. ARNESON: Snow plow business and it keeps snowing
24 up there while I'm down here.

25 THE COURT: What a time to be down here in sunny
26 Southern California. I certainly sympathize with you. All
27 right, we'll let you go tomorrow, after you've testified.

28 The Court will order that you return tomorrow

1 morning at 9:30.

2 We'll start promptly at 9:30, whether the rest
3 of the calendar is concluded or not. We'll begin at 9:30.

4 Mr. Stanoff, what is your problem, if any?

5 MR. STANOFF: Well, I leave --

6 THE COURT: You have a business?

7 MR. STANOFF: Yes, I do. And I have been here a
8 couple of times already. It has really affected my whole
9 week. But if I know that I am going to be on tomorrow, I'll
10 appear at a time you so specify.

11 THE COURT: All right, the Court will order you to
12 appear tomorrow and hot or cold, we'll get you out of here
13 tomorrow so you won't have to be here over the weekend.

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1 MR. KAY: Could Mr. Stanoff be ordered in at 11:00
2 instead of 9:00? He has business and it is satisfactory with
3 the People.

4 THE COURT: How about 10:00? Will Mr. Arneson be on the
5 stand that long? 10:30.

6 MR. KAY: I think 11:00 would be realistic.

7 THE COURT: I wouldn't like to have any appreciable
8 delay because then we can get to the Highway Patrolman's
9 testimony right thereafter.

10 MR. KAY: I think we could probably put Mr. Arneson
11 and Mr. Humphrey on, and then Mr. Stanoff. I know Mr. Stanoff
12 would probably appreciate coming in at 11:00. He usually tries
13 to take care of his business in the morning.

14 THE COURT: 11:00 o'clock, then, Mr. Stanoff, the Court
15 orders you to return at that time.

16 MR. STANOFF: Okay.

17 THE COURT: You are excused then until tomorrow morning
18 at 11:00 o'clock.

19 And then, the Court regrets you have been
20 inconvenienced, Mr. Arneson, but would you be here at 9:30
21 tomorrow morning. The Court expects to see you at that time.

22 MR. ARNESON: All right.

23 THE COURT: And then, as to Mr. Humphrey.

24 MR. KAY: Mr. Humphrey, if he can also return, say,
25 at 10:00 o'clock.

26 THE COURT: Mr. Humphrey, the Court is sorry you have to
27 endure this.

28 MR. HUMPHREY: No problem.

1 THE COURT: It is nice to drive to San Luis Obispo, but
2 not under those circumstances. See you tomorrow at 10:00
3 o'clock.

4 MR. KAY: Thank you, Tom, I appreciate that.

5 THE COURT: Mr. Denny, do you have any witnesses who you
6 wish ordered returned?

7 MR. DENNY: No.

8 If the Court would like to order Miss Bailey
9 back, we'd be happy to see her back.

10 THE COURT: I've already done that.

11 Let's see, she needn't be in at 9:30. 11:00 o'clock
12 is satisfactory for you, also, Miss Bailey. 11:00 o'clock
13 tomorrow morning.

14 (Whereupon, at 3:17 P. M., an adjournment was
15 taken in this matter, to reconvene at 9:30 A. M. on the
16 following morning, Friday, January 14, 1972.)
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LOS ANGELES, CALIFORNIA, FRIDAY, JANUARY 14, 1972 10:05 P.M.

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THE COURT: Good morning, Mr. Chavers.

Both attorneys, or all three attorneys in this case are in a position where they can't really say much. You are in the position of a judge in the case and they can't tell you how sorry each one of them feels to know about the death of your mother. So I'll do it for them, and tell you that they are very sympathetic towards you.

Before we proceed this morning, I just wondered how you felt and whether you felt that you were in a state where you felt -- mental state where you felt you could concentrate on the evidence this morning.

MR. CHAVERS: Yes, sir.

THE COURT: Think so?

MR. CHAVERS: Yes, sir.

THE COURT: We don't want to unduly burden you with going forward if you didn't feel as though you could concentrate. And everyone of us want to express to you how grateful we are that you did come this morning in spite of your bereavement and that you do offer yourself to serve as a juror in this case. We certainly appreciate it.

But you think you are in a state of mind where you could take -- sit and take notes and listen to the evidence?

MR. CHAVERS: Yes, sir, I do.

THE COURT: All right.

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1 Have you made -- is there anything we can do for
2 you in respect to time, if later on, for example, you wish
3 some time to make arrangements or to attend any funeral or
4 anything of that nature?

5 MR. CHAVERS: Well, the arrangements will be concluded
6 this evening after jury duty and the date for the funeral,
7 it has not been determined as of yet. I believe that this
8 evening we will have some information because of the avail-
9 ability of the preacher who is going to do the eulogy there.

10 As soon as he notifies us what time will be
11 convenient to him, then we'll set a date as to the funeral,
12 which will be the early part of next week, we believe, at
13 this time.

14 THE COURT: Let the Court know, then, and we'll cooperate
15 with you and see what we can do.

16 We, if possible, would like to work a half day
17 either in the afternoon or in the morning during which time
18 you could attend the funeral in the morning or in the
19 afternoon. We could work part of the day, something of that
20 nature.

21 MR. CHAVERS: Okay.

22 THE COURT: That would be satisfactory with you.

23 MR. CHAVERS: Yes, sir.

24 THE COURT: All right, let's begin, then. Thank you.

25 (Whereupon, the juror, Mr. Chavers, left the
26 chambers.)

27 MR. MANZELLA: Your Honor, there's one thing I wanted
28 to give to Mr. Denny, and that was he asked for a copy of

1 the agreement between our office, the Tacoma prosecutor's
2 office and Ella Bailey. And I've got a copy of the agreement
3 here that I am giving to Mr. Denny now.

4 MR. DENNY: Thank you. I appreciate even the blue back
5 cover on it. It is not only a copy, but it is a fully signed
6 copy except by Burton Katz.

7 MR. MANZELLA: I have the original here.

8 MR. KAY: Katz signed the original?

9 THE COURT: By whom?

10 MR. DENNY: I say, it is signed by everyone: Eugene
11 Olson, Robert Hubert, the detective of Tacoma police, Ella
12 Jo Bailey and Robert Deutscher. And the place for the
13 signature of Burt Katz, which apparently is signed on the
14 original. A very full document, fine, thank you.

15 MR. MANZELLA: You are very welcome.

16 THE COURT: All right.

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(Proceedings had on an unrelated matter.)

THE COURT: The case of People versus Davis.

Good morning, ladies and gentlemen.

(Whereupon, murmurs of "Good morning, your Honor" were heard from members of the jury.)

THE COURT: Mr. Davis is present. All counsel are present, and we are ready to proceed.

(Proceedings had in an unrelated matter.)

MR. KAY: Your Honor, as per the Court's granting our request yesterday, we would ask leave of the Court to put on several witnesses out of order, to interrupt Miss Bailey's testimony at this time, due to the fact that some of the witnesses are out of state witnesses, or are losing an unreasonable amount of time from their jobs.

They will be short witnesses. Hopefully, we can get them all on this morning.

THE COURT: All right. Put your short witnesses on.

MR. KAY: Thank you. The People call Me. Walker.

THE CLERK: Would you raise your right hand, please? You do solemnly swear that the testimony you may give in the cause now pending before this court shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

MELVIN JAMES WALKER,

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

THE CLERK: Please take the stand and be seated.

1 Please state and spell your full name.

2 THE WITNESS: Melvin James Walker; M-e-l-v-i-n,
3 J-a-m-e-s, W-a-l-k-e-r.
4

5 DIRECT EXAMINATION

6 BY MR. KAY:

7 Q Mr. Walker, you are a Los Angeles County
8 fireman; is that correct?

9 A That's correct.

10 Q And how long have you been a Los Angeles County
11 fireman?

12 A Nine years.

13 Q I take it that the uniform you are wearing today is
14 a Los Angeles County fireman's uniform?

15 A That's correct.

16 Q All right. And where are you presently assigned,
17 sir?

18 A Presently I am assigned to the Mountain Patrol in
19 San Fernando.

20 Q All right. And what -- Kagel Canyon?

21 A Yes, right.

22 Q Now, for a period of time, were you assigned to
23 the area that included Spahn's Ranch?

24 A That's right. Approximately nine months ago I
25 was stationed at Fire Station 75, in Chatsworth, which covers
26 the Spahn Ranch area in its entirety.

27 Q And how long had you been assigned to the area
28 that covered Spahn's Ranch?

1 A Two and a half years.

2 Q And approximately how many occasions had you been to
3 Spahn's Ranch during that time?

4 A That would be -- actually, it would be hard to say.
5 Several hundred times.

6 Q All right. Now, directing your attention to July
7 30th, 1969, did you go to Spahn Ranch on that day?

8 A That I did.

9 Q All right. And while you were at Spahn's Ranch on
10 that date -- do you know where the eucalyptus grove is at
11 Spahn Ranch?

12 A Yes, I do.

13 Q Could you step down from the stand a moment? I
14 want to have you point something out on -- let's see. This is
15 People's Exhibit 93.

16 THE COURT: Take the pointer, Mr. Walker, and stand aside
17 from the picture, so the jurors can see.

18 Q BY MR. KAY: Now, you notice on this -- this appears
19 to be an aerial photograph of the Spahn Ranch area, and the
20 far -- if you are facing it, the far left-hand corner has a
21 piece of blue tape that says "Eucalyptus Grove."

22 Are you familiar with that area?

23 A Yes. That's where I -- this is the eucalyptus
24 grove area.

25 This (indicating) is the Spahn Ranch, the main part
26 of the ranch.

27 MR. DENNY: I'm sorry. Could you have Mr. Walker use the
28 hand mike? It's difficult for me to hear, and I think for the

1 reporter also, to get it down.

2 THE COURT: Say that again, Mr. Walker, would you?

3 THE WITNESS: Yes, sir. This (indicating) is the
4 eucalyptus grove area here. This label is correct.

5 And this (indicating) is the main part of the
6 ranch, where the horse stables and so forth are, and --

7 MR. DENNY: Well, I don't think there's any other
8 question pending at this point.

9 MR. KAY: That's right. There isn't.

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1 Q Now, on July 30th, 1969, in the general vicinity
2 of the eucalyptus grove, did you see a vehicle there?

3 A Yes, I did.

4 Q And what type of vehicle was this?

5 A That was a Volkswagen microbus, I believe they
6 call it.

7 Q And did it have any unusual markings on that bus?

8 A Yes, it did.

9 Q What?

10 A It had a -- I believe you call it a Thunderbird
11 type of insignia on it.

12 Q All right. Now, I am going to show you People's
13 2 for identification. Do you recognize the Volkswagen micro-
14 bus that's depicted in People's 2 for identification as being
15 the Volkswagen microbus that you saw in the vicinity of the
16 eucalyptus grove on July 30th, 1969?

17 A That's correct. That is the vehicle.

18 Q I take it -- all right. You can resume the stand.

19 Now, let me ask you, also, Mr. Walker, in September
20 of 1970, did anything unusual happen to Spahn Ranch, at the
21 area that's depicted in this aerial photograph?

22 MR. DENNY: I'm sorry, Mr. Kay. What was the date?

23 Q BY MR. KAY: September, 1970.

24 A Yes, and that's the day of the large fire that
25 came through the area there. It started in the Newhall area
26 and came over what they call Oak Mountain, and traveled all
27 the way across the Santa Susanna Pass area and continued on
28 through the ranch, and towards the coast.

1 Q Now, what happened to the -- to this area
2 included in the aerial photograph, this Spahn Ranch area?

3 A Well, all except for some horse corrals and fencing,
4 the entire ranch was completely destroyed; all the buildings
5 and so forth were completely destroyed.

6 Q What about all the trees that appear to be in the
7 photograph? What happened to them?

8 A Well, some of them -- it all depends on how far
9 you'd go. But most of the trees in the area were completely
10 burned.

11 And there's not much left of the area there at
12 all.

13 Q Which direction on this aerial photograph would
14 be west?

15 A West would be towards me.

16 Q Over where you pointed out the eucalyptus grove?

17 A That's correct.

18 (Proceedings had on an unrelated matter.)

19 THE COURT: I'm sorry to interrupt you. Go ahead.

20 MR. KAY: That's all right. I have no further questions,
21 your Honor.

22 Thank you, Mr. Walker.

23
24 CROSS-EXAMINATION

25 BY MR. DENNY:

26 Q Mr. Walker, --

27 A Yes, sir.

28 Q -- you've identified the photographs of that

2a-3

1 particular VW microbus today; and I take it you've identified
2 them in other proceedings before today, that same four picture
3 composite -- exhibit we have?

4 A Yes, that's correct. I was summonsed to court
5 on -- I don't recall the exact date, but --

6 Q Several other times; is that correct?

7 A That's right.

8 Q All right. Now, as far as the bus itself, were
9 you present when those pictures were taken?

3 fls. 10 A No, sir.

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1 Q When was the next time that you saw that
2 particular VW microbus after you saw it on July 30, 1969?

3 A Are you talking about, uh, a live visual --
4 never, only the one time.

5 Q All right. When did you see it before July 30?

6 A I never did.

7 Q Did you make some note of the license number at
8 the time you did see it?

9 A I made a mental note. I can't recall what the
10 number was, but, uh -- well, I mean, I made a logging in the
11 patrol log at the station. I don't believe I put the number
12 down, but I did put down that I had seen the Volkswagen bus
13 and roughly described it.

14 Q How did you roughly describe it, sir?

15 A Well, just as it being a red and white Volkswagen
16 van. But at the time I had no idea as it being --

17 Q Being involved in any crime?

18 A Being involved in -- no, that is my job. If I
19 see any vehicles while I am patrol in an area where you
20 normally don't see them, we're supposed to make note of it
21 so if any fires or anything come up, then, we have something
22 to go by.

23 Q Right. And when you made the log entry as to
24 your sighting of this particular vehicle, did you just
25 describe it as a red and white Volkswagen bus?

26 A A red and white bus with a Thunderbird emblem
27 on it.

28 Q All right. Now, have you seen any other red and

1 white VW buses with Thunderbird emblems on the side?

2 A No, sir.

3 Q Do you know, if, in fact, Volkswagen does put out
4 a model with a white Thunderbird on the side?

5 A No. No, I don't.

6 Q Well, as far as you are aware, at any rate, there
7 may be other VW microbuses with that emblem on the side?

8 MR. KAY: Well, calling --

9 A No, I am not aware of that.

10 Q Okay. As far as you are aware, this is a unique
11 VW microbus?

12 A I would say, yes.

13 Q All right. And the way, then, that you are
14 certain that this microbus that's pictured in the exhibit
15 that you identified for the jury here, is not because it is
16 a VW microbus or not because it is a red and white VW micro-
17 bus, but because it is a red and white VW microbus with a
18 white Thunderbird on the side; is that right?

19 A Well, it is because it is the vehicle that I saw
20 there. I mean, uh --

21 Q Did you check on the vehicle?

22 A Uh, as far as going up and opening doors and
23 anything, no.

24 Q You didn't look in the interior of it?

25 A No, sir.

26 Q All right, sir. So you don't know how the
27 interior was fixed up on that VW microbus as versus any other
28 VW microbus?

A No, sir.

Q So when you say it is the VW microbus that you saw on July 30, you are concluding that it is the one you saw because it has the white Thunderbird you saw on the side, isn't it?

A Because of the condition of the paint and so on. It has the same dullness, the same look. I mean, it would be hard to match that type of a bus, that exact -- I mean, I think you'd have to look pretty far to find one that looked exactly the same way.

Q Well, other than the white Thunderbird on the side, and you say kind of a dullness of paint, what else was unique about that bus?

A Well, nothing comes to my mind right at the moment.

Q Did you not any particular scratches or damage to any portion of the vehicle?

A No. Seems as though it may have had something on the passenger side, uh, like, -- oh, some type of a bracket or something added to it. I couldn't be too certain.

At the time I saw this vehicle, it didn't seem to be, you know -- like being stripped out or anything, you might say. I thought possibly there could be somebody asleep in it or something like that, so I didn't -- I didn't make too much noise and make any attempt to get out and really walk around the area. I just looked from my patrol vehicle as I drove by.

And then, I checked on it later on in the evening and it was gone. So I just assumed that somebody was probably sleeping overnight.

1 Q All right.

2 I am showing you 2-A, the upper left-hand picture.
3 It is pretty clear that there's quite a good bit of damage to
4 the right front headlight section, is that correct?

5 A That's correct, and I think you can also observe
6 some type of a bracket welded on to the side in the front.

7 Q Yes, you can.

8 But that particular damage didn't register with
9 you especially when you say you saw that microbus?

10 A That's right. When I approached it, I didn't --
11 I couldn't see it coming head-on. I could only see it from the
12 side because of some bushes and so forth in the front. So,
13 that would have been why I couldn't see the dent.

14 Q Well, you say you saw the bracket. That is right
15 where the dent is, though, is that right?

16 A That would be looking back at it from the rear
17 section towards the front, and it would be pretty hard to see
18 the front of it from the rear.

19 Q I'm sorry.

20 Did you pass this -- which side did you pass the
21 bus on?

22 A Uh, the bus was facing east and I was heading west.
23 And I was on the -- which would be the south side. So, I
24 would be looking at the passenger side of the bus.

25 Q So, you went by it face-to-face, as it were?

26 A That's correct.

27 Q You went right by the passenger side there, is that
28 right?

1 A That's right.

2 Q All right.

3 A Could I have another look at that picture, please?

4 Q Surely.

5 A Yeah, I notice that the picture doesn't show the
6 vehicle from the right rear looking towards the right front,
7 so to say. That would be the angle I looked at it, and I
8 believe you can see just a portion of the bracket on the rear
9 and you can also see the bracket which was added on the front.

10 THE COURT: You pointed to the picture --

11 MR. DENNY: D.

12 THE COURT: A and D.

13 THE WITNESS: That's right.

14 THE COURT: D and A, in that order.

15 THE WITNESS: These brackets that were welded on would be
16 some type of a bracket added to a vehicle for such a purpose as
17 carrying some type of a ladder or pipes or something of that
18 nature.

19 Q BY MR. DENNY: All right.

20 A And I don't believe that comes out as stock
21 equipment.

22 Q All right. So, putting all that circumstantial
23 evidence together, then, you conclude that that is very
24 definitely the one that you saw, is that right?

25 A Absolutely. That would be without a doubt the
26 vehicle that I did see.

27 Q All right, sir, fine.

28 THE COURT: Excuse me a minute, Mr. Denny.

1 Off the record.

2 (A discussion was had off the record on un-
3 related matters.)

4 THE COURT: On the record.

5 Q BY MR. DENNY: Does the aerial photograph here,
6 I believe it is People's 93 that you have been pointing out,
7 does that depict the eucalyptus grove as it was about in July
8 or August of 1969, do you know?

9 A Yes, it does, somewhat. But you keep saying
10 eucalyptus grove. I assume that this is where the vehicle was
11 supposed to have been. It was not in the eucalyptus grove. It
12 was near that area, so it wouldn't matter if the grove is still
13 the same as it was at that time, because the vehicle wasn't
14 in the grove.

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1 Q Now, where was the vehicle?

2 A It was approximately 200 yards north and 100
3 yards east of the grove.

4 Q Well, would you come down just a moment so the
5 jury might have an opportunity to see here, and you can take
6 that hand microphone, and if you could, if it shows up there
7 on that particular diagram, could you point with your pointer
8 where the bus was when you saw it?

9 A I'd have to study the photo here for a little
10 bit, if I may.

11 Yes, right in this group of trees right here would
12 be where I spotted the Volkswagen van.

13 THE COURT: Identify that some way or other.

14 MR. KAY: I'm giving Mr. Walker a red marking pen.
15 Maybe if he can --

16 Q BY MR. DENNY: All right, if you would, with just
17 a little "x", mark wherever it is -- wherever it was.

18 (Witness complies.)

19 Q All right. You placed a dot with a circle
20 around it. And I don't think we need your initials on it.
21 That's good enough.

22 THE COURT: I should think not.

23 THE WITNESS: And as you can see below this dot with
24 the circle that I placed here, there is a road beneath this
25 and I was traveling in a westerly direction and the bus was
26 parked where the dot is, facing east, and that would be why
27 I could have only seen it from the passenger side and the
28 rear, because the front end of the vehicle was in the bushes

1 and trees here.

2 Q The whole front end?

3 A Well, not jammed up against it. In other words,
4 my view was obstructed from this angle (indicating).

5 Q All right. Fine.

6 Now, is there a wooden bridge in that area some-
7 where, one or more?

8 A Yes, sir. There would be a bridge right in this
9 area here (indicating).

10 This is a drainage ditch, coming down underneath
11 all of these trees and it crosses under this piece of road
12 right here (indicating). And there is a bridge in that area
13 (indicating).

14 Q Now, you mentioned --

15 THE COURT: Point that out in some way.

16 MR. DENNY: Yes, I am, your Honor.

17 Q You are mentioning a piece of road here just above
18 the blue sticker saying "farmhouse," is that correct?

19 A That's correct.

20 Q And does the bridge itself show up on that photo-
21 graph in any way?

22 A Just -- just roughly. You can't make it out as a
23 bridge, but you can see just a portion of it. The bridge
24 would start right from the dirt and the part of this little
25 road here ceases. And the bridge was of a color and nature
26 that it wouldn't show up in this photo very well.

27 Q Well, would you like to circle that and again put
28 a dot in the center of the circle? This time with green marking

1 at about where that bridge is.

2 (Witness complied.)

3 Q All right. That's fine.

4 Is that the only wooden bridge in that area that
5 you are aware of?

6 A Yes, sir.

7 Q Do you know if that has any sort of name of any
8 sort, of any kind?

9 A No, sir, not that I know of.

10 Q All right. Fine.

11 Thank you, Mr. Walker, very much.

12 I have no further questions.

13 MR. KAY: I have no further questions.

14 THE COURT: May Mr. Walker be excused?

15 MR. DENNY: Yes, he may.

16 MR. KAY: Thank you,

17 THE COURT: All right, Mr. Walker, you are excused.
18 Thank you very much.

19 MR. KAY: Thank you very much.

20 People call Mr. Mark Arneson.

21 (Whereupon, unrelated matters were called and
22 heard before the Court.)

23 THE CLERK: Would you raise your right hand, please.

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

27 THE WITNESS: I do.

28 THE CLERK: Please take the stand and be seated.

1 Please state and spell your full name.

2 THE WITNESS: Marcus John Arneson.

3 Do you want me to spell the whole thing?

4 THE CLERK: Please.

5 THE WITNESS: M-a-r-c-u-s, J-o-h-n, A-r-n-e-s-o-n.

6
7 MARCUS JOHN ARNESON,
8 called as a witness by and on behalf of the People, having been
9 first duly sworn, was examined and testified as follows:

10
11 DIRECT EXAMINATION

12 BY MR. KAY:

13 Q Mr. Arneson, you presently live in Oregon, is that
14 true?

15 A Yes, sir.

16 Q Now, do you know Charles Manson?

17 A Yes.

18 Q When did you first meet Mr. Manson?

19 A Uh, the summer of 1968.

20 Q Now, directing your attention to 1969. Did you
21 live with the Manson Family in 1969?

22 A Yes, I did.

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3c fls.

3c-1

1 Q And during what period of time did you live with
2 the Family in 1969?

3 A Uh, it was late January or early February through
4 May.

5 Q All right.

6 A May 10.

7 Q Where did you live with them during these periods
8 of time?

9 A At Spahn's Ranch.

10 Q Did you ever live with them at the Gresham Street
11 house?

12 A Yes.

13 Q How long were you at the Gresham Street house
14 approximately, and how long were you at the Spahn's Ranch
15 during that period of time?

16 A Well, when I came back to live with the Family,
17 uh, they were moving back and forth. They were like, actually,
18 just getting out of the Gresham Street house and moving up
19 to the ranch.

20 Q Now, you say that you lived the end of January
21 through May with the Family. Did you leave the Family in May?

22 A Yes, I did.

23 Q All right. And at sometime after you left in
24 May, did you come back?

25 A Yes, I did.

26 Q Did you come back to Spahn's Ranch?

27 A Yes.

28 Q Approximately when was that that you came back to

1 Spahn Ranch?

2 A Well, I'm not sure of the actual date positively,
3 one day or another, but it was either the end of July or
4 right around the first of August.

5 Q And when you came back to Spahn Ranch on that
6 occasion, how long did you say?

7 A Just the evening. We just came back for a visit.

8 Q All right. Did you come back with somebody?

9 A Yes, Joe Shoemaker and myself.

10 Q Now, when you came there on that evening in the
11 end of July or the first part of August, did you see Charles
12 Manson?

13 A Yes.

14 Q And did Mr. Manson give you anything?

15 A Uh, he asked me if I would like a bus, a Volkswagen
16 bus.

17 Q Now -- okay.

18 Where did this -- could you step down a minute,
19 Mr. Arneson, and grab the hand microphone there?

20 I'm going to show you an exhibit.

21 A It is upside down.

22 Q No, it is not upside down, I am just trying to
23 see the number on it.

24 I'm going to show you People's 36.

25 I show you People's 36.

26 Now, do you recognize what is depicted in these
27 photographs, People's 36, and these eight photographs?

28 A That's the ranch.

1 Q Spahn Ranch.

2 A Yes.

3 Q Now, do you see in any of these photographs the
4 location where you had this conversation with Mr. Manson?

5 A Hmm.

6 Q Well, here, when you point it out, I think some
7 of the jurors behind you can't see. So --

8 A This picture, see here (indicating) right here by
9 the -- it is the undertaker's office.

10 Q That's the undertaker's office.

11 Okay, now, was anybody else present besides your-
12 self and Mr. Manson during this conversation?

13 A Uh, Bobby Beausoleil was there.

14 Q All right.

15 A And -- during the actual conversation of the bus,
16 just Charlie and Bobby.

17 Q Charlie, Bobby and yourself?

18 A Yes.

19 Q Okay.

20 THE COURT: Hold that microphone up to your face, Mr.
21 Arneson, would you, please.

22 THE WITNESS: Yes.

23 THE COURT: Mr. Kay, there is a clamp on the back there
24 that might be of assistance to you. Loosen the butterfly and--
25 not there.

4 fls.

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4-1

1 MR. KAY: That will make it a little steadier.

2 Q Now, this conversation that you had with Mr.
3 Manson, what exactly did he say in this conversation, that --
4 that you had with him in the front of the undertaker's house?

5 MR. DENNY: Object to that as hearsay.

6 THE COURT: Sustained.

7 Q BY MR. KAY: Now, after you had this conversation
8 with Mr. Manson about the VW bus, did -- you can resume the
9 stand a minute, if you would.

10 Again, after you had this conversation with Mr.
11 Manson about the VW bus, did you go somewhere?

12 A Yes. We went back to -- to the farmhouse, or the
13 ranch house up in back.

14 Q Now, when you say "we," who's "we"?

15 A Bobby, Charlie and myself.

16 Q That's Bob -- Robert Beausoleil --

17 A Yes.

18 Q -- and Charles Manson and yourself?

19 A Yes, sir.

20 Q Now, how did you get back to the back farmhouse?

21 A It was in a little white stationwagon.

22 Q And who drove?

23 A Bobby did, because it had a strange --

24 MR. DENNY: I'll object to "because" and move that
25 that be stricken.

26 THE COURT: "Bobby did" may remain. The balance of
27 the answer is stricken.

28 Q BY MR. KAY: All right. Now, could you describe

4-2

1 this white -- little white stationwagon? Was there any --

2 A Well, it had a radiator that stuck out past the
3 front of the car.

4 Q I am showing you People's 1, Mr. Arneson. Do
5 you recognize --

6 A That's the bus right there -- was a stationwagon.

7 Q That's the stationwagon in which you drove back
8 to the farmhouse, then, --

9 A Yes.

10 Q -- that Mr. Beausoleil drove?

11 A Yes.

12 Q Now, after you got back to the farmhouse, did
13 you go anywhere from there?

14 A Hmmm -- we went back to look at the bus, and we
15 looked at the bus, and then we drove it up front, yeah.

16 Q All right. Now, when you say, "we looked at the
17 bus," who's "we"?

18 A Bobby, Charlie and myself.

19 Q Now, where was this bus located, at the time you
20 saw it, in relation to the farmhouse?

21 A Uh -- there's like a road that goes in front of
22 the farmhouse, and it was closer towards the actual movie
23 ranch part of the -- it was on the road, under some trees.

24 Q Now, could you describe this -- this bus that
25 you saw?

26 A It was a red VW bus, and it had a white Thunder-
27 bird on the side.

28 Q Showing you People's 2 for identification, do

4-3

1 you recognize what's depicted in People's 2?

2 A That's the bus.

3 Q Now, what was the condition of this bus, the
4 first time you saw it, when you were with Mr. Beausoleil and
5 Mr. Manson?

6 A Well, it was in running order. Outside of the
7 ignition switch had been bypassed.

8 Q Now, what do you mean by that?

9 A Well, it was hot-wired.

10 Q And then could you describe what had happened?

11 A Well, there's -- there's a wire loom with like
12 four wires that goes up to the switch; and it had been cut
13 off before you get to the switch, and the wires had been
14 peeled back, and just twisted -- twisted the wires together,
15 and then grounded it out, and it would start up.

16 Q Did you notice whether or not there was any key
17 in the ignition?

18 A Yes, there was a key in the switch.

19 Q All right.

20 MR. DENNY: I'm sorry. I didn't hear that.

21 THE WITNESS: There was a key in the switch.

22 Q BY MR. KAY: Let me ask you this: When you had
23 previously lived with the Manson Family, between the end of
24 January and May of 1969, did you have any particular job
25 with the Family?

26 A I was more or less a mechanic. And I'd -- I
27 worked on things around there, that type of thing.

28 Q And what type of business do you have now, up

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in Oregon?

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4a fls.

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1 Q Do you still do a lot of mechanical things --

2 A Yes.

3 Q -- with vehicles?

4 Now, after you saw this VW bus, back at the location
5 you've described, what happened?

6 A Well, I took a look at it and told Charlie that I
7 could use it, and -- and so he sent one of the girls to get
8 the pink slip and the registration.

9 And then we went back up to the front ranch, you
10 know, up to the movie set.

11 Q All right. Now, you say he sent one of the girls
12 to get the pink slip and the registration. Do you remember
13 which girl that was?

14 A No, not offhand.

15 MR. KAY: Your Honor, I have here People's 44, which has
16 previously been marked in this proceeding. It's a certified
17 copy of a pink slip.

18 Now, again, it appears to be a Xerox copy, as I
19 described before.

20 Q Now, showing you this certified Xerox copy of the
21 pink slip, do you recognize that?

22 A That's the pink slip I was given with the bus.

23 Q A copy of it?

24 A A copy of it, yes.

25 Q A copy of the pink slip --

26 MR. DENNY: Excuse me, Mr. Kay.

27 Did the Court indicate that that was marked at this
28 time, by the --

4a-2

1 MR. KAY: It's been marked.

2 THE COURT: It had been previously marked as 44 for
3 identification.

4 MR. DENNY: Thank you.

5 MR. KAY: Miss Joan Farley identified the signature.

6 Q Excuse me just a moment, Mr. Arneson.

7 Now, I show you, on the back of the Xerox copy of
8 the pink slip, at the top, there's a signature on it, "Gary A.
9 Hinman," and it's -- it's dated 8-28-69.

10 Was that signature on the pink slip when -- when
11 you got it from Mr. Manson?

12 A Yes, it was.

13 Q All right. Now, what about this date, 8-28-69?
14 Was that the date on the pink slip when you got it?

15 A I don't recall the actual date that was on there,
16 but this is not the date that was when I got it. It has been
17 changed since I passed it on.

18 I sold the bus after.

19 Q All right. In other words, you took -- you took the
20 bus and the pink slip from Spahn's Ranch?

21 A Yes.

22 Q All right. Now, did Mr. -- well, did you give
23 Mr. Manson any money for this bus?

24 A No, I didn't. He just gave it to me.

25 Q Did you think that was unusual?

26 A No, not really, because things like that happened
27 occasionally.

28 It's like -- one time we picked up a hitchhiker --

4a-3
1 MR. DENNY: Well, just a moment. I'll object to any
2 answer beyond "no."

3 THE COURT: All right. So ordered. The --

4 MR. DENNY: Move the rest of the answer be stricken.
5 The balance of the answer will be stricken,
6 beyond "no, not really."

7 Q BY MR. KAY: So you weren't surprised by Mr.
8 Manson --

9 A No, not at all.

10 Q -- giving you this bus?

11 A No.

12 Q Now, is there any way that you place the general
13 time of this transaction? Is there any date you use as a
14 land mark?

15 A Well, my wife -- my wife -- she's my wife now;
16 she wasn't then -- we met on August 9th.

17 Q 1969?

18 A 1969. And I had -- I had the bus then.

19 Q And how long had you had the bus, approximately?

20 A No more than a week, you know; could have been
21 maybe a week and a half. I don't know. Something like that.

22 Q And how -- how long did you keep the bus before
23 you sold it? You say you sold the bus?

24 A Approximately two or three weeks.

25 Q All right. And who did you sell the bus to?

26 A John Puheck.

27 Q And how much did you sell it to him for?

28 A \$350.

4b fol

4b-1

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1 Q Now, I've shown you on the back of this that is has
2 the signature, "Gary Hinman" on it. Did you -- had you ever
3 met Mr. Hinman?

4 A Uh -- the name didn't -- I -- yes.

5 Should I go further than that?

6 Q No, I'll keep questioning you, then.

7 When did you meet him?

8 A I had met him when Charlie and the Family lived
9 in -- at the top of Summit, Summit Drive -- yeah, Summit
10 Drive, in Topanga Canyon, on New Topanga.

11 Q And when was this?

12 A That was like July or August of '68.

13 Q Of 1968?

14 A Yes, '68.

15 Q All right. Was this -- Summit Drive was the
16 place where you first met Mr. Manson?

17 A Hmmm-mm. Oh, no. I met him in Hermosa Beach --

18 Q All right.

19 A -- in '68.

20 Q Now, what were the circumstances of your meeting
21 Mr. Hinman at that time?

22 A Well, I didn't actually meet him. It was --
23 he came up and was talking to Charlie, and then he left. And
24 then after he left, I recall his name being mentioned.

25 And he was a musician -- I guess a teacher, a
26 music teacher.

27 Q Now, did Mr. Manson say anything about Mr. Hinman
28 at that time?

4b-2

1 A Well, yeah. He said that he was pretty well off
2 financially. You know, he had some money.

3 Q Now, other than this -- on this occasion, had
4 you -- had you seen Mr. Hinman on any other time?

5 A No, huh-uh. That time that I heard his name
6 mentioned was the only time I'd ever seen him or met him.

7 I didn't even actually meet him.

8 Q All right. Now, on the occasion when Mr. Manson --
9 getting back to late July or the first part of August of 1969,
10 when Mr. Manson gave you the VW microbus that you've identified,
11 and the pink slip to it, did Mr. Manson say anything about Gary
12 Hinman's name being on the back of the pink slip?

13 A No, huh-uh. I didn't even --

14 MR. DENNY: I'll object to anything after "no."

15 Q BY MR. KAY: Well, did he say anything about the
16 name Gary Hinman?

17 A No.

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

19 THE COURT: You may.

20 (Pause in the proceedings.)

21 Q BY MR. KAY: Oh, yes. Let me ask you this
22 question: From the place where you first saw the -- well, let
23 me ask you this:

24 Could you step down a minute? Now, I am showing
25 you an aerial photograph of Spahn's Ranch, the area -- have you
26 ever seen this before?

27 A Yes, I believe on a previous trial.

28 Q Okay. Could you use the microphone?

4b-3

1 Now, at the time you saw the VW microbus, can you
2 identify on this photograph where it was that you saw it?

3 A Yes, it was right under this grove of trees
4 (indicating), right here by the farmhouse.

5 These trees overhang a little bit of the road that
6 comes right down through here.

7 Q Okay. So, it would be right above --

8 A Where it says "Farmhouse."

9 Q -- where it says "Farmhouse" on a blue piece of
10 tape?

11 A Yes.

12 Q It would be in the trees there?

13 A Yes.

14 Q Now, the VW microbus, you have said, was driven from
15 there to the front part of the ranch; is that correct?

16 A Yes.

17 Q Who drove that?

18 A Bobby and myself.

19 Q Well, who did the actual driving?

20 A I did.

21 Q All right. And was -- where was Mr. Beausoleil
22 at the time that you --

23 A Sitting in the passenger side.

24 Q All right. And what about Mr. Manson? What did he
25 do when you drove up front?

26 A I believe he -- I believe he drove the station
27 wagon, or -- no, I'm not sure. I'm not sure.
28

4c fol

4c-1

1 Q Okay. Now, let me ask you this:

2 In regard to the VW bus, when you first saw it,
3 did you notice whether there was anything in the back of the
4 bus?

5 A Hmmm -- the following day, when I cleaned it out,
6 after I had got it back down to Venice, there was a mattress
7 back there, and some sand and gravel.

8 Q Some sand and gravel? Okay.

9 You can resume the stand now, if you would.

10 All right. Mr. Manzella has correctly informed
11 me that I should have you mark the spot where you saw the
12 bus, even though we've identified it. Let's see. Well, I'll
13 give you the red pen again.

14 And could you put the initials "M. J. A." at the
15 location where you saw it?

16 A (Witness complies.)

17 Q Okay. After you got this VW microbus, did you come
18 back to the ranch a couple of days thereafter?

19 A Yeah.

20 Q And --

21 A Excuse me. I'm not sure of that. I'm not sure if
22 I did or not. I can't say for sure. I recall -- I'm not sure
23 if I called back up to see -- you see, when I was there,
24 Bobby --

25 MR. DENNY: Well, just a moment. I'll object to anything
26 beyond "I'm not sure" as not responsive to the question.

27 Q BY MR. KAY: Okay. In other words, you don't have
28 an independent recollection of going back to the ranch again?

1 Or do you?

2 A Well, I was supposed to go back to the ranch and
3 pick up the -- the station wagon. See, I was offered the
4 station wagon also.

5 Q That's the station wagon --

6 A The white one.

7 Q -- you've identified?

8 A The white one, yes.

9 And I can't recall if I went back or if I just
10 called up, because -- well, the answer was: Bobby had left
11 with the station wagon.

12 MR. DENNY: Well, I'll object to that and move that
13 that be stricken, again as not responsive.

14 THE COURT: "The white one" may remain; and thereafter,
15 the answer is stricken.

16 THE WITNESS: I'm just not sure.

17 Q BY MR. KAY: So, in other words, you don't
18 remember positively whether you went back to the ranch or
19 just called?

20 A Right.

21 Q Now, you stated that on the back of the pink slip,
22 that the date that was on there, 8-28-69, you said you were
23 sure that that was not the date that was on the pink slip --

24 A I know that this is not the date.

25 Q All right. How do you know?

26 A Because the -- John, the guy I sold the bus to,
27 changed it to avoid --

28 MR. DENNY: Just a moment. I'll move that that be

1 stricken as calling for hearsay, unless a foundation is
2 established.

3 THE COURT: Sustained. It's stricken.

4 Q BY MR. KAY: Well, did you see Mr. Puheck change
5 the date?

6 A I didn't actually see it. He told me.

7 MR. DENNY: Well, I move it be stricken, then.

8 THE COURT: All right. It is stricken, ladies and
9 gentlemen.

10 Q BY MR. KAY: Let me ask you this: When you got
11 the -- the night you did come back to the ranch, and you got
12 the VW bus, did you see Mr. Davis there?

13 A Yes.

14 Q All right. And where was he when you saw him?

15 A I believe at the undertaker's office -- well, it
16 was -- we were moving around from area to area, I mean, and I
17 couldn't say absolutely I saw him at the undertaker's office,
18 but I believe that's where it was.

19 I did see him.

20 MR. KAY: I have no further questions at this time. Thank
21 you, Mr. Arneson.

22 THE COURT: We'll take a short recess, of about ten
23 minutes.

24 You are excused for that time.

25 During the recess, ladies and gentlemen, you are
26 obliged not to converse amongst yourselves nor with anyone
27 else, nor permit anyone else to converse with you on any subject
28 connected with this matter, nor are you to form or express any

1 opinion on the matter until it is finally submitted to you.

2 (Mid-morning recess.)

5-401

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1 THE COURT: The record will show in the case of People
2 versus Davis that all counsel are present. Mr. Davis is
3 present and all the jurors and alternates are present.
4

5 CROSS EXAMINATION

6 BY MR. DENNY:

7 Q Your name again, sir?

8 A Marcus John Arneson.

9 Q Would you like to pull that microphone a little
10 closer.

11 A Marcus John Arneson.

12 THE COURT: Move that seat up, if you want to.

13 THE WITNESS: Oh, it is fine.

14 Q BY MR. DENNY: You, too, have gone by some other
15 names besides that?

16 A Uh, yes.

17 Q Could you inform the jury as to some other names
18 that you have used?

19 MR. KAY: That's irrelevant.

20 THE COURT: Sustained.

21 MR. DENNY: I'll make an offer of proof, your Honor.

22 THE COURT: All right, you may approach the bench.

23 (Whereupon, the following proceedings were had at
24 the bench among Court and counsel, outside the hearing of the
25 jury:)

26 MR. DENNY: Your Honor, he was arrested using a driver's
27 license at the time he was arrested for receiving stolen
28 property and grand theft auto in connection with his owner-
29 ship, temporary ownership in the VW microbus.

1 Well, let's start at the beginning.

2 When Mr. Puheck was arrested with the microbus,
3 he put the finger on Mr. Arneson as the person who sold it to
4 him. And then a Complaint was then issued for receiving stolen
5 property and grand theft or at least receiving stolen property
6 on Mr. Arneson, who in March, 1970, was picked up on the
7 basis of that outstanding warrant.

8 And at that time he had a driver's license and used
9 the name of Barnett.

10 This particular offense, charge, was dropped
11 against him in exchange for his testimony and I think it is
12 relevant and material to show that he used that name.

13 He has also been known in the Family and he says
14 he was a member of the Family as Mark Damion Bloodworth. And
15 that's a name he used while he was with the Family. So it is
16 relevant and material to show that that was the name he was
17 known by when he was with the Family.

18 MR. KAY: Well, your Honor, I think that based on
19 Mr. Denny's offer of proof, it is all irrelevant. Mr. Manzella
20 has informed me that there has been no deals made with this
21 witness. Obviously, the charges were dropped because this
22 man is not guilty of receiving stolen property.

23 THE COURT: It appears to be irrelevant. But the Court
24 doesn't wish to preclude you from examining him as to what
25 promises, if any, were made as a result of his having been
26 apprehended on the charges you mentioned.

27 MR. DENNY: All right.
28

6-1

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

Q BY MR. DENNY: By the way, Mr. Arneson, while Mr. Whiteley, Sergeant Whiteley is here, you recognize Sergeant Whitely, don't you?

A Yes, I do.

Q And you have had some dealings with him in connection with this case; is that right?

A Well -- uh --

Q Just yes or no. Have you had some dealings with him?

A Yes.

Q And when was your earliest dealing with Sergeant Whiteley?

MR. KAY: Well, your Honor, I am going to object that that's ambiguous. "Dealing," I don't know what that means.

MR. DENNY: Well, I'll rephrase the question.

Q When was the earliest time that you had any conversation with Sergeant Whiteley concerning this case?

A Uh -- I don't recall the date. But it was when I was arrested --

Q Yes.

A -- for having the bus, or selling the bus.

Q Well, you were arrested for receiving stolen property; is that right?

A Yes, sir.

Q And that was on March 13, 1970; is that right?

6-2

1 A I'm not sure of the date. That sounds about
2 right.

3 Q Well, if I showed you a copy of the arrest
4 report, would that refresh your recollection?

5 A Yes. It's not that I am denying the date; it's
6 just that I'm not sure of it.

7 Q All right. Well, let's try to be sure.

8 MR. KAY: I will stipulate with counsel that this is
9 the date, if counsel will represent that that is the date. I'm
10 not familiar with it, but I'll accept counsel's representa-
11 tion.

12 MR. DENNY: I was mistaken, because it says March 12th
13 on the report.

14 MR. KAY: Three twelve seventy?

15 MR. DENNY: That's the date on the report.

16 THE COURT: Well, show him the report. He states that
17 he believes the report will refresh his memory.

18 MR. DENNY: All right.

19 THE WITNESS: Yes, that's my arrest, so that's probably
20 the date it happened.

21 Q BY MR. DENNY: Indicating the date of 3-12-70 at
22 1645 hours?

23 A Yes, sir.

24 MR. KAY: Mark, could you speak into the microphone
25 when you are talking?

26 THE WITNESS: Yes, that's correct.

27 MR. KAY: Thank you.

28 Q BY MR. DENNY: Now, you were unemployed at that

6-3

1 time; is that right?

2 A Yes. And I was also AWOL from the Army.

3 Q Well, that's interesting.

4 Were you in that same status around the first part
5 of August of 1969?

6 A Yes.

7 Q Unemployed and AWOL?

8 A Yes.

9 Q You knew Mr. Hinman, you say, just sort of in
10 passing; is that right?

11 A Uh -- I saw him, and somebody told me who he was.

12 Q How long were you with the Family, sir?

13 A Well, I met Charlie in December of '68, and --
14 around May or June, I believe; and that was only a short
15 encounter, you know. I mean, I just met the man.

16 Q Sure.

17 A And then I was -- let's see. I was drafted --
18 I was actually drafted in May of '68. I evaded the draft
19 until August of '68.

20 Now, sometime in July and August, I lived with
21 the Family in Topanga Canyon, on Summit.

22 Q All right.

23 A And then I decided evading the draft was not
24 what I wanted to do, so I turned myself into the Service.

25 Q All right. Let me just stop you there.

26 In the chronological sequence here, when you were
27 living with them in July and August of '68, there at Summit
28 Drive in Topanga Canyon, was this the time that you saw Mr.

6-4

Hinman?

A Yes, it was.

Q And was that over at his place?

A Hmmm -- no, that was up at the place where the
Family was living, at the top of Summit.

6a fls.

6a-1

1 Q At the top of Summit, you recall he was there
2 visiting?

3 A Yes, apparently.

4 Q And you talked with him, chatted with him?

5 A No, I didn't.

6 Q Well, you were among a group of people there at
7 the time; is that right?

8 A Well, yeah. I was off doing something. And he
9 had come and gone, and I saw him drive away, is what happened.

10 Q All right. Now, was he a black man or a white
11 man or a yellow man?

12 A He was a white man.

13 Q He was a white man. All right.

14 There's no question in your mind about that?

15 A No, none at all.

16 Q All right. And did you ever see him again?

17 A No.

18 Q You're sure of that?

19 A Once we went over to his house, but he wasn't
20 home. On Old Topanga Canyon there.

21 That was at the same -- around the same time,
22 when I first heard the name.

23 Q His house at 964 Old Topanga Canyon Road?

24 A I don't know the address, but it's on Old Topanga.

25 Q Is it a two-story --

26 A Yeah. You have to climb the stairs to get there.

27 Q Yeah, right. And did you see any vehicles there,
28 when you were there? At that particular time?

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A Hmmm -- not that I can recall.

Q All right. Then, you came back and sort of joined up with the Family when?

A Well, I left around July or August and turned myself in August 13th, to the Service.

Q Well, the question is, sir, not when you did that, but when you came back to the Family.

A Well, in order to come back, I had to leave; right?

Q Yeah. We've got that already.

A Okay. Well, I left, and I came back February or-- late in January or February of '69.

Q Of '69.

A At that time, they were living at Spahn's Ranch.

Q I thought you said that they were --

A Gresham Street; in between the two.

Q Well, now, which is it?

A Well, they were in the process of moving back and forth.

Q All right.

A I mean, there were some people living at Gresham Street, and there were some at the ranch, and they were traveling back and forth.

Q It wasn't that all of the Family then moved from Spahn Ranch --

A No.

Q -- to the Gresham Street address, at about the end of January and February and the beginning of March; is

6a-3

1 that right?

2 A When I came back, there were some people living
3 at Gresham Street, and there were some of the girls up at
4 the ranch.

5 Now, shortly after that, the rest of the --
6 we got kicked out of the Gresham Street house, and everybody
7 went up to the ranch.

8 Q Well, when was that?

9 A I don't know. I don't keep dates.

10 Q All right. But you would say that at least as
11 of January, February and March, the Family members were kind
12 of split up between the two locations; is that right?

13 A Yes, semi. But I mean, the people were going
14 back and forth; it's not that far apart.

15 Q Yeah.

16 A And the people were going back and forth. I mean,
17 you know, it wasn't like you'd get a specific group here and a
18 specific group here. I mean, they were back and forth.

19 Q All right. You knew Ella Bailey at that time?

20 A Yes.

21 Q Now, what was your status at that time? Unemployed?

22 A No. At that time, I was AWOL.

23 Q All right. And still unemployed?

24 A Oh, yes.

25 Q And then on Mother's Day, May 10, 1969, you left
26 the Family; is that right?

27 A Yes, sir.

28 Q You had a kind of falling out with Charlie over

1 some work that he wanted you to do, and you didn't feel it
2 was worth while doing it; is that right?

6b fls.3

A I didn't think it was very practical.

6b-1

1 Q All right. And then after that, you didn't come
2 back to the ranch again until this date, around the beginning of
3 August, 1969?

4 A Yes.

5 Q All right. Now, when Charlie offered you this
6 microbus, you thought that this was just kind of a nice
7 gesture, that he was making to you, of friendship at this
8 time?

9 A Well, it kind of surprised me, because I -- I
10 had the assumption that he was kind of -- you know, mad at me
11 for leaving. Me and Joe both.

12 Q Yeah. You did have that assumption.

13 A And it surprised me. But it wasn't unusual,
14 because things are always being given away.

15 Q Things are always being given away by Charlie; is
16 that right?

17 A Yeah.

18 Q And you'd seen plenty of instances of it while you
19 were there; right?

20 A Yeah.

21 Q So, you didn't figure --

22 A It was no --

23 Q You didn't figure you were getting stolen
24 property or anything like that?

25 A No.

26 Q Or the fruits of any sort of crime?

27 A No.

28 Q Is that right?

6b-2

1 A That's right.

2 Q All right. Did you think it was kind of funny
3 when Charlie told you that if you were stopped by the police,
4 that you should say you got it from a black man, from a Black
5 Panther?

6 A Yes. As a matter of fact, I did.

7 Q You thought that was kind of funny, didn't you?

8 A Yeah.

9 Q Did that -- well, sir, did that give you kind of
10 the idea that maybe there was something fishy with this deal?

11 A Well --

12 Q Did it, sir?

13 A Well, it didn't. It didn't cross my mind -- I
14 didn't recall it. You see, like I'd only had a small encounter
15 with Gary Hinman, and --

16 Q Well, you remembered that Gary Hinman wasn't a
17 Black man, didn't you?

18 MR. KAY: May the witness be allowed to explain the
19 answer? I think Mr. Denny is interrupting.

20 THE WITNESS: Can I finish my answer?

21 Q BY MR. DENNY: Go ahead, sir.

22 A I had only had such a small encounter with Gary
23 Hinman, I didn't recall the name, --

24 Q Yeah.

25 A -- you know?

26 Q Yeah.

27 A But I did sort of remember the fact that he wasn't
28 black, later on, and I -- When I sold the bus.

1 Q Later on, when you sold the bus?

2 A Well, before I sold the bus, I -- you know,
3 I'd thought about it.

4 Q Well --

5 A But it was no great -- you know.

6 Q Well, Mr. Arneson, when you got this pink slip,
7 you -- you had to have the pink slip, didn't you? You asked
8 Charlie for the pink slip, didn't you?

9 A Right.

10 Q Now, did you ask him for it, or did he just say,
11 "Oh, Mark, here, you are going to need the pink slip. I'll
12 send one of the girls for it."

13 Is that right?

14 A No. I asked him if -- you know, when he asked me
15 if I wanted the bus, I says, "Is it legal? Do you have the
16 pink slip?"

17 You know, because like there are cars and buses
18 and things getting stolen all the time.

19 Q There sure are. And you knew that, didn't you?

20 A Yeah.

21 Q Okay. So you wanted to make sure that this
22 wasn't a stolen vehicle, and someone had the pink to it?
23 Right?

24 A Um-hmm, right.

25 Q So, when you got it, you looked at it, didn't you?

26 A Yes.

27 Q And when you looked at it, you saw the name "Gary
28 Hinman" signed to that pink, didn't you?

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A Yes.

Q And you remembered Gary Hinman, didn't you?

A Not at that time, I didn't.

Q You didn't.

A It's like --

Q All right. Again, when Charlie told you, if you
were stopped by the cops to say you had gotten it from a
Black Panther, you figured that Gary Hinman was a Black
Panther?

A That's what Charlie said. But it -- it took some
time for me to recall the fact that Gary Hinman wasn't black.

6 c fol

1 Q Did it, really? How long did it take, sir?
2 Until about March 12th, 19- --

3 A I don't keep dates on something like that. I
4 just remember the fact that I -- you know, I had met Gary
5 Hinman -- or been exposed to him, I mean. You know, the guy
6 was leaving,, and -- you know, "Who is that?"

7 "That's Gary Hinman. He's a music teacher." You
8 know, and like --

9 Q Well --

10 A It's just like passing on the street; you know,
11 it wasn't no great landmark in my life, you know.

12 Q Well, did you -- you remembered that somebody said,
13 at the time, "He's got money;" is that right?

14 A Yeah. A lot of people have money.

15 Q Did you testify to that here today, sir, to lend
16 the jury perhaps the thought that you remembered at the time
17 that Gary Hinman had money?

18 You remembered it when -- when Mr. Manson gave you
19 this, that he had money, and so you figured, "Well, this has
20 just been a gift from Gary Hinman, and now it's a gift from
21 Manson to me"?

22 Is that what you want the jury to think?

23 A I don't care what the jury thinks. You know, I'm
24 not here to impress the jury.

25 Q All right. Now, you knew Danny DeCarlo, too,
26 didn't you?

27 A Very well.

28 Q Very well. And Al Springer?

1 A I know him.

2 Q Well, he came up to the ranch frequently, didn't
3 he, while you were there?

4 A Yes, occasionally.

5 Q And this was between January and May 10?

6 A Hmmm -- yes.

7 Q And he was there when Charlie was there?

8 A Yes, he stopped in there once in a while. He
9 came up with a few other of the Straight Satans.

10 Q All right. And -- by the way, is this --

11 Your Honor, I have a photograph previously marked
12 People's 73. If the People have no objections, could we use
13 the same designation at this time?

14 MR. MANZELLA: That's agreeable, your Honor.

15 THE COURT: All right. The photograph will be 73
16 for identification.

17 Q BY MR. DENNY: Can you tell us who this is?

18 A That's Danny DeCarlo.

19 Q That's Danny. Now, sir, you knew a little bit
20 about -- well, let me take your present business, snowmobile
21 and things of that kind.

22 A No, it's -- I have a snow plow.

23 Q Oh, a snow plow. I'm sorry.

24 You say you were a mechanic for a while?

25 A Yes, somewhat.

26 Q And you fixed up cars?

27 A That that I could, yes.

28 Q And you sometimes sold them after you fixed them

73 ID

up?

A Hmmm -- I traded -- I traded some motorcycle parts for a car once.

Q Yeah.

A But I didn't have anything to do with that car. I acquired that car on work time; but that was an old Studebaker.

Q All right. Now, sir, when you buy a car or get a car, and somebody else's name is on the pink slip, you knew, as of about August of 1969, that you were supposed to apply to the DMV to change the registration; is that right?

A Normally, it's -- like on the back of the pink slip, it says within ten days or something like that.

But I didn't bother with it. Heck, I didn't have a driver's license. Why should I worry about the registration?

Q And also, you were AWOL; right?

A Yes.

Q You didn't want anybody picking you up on an AWOL charge, by showing your address on anything like that; is that right?

A That's right.

Q And also, sir, you didn't want your name in the line of title of that hot truck, did you? That hot bus?

A Well, I couldn't -- at the time, I couldn't use my name. See, I was AWOL from the Service, and I didn't -- I had the pink. You know, I had the pink slip.

I thought that the truck was fair and square -- or the bus, excuse me. You know.

Q Well, you've used other names; you could have used

1 another name, couldn't you?

2 A Oh, yeah. If -- you see, like when we acquired
3 that bus -- well, I say "we."

4 When that bus was acquired, it was like I had a
5 vehicle; I didn't actually need it.

6 And a friend of mine that I went up there with,
7 he had a car, and he didn't actually need it. But we
8 figured, between the both of us, we could put it to use.

9 You know, like if I move, you know, and need a
10 bus or something to haul something, why, I could use the bus.
11 And if he needed it, he could use it.

6d fol

1 Q But you got rid of it; you sold it for three hundred-
2 fifty bucks, within about a week, ten days or something like
3 that?

4 A Three weeks, two weeks, something like that.

5 Q Yeah. Because you knew it was a hot bus, didn't
6 you?

7 A We had got -- got word of something like that,
8 yeah. And we sold it.

9 Q Yeah. All right, sir. And then you got arrested
10 for receiving that hot bus, didn't you?

11 A Um-hmmm.

12 Q And you got held to answer at a preliminary
13 hearing for it in Division 64 --

14 A In Santa Monica.

15 Q -- in Municipal Court; right?

16 A Um-hmmm.

17 Q And then it was dismissed in the interests of
18 justice; isn't that right?

19 A I believe so, yes.

20 Q And that was in exchange for your testimony in
21 this case, --

22 A No. You see --

23 Q -- isn't that right, sir?

24 A While --

25 Q Is that right, sir?

26 MR. KAY: Well, can the witness answer the question?

27 MR. DENNY: Well, if he'll answer it first.

28 THE WITNESS: I said --

1 Q BY MR. DENNY: Huh?

2 A -- if you'll let me explain.

3 At that time, I was AWOL, when I got arrested for
4 the bus. And I figured -- "I got arrested; they're going to
5 catch me for this AWOL." So, I hired an attorney, a military
6 attorney, and turned the thing over to him.

7 Q Um-hmmm.

8 A And he was like my civil liaison thing, you know;
9 like I was out on a thing -- I don't even know what you call it;
10 I'm not a lawyer -- but he made arrangements with the Army, and
11 the Army actually -- I was actually in custody of the Army.

12 Q All right.

13 A And then I -- as soon as that was -- the prelimin-
14 ary thing was turned over, and I -- I had to testify in court.
15 I was turned over to the Army.

16 Q You had to testify in court?

17 A Well, I had to -- well, I was turned over to the
18 Army after it was all through.

19 Q Well, what happened at that preliminary hearing,
20 sir? Did you testify?

21 A I don't know. This is two years ago. I don't
22 keep a diary.

23 Q I'm not questioning you about keeping of a diary.
24 I am only asking about the time that you were in court, in
25 Division 64 --

26 A Well, I didn't say --

27 Q -- of the Municipal Court.

28 A I didn't say a word.

1 Q All right.

2 A My lawyer took care of it all. I just sat there.

3 Q All right. Now, before that time, though, you had
4 talked to Sergeant Whiteley, hadn't you?

5 A Yes,

6 Q And an agreement was reached that if you testified
7 against the Manson Family, this case would be dropped; isn't
8 that right?

9 A No.

10 Q No discussion of that kind at all?

11 A It was -- you know, they said -- they just said
12 they had -- you know, he had the goods on me, he said.

13 Q He told you he had the goods on you; right?

14 A Well, they -- he had it all down.

15 Q He sure did, didn't he?

16 A And --

17 MR. KAY: Who is "he"?

18 Q BY MR. DENNY: Sergeant Whiteley.

19 And he said you were guilty as hell, didn't he?

20 MR. KAY: That calls for hearsay, doesn't it?

21 Q BY MR. DENNY: Did he say that?

22 THE COURT: The objection is sustained.

23 You needn't answer that.

24 Q BY MR. DENNY: He said they had you cold; right?

25 MR. KAY: The same objection.

26 THE COURT: Sustained.

27 MR. DENNY: I'm going to his state of mind, your Honor.

28 THE COURT: Well, sustained. He has already responded

1 substantially to that effect.

2 Q BY MR. DENNY: But he did tell you that if you
3 testified, they'd drop the charges; isn't that correct?

4 A My -- my military lawyer was taking care of all
5 that. I don't know. It was --

6 Q Oh, it was worked out not directly with you, but
7 through your lawyer, that if you testified, --

8 A Well, no.

9 Q -- the charges would be dropped; is that right,
10 sir?

11 A No, that is not right.

6e fol

6e-1

1 Q Well, tell me what is right, then.

2 A I was -- my lawyer told me to -- you know, to --
3 that the police had all the information, you know, like I
4 received the bus.

5 Q Um-hmm.

6 A And he told me to just tell them the truth.

7 Q And cooperate; and if you cooperated, that
8 charges would be dismissed, is that right, --

9 A You're saying that.

10 Q -- isn't that what your lawyer said?

11 Oh, yeah, I'm saying that. Is that what your
12 lawyer said?

13 A No. He just said to tell them the truth, and
14 he says, "As soon as you get that taken care of, then we
15 can start working on your military thing."

16 See, I had a medical -- a -- my court martial,
17 it was a big medical thing.

18 Q Well, sir --

19 A And I was trying to get through that.

20 Q All right.

21 Are you telling me now that, as far as you were
22 concerned, when the People dropped the charges against you
23 in the interests of justice -- well, just tell me: Why did
24 they do that? Did they -- did anybody ever tell you?

25 A Why didn't they arrest John Puheck? He had the
26 bus after I did, and nothing was ever done to him.

27 Q That's right.

28 A You know. They were just trying to get to the

6e-2

1 bottom of the pile.

2 Q Is that right?

3 A To see what's going on.

4 You know, that's the best I can figure out. They
5 just wanted to figure out what's going on.

6 Q But John Puheck didn't know Gary Hinman, did he?

7 A I don't believe so.

7 fls.

7-1

1 Q And John Puheck, as far as you know, didn't know
2 that Gary Hinman was not a white man and not a Black Panther,
3 right?

4 A I didn't even know if he knew it.

5 Q And John Puheck didn't get this from Charlie
6 Manson, right?

7 A No, he got it from me.

8 Q And John Puheck hasn't been running with the
9 Manson Family, right?

10 A Right.

11 Q And when the People dropped charges after you had
12 been held to answer in the interest of justice, it was with
13 the understanding with you, through the Sheriff's Department
14 or the District Attorney's Office, wasn't it, that you were to
15 testify in exchange for that?

16 A I was subpoenaed to testify and so I testified.

17 Q And they dropped the charges?

18 A I assumed that that was because I was already
19 under military obligation and military had superior -- you
20 know, had priority over me because, like, I was AWOL for 16
21 months.

22 Q Is that what you assumed, really? Hmm?

23 A Yes.

24 THE COURT: It is shortly before 12:00. Now, anything
25 further?

26 MR. DENNY: I have nothing further of this witness,
27 your Honor.

28 MR. KAY: Just have a few questions.

7-2

REDIRECT EXAMINATION

1
2 BY MR. KAY:

3 Q Mr. Arneson, you, as a result of this court
4 martial, you received a medical discharge from the Army,
5 didn't you?

6 A No, I didn't.

7 MR. DENNY: I object to that as irrelevant and immaterial.

8 THE COURT: It is stricken. The answer is stricken.

9 Q BY MR. DENNY: You said in response to Mr. Denny's
10 question that shortly before you sold the VW microbus, you
11 got word of something, that it was hot; would you explain
12 that?

13 A Well, one of the girls called up Joe.

14 Q Now, one of the girls called, which girls;
15 Manson girls?

16 A I don't know. I wasn't there. Somebody from
17 the Family.

18 MR. DENNY: Well, this is calling for hearsay.

19 MR. KAY: I think Mr. Denny has opened the door. I
20 think the jury should be able to hear what --

21 THE COURT: He states that one of the girls called Joe,
22 and that may remain thus far. But --

23 THE WITNESS: And they said get rid of the bus.

24 MR. DENNY: Well, I'll object to what they said as
25 hearsay.

26 THE COURT: What they said is stricken.

27 THE WITNESS: Well, what do you want to know?

28 Q BY MR. KAY: Well, what did they tell you?

7-3

1 MR. DENNY: I'll object to that as hearsay, too.

2 Well, your Honor, it is fair -- I'll withdraw
3 that, if it is admitted solely for his state of mind.

4 THE WITNESS: I'm not trying to, uh --

5 THE COURT: Just a minute. It is admitted solely for
6 the purpose of reflecting on the witness' state of mind.

7 THE WITNESS: What's that mean?

8 THE COURT: You needn't worry about what it means.

9 Q BY MR. KAY: Okay, Mark, just tell us what was
10 said, what information did you get that made you get rid of
11 the bus?

12 A They said there was somebody looking for the bus
13 and for us to get rid of it.

14 Q This was one of the Manson Family girls?

15 A Yes.

16 Q Did they say who was looking for the bus?

17 A No. They said somebody was looking for the bus.

18 Q Okay. And after you got that information, is
19 that when you sold it?

20 A Uh-huh.

21 THE COURT: "Uh-huh," means what?

22 THE WITNESS: Yes, affirmative.

23 Q BY MR. KAY: Now, Mark, you said that when you
24 left the Family in May, that Charlie wanted you to do some
25 work that you didn't think was practical and that's why you
26 left.

27 Could you explain that?

28 A Uh, it was a matter of converting a Diesel truck

7-4

1 and semi-trailer into a mobile shop. It was to be equipped
2 with a hydraulic gauge, you know, where you could put some-
3 thing awfully heavy on it and lift something up, into -- or
4 like a ram, and to be equipped with cutting torches, arc
5 welders, air compressor. Everything you needed to complete
6 repairs on vehicles.

7 Q Now, the day you -- the evening you went to the
8 ranch, in late July or the first part of August, when you
9 were having the conversation with Manson and Beausoleil, out
10 in front of the undertaker's house, was there a hay stack
11 nearby?

12 A Yes, there was.

13 Q How high was this hay stack?

14 MR. DENNY: I think we're getting kind of irrelevant.

15 THE COURT: Ask him how high hay stacks are.

16 MR. KAY: I'm getting to the point, was somebody on
17 top of the hay stack.

18 THE COURT: Well, why don't you just ask it?

19 MR. KAY: All right.

20 Q Was somebody on top of the hay stack?

21 A Yes.

22 Q What was this person doing there?

23 A He was on guard.

24 Q Did he have any weapons?

25 A Yes, I believe it was a carbine, but it was dark
26 and it was hard to really identify the gun. But I believe it
27 was a carbine and one --

28 MR. DENNY: Well, I'll move and ask that the part of

7-5

1 the answer "on guard," be stricken. He was on guard there
2 but --

3 THE COURT: It is stricken.

4 THE WITNESS: I saw a man on guard.

5 MR. DENNY: Well, I move that that --

6 THE COURT: That is also stricken, that is "I saw a
7 man on guard."

8 Q BY MR. KAY: Just describe what the person was
9 doing.

10 A The person was on top of the hay stack with the
11 gun.

12 Q What he doing with the gun?

13 A Looking out over the area.

14 Q All right. And in the -- and was Danny DeCarlo
15 nearby at the time?

16 A Uh, yeah, he was in the undertaker's office.

17 Q And what was Danny DeCarlo doing at that time?

18 A Oh, sitting around drinking beer.

19 Q Did he have anything with him?

20 A Well, there were a number of weapons in the room,
21 yes.

22 Q Was Bruce Davis in that area?

23 A He was around the area, but I'm not sure if he
24 was right in the undertaker's office.

25 Q All right. Did he have any weapons with him?

26 A Like I told you before, I couldn't --

27 Q You can't remember positively?

28 A I can't say for sure whether Bruce had a weapon

7-6

1 or not.

2 Q What do you remember?

3 A Let me see, there was Clem. I believe Clem.

4 Q That's Steve Grogan?

5 A I guess that's his real name, yeah.

6 Q Clem Tufts?

7 A Yes.

8 Oh, Danny, and Joe, myself, and Charlie and
9 Bobby, we were sitting around and, uh, -- it was Steve or
10 Bruce, I'm not sure who it was that had a holster, with a
11 weapon in a holster, a pistol.

12 THE COURT: The Court will take a recess now until 1:45,
13 ladies and gentlemen.

14 During the recess you are obliged not to
15 converse amongst yourselves, nor with anyone else, nor
16 permit anyone to converse with you on any subject connected
17 with the matter, nor form any opinion on it until it is
18 finally submitted to you.

19 Be back at 1:45.

20 (Whereupon, at 12:03 o'clock p.m. the noon
21 recess was taken.)
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1 LOS ANGELES, CALIFORNIA, FRIDAY, JANUARY 14, 1972, 1:52 P. M.

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3 THE COURT: All the jurors are present. The defendant is
4 present. All counsel are present.

5 You may proceed.

6
7 MARCUS JOHN ARNESON,
8 called as a witness by and on behalf of the People, having
9 been previously duly sworn, resumed the stand and testified
10 further as follows:

11 MR. KAY: I have no further questions on redirect,
12 your Honor.

13 THE COURT: Mr. Denny, any further cross?

14 MR. DENNY: Yes, I do, your Honor. If I may have just
15 a moment, your Honor, please.

16
17 RECROSS EXAMINATION

18 BY MR. DENNY:

19 Q Mr. Arneson, I'm kind of interested now in
20 that bit of information you gave us on redirect examination
21 about a phone call that you had from somebody about somebody
22 looking for that microbus; is that right?

23 A Well, when I started to answer, you --

24 Q Well, now, I'm interested.

25 Who was the phone call from?

26 A I don't know.

27 Q Well, you said it was --

28 A Someone from the ranch.

1 Q You're sure of that?

2 A Well, that's what I was told, yes.

3 MR. KAY: Your Honor, I believe Mr. Denny has misstated
4 the testimony. I believe he said the phone call was to Joe.

5 THE WITNESS: It wasn't to me. It was just relayed to
6 me because I was in possession of the bus at that time.

7 Q BY MR. DENNY: Somebody called Joe from the ranch?

8 A Uh-huh.

9 Q Is that what Joe told you?

10 A Uh-huh.

11 Q That's sort of secondhand, but you gave it some
12 credence? You believed it?

13 A Yes.

14 Q What did Joe tell you?

15 A He said, "I think we ought to get rid of the bus."
16 He said, "We got a call and somebody is looking for it."

17 Q He elaborated a little bit more than that, didn't
18 he?

19 A He said it was possibly hot.

20 Q Yeah, okay.

21 And so at that point you knew it was stolen? You
22 figured it was stolen, put it that way?

23 A Yeah. But like what I couldn't figure out is
24 how come I had the pink slip and the registration if the bus
25 was stolen. So I didn't think there was anything really
26 wrong, so I just turned around and sold it.

27 Q Is it about that time that you remembered Gary
28 Hinman?

1 A Well, I remembered that Gary Hinman wasn't black.

2 Q About that time?

3 A Approximately, yeah. I don't know. About that
4 time.

5 Q About that time?

6 A Yeah.

7 Q Would you say it was about the time that Gary
8 Hinman's death hit the papers?

9 A I don't recall -- you know, I don't recall reading
10 Gary Hinman's death in the papers, see. Like, I went to
11 Wyoming.

12 Q You didn't sell the bus in Wyoming?

13 A No, I sold the bus here and left to go to Wyoming.

14 Q You cut out of here pretty fast, didn't you?

15 A Yes, as a matter of fact, I did.

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1 Q Because you figured that the cops were looking
2 for you in connection with that bus, didn't you?

3 A Uh-huh.

4 Q All right. Because you knew you had a hot bus,
5 is that right?

6 A Wrong some way, yes.

7 Q Connected with the murder?

8 A Well, I didn't realize that Gary Hinman had been
9 murdered.

10 Q All right.

11 A You know.

12 Q And, in fact, it wasn't until about seven and a
13 half months later that the police finally caught up with you?

14 A Right.

15 Q Just by luck.

16 At which time you flashed an operator's license
17 in a name other than your own, is that right?

18 A Uh-huh.

19 Q Mr. Barnett?

20 A Uh-huh.

21 Q And when you got rid of this bus you sold it
22 under the name of Mark Bloodworth, is that right?

23 A No, it was Damion Bloodworth.

24 Q Oh, a different name, Damion. You go by the
25 name sometimes of Mark Bloodworth --

26 A Now I am able -- now that I don't have the Army
27 looking for me, I don't use any other name but my own.

28 Q I see.

1 A That was just to keep the Army from finding me.

2 Q And how long was it after you got this phone call
3 that you sold the bus to Mr. Puheck?

4 A I don't recall. It wasn't very long.

5 Q Days, hours?

6 A I said I don't recall.

7 Q Have any recollection of it, sir?

8 A Uh, it was less than a month, I know that.

9 Q You didn't just stash the bus somewhere. You
10 wanted to make some money off of it, so you sold it to him
11 for \$350 cash, is that right?

12 A Well --

13 MR. KAY: Irrelevant, your Honor.

14 MR. DENNY: I think it is relevant.

15 THE COURT: Sustained.

16 MR. DENNY: Well, your Honor, may I be heard at the
17 bench on this?

18 THE COURT: I think not. He's told what has occurred
19 in respect to it. And asked and answered, really.

20 MR. DENNY: I don't think he said it was sold for
21 cash, your Honor.

22 MR. KAY: It is irrelevant.

23 THE COURT: I thought he had.

24 MR. DENNY: No, he did not.

25 THE WITNESS: I said I sold the bus. What else would I
26 sell it for?

27 THE COURT: Did you sell it for cash?

28 THE WITNESS: Yes, I did.

1 THE COURT: Okay.

2 Q BY MR. DENNY: Because you didn't want anything
3 traced to you in connection with that bus, did you?

4 A The guy I sold it to knew where I lived, knew my
5 father. Now, how could I avoid it being traced to me if I
6 sold it to a man that knew me?

7 Q You sold him a hot bus that had been involved in a
8 murder?

9 A I didn't realize it was hot when I sold it to him.

10 Q Didn't you just say that you knew it was hot?

11 A Somebody said somebody was looking for the bus.
12 I didn't know it was the police. I didn't even know Gary
13 Hinman was murdered at that time.

14 Q But as soon as you sold it, you cut out for points
15 East, is that right?

16 A That's right, because I was AWOL and didn't want
17 to get caught by the Army.

18 Q Not because you had a hot bus involved in a murder?

19 A I didn't even know that a murder was involved in
20 it.

21 Q Let me read you something.

22 A Okay.

23 Q (Reading.)

24 "Any person who buys or receives any
25 property that has been stolen --"

26 MR. KAY: Well, your Honor, this is irrelevant.

27 THE COURT: Sustained.

28 MR. DENNY: Well, your Honor, may I approach the bench

1 on this? I would like to make an offer of proof.

2 THE COURT: I think not. You may ask your next ques-
3 tion.

4 MR. DENNY: Your Honor, I ask to make an offer of
5 proof in this case.

6 THE COURT: All right, come forward. You may make your
7 offer of proof, then.

1 (Whereupon, the following proceedings were had
2 at the bench among Court and counsel, outside the
3 hearing of the jury:)

4 THE COURT: You said, "Let me ask you something," and
5 then you began to read the Code section on receiving. If you
6 have any question concerning his state of mind regarding
7 receiving stolen property, just ask him.

8 MR. DENNY: Well, I want to quote to him the section
9 that concerns concealing, withholding or aiding and conceal-
10 ing or withholding a property, going to his testimony that
11 he did not get this charge of receiving dismissed in exchange
12 for his testimony.

13 MR. KAY: Well, that's irrelevant.

14 THE COURT: Sustained. I don't think the reading of the
15 statute to him has any purpose. He has already said the
16 charge was dismissed.

17 MR. KAY: And I'll object to any further inquiry.

18 THE COURT: Unless you can establish that it was read
19 to him once before.

20 MR. DENNY: He was charged with it.

21 THE COURT: Yes, but unless you can establish it was
22 read to him once before, he's already stated the charge was --

23 MR. DENNY: He stated he didn't get the case dismissed--

24 THE COURT: As I said before, I don't want to preclude
25 you from inquiring as to that because it may show motive for
26 his testimony here, but the question that you began to
27 propound does not sound like a question.

28 MR. DENNY: Let me rephrase it, your Honor.

1 THE COURT: And the objection is sustained.

2 (Whereupon, the following proceedings were had
3 in open court within the presence and hearing of the
4 jury:)

5 Q BY MR. DENNY: Sir, when you were charged with
6 receiving stolen property in connection with the concealment
7 of this bus --

8 A Concealment?

9 Q -- did you read what you were charged with when
10 a Complaint was handed to you?

11 MR. KAY: Objection, assumes facts not in evidence.

12 Q BY MR. DENNY: Did you get a Complaint handed to
13 you at the time you were charged in Division 64 with receiv-
14 ing stolen property?

15 A Not that I recall.

16 Q Anybody ever tell you what you were charged with?

17 A Yeah, it was receiving stolen goods.

18 Q And receiving includes concealing stolen goods
19 knowing they were stolen, right?

20 A I don't believe I ever got charged with conceal-
21 ing anything. I just got charged with receiving stolen
22 property. I didn't hide anything. They caught me, you
23 know.

24 Q All right, sir.

25 Did you -- were you ever advised by court,
26 lawyers, anyone else that the penalty for that was up to
27 ten years in the State Prison?

28 A No.

1 Q All right. And is it your testimony at this time,
2 sir, that as far as you know that charge against you of
3 receiving and/or concealing stolen property was just sort of
4 dismissed by the District Attorney out of the goodness of
5 his heart?

6 MR. KAY: Argumentative and assumes facts not in
7 evidence.

8 THE COURT: Sustained.

9 Q BY MR. DENNY: Well, what is the basis upon which
10 you say you believe the charge was dismissed against you?

11 A Well, I believe after the civil authorities
12 finally apprehended me, they turned me over to the military,
13 because I was AWOL.

14 Q The civil authorities? Do you mean the Sheriff's
15 Office?

16 A I guess whoever does it, man, I don't know.

17 Q The Sheriff's Office got you right out of jail
18 the day after you were arrested on this thing, didn't they?

19 A No, my fiance got a writ and got me out of jail.
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1 Q You were released to the Sheriff's Office, weren't
2 you?

3 A Uh -- no. I was released on a writ. Cost me
4 \$125.

5 Q Oh, I see. And as soon as that charge was dropped
6 against you, you testified against someone in connection with
7 these charges, did you?

8 A I'm not sure if it was before or after I got out of
9 the stockade. It must have been -- no, I guess I -- I guess I
10 testified before they brought me back to the Army.

11 I guess I did.

12 MR. DENNY: All right. No further questions.

13
14 REDIRECT EXAMINATION

15 BY MR. KAY:

16 Q When you say you testified against somebody, who
17 are you talking about?

18 A Uh -- it was Bobby -- it was the Bobby Beausoleil
19 trial.

20 MR. KAY: No further questions.

21
22 RECROSS EXAMINATION

23 BY MR. DENNY:

24 Q And then you testified before the Grand Jury
25 against Mr. Davis, Mr. Manson, Mrs. -- Miss Atkins; is that
26 right?

27 A I remember testifying in the Grand Jury, but --

28 Q All right. That was about April 14?

8-2

1 A Right. Right. But I believe that was -- I thought
2 that was just against Charlie.

3 Q It didn't matter, did it?

4 A Uh -- no. I just answered the questions anyhow.

5 MR. DENNY: Okay. No further questions.

6 MR. KAY: No further questions.

7 May this witness be excused?

8 THE COURT: Any objection?

9 MR. DENNY: No objection.

10 THE COURT: All right. You may be excused, sir.

11 MR. MANZELLA: The People's next witness is Mr. Nat
12 Stanoff, your Honor.

13 THE COURT: Mr. Stanoff?

14 THE CLERK: Would you raise your right hand, please?

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

19 THE WITNESS: I do.

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21

NAT STANOFF,

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

24

THE CLERK: Please take the stand.

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THE BAILIFF: Would you please state and spell your full
name?

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THE WITNESS: My name is Nat Stanoff. It's spelled
capital N-a-t, capital S-t-a-n-o-f-f.

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DIRECT EXAMINATION

BY MR. MANZELLA:

Q Mr. Stanoff, first, I would like to apologize for keeping you waiting the last few days in the hallway.

A Okay.

Q Mr. Stanoff, what is your business or occupation?

A I am a retail merchant of -- as a surplus store in Van Nuys. We handle clothing, camping equipment and sporting goods.

Q What is the name of that store?

A Surplus Distributors.

Q And for how long have you been the proprietor of that business?

A Uh -- about 26 years.

Q Now, during the time that you've been the proprietor of that business, have you ever had in your stock a weapon, a 9-millimeter Radom?

A Radom, yes, sir.

Q Radom. And do you recall the -- well, strike that. Have you had a small number of those weapons, the 9-millimeter Radoms, in stock?

A Two. Two only.

Q Now, how many do you have in stock now, if any?

A One.

Q All right. Mr. Stanoff, directing your attention to the exhibit which has been marked People's 30 for identification -- and I have examined the weapon, and it's not loaded --

A It's got the clip in it, hasn't it?

8-4

1 Q Yes, it does. If you want to remove it or check
2 it yourself, Mr. Stanoff, please feel free to do so, because --

3 THE COURT: Yes, please do so, Mr. Stanoff.

4 Q BY MR. MANZELLA: -- we don't want you nervous on
5 the witness stand.

6 THE COURT: Please do so. It makes everyone nervous.

7 Will you open the breech?

8 THE WITNESS: I will.

9 THE COURT: Thank you.

10 It's free and clear, I believe.

11 THE WITNESS: Yes, indeed it is.

12 Q BY MR. MANZELLA: All right. Mr. Stanoff, do
13 you recognize that weapon?

14 A Yes, I do. I recognize it.

15 Q And is that one of the two 9-millimeter Radoms
16 that you have had in stock during your years as a proprietor
17 of that business?

18 A I wouldn't state it, unless I saw the -- unless
19 I verified this serial number with the paper work.

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1 Q All right. Now, at the time that you sell a
2 weapon from your store, do you fill out, for every transaction
3 of that sort, do you fill out a certain -- certain forms?

4 A Yes, we do, sir.

5 Q All right. Is one of those forms a Form 4473
6 Federal Firearms Transaction Record?

7 A Yes, it is.

8 Q All right. Directing your attention to the
9 exhibit which has been marked People's 38 for identification,
10 do you recognize that document?

11 A Yes, I do.

12 Q Would you tell us what that document is?

13 A That's a Federal Firearms report, Form No. 4473.

14 Q And does it pertain to a sale of a firearm?

15 A It pertains to the sale of a 9-millimeter Radom
16 automatic, serial No. L6365.

17 Q Now, did you have anything to do with the
18 transaction represented by that document, People's 38?

19 A Yes, I did.

20 Q Did you handle that transaction personally?

21 A Yes, I did.

22 Q Now, directing your attention to the weapon which
23 is People's 38, the 9-millimeter Radom, are you able to tell us
24 now whether or not that exhibit, that gun, was one of the 9-
25 millimeter Radoms which you had in your stock?

26 A Yes. This is the weapon that I sold. This is the
27 exact weapon, the same serial number, the same caliber.

28 This is our weapon.

1 Q And on what date did you sell that weapon,
2 People's 30?

3 A July the 14th of 1969.

4 Q And does the document which you are holding in
5 your hand, People's 38 -- that is, the Federal Firearms
6 Transaction Record -- does that document cover the sale of
7 the weapon itself?

8 A Exactly, yes.

9 Q Now, who filled that document out?

10 A My manager filled the document out, the Federal
11 Firearms Transaction Report, while I filled out the police
12 form.

13 Because it was a complicated -- there's a lot of
14 complications in selling so many weapons at the same time.
15 We have to fill out a police form, a receipt, and a Federal
16 Firearms form, this No. 4473.

17 And sometimes it takes two men to transact a
18 sale.

19 Q So, on this particular transaction, when you sold
20 the Radom, People's 30, on July 14th, 1969, both you and your
21 manager handled the sale?

22 A Exactly.

23 Q Now, directing your attention to a particular part
24 of that document, People's 38 -- and in particular, the
25 signature which appears at about the middle of the document,
26 which appears to be Jack Paul McMillan -- can you tell us who
27 placed that -- strike that.

28 Did you see who placed that signature on that

document?

A Yes. This was signed by the gentleman that made the purchase at that time.

Q Was that gentleman alone --

A No.

Q -- who purchased that weapon?

A No. He had someone with him.

Q And the name Jack McMillan, did the person who had the -- who purchased the weapon sign that name to People's 38?

A Exactly.

Q And did you see him sign his name to People's 38?

A Yes, exactly.

Q At the time that you sold that Radom -- Radom on July the 14th, 1969, did you ask for identification of any sort from the person to whom you sold the weapon?

A Would you repeat the question again, sir?

Q At the time you sold the weapon and completed the transaction on July 14th, 1969, did you ask for any identification of any kind from the person to whom you sold the weapon?

A Yes.

Q And what kind of a -- strike that.

Did that person present you with identification?

A Yes, of course.

Q And do you recall what that identification was?

A Yes.

Q What was it?

A It happened to be a temporary driver's license.

8b-1

1 MR. MANZELLA: Your Honor, I have here what appears to
2 be a copy of a temporary driver's license, which has pre-
3 viously been marked People's 39.

4 May it be marked People's 39 for identification at
5 this proceeding?

39 ID

6 THE COURT: So ordered. People's 39 for identification.

7 Q BY MR. MANZELLA: Mr. Stanoff, directing your
8 attention to People's 39 for identification, of what appears
9 to be a copy of a temporary driver's license, does that appear
10 familiar to you?

11 A Yes. This is the -- this is a photostatic copy
12 of the temporary driver's license that was presented as
13 identification.

14 Q And was it presented by the same person who signed
15 his name Jack McMillan to the form 4473, which is People's
16 38?

17 A Yes.

18 Q Now, Mr. Stanoff, would you tell us, how do you
19 identify the weapon, People's 30?

20 A The weapon has a serial number that corresponds
21 with the records that we have. The weapon was purchased from
22 our dealer, two at a time. I have one identical weapon to
23 this, excepting for the serial number.

24 They both stem from the same source. Our records
25 show who the supplier was.

26 And I've never been able to sell another one
27 since.

28 Q Is the gun now, People's 30, in the same condition

1 it was in when you sold it on July 14th, 1969?

2 A No, it isn't.

3 Q Would you tell us what's different about it?

4 A Yes. The weapon we sold at the time had grips on
5 it.

6 Q What kind of grips did it have on it?

7 A It had a black rubber grip.

8 Q On both sides of the butt?

9 A On both sides of the butt. The weapon was in
10 excellent condition and was in firing operation.

11 This weapon, of course, is -- has no grips. And I
12 couldn't vouch for the accuracy of the weapon itself.

13 Q All right. Now, would you -- strike that.

14 Are you able now to give us a description of the
15 person to whom you sold that weapon, People's 30?

16 A Yes. I sold it to a gentleman that I identified --
17 that identified himself as Jack McMillan; fairly short; I'd
18 say about five-seven, maybe; had long hair at the time; blue --
19 possibly blue eyes.

20 Q Do you recall what he was wearing?

21 A Yeah. He wore blue jeans and a light-colored
22 shirt, possibly light blue; and that's about all of the
23 description I can give of the man offhand.

24 Q All right. Now, prior to today, from July 14th,
25 1969 up to prior to today, had you ever -- had you seen the man
26 again? If you recall.

27 A Prior to July?

28 Q No. From July 14th, the date you sold him the

1 weapon, until today before you walked into court, had you seen
2 the man again?

3 A Yes, I had.

4 Q Directing your attention to the defendant in this
5 case, Mr. Bruce Davis, do you recognize him?

6 A Yes, I do.

7 Q And how do you recognize him? As whom do you
8 recognize him?

9 A I recognize him as Mr. Jack McMillan.

10 MR. DENNY: Well, your Honor, may I -- belatedly; I'm
11 sorry -- move to strike that, and approach the bench a moment?

12 THE COURT: The motion is denied.

13 MR. DENNY: Well, your Honor, this is under a Gilbert
14 identification case.

15 THE COURT: I'll hear from you after the direct is
16 completed.

17 Q BY MR. MANZELLA: Now, prior to July 14th, 1969,
18 had the man you know as Mr. McMillan, had he been in your store
19 before?

20 A Yes, he had.

21 Q On how many occasions, if you recall?

22 A Several. More than once.

23 Q And do you know the kinds of transactions, if any,
24 which were carried on, on those previous occasions by
25 Mr. McMillan?

26 A Yes.

27 Q What kinds of transactions were they?

28 A He had purchased a rifle prior.

1 Q Now, when you say that he had been in on several
2 occasions and had purchased a rifle, let me ask you this:

3 Does the purchase of a weapon in the State of
4 California require the presence of the purchaser at your store
5 on more than one occasion?

6 A Yes, it does.

7 MR. MANZELLA: All right. Thank you. Thank you,
8 Mr. Stanoff. I have no further questions, your Honor.

9 THE COURT: You may approach the bench.

10 MR. DENNY: No, that's all right, your Honor, at this
11 time.

12
13 CROSS EXAMINATION

14 BY MR. DENNY:

15 Q Mr. Stanoff, do you deal in weapons a good deal?

16 A Yes -- well, I do.

17 Q Over the 26 years, you've had this business, or --

18 A No. I've never dealt in handguns over the 26
19 years. I've dealt in the -- the weapons we carried over the
20 26 years were rifles and shotguns, more or less.

21 It's just in the past seven years or so that we
22 instituted the sale of handguns.

23 Q I see. But you have come to familiarize yourself
24 with handguns?

25 A Oh, yes, sure.

26 Q And have become somewhat familiar with the various
27 types of handguns, have you?

28 A Yes, we have.

1 Q I would like to show you some exhibits that have
2 been marked C-1 through C-12, and ask you if you'll just kindly
3 look at those.

4 MR. MANZELLA: Your Honor, I would object to questions
5 being asked with regard to those exhibits. I don't see the
6 relevance of them to the testimony of Mr. Stanoff.

7 THE COURT: Sustained.
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1 MR. DENNY: Well, may I put this aside and call him as
2 my own witness, your Honor, on the completion of cross on
3 the matter^{as} brought up by the People?

4 THE COURT: All right, you may.

5 Q BY MR. DENNY: All right, going to your direct
6 testimony, sir. You've indicated that that particular gun
7 was purchased by your buyer in the lot of two?

8 A It was purchased by me.

9 Q Oh, by you.

10 And at the time you bought it, when was that?

11 A It was prior to 1960 -- to July of 1969.

12 Q About how much prior, do you know?

13 A It may have been six months prior.

14 Q All right. And did you check that gun yourself
15 before purchasing it?

16 A How do you mean check it?

17 Q Well, check it to see that it was in excellent
18 condition?

19 A All the weapons that we buy from our suppliers
20 have been test fired, guaranteed by our distributors as in
21 excellent condition. We guarantee them when we sell them.

22 Q Now, what do you mean by "excellent condition,"
23 sir?

24 A "Excellent condition" means that the weapon is
25 in absolute condition to be fired safely and accurately.

26 (Whereupon, there was a pause in the proceedings.)

27 MR. DENNY: I'm sorry, your Honor, we're looking for
28 a picture we had this morning. It seems to have disappeared.

9-2

1 THE COURT: What picture?

2 I'm sure Mrs. Holt has it somewhere.

3 MR. KAY: Here it is.

4 THE COURT: That's a picture heretofore identified as
5 Mr. DeCarlo?

6 MR. DENNY: People's 73.

73 id. 7 THE COURT: Marked 73 for identification. At this
8 point do you wish it admitted?

9 MR. DENNY: Not right now, your Honor.

10 THE COURT: All right.

11 Q BY MR. DENNY: Now, sir, again, you take some
12 pride in your weapons, I take it?

13 A Some pride. When we have a real fine piece,
14 we're proud to have it, proud to sell it.

15 Q Well, even a slow mover, like a Radom here, I
16 take it when you say a weapon of that kind was in excellent
17 condition at the time it was purchased, you mean that the
18 interior is in excellent condition as well as the exterior;
19 is that right?

20 A Yes, of course.

21 Q That the interior of the barrel is not worn and
22 smooth?

23 A Yes. The interior of the barrel is in good
24 firing condition and is safe to fire. It is not a new
25 weapon, you understand that.

26 Q I understand that.

27 A We're not selling it as a brand new weapon.

28 Q I understand that.

9-3

1 But, nevertheless, you are not selling it as an
2 almost useless --

3 A No, we are not selling it as a useless weapon.
4 We are selling it as a weapon that is in excellent fire safe
5 condition to fire.

6 Q And you sold this on July 14, 1969?

7 A Correct.

8 Q To the gentleman you described, identified here as
9 Mr. Davis?

10 A Right.

11 Q And with him there was another gentleman, is that
12 correct?

13 A That is right.

14 Q And does this appear to be that gentleman, showing
15 you People's Exhibit 73? *DECARLO*

16 A I don't know. To tell you the truth, I don't
17 know if that was him or not. I couldn't say.

18 (Whereupon, there were murmurs of "We can't hear
19 you," from the jury.)

20 MR. DENNY: I'm sorry, but --

21 MR. KAY: Mr. Stanoff, I believe the jurors can't hear.

22 THE WITNESS: Oh, I'm sorry.

23 I can't say if that was the gentleman that was
24 with him or not. I really can't recall offhand.

25 Q BY MR. DENNY: Do you recall how that gentleman
26 was dressed?

27 A Well, the gentleman was taller than the one that
28 we are referring to now. They weren't dressed out of the

9-4

1 ordinary. Dressed in ordinary clothes, jeans. Nothing
2 pretentious.

3 Q Do you remember his shirt?

4 A No, I wouldn't say that I do right now. May have
5 had a growth on his face, I don't know.

6 Q You mean a beard type of growth?

7 A Could have had. We're going back almost two and
8 a half years. It is a long time to remember.

9 Q Sure is, and I appreciate your problem there, sir.

10 A Yes, sir.

11 Q However, you did sell a pistol to that gentleman,
12 also?

13 A I sure did.

14 Q And what kind of pistol?

15 A It was an Argentine Colt, .45 caliber, paid by
16 the same man, McMillian.

17 Q Paid for by Mr. McMillian?

18 A Yes.

19 Q Purchased under this gentleman's name?

20 A Absolutely, and --
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1 Q And do you know who that gentleman represented
2 himself to be, do you recall?

3 A Smith, I guess.

4 (Whereupon, there was a pause in the proceedings
5 while Mr. Denny conferred with the clerk.)

6 (Whereupon, there was a pause in the proceedings
7 while Mr. Denny conferred with Mr. Kay and Mr.
8 Manzella at the counsel table.)

9 MR. DENNY: Your Honor, I have what appears to be a
10 photostatic copy of a form 4473 Firearms Transaction Record.

11 May this be marked Defendant's D for identifica-
12 tion?

13 THE COURT: Yes, it may be so marked.

14 Q BY MR. DENNY: Be sure to speak into the micro-
15 phone.

16 A Yes, sir.

17 Q It is kind of hard to hear you.

18 Showing you that photostatic copy of the Firearms
19 Transaction Record, do you recognize that?

20 A I do, sir.

21 Q And what does that record purport to disclose?

22 A Discloses a sale July 14, of 1969, of an automatic
23 weapon manufactured by Colt for the Argentine government to
24 a Richard Alan Smith.

25 Q Is there an address there?

26 A Yes, there's an address and it is 8350 Colegio
27 Street in L. A.

28 Q And Colegio is spelled C-o-l-l-e-g-i-o?

9a-2

1 A C-o-l-e-g-i-o Street, L.A.

2 Q One "1".

3 A California.

4 Q All right.

5 Then, sir, is that particular weapon in any way
6 similar in size, shape, general characteristics to the 9
7 millimeter Radom before you?

8 A Yes.

9 MR. MANZELLA: Objection, your Honor. Calls for a
10 conclusion and the weapon itself would be the best evidence
11 of its shape. Calls for a conclusion which is not the
12 subject of an expert conclusion.

13 THE COURT: Overruled. You may answer.

14 The answer "Yes" may remain in.

15 Q BY MR. DENNY: In fact, is it just about identical
16 in appearance as far as --

17 A Well --

18 MR. MANZELLA: Same objection, your Honor. It is a
19 determination for the jury to make.

20 THE COURT: Overruled.

21 Q BY MR. DENNY: You may answer.

22 A Oh, all right.

23 Well, they're both automatics, and they're both
24 blue. We call this blue instead of black. They're both the
25 same color almost. And the fact that one is a 9 millimeter
26 and the other is a .45, anyone that is familiar with weapons
27 possibly can detect them instantly. And from a distance
28 it would be pretty difficult for even an expert to detect

9a-3

1 them.

2 Q All right, sir.

3 A Okay.

4 MR. DENNY: All right, your Honor, I wonder if I may
5 take the witness as my own at this time?

6 THE COURT: All right, you're through with cross?

7 MR. DENNY: Yes, sir.

8 THE COURT: All right, ladies and gentlemen, the
9 defense has a right to, with the Court's permission, to
10 take evidence or to produce evidence out of order, as it
11 were, and because of the circumstances the Court is going to
12 permit the defendant to present evidence at this time.

13 You may proceed.

14 MR. DENNY: Thank you very much, your Honor.

15
16 NAT STANOFF,

17 called out of order as a witness by and on behalf of the
18 defendant, having been previously duly sworn, was examined
19 and testified as follows:

20
21 DIRECT EXAMINATION

22 BY MR. DENNY:

23 Q: Now, Mr. Stanoff, I would like to show you these
24 exhibits that have heretofore been marked for identification,
25 Defendant's C-1 through C-12. And I wonder if you would
26 just look through those and, if you could, tell us whether
27 depicted in any of those photographs you see a 9 millimeter
28 Radom.

1 A: (Witness chuckles.)

2 Q Take your time.

3 A Yeah, thanks.

4 MR. MANZELLA: Your Honor, I object on the grounds it
5 is not relevant.

6 THE COURT: Sustained.

7 MR. DENNY: Well, may I make an offer of proof, your
8 Honor?

9 THE COURT: Yes, you may.

10 (Whereupon, the following proceedings were had
11 at the bench among Court and counsel, outside the
12 hearing of the jury:)

13 MR. DENNY: Your Honor, I intend to show by this that
14 an expert can, one who handles guns every day, can distinguish
15 between them, whereas Ella Jo Bailey could not. And I think
16 it is relevant and material as to her ability -- as to her
17 ability --

18 THE COURT: I can't see that that's material.

19 MR. DENNY: It is material as to her statement that
20 she could identify this gun, People's 30, as the gun that
21 Bruce Davis had.

22 THE COURT: Isn't that a subjective matter, a matter
23 for the jury to determine --

24 MR. DENNY: But she could not.

25 THE COURT: -- as to whether or not she was telling
26 the truth?

27 MR. DENNY: Well, your Honor, we could certainly
28 present, I think, expert testimony in this -- in this

1 particular area. She was unable, when presented with these
2 pictures, to distinguish which was a Radom and which was not.

9b Els.

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1 THE COURT: Well, the jury heard and saw that. Why do
2 we need Mr. Stanoff's testimony to the effect that he or some
3 other expert only could identify a Radom?

4 MR. DENNY: Well, I think it is certainly -- it is
5 certainly material just as to her credibility that it would
6 take an expert to do so. And if he can't, if he can't do it,
7 it is even more relevant. If an expert in guns himself cannot
8 identify them, and certainly she couldn't identify the Radom
9 as she said she did.

10 MR. MANZELLA: Well, two points.

11 First of all, if what Mr. Denny is asking for is
12 the demonstration in the courtroom, and unless he can recreate
13 the conditions or establish that the conditions were the same
14 that they were on that evening at Spahn Ranch, Friday, July
15 25, the demonstration is not admissible because the
16 circumstances are --

17 MR. KAY: Keep your voice down.

18 MR. MANZELLA: -- the experiment or the test is not the
19 same and he has made no attempt to show they are the same.

20 If he is saying that the demonstration, the
21 circumstances are the same as they were when Ella Bailey
22 identified the photographs in the courtroom, well, that's
23 irrelevant. Whether he can identify photographs that Mr. Denny
24 showed to Ella Bailey is not relevant to any issue in this
25 case. The question is whether or not she saw the gun on
26 Friday evening, July 25, under those conditions. Not whether
27 she can identify photographs. That's irrelevant.

28 But my basic objection is, he's asking for a court-

9b-2

1 room demonstration or an experiment, a test, and he's made no
2 showing that the circumstances -- that the conditions were the
3 same as they were on that evening, Friday, July 25, 1969.

4 MR. DENNY: Well, I'm not --

5 THE COURT: I think the objections are taken. Anything
6 further?

7 MR. DENNY: Well, I'm not attempting to make a
8 demonstration here in the courtroom in any way purporting to
9 be similar to the circumstances as they were on July 25th or
10 26th or whatever it was.

11 MR. MANZELLA: Then, my objection is it is not relevant.

12 MR. DENNY: All right, but it becomes relevant insofar
13 as Ella Bailey's ability or inability to distinguish those
14 guns here in court to which no objection was raised at the
15 time. She has been unable to do so. Now, if in fact Mr.
16 Stanoff cannot do so, I believe it is relevant to show that
17 even an expert cannot do so.

18 THE COURT: Well, I'll sustain the objection.

19 (Whereupon, the following proceedings were had in
20 open court within the presence and hearing of the jury:)

21 Q BY MR. DENNY: Sir, have you had a chance to look
22 through the pictures?

23 A Yes, I have.

24 Q Did you see there any photograph of a gun such as
25 that which you sold to Mr. DeCarlo?

26 MR. MANZELLA: Objection, your Honor, as not relevant.

27 THE COURT: Sustained.
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1 MR. DENNY: Well, your Honor, it is relevant, if there
2 is one in there, for me to be able to show the jury the type
3 of gun that Mr. DeCarlo bought.

4 MR. MANZELLA: It's not relevant, your Honor, unless
5 counsel has a photograph of that gun.

6 THE COURT: I'll sustain the objection.

7 MR. DENNY: Well, maybe -- may we approach the bench?
8 I don't want to argue in front of the jury.

9 THE COURT: Yes. Yes, you may.

10 (Whereupon the following proceedings were
11 had at the bench among Court and counsel, outside the
12 hearing of the jury:)

13 MR. DENNY: Your Honor --

14 MR. MANZELLA: If Mr. -- let me just say this first.
15 If Mr. Denny has a photograph of an Argentine Colt that he
16 wants to have marked for identification, and have it identi-
17 fied by Mr. Stanoff, fine.

18 But what I think Mr. Denny is trying to do is
19 get Mr. Stanoff to make a test. Now, if Mr. Denny has a
20 photograph that -- that says it's an Argentine Colt, I have
21 no objection, if -- if he wants Mr. Stanoff to identify it
22 as an Argentine Colt.

23 But I don't want him to ask -- my objection is
24 to asking Mr. Stanoff to pick guns out of this series of
25 photographs.

26 MR. DENNY: All right, your Honor. I have C-10, which
27 is not the Argentine Colt, but is the .45 caliber Colt on
28 which the Argentine Colt is based.

1 MR. KAY: Well, it's irrelevant.

2 MR. DENNY: It is certainly relevant, if it is, in
3 all respects, similar to or the same as the Argentine Colt.

4 THE COURT: All right. The Court think that you
5 might pursue that, then. Show him that picture, if that's
6 what you wish to do.

7 MR. MANZELLA: And I would ask that --

8 THE COURT: You may establish the similarity or the
9 identical appearance of the Argentine Colt to that.

10 MR. MANZELLA: All right, your Honor. I want -- I
11 want Mr. Stanoff to be shown the photograph outside of this
12 little folder.

13 I mean, I'm not playing games --

14 MR. DENNY: Oh, I can do that. I am doing it.

15 MR. MANZELLA: All right. My objection is to a
16 courtroom test. And that is my whole objection.

17 THE COURT: Well, what Mr. Denny has here is a series
18 of folders in which the labels of the guns are concealed.

19 All right.

20 MR. MANZELLA: All right.

21 MR. DENNY: Fine.

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

25 Q BY MR. DENNY: We're going to make it easy on
26 you, sir.

27 A Okay. Fine.

28 Q I would like to show you the photograph which

1 I've removed from the folder, C-10 for identification. Showing
2 you a .45 caliber automatic, do you recognize that? That type
3 of automatic, the .45 Colt U. S. Army Model?

4 A It's possible. Could be.

5 Q All right. Is the Argentine model Colt .45 in
6 all respects -- or, in most respects -- similar to that?

7 A Yes, Yes, it is.

8 Q All right. And, then, would it be fair to say
9 that the .45 Argentine Colt which you sold to Mr. Smith looks
10 essentially like that?

11 A Similar to it.

12 MR. DENNY: Fine. I have no further questions. Thank
13 you very much, Mr. Stanoff.

14 THE WITNESS: Thank you.

15 THE COURT: Anything further of Mr. Stanoff?

16 MR. MANZELLA: Yes, your Honor. Just a few questions.
17

18 REDIRECT EXAMINATION

19 BY MR. MANZELLA:

20 Q Mr. Stanoff, directing your attention to People's
21 30 -- and again, you can clear the weapon, if you'd like --

22 A That's all right.

23 Q -- have you examined the barrel of People's 30
24 while you have been on the witness stand?

25 A No. I just looked at it to see if it had anything
26 in the chamber.

27 Q Would it help any if I gave you my pen to examine
28 the interior of the barrel, People's 30?

1 A No, a pen won't help unless -- is your pen clear?
2 MR. MANZELLA: Yeah. It's shiny. It will reflect light.

3 A Okay.

4 (Witness complies.)

5 Q Mr. Stanoff, have you been able to examine the
6 interior of the barrel?

7 A Yes, I have.

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1 Q All right. Briefly, you have had some background,
2 training and experience with handguns; is that correct?

3 A I have had some, yes.

4 Q And have you disassembled handguns --

5 A Yes, I have.

6 Q -- including automatics?

7 A Yes, I sure have.

8 Q And that Radom is an automatic, is it?

9 A Yes.

10 Q And have you on many occasions, many prior
11 occasions, examined the interiors of the barrels of auto-
12 matics?

13 A Yes, I have.

14 Q And have you in fact cleaned --

15 A Yes, I have.

16 Q -- automatics? All right.

17 Do you -- based on all your experience and back-
18 ground with handguns and automatics, can you -- do you have
19 an opinion as to the condition of the barrel of that Radom,
20 People's 30, as it is there right now?

21 A Well, the barrel is good. The barrel is clean.

22 Q And how about the condition of the barrel with
23 regard to whether it's worn or not?

24 A As far as I'm concerned, the weapon is in
25 firing -- the barrel is in firing condition. Now?

26 Q Right.

27 A It's in good condition.

28 Q All right. Mr. Stanoff, is it true that the fact

1a-2

1 that a barrel is worn, the interior of the barrel is worn,
2 does that mean that a weapon is not in firing condition? Is
3 that correct?

4 A No. It will still fire.

5 Q What causes the interior of the barrel to wear?

6 MR. DENNY: Well, I'm not sure that this gentleman is
7 qualified to that degree, your Honor, in ballistics.

8 THE COURT: Sustained, without further foundation.

9 MR. MANZELLA: All right. May I have just a moment,
10 your Honor?

11 THE COURT: Yes.

12 (Pause in the proceedings.)

13 Q BY MR. DENNY: Mr. Stanoff, when you purchased the
14 Radom from the distributor, it was a new weapon; is that
15 correct?

16 A These were used. These were never purchased as
17 new.

18 Q I see.

19 A They were never sold as new. They were sold
20 strictly as used guns.

21 Q They were sold strictly as used weapons, then?

22 A That's correct.

23 Q With repeated firings of a weapon, such as the
24 9-millimeter Radom, does the barrel wear?

25 MR. DENNY: I'll object to that, your Honor, as again
26 calling for an expert opinion; calling for an expert in
27 ballistics.

28 THE COURT: Sustained, until you lay a foundation.

10a-3

1 Q BY MR. MANZELLA: Mr. Stanoff, do you fire hand-
2 guns yourself?

3 A Occasionally I do.

4 Q And have you fired automatics such as the 9-
5 millimeter Radom?

6 A Yes.

7 Q Have you had occasion, during your experience, to
8 have examined the interior of the barrels and have cleaned the
9 interior of the barrels of automatic weapons that you've fired?

10 A Yes.

11 Q In fact, have you had occasion to do that with all
12 the guns that you've fired?

13 A Yes, I do.

14 Q And have you had occasion, during your -- your
15 past experience, to examine the guns belonging to other
16 people that have been fired, used guns?

17 A Yes, I do.

18 Q Now, in your experience, does the repeated firing
19 of bullets through the barrel of a weapon, does that cause the
20 interior of the barrel to wear?

21 A Yes.

22 MR. DENNY: Objection -- just a moment. Move that the
23 answer be stricken, your Honor.

24 Objection; improper -- or, incomplete or inade-
25 quate foundation as a ballistics expert.

26 THE COURT: I'll sustain it on the last ground.

27 MR. DENNY: The answer is stricken, then, your Honor?

28 THE COURT: The answer is stricken, ladies and gentlemen.

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

2

(Pause in the proceedings.)

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Q BY MR. MANZELLA: Mr. Stanoff, can you tell us -- well, strike that.

5

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7

When you sold the 9-millimeter Radom on July 14th, 1969, you were aware of the condition of the interior of the barrel; is that correct?

8

A Of course, yes.

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Q Having examined and noted the condition of the barrel as you sit on the witness stand now, of that same weapon, can you tell us how the interior -- the condition of the interior of the barrel compares to the condition of the interior of the barrel as it was on July 14th, 1969?

14

A The interior of the barrel is good.

15

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MR. DENNY: Well, move that -- just a moment. Move that the answer be stricken as not responsive to the question.

17

The question was asking for a comparison.

18

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THE COURT: Would you read both the --

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MR. MANZELLA: I have no objection to striking it.

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1 MR. MANZELLA: I don't think Mr. Stanoff really under-
2 stood my question, your Honor.

3 Q What I'd like you to do, Mr. Stanoff, is to compare
4 the condition of the barrel, the condition of the interior of
5 the barrel at this day with the condition as it was on July
6 14th, 1969, when you sold it.

7 If you can do that.

8 A I wouldn't be able to do that.

9 Q All right.

10 Mr. Stanoff, Mr. Denny showed you a photograph --
11 excuse me.

12 (Pause in the proceedings while a discussion
13 off the record ensued at the counsel table between
14 Mr. Manzella and Mr. Denny.)

15 Q BY MR. MANZELLA: (Continuing) -- showed you a
16 photograph, C-10, Defense Exhibit C-10, and asked you if that
17 was a photograph of a Colt .45 automatic.

18 Was that a photograph of a Colt .45 automatic?

19 A Yes. Yes, it was.

20 Q The weapon that you sold to Mr. Smith, on July 14,
21 1969, the Argentine Colt, is that a -- exactly like the Colt
22 .45 in all respects, the photograph which Mr. Denny has?

23 A Yes, it's almost exactly like it, outside of some
24 markings. It may have a longer barrel; I'm not positive.
25 It may have been a little longer.

26 Q It may have had a little longer barrel?

27 A Yes.

28 Q Anything else different about it?

1 A Not too much.

2 Q How about the grips; do you recall?

3 A The grips on the Norwegian Colt -- the Argentine
4 Colt, if I remember, may have been a wood grip, or it could
5 have been a plastic grip, you see.

6 Q You have not had occasion to today, since July
7 14th, to really refresh your memory with regard to the weapon
8 you sold to Mr. Smith; is that correct?

9 A No, not at all. I haven't had an Argentine Colt in
10 stock in years.

11 MR. MANZELLA: Thank you, Mr. Stanoff.

12 I have no further questions.

13 THE WITNESS: Okay.

14 THE COURT: Anything further, Mr. Denny.

15 MR. DENNY: No, your Honor. Nothing further.

16 THE COURT: You may step down, Mr. Stanoff. Thank you.

17 THE WITNESS: Thank you.

18 THE COURT: And may he be excused, gentlemen?

19 MR. MANZELLA: Yes, certainly.

20 MR. DENNY: Yes, he may certainly be excused.

21 THE COURT: Mr. Stanoff, thank you. Sorry you had to
22 wait so long.

23 THE WITNESS: No, that's all right.

24 MR. KAY: The People will call Officer Forrest
25 Humphrey.

26 THE CLERK: Would you raise your right hand, please?

27 You do solemnly swear that the testimony you may
28 give in the cause now pending before this court shall be the

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

3 THE WITNESS: I do.

4
5 FORREST JOE HUMPHREY,
6 called as a witness by and on behalf of the People, having
7 been first duly sworn, was examined and testified as follows:

8 THE BAILIFF: Would you state and spell your full name?

9 THE WITNESS: Forrest Joe Humphrey.

10
11 DIRECT EXAMINATION

12 BY MR. KAY:

13 Q Officer Humphrey, what is your occupation and
14 current assignment?

15 A I am a state traffic officer for the California
16 Highway Patrol, assigned to San Luis Obispo, California.

17 Q And how long have you been with the CHP?

18 A Just over six years.

19 Q And how long have you been assigned to the San
20 Luis Obispo area?

21 A About five years.

22 Q All right. Now, directing your attention to
23 August the 6th, 1969, were you assigned to the San Luis
24 Obispo area?

25 A Yes, I was.

26 Q And did you work that morning?

27 A Yes.

28 Q And what time did you start work that morning?

1 A 7:00 a.m.

2 Q Now, what area do you cover on your patrol?

3 A That particular day, I was working Highway 101,
4 north of San Luis Obispo, and through San Luis Obispo.

5 Q Now, sometime shortly after you commenced work,
6 did you notice a white Fiat stationwagon?

7 A Yes, sir, I did.

8 Q And where did you see this car?

9 A It was at a location approximately three miles
10 north of San Luis Obispo, on Highway 101, parked on the east
11 side of the highway, facing northbound.

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1 Q All right. And what did you when you first saw the
2 vehicle?

3 A I just drove by it.

4 Q Did you notice if anyone was in it at that time?

5 A I did not observe anyone in it at that time.

6 Q All right. Showing you People's 1 for identifica-
7 tion, do you recognize the vehicle depicted in People's 1?

8 A Yes. That's the car.

9 Q All right. I take it you've seen these photo-
10 graphs on numerous prior occasions -- or at least on several
11 prior occasions?

12 A Yes, sir.

13 Q Several other trials.

14 Now, Officer Humphrey, at some time later that
15 morning, did you see the vehicle again?

16 A Yes, sir.

17 Q And when you saw it again, where was it?

18 A In the same location.

19 Q Now, on the second occasion you saw it, about what
20 time was it?

21 A Approximately 10:50 A. M.

22 Q Now, on the second occasion when you saw it, did
23 you stop?

24 A Yes. I pulled in behind it and stopped.

25 Q And did you get out of your vehicle?

26 A Yes, sir.

27 Q And did you proceed towards the white Fiat
28 station wagon?

1 A Yes, sir.

2 Q And what if anything did you notice while you were
3 proceeding towards the white Fiat station wagon?

4 A As I approached the vehicle, a male individual
5 sat up from -- he was sitting -- laying, I believe, in the
6 back; and he sat up, as I approached.

7 Q All right. And then what did you do?

8 A The individual that was in the back of the car
9 was in a sleeping bag, and he rolled the window partway down
10 and --

11 Q Did you have a conversation with him?

12 A Yes, sir.

13 Q I show you People's Exhibit 37.

14 Do you recognize the individual that you saw in
15 the car?

16 A Yes, sir, I do.

17 Q And which photograph is that?

18 A It's the one in the lower left-hand corner, D.

19 Q D? And who is that?

20 A I believe it's Robert Beausoleil.

21 Q That's his name.

22 Is that the name he gave you when you talked to
23 him --

24 MR. DENNY: Just a moment.

25 Q BY MR. KAY: -- on that occasion?

26 MR. DENNY: I'll object to that as calling for hearsay.

27 THE COURT: Sustained.

28 Q BY MR. KAY: Now, at your request, did this

1 individual that you've identified as Robert Beausoleil produce
2 a pink slip for the automobile to you?

3 A Yes, sir, he did.

4 Q And did he also produce a registration card for
5 the automobile?

6 A Yes, sir, he did.

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1 MR. KAY: I have People's 34 here, your Honor. It has
2 been marked here on a previous occasion in this trial as
3 People's 34. It is a pink slip to the Fiat.

4 THE COURT: Yes.

5 Q BY MR. KAY: Officer Humphrey, I show you this
6 pink slip marked People's 34 for identification.

7 Do you recognize that?

8 A Yes, sir.

9 Q And is that the pink slip that Mr. Beausoleil
10 handed you on August 6th, 1969?

11 A Yes, sir.

12 Q Now, directing your attention to the back of the
13 pink slip where it has at the top the name "Gary Alan Hinman,"
14 and the date "7-18-69."

15 Was that name and that date on the pink slip when
16 Mr. Beausoleil gave it to you?

17 A Yes, sir.

18 MR. KAY: I have here, your Honor, a Fiat registration
19 card. It has previously been marked as People's 42 for
20 identification. May it be marked as People's 42 at this time?

21 THE COURT: Yes, it is 42 for identification, then.

22 MR. KAY: Thank you.

23 Q Officer Humphrey, I show you People's 42 for
24 identification, a vehicle registration card.

25 Do you recognize that?

26 A Yes, sir.

27 Q And was that the vehicle registration card that
28 Mr. Beausoleil handed to you upon your request on August 6th,

42 ID

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1 A Yes, sir.

2 Q All right.

3 At this time, your Honor, I'd ask that People's
4 42 be admitted into evidence.

5 MR. DENNY: May I see the exhibits?

6 MR. KAY: Certainly.

7 MR. DENNY: Yes, I have no objection, your Honor, to the
8 introduction of either of the documents.

9 MR. KAY: Thank you. That would 34 and 42, your Honor.
10 I would so move.

11 THE COURT: All right, so ordered. Admitted into
12 evidence, then.

13 Q BY MR. KAY: Now, after receiving these documents
14 from Mr. Beausoleil, did you then run a record check on the
15 license number of the Fiat?

16 A Yes, sir.

17 Q And what is a record check?

18 A I called my local dispatcher on the radio and
19 through an electronic machine she runs a check through
20 Sacramento to see if there's any wants for this particular
21 vehicle.

22 Q Did you receive some information back from her,
23 without telling us exactly what that information was?

24 A Yes, sir, I did.

25 Q And after you received this information, did you
26 arrest Robert Beausoleil?

27 A Yes, sir.

28 Q And was the Fiat that you've identified in People's

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1 1, was that taken into police custody after you arrested
2 Mr. Beausoleil?

3 A Yes, sir, it was stored at a garage in San Luis
4 Obispo.

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

6 THE COURT: Yes, you may.

7 MR. KAY: I have no further questions. Thank you,
8 Officer Humphrey.

9 MR. DENNY: I have no questions and Officer Humphrey may
10 be excused as far as I am concerned.

11 MR. KAY: Thank you. Thank you once again, Officer
12 Humphrey.

13 THE COURT: And he may be excused?

14 MR. KAY: Yes.

15 THE COURT: All right, the Court will excuse you and
16 thank you very much.

17 MR. KAY: Would this be a good time to take the after-
18 noon recess, your Honor?

19 THE COURT: Yes, we'll take a recess.

20 You are admonished that you are not to converse
21 among yourselves, nor with anyone else, nor permit anyone to
22 converse with you on any subject connected with this matter,
23 nor are you to form nor express any opinion on it until it is
24 finally submitted to you.

25 (Afternoon recess.)
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11a-1 1 THE COURT: The defendant is present, all counsel are
2 present, the jurors are all present.

3 Mr. Denny, you may proceed.

4 MR. DENNY: Thank you, your Honor.

5
6 ELLA JO BAILEY,
7 called as a witness by and on behalf of the People, having
8 been previously duly sworn, resumed the stand and testified
9 further as follows:
10

11 CROSS-EXAMINATION (Continued)

12 MR. DENNY: Your Honor, I have a folder containing
13 three documents, certified copies of California driver's
14 licenses previously marked 95-A, 95-B, and 95-C. If the
15 People have no objection, may we have them marked similarly
16 for identification?

17 MR. MANZELLA: No objection, your Honor.

18 THE COURT: All right, so ordered.

19 MR. DENNY: May I approach the witness, your Honor?

20 THE COURT: You may.

21 BY MR. DENNY:

22 Q Miss Bailey, would you look at the documents
23 here, beginning at the first one, No. 95-A for identification.

24 Do you recognize the person depicted on that
25 document?

26 A Yes.

27 Q Who is that?

28 A Bill Vance.

95ABC id. 18

11a-2

1 Q What is the name that that document bears?

2 A William Joseph Vance.

3 Q And that purports to be a California driver's

4 license, does it not?

5 A Yes, it does.

6 Q All right, looking at B next. The photograph

7 there is of whom?

8 A Bill Vance.

9 Q What is the name -- that is a California driver's

10 license, is that right? Appears to be?

11 A Yes.

12 Q What is the name that that bears?

13 A William Rex Cole.

14 Q I see. Does it indicate the date on the bottom when

15 it was issued?

16 A Yes, it does.

17 Q What is that?

18 A Uh, 9-8-69.

19 Q September 8 of '69, is that right?

20 A Yes.

21 Q And the earlier one, the date of issue is what?

22 A Uh, November 2nd, 1965.

23 Q All right. Now, would you check C? That also

24 appears to be a California driver's license?

25 A Yes.

26 Q Whose picture is on that?

27 A Bill Vance.

28 Q And what name accompanies that picture?

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A Dwayne Ernest Schwarm.

Q And is Schwarm spelled S-c-h-w-a-r-m?

A Yes.

Q What is the apparent date of issuance of that?

A 9-17-69.

Q September 17, '69?

A Yes.

Q Thank you, ma'am.

Now, let's go to Sunday night, July -- what was that when this microbus drove up?

A July 28.

Q Are you sure of that date?

A No, it would be the 27th, I'm sorry.

Q All right. And on that particular date when that microbus drove up, you recognized it?

A Yes.

Q Was it your state of mind at that time that you feared something had happened to Mr. Hinman?

A Yes.

Q And your fears were confirmed when Sadie told you that she and Bobby had just stabbed him to death?

A Yes.

Q That didn't stop you from going with Mary in the microbus, though, did it?

A No.

Q And you went with her to wipe off the prints and the blood stains of Gary Hinman, is that right?

A I went to wipe off the prints.

1 Q There was no blood?

2 A None that I noticed.

3 Q All right. And you went to hide the bus, too,
4 from the police; is that right?

5 A Yes, that's correct.

6 Q And you knew you were aiding and abetting the
7 killers of Gary Hinman in hiding the spoils of their crime,
8 is that right?

9 MR. MANZELLA: Objection, your Honor, it is argumenta-
10 tive. It calls for a legal conclusion on the part of the
11 witness.

12 Q BY MR. DENNY: You knew --

13 THE COURT: Sustained.

14 Q BY MR. DENNY: You knew you were helping the
15 killers of Gary Hinman in hiding the fruits of their crime,
16 is that right?

17 MR. MANZELLA: Objection, your Honor. Again, it calls
18 for a conclusion on the part of the witness. She can testify
19 as to what she did and saw.

20 THE COURT: Sustained. You may --

21 MR. DENNY: Well, your Honor, this goes to her state
22 of mind.

23 THE COURT: You may rephrase your question.

24 MR. DENNY: I'm not sure what's objectionable about
25 hiding fruits.

26 Q Well, let's put it this way: In helping to
27 secrete that bus, you knew that you were assisting the killers
28 of Gary Hinman in secreting that bus; is that right?

1 A Those weren't my thoughts at the time.

2 Q Those weren't your thoughts, but they were your
3 deeds, weren't they?

4 A Yes.

5 Q All right. And you and Mr. Vance were the only
6 two people to meet this incoming bus, is that what you said?

7 A We were the only ones that were awake when they
8 came in.

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11b fls.

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1 Q The rest of the Family was sleeping?

2 A Yes.

3 Q Where?

4 A The back ranch house.

5 Q Where were you?

6 A I was there also until I heard the bus, and then

7 we walked outside.

8 Q Did you just happen to be awake?

9 A Yes.

10 Q Or were you expecting the bus?

11 A No, we just happened to be awake.

12 Q By the way, where did you sleep the night that you

13 say Bobby Beausoleil and Sadie Atkins and Mary Brunner left

14 for Gary Hinman's house?

15 A I don't remember.

16 Q With whom did you sleep?

17 A Bill Vance.

18 Q Well, were you in the shack or were you back at

19 the ranch house or where?

20 A I'm not sure.

21 Q Where did you sleep the next day?

22 A I can't remember.

23 Q Where were you the following night?

24 A The following night would be the night we're

25 talking about. I was at the back ranch house.

26 Q Well, were you at the back ranch house the night

27 before that?

28 A I can't remember.

1 Q Well, were you regularly staying at the back ranch
2 house about then?

3 A Uh, not regularly.

4 Q Kind of shifted back and forth between that and
5 the little shack; is that right?

6 A Yes.

7 Q Or some other place?

8 A Yes.

9 Q What other place?

10 A For a time we were sleeping on the roofs of the
11 buildings along the boardwalk.

12 Q Right then in that period of time on that
13 weekend?

14 A No, not that weekend.

15 Q Well, let's talk about that weekend.
16 You have a vivid memory of that weekend, don't
17 you?

18 A I have a pretty clear memory of that weekend, yes.

19 Q All right. Where were you sleeping that weekend?

20 A I can't remember except for the night when Mary
21 and Sadie came back with the bus.

22 Q All right. And then, when they drove up you went
23 out to meet them, is that right?

24 A Yes.

25 Q You wanted to see what had happened, is that right?

26 A Yes.

27 Q And you wanted to see what the outcome of the
28 proposal you had made a few days earlier in this Devil's campground

1 meeting had brought forth?

2 A No.

3 Q You were curious?

4 A I went out to meet whoever was coming. I didn't
5 know when I walked out the door who I was going to see.

6 Q All right. And you've testified here that Sadie
7 took some rags and clothes and put them in a fireplace; is
8 that right?

9 A Yes.

10 Q Did anybody tell her to do that?

11 A No.

12 Q Sure?

13 A Yes, it was her idea.

14 MR. DENNY: I'm sorry, may I have just a moment, your
15 Honor?

16 THE COURT: You may.

17 (Whereupon, there was a pause in the proceedings.)

18 Q BY MR. DENNY: Now, who drove down to the
19 eucalyptus grove?

20 A Mary.

21 Q And did you drive over a bridge to get there?

22 A No, I don't believe so.

23 Q Drive over a wooden bridge?

24 A No, that's on the other side of the back ranch
25 house.

26 Q At any time that night did you drive in that
27 microbus over that wooden bridge?

28 A No.

1 Q You say it is on the other side of the back ranch
2 house?

3 A Yes, toward -- uh, toward the front of the ranch.

4 Q Would you like to take that microphone and the
5 pointer and indicate, if you would, if you can find it, where
6 the wooden bridge is that you are talking about?

7 A Yes.

8 THE COURT: On People's --

9 MR. DENNY: I'm sorry, People's 93, I believe.

10 THE WITNESS: It really doesn't show clearly at all, but
11 it is in this area right here (indicating).
12 fol

12-1

1 Q You've indicated with your pointer what appears to
2 be a green circle and a dot, just above "Farmhouse"; is that
3 right?

4 A Yes.

5 Q All right. Fine. Now, you say Mary did this
6 driving?

7 A Yes.

8 Q You didn't drive at all?

9 A No.

10 Q You are sure of that?

11 A Yes.

12 Q All right. Let me go to your testimony before
13 the Grand Jury in the Mary Brunner case.

14 By the way, has anybody refreshed your recollec-
15 tion as to when that was, since we last talked?

16 A I can't remember. I -- no, I don't really
17 remember when that was.

18 Q Well, do you know what month it was?

19 A No, I can't say that I do.

20 Q Well, if I told you it was August, would that
21 help?

22 A I wouldn't -- I wouldn't be sure.

23 Q If I told you it was September, would that help?

24 A I don't know.

25 Q Well, if I showed you a copy of the Grand Jury
26 transcript, would that help?

27 A Yes.

28 MR. DENNY: Well, I think counsel will stipulate that

12-2

1 she appeared on Monday, September 13, 1971; and that the --
2 the material that I have read from to date is from a copy
3 of the Grand Jury transcript, reported by Julius Koliner on
4 Monday, September 13th, 1971, before the Grand Jury of the
5 County of Los Angeles.

6 MR. MANZELLA: So stipulated.

7 Q BY MR. DENNY: Does that help refresh your
8 recollection as to when it was?

9 MR. MANZELLA: That's irrelevant, your Honor. We have
10 stipulated as to the date on which it was --

11 THE COURT: Sustained.

12 Q BY MR. DENNY: All right. Well --

13 THE COURT: A stipulation, ladies and gentlemen, is an
14 agreement between counsel. No further proof need be intro-
15 duced on that subject, if there is an agreement in regard to
16 a fact.

17 Q BY MR. DENNY: All right. Going to page 71 and
18 72, starting at line 18:

19 "Had there been some mention at the first
20 conversation that you told us about in Devil's
21 Canyon about stocks and bonds and the deeds?

22 "A Yes. There was a little bit of discussion
23 on it, and an estimate of how much money anyone felt
24 that Mr. Hinman might have.

25 "And it was brought up that his family
26 owned a factory in the East, and he probably had --
27 that perhaps he had money invested in stocks.

28 "Was it mentioned, the exact money, the

12-3

1 "exact amount of money that was taken from the
2 house?

3 "A Mary told me it was around \$27. But
4 when I drove with her to the eucalyptus grove, I
5 counted the money.

6 "Q The money was in the bus?

7 "A Yes.

8 "Q And you were driving in the bus to
9 some other part of the ranch, to the eucalyptus
10 grove?

11 "A Yes.

12 "Q Where was the money then?

13 "A It was in a little pocket purse lying
14 in between us.

15 "Q Did you actually count that money?

16 "A Yes.

17 "Q And you remember the change was sixty-
18 four cents?

19 "A Yes.

20 "Q And there were \$27?

21 "A Yes, there was.

22 "Q Now, you say you drove that car to
23 the eucalyptus grove.

24 "A Yes. Mary was obviously upset. When
25 she came, she told me that the police were parking
26 their cars at the bottom of Topanga Canyon, and
27 everyone was afraid that they were coming to the ranch.

28 "So, we drove the car to the eucalyptus

12-4

1 "grove. And when we got there, we wiped the
2 fingerprints off."

3 Now, you say you drove that car to the eucalyptus
4 grove.

5 A I didn't mean that, Mr. Denny. I meant I rode
6 with her. I didn't do the driving.

7 Q I see. All right. But this '64 cents you've
8 talked about, you remember that specifically?

9 A Yes, I do.

10 Q It wasn't told you by anyone, that they had just
11 gotten this \$27; is that right?

12a fls.

12 A I saw the money in the purse.
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12a fls.

1 Q Was it a purse?

2 A It was a little pocket purse, a little coin change
3 purse.

4 Q A little coin change purse?

5 A Yes.

6 Q Well, you wouldn't describe that as a little --
7 as seeing it in someone's pocket, would you? Seeing the
8 money in someone's pocket?

9 A No.

10 Q It was a purse?

11 A A pocket purse, yes.

12 Q All right. Now, you say that there was no key;
13 it was hot-wired, is that correct?

14 A Yes.

15 Q Well, let's go back to May 15, 1970, again up
16 in Tacoma in the presence of Sergeant Whiteley, Deputy
17 Guenther, Deputy District Attorney Katz and your lawyer,
18 Mr. Deutscher.

19 Do you remember telling them, in words or effect,
20 this?

21 "Can't remember if bus was hot-wired or
22 had key."

23 A No, I don't remember telling them that. I didn't
24 say that to them.

25 Q So you are misquoted again?

26 A Yes. I know for a fact it was -- there was no
27 key, because Mary left the bus running for that reason,
28 while we talked.

1 Q And you understand -- and you know that now for
2 a fact?

3 A I knew that all the time for a fact.

4 Q So that if it appears in Sergeant Whiteley's
5 notes, that you can't remember if the bus was hot-wired or
6 had a key --

7 A That's not accurate.

8 Q -- that's not accurate?

9 Did you make any notes of that particular part
10 of your conversation?

11 A No.

12 Q You did discuss that part of the case, though,
13 with them; on that day, didn't you?

14 A Yes.

15 Q All right. Now, you were even going to go so
16 far as to drive that bus with Mary up to Santa Barbara,
17 to get rid of it; isn't that right?

18 A Yes. We talked about going to Santa Barbara.

19 Q But you decided not to, because the cops were
20 out there; is that right?

21 A Yes, that's correct.

22 Q You didn't want to get arrested with a car
23 from somebody who had just been killed, did you?

24 A No.

25 Q All right. So instead of driving it, you took
26 it and hid it a little bit farther away; is that right?

27 A Yes.

28 Q And you did that all alone; is that right?

1 A No. Mary drove, and I went with her.

2 Q Oh, I see. You stated that you counted that
3 money in the purse just because it's your habit to count
4 money in purses; is that right?

5 A Yeah.

6 Q Well, that was your testimony; right?

7 A Yes, it was.

8 Q All right. And who had the money?

9 A It was lying in between Mary and myself.

10 Q Well, did you tell Sergeant Whiteley and the other
11 assembled gentlemen, up in Tacoma on May 15th, that -- "\$27--
12 Sadie had the money."

13 A No.

14 Q You didn't. Did you tell Sergeant Whiteley, in
15 sum and substance, "Mary and Sadie said they got \$27 from
16 Hinman, and Susan or Sadie showed" you "the money in her
17 pocket"?

18 A No.

19 Q So that's misquoting you again?

20 A It certainly is.

21 MR. MANZELLA: Your Honor, excuse me. I would ask that
22 the answer be stricken, and I object to the question on the
23 grounds that it assumes a fact not in evidence, that what
24 Mr. Denny reads was a quote of Miss Bailey's statement.

25 THE COURT: Overruled.

26 Q BY MR. DENNY: So there is no question about it,
27 from page 2 of a report dated 5-18-70, "They stated they got
28 \$27 from Hinman, and Susan --" and above that is "Mary" written

1 in ink, crossed out -- "showed her the money in her pocket."

2 A No, it's not correct.

3 Q It's not correct. All right.

4 Now, let me go back to a little bit of your
5 earlier testimony, starting at page 3092.

6 "Q What happened after you got there?

7 "A We wiped the microbus down so there
8 wouldn't be fingerprints on the bus.

9 "Q Did you and Mary Brunner both do that?

10 "A Yes.

12b fls.

12b-1

1 "Q And after you did that, what happened, if
2 anything?

3 "A Well, while I was still wiping off the
4 bus, I noticed that Mary wasn't there any longer.
5 So I looked around and I called for her, and I didn't
6 get any response. So I went back to the back ranch
7 house.

8 "Q That's the same ranch house that you've
9 already pointed out to us; is that correct?

10 "A Yes.

11 "Q Were the people that were there before you
12 went to the eucalyptus grove, some 20 people you said
13 were sleeping inside, were they still there at the
14 ranch house?

15 "A No. And all the sleeping bags and everything
16 was gone.

17 "Q Was anyone at the ranch house when you went
18 back there?

19 "A No.

20 "Q How did you get back there?

21 "A I walked.

22 "Q Was the Volkswagen microbus left in the
23 eucalyptus grove?

24 "A Yes.

25 "Q All right. After you discovered that
26 there was no one at the back ranch house, what did
27 you do, if anything?

28 "A I picked up a walkie-talkie that was set

1 "up between the back ranch house and the other was
2 located at --" strike that.

3 "...and the other was located at Rock
4 City Cafe, and I called, but no one answered the
5 phone. So I walked out of the back ranch house and
6 I saw the lights coming down the road. And I assumed
7 they were the police because there was no other --"

8 And then there's an objection. And then,
9 questioning again by Mr. Manzella.

10 "Q After you saw the lights coming down the
11 road, what -- what road is this, by the way, that
12 you are referring to?

13 "A It's the dirt road that goes from the main
14 buildings at the front of the ranch, back to the back
15 ranch house.

16 "Q In other words, the lights were coming
17 towards your location; is that correct?

18 "A Yes.

19 "Q What did you do?

20 "A I made my way up the hillside there, behind
21 the ranch, and made my way until I was positioned above
22 George Spahn's house."

23 Do you remember that?

24 A Yes.

25 Q All right. Is that just the way it happened?

26 A Yes.

27 Q Or did it happen like this?

28 "She and I --" that is Mary --" and I wiped
the bus down for prints. We drove it over by --"

1 I can't tell if it's the "7 Wood Bridge." or not,
2 but a "wood bridge. The police came, and we ran
3 into the hills and hid, because we thought --" strike
4 that "because."

5 "Thought they had found Gary."

6 A No, that's not accurate at all.

7 Q You didn't tell Sergeant Whiteley, in sum and
8 substance, that?

9 A No.

10 Q You didn't tell him that you and Mary ran into
11 the woods together, because you thought that the police had
12 found Gary?

13 A No, I did not.

14 Q Again, were you misconstrued by Sergeant Whiteley?

15 A Yes, indeed.

16 Q All right. Did you make any notes of that
17 conversation, on this particular subject?

18 A No.

19 Q Now, you have said that you had this conversation
20 with Bruce Davis the following day, was it?

21 A Yes.

13 fls.

13-1

1 Q And, uh -- just a moment.

2 Bruce Davis told you that Charlie had sliced
3 Gary open from the left ear to the chin, is that right?

4 A Yes.

5 Q Now, Miss Bailey, you said that up until the time
6 of your arrest, up in Tacoma, you tried to put all of this out
7 of your mind, is that right?

8 A Yes.

9 Q You wanted to put the Manson Family and everything
10 they represented behind you, is that right?

11 A Yes.

12 Q You wanted to lead a good, straight, clean life
13 now, is that right?

14 A Yes, sir.

15 Q Although you got picked up for forgery, right?

16 A Yes, I did.

17 Q And you hadn't thought about it at all since you
18 left, really, or if you had thought about it you tried to
19 push it out of your mind, is that right?

20 A I tried to forget it as much as possible.

21 Q And is it a fact, ma'am, that you remembered
22 specifically the words that Bruce Davis told you or supposedly
23 told you the night after Bobby and Mary and Sadie got back with
24 Gary Hinman's bus; do you remember those specifically?

25 A Yes, I do.

26 Q Word for word?

27 A No, I can't tell you honestly that I remember the
28 total of all the conversation.

13-2

1 Q Which side of the face was slashed?

2 A The left side.

3 Q You remember that?

4 A Yes.

5 Q Bruce told you that he slashed --

6 A Yes, I remember.

7 Q -- the left side of his face?

8 A Yes.

9 Q And it stuck in your mind somehow, is that right?

10 A Yes.

11 Q The left side of his face rather than just
12 slashed his face?

13 MR. MANZELLA: The question has been asked and answered.

14 THE COURT: Sustained.

15 Q BY MR. DENNY: All right. And you remember
16 specifically the words of this conversation that Bruce is
17 supposed to have had with you, that he was given prayer
18 beads and that the last thing he did was chant?

19 A Yes, I remember Bruce telling me that.

20 Q Is that verbatim what Bruce told you?

21 A I don't know what that means.

22 Q Word for word.

23 A I wouldn't say it is word for word, but he did
24 tell me that Gary asked for his prayer beads and was given
25 them and that the last things that Gary said were his chants.

26 Q Now, that's kind of interesting, the last thing
27 that Gary said --

28 A That's what Bruce told me.

13-3

1 Q Oh, that's what Bruce told you?

2 A Yes.

3 Q You mean the last thing that Gary said before
4 he expired -- is that the way Bruce said it?

5 A The last thing that Gary said was he was chanting
6 and he was holding his prayer beads. That's what Bruce told
7 me.

8 Q Miss Bailey, let's just, if we can, try to get
9 exactly the tenor of the conversation.

10 Did Bruce tell you that just before Gary died
11 Bruce was there and saw him chanting out his last dying
12 breath?

13 MR. MANZELLA: The question has been asked and answered,
14 your Honor. She's testified to what he said.

15 THE COURT: Overruled, you may answer.

16 THE WITNESS: Would you repeat the question?

17 MR. DENNY: Would you read it to her, please, Miss
18 Briandi?

19 (Whereupon, the record was read by the reporter
20 as follows:

21 "Q Did Bruce tell you that just before
22 Gary died Bruce was there and saw him chanting out
23 his last dying breath?"

24 A No, he didn't --

25 Q In sum and substance?

26 A -- say it like that.

27 Q In substance --

28 A Bruce told me that at one time Gary regained

13-4
1 consciousness and asked for his prayer beads and that the last
2 things that Gary said were his chants.

3 Q Indicating to you --

4 A In substance.

5 Q Indicating to you, as far as your state of mind
6 was, that he was there when Gary expired?

7 MR. MANZELLA: Objection, calls for a conclusion on the
8 part of the witness.

9 THE COURT: The objection is sustained.

10 Q BY MR. DENNY: Well, did you draw the inference
11 from that, the conclusion from that, was that your state of
12 mind that Bruce was telling you that he was there when Gary
13 died?

14 MR. MANZELLA: Objection, calls for a conclusion,
15 irrelevant, and calls for speculation.

16 THE COURT: The objection is sustained. It is
17 irrelevant.

18 Q BY MR. DENNY: Bruce was on the ranch on Sunday,
19 wasn't he?

20 A On Sunday?

21 Q Yeah.

22 A I don't remember seeing him on Sunday.

23 Q Bruce was on the ranch Saturday, too, wasn't he?

24 A I don't know.

25 Q Bruce was on the ranch Friday, wasn't he?

26 A Yes, I saw him on the ranch Friday.

27 Q And Thursday?

28 A I don't know.

13-5

1 Q And Wednesday?

2 A (Shrugs shoulders.)

3 I don't know.

4 Q And Tuesday before?

5 A Is that a question?

6 Q Yes, that's a question.

7 A I don't know if he was there the whole day or if
8 he was there even part of the day on those days that you are
9 speaking about.

13a fol

13a-1
12kix

1 Q And you don't know whether he was there the whole
2 day or part of the day on Saturday and Sunday, is that right,
3 the 26th and 27th of July?

4 A I know he wasn't there part of the day.

5 Q Sunday?

6 A Yes.

7 Q You know that?

8 A I know I was told that.

9 Q Oh, you were told that. You've been told a lot of
10 things about this case, haven't you?

11 MR. MANZELLA: Objection, calls for a conclusion and
12 speculation, your Honor.

13 THE COURT: Objection is sustained.

14 Q BY MR. DENNY: Sunday night with Mary and Bobby and
15 Sadie Atkins, Sadie Glutz till then, they told you that they had
16 just killed Gary Hinman, they had both stabbed him to death?

17 A Bobby Beausoleil didn't drive in with Mary and Sadie.

18 Q All right. Sadie told you that they had just killed
19 Hinman, just stabbed him. That she and Bobby had just stabbed
20 him to death, is that right?

21 A She told me that Bobby had stabbed him to death.

22 Q And she, too?

23 A She didn't tell me that she, too.

24 Q Did Sadie tell you -- strike that.

25 Did you tell Sergeant Whiteley and Deputy Guenther
26 and Deputy District Attorney Katz in the presence of your
27 attorney, Mr. Deutscher, on May 15th, 1969, in Tacoma,
28 Washington, the following:

13a-2

1 "Sadie said 'We had to kill him' went up and
2 he got the gun away from me. Fight and gun went
3 off. Bobby got it bad. Tore house apart. Only
4 got \$27. Bobby and I stabbed him -- took money
5 next morning and bought breakfast."

6 A Those aren't my words.

7 Q Did you tell him in substance and effect that?

8 A I didn't tell him that Sadie said that she stabbed
9 Gary Hinman.

10 Q So, again, you have been misquoted by Mr. Whiteley?

11 MR. MANZELLA: Objection, that assumes a fact not in
12 evidence, that is what Mr. Denny read is quotes.

13 THE COURT: Sustained.

14 Q BY MR. DENNY: Well, did you tell him the rest of
15 what I have just read?

16 MR. MANZELLA: Objection, that's ambiguous.

17 Q BY MR. DENNY: I don't think there is anything
18 ambiguous about it.

19 A I can't remember everything that you just read off
20 of there.

21 Q Sadie said we had to kill him?

22 MR. MANZELLA: Objection, calls for hearsay.

23 MR. DENNY: No, this is impeachment.

24 THE COURT: The objection is overruled. You may answer.

25 THE WITNESS: I can't remember if she used the word
26 "we." She indicated that, uh, --

27 Q BY MR. DENNY: Ma'am, I'm asking you if you told
28 the officers that?

1 A No, I didn't.

2 Q But you don't have anything, any written
3 memorandum of that conversation on that subject, do you?

4 MR. MANZELLA: Objection, your Honor.

5 THE COURT: Sustained.

6 Q BY MR. DENNY: You've already testified, haven't
7 you, that Manson didn't trust you on July 25, 1969, is that
8 right?

9 A On July 25?

10 Q Yes.

11 Do you remember so testifying that Manson didn't
12 trust you then?

13 A No, I don't remember.

14 Q Well, did you tell the officers that Manson didn't
15 trust you?

16 A I don't think I told them those words.

17 Q Did you tell the officers -- again, we're talking
18 about the same officers, Sergeant Whiteley, Deputy Guenther,
19 Deputy District Attorney Burton Katz on May 15th, 1969,
20 "Pulled capers in Beverly Hills and North Hollywood. Never
21 went. Charlie didn't trust."

22 Did you tell him that in sum and substance?

23 A Told him about the capers in Beverly Hills.

24 Q Did you tell him?

25 A I didn't tell him that Charlie didn't trust me.

26 Q Well, Charlie didn't trust you, did he?

27 A I don't know if he did or not.

28 Q Well, you've testified under oath here in court

1 that he didn't, didn't you?

2 A Meaning that I believed that he might have felt
3 that I was ready to leave the ranch, but there is a whole lot of
4 connotations that you can get from the word "trust."

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1 Q Well, what did you mean when you told this jury
2 under oath that on or about July 25th that Charlie didn't
3 trust you?

4 A That I meant that Charlie thought I might leave
5 the ranch.

6 Q Did you tell the officers on the following day --
7 and, again, this is the same time and the same officers.

8 "If they find me, I'll be killed. Charlie said he
9 didn't trust me."

10 A Those aren't my words.

11 Q In sum and substance are those your words?

12 A I told him that I was afraid that if Charlie found
13 me I'd be killed, yes. I told them that.

14 Q Yes. And did you tell them the second part there,
15 "Charlie said he didn't trust me"?

16 A No.

17 Q Didn't tell him anything like that?

18 A No, I don't think so.

19 Q You've been misquoted again?

20 A Yes.

21 Q And it was known by all the Family members that
22 you'd sort of bugged out on this caper, huh, the Hinman caper?

23 A I don't know -- I don't know if they knew that
24 Charlie asked me or not.

25 Q Because as you say, Charlie didn't ask you in sum --
26 tell you with Bobby and Mary in front of the whole group?

27 A That's right. He just spoke to me in front of
28 Bill Vance.

1 Q Let's go back to this interview that was conducted
2 up in Tacoma.

3 How was that conducted? Was that question and
4 answer kind of? The officers asked you questions and you
5 answered their questions?

6 A I believe I, uh, told them, you know, like in a
7 story form and they would interrupt and ask questions when they
8 wanted to. And then, there were times when it was just
9 question and answer.

10 Q And they were trying to get a little bit more and
11 more information from you?

12 MR. MANZELLA: Objection, calls for a speculation on the
13 part of the witness as to what they were trying to do.

14 MR. DENNY: Well, did they appear to be trying to get
15 further facts from you?

16 MR. MANZELLA: Objection, calls for speculation on the
17 part of the witness as to what they were trying to do.

18 THE COURT: Sustained.

19 Q BY MR. DENNY: Well, in questioning you, was
20 the -- sort of modus operandi, if you will --

21 A I don't know what that means.

22 Q Do you know what the MO is?

23 A No.

24 Q The way they did it.

25 A Oh.

26 Q All right. Was the way they did it to wait until
27 you had given them some information and then ask you to come
28 up with a little bit more facts about the information you had

1 already given them?

2 A Yeah, they tried to encourage me to remember.

3 Q And sometimes they suggested little things that
4 had happened to try to encourage you to remember, is that
5 right?

6 A Not that I know of.

7 Q Well, how did they try to encourage you to
8 remember? Say, "Come on Ella, come on Ella, give us more"?

9 A Well, one time they gave me a notebook and they
10 said if I felt like it, why don't I write down anything I
11 remembered.

12 Q Did you write anything down?

13 A No, I didn't choose to write it down.

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1 Q So there's nothing in writing about --

2 A Nothing I wrote.

3 Q -- what you said? Only, so far as you know,
4 Sergeant Whiteley's notes; is that right?

5 A I'm not sure if my lawyer took notes or if anyone
6 else did.

7 Q But Sergeant Whiteley was taking notes, then?

8 A Yes.

9 Q All right.

10 By the way, how were -- how was Bobby dressed,
11 when he drove off, as you say, in John Swartz' Ford T-Bird?

12 A I don't recall how he was dressed.

13 Q Has your memory faded on that a little bit, since,
14 say --

15 A Since two and a half years ago? Yes, it has.

16 Q How about since just September? Has it faded
17 since then?

18 A As to how he was dressed, yes. I can't remember
19 at this moment how he was dressed.

20 Q Well, let me try to help you a little bit here.
21 Going to your testimony on September 13, 1971,
22 before the --

23 MR. MANZELLA: I object to the reading of any testimony,
24 your Honor. The witness stated she can't remember.

25 THE COURT: Sustained.

26 MR. MANZELLA: This calls for hearsay.

27 MR. DENNY: Well, this is impeachment, then, not
28 refreshing her recollection but impeachment.

14-2

1 MR. MANZELLA: Nothing to impeach, your Honor.

2 THE COURT: The objection is sustained.

3 Q BY MR. DENNY: Do you know how the girls were
4 dressed?

5 A They had on dark clothes.

6 Q Well, all the people at the ranch wore dark
7 clothes, didn't they?

8 A Not every day. Certainly not.

9 Q Well, how did the men generally dress?

10 A Either -- well, most of the time, blue jeans;
11 and then buckskin clothes were made for some of the men in
12 the Family.

13 Q Bobby wear buckskins?

14 A Often he did.

15 Q Was he wearing them that night that he left?

16 A I can't remember.

17 THE COURT: The Court will reverse its ruling in respect
18 to your proposed reading of --

19 MR. DENNY: Thank you, your Honor.

20 THE COURT: -- of prior testimony, is it?

21 MR. DENNY: Yes, it is, your Honor.

22 THE COURT: All right.

23 MR. DENNY: Page 63, line 17.

24 "How were these parties dressed?

25 "A The fellows were dressed in buckskin
26 clothes, and the girls had on what we refer to
27 as creepy-crawlers, or just dark clothes."

28 Q Did you so testify before the Grand Jury? Do you

14-3

1 remember that now?

2 A I don't remember it, no.

3 Q You don't remember testifying that way?

4 A I don't remember being asked that question
5 and answering it at the Grand Jury indictment.

6 But I believe that you are quoting from it.

7 Q By the way, Miss Bailey, you've talked with the
8 representatives of the Sheriff's Office of Los Angeles County
9 more than ten times in connection with this case, haven't you?

10 A Yes, I believe so.

11 Q How many more than ten times would you say?

12 A I don't know.

13 Q Twenty?

14 A (Witness shrugging her shoulders.) I don't know.

15 Q Thirty?

16 A I don't know.

17 Q More than thirty?

18 A I wouldn't know.

19 Q Well, do you have any idea? You say ten. Is it
20 more than 20 or less than 20?

21 MR. MANZELLA: The question has been asked and answered.

22 THE COURT: Sustained.

23 Ladies and gentlemen, we will recess now until
24 9:30 on Monday morning. During the recess, you are admonished
25 that you are not to converse amongst yourselves nor with
26 anyone else, nor permit anyone to converse with you on any
27 subject connected with the matter, nor to form or express any
28 opinion on the matter until it is finally submitted to you.

14-4

1 I'll let you get on the freeway a little early
2 this Friday night.

3 Mr. Chavers, again, you have the sympathy of
4 everybody in the courtroom, the jurors, counsel, and the
5 Court alike. We hope that you are able to bear it as well
6 as possible here.

7 And let us know when you need some other time
8 off.

9 JUROR CHAVERS: Yes, sir.

10 THE COURT: Good night, everybody.

11 (Whereupon, at 3:59 o'clock p.m., an adjournment
12 was taken in this matter until 9:30 o'clock a.m.
13 on Monday, January 17, 1972.)
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