

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

-vs-

BRUCE MCGREGOR DAVIS,

Defendant.

NO. A-267861

REPORTERS' DAILY TRANSCRIPT

Tuesday, January 18, 1972

VOLUME 25APPEARANCES:

For the People:

JOSEPH P. BUSCH, JR., District Attorney

BY: ANTHONY MANZELLA

and

STEPHEN R. KAY, Deputies District
Attorney

For Defendant Davis:

GEORGE V. DENNY, III

MARY LOU BRIANDI, CSR
ROGER K. WILLIAMS, CSR
Official Court Reporters

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I N D E XPEOPLE'S WITNESSES: DIRECT CROSS REDIRECT RECROSS

BAILEY, Ella Jo (Continued)	3715 M		3715 M	3649 3730
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SHEA, Elizabeth	3740 K	3756		
HARMON, Sandra	3760 K	3784	3792 K	
GRAP, George D.	3799 K 93	3800	3808 K	

DEFENDANT'S WITNESSES:

GRAP, George D.	3810	3814 K	3815 3820	3817 K
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E X H I B I T SPEOPLE'S: For Identification In Evidence

46 - photograph of male individual	3752	3753
47 - photograph of male individual	3752	3753
58 - Donald Jerome Shea birth certificate	3752	3753

DEFENDANT'S:

F - envelope containing six bullets	3662
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1 LOS ANGELES, CALIFORNIA, TUESDAY, JANUARY 18, 1972, 10:04 A. M.

2
3 THE COURT: The case of People versus Davis?

4 The record will show that all the jurors and
5 alternates are present.

6 Good morning, ladies and gentlemen.

7 (Whereupon, murmurs of, "Good morning, Judge,"
8 were heard from members of the jury.)

9 THE COURT: Sorry again to keep you waiting. There will
10 be some morning when we will be able to start on time. I
11 won't predict when it will be.

12 (Laughter.)

13 THE COURT: The record will show the defendant to be
14 present; all counsel present -- or rather, Mr. Denny and
15 Mr. Manzella to be present.

16
17 ELLA JO BAILEY,
18 called as a witness by and on behalf of the People, having
19 been previously duly sworn, resumed the stand and testified
20 further as follows:

21 THE COURT: Would you state your name again for the
22 record?

23 THE WITNESS: Ella Jo Bailey.

24 THE COURT: You may continue, Mr. Denny.

25 MR. DENNY: Thank you, your Honor.

26
27 RECROSS EXAMINATION (Continued)

28 BY MR. DENNY:

1 Q Miss Bailey, like all of us, I regret some of the
2 lengthy cross examination. I realize it's difficult for you.

3 A Thank you.

4 Q But when you signed that contract up in Tacoma,
5 it was your state of mind, wasn't it, that anything would be
6 better then standing trial for murder and conspiracy to murder
7 Gary Hinman?

8 A No, sir. That isn't -- I never thought I would be
9 tried for that.

10 Q You had never any fear of standing trial for the
11 murder and conspiracy to rob and murder Gary Hinman?

12 A Well, I felt -- you know, I felt in part
13 responsible, since I had mentioned his name. But I didn't --
14 I didn't feel that I should stand trial for it, no.

15 Q Well, then, you didn't really feel that you
16 needed the immunity from prosecution in the Hinman matter
17 that that three-page contract grants you; is that right?

18 MR. MANZELLA: Objection, your Honor. Questions with
19 regard to immunity have been asked and answered.

20 THE COURT: The objection is sustained.

21 Q BY MR. DENNY: Well, that \$115 forgery that you
22 had, you weren't really worried at the time you signed that
23 immunity contract about going to state prison for 20 years for
24 a \$115 forgery; is that right?

25 A I had no way of knowing, you know, what any
26 sentencing would be on the forgery. Since 20 years is maximum,
27 I didn't know --

28 Q Well, you have been around some, haven't you, as

1 far as seeing people go to jail for various offenses, people
2 connected with the Manson Family, during your year and ten
3 months as a Manson girl?

4 A Not for any major offense, no.

5 Q Well, this, then, was a major offense, this
6 forgery, as far as you were concerned, for \$115? Forged
7 credit card?

8 A It was considered a felony.

9 Q Yes. And you've seen people on felonies get a few
10 months in the County Jail; right?

11 MR. MANZELLA: Objection, your Honor. It doesn't appear
12 to be relevant.

13 THE COURT: The objection is sustained.

14 Q BY MR. DENNY: Well, it wasn't your state of mind,
15 ma'am, when you signed that document, that you were in real
16 fear of doing any long period of time for that forged credit
17 card, was there?

18 A Yes.

19 Q And there was some real fear that you might do
20 an even longer period of time for murder; is that right?

21 A No.

22 Q And this is why you got a very broad immunity, in
23 that three-page document; is that right?

24 A No.

25 MR. MANZELLA: Objection. It assumes a fact not in
26 evidence, that it is broad immunity.

27 THE COURT: Well, that objection --

28 Q BY MR. DENNY: Immunity as to --

1 THE COURT: That objection is sustained.

2 Q BY MR. DENNY: That immunity, you know -- and you
3 were told, and it was your state of mind when you signed it --
4 let's just take your state of mind -- that you were being
5 granted an immunity for anything that happened in the Gary
6 Hinman case; is that right?

7 MR. MANZELLA: Objection. Questions with regard to
8 immunity have been asked and answered.

9 THE COURT: Sustained.

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1 MR. DENNY: Well, this is proper on recross, your Honor.
2 They brought it up on redirect.

3 THE COURT: The objection is sustained.

4 Q BY MR. DENNY: Well, ma'am, is it a fact that that
5 immunity, as far as you were concerned, was broad enough so that
6 it included perjury?

7 MR. MANZELLA: Objection, your Honor, the questions with
8 regard to immunity have been asked and answered.

9 MR. DENNY: That one hasn't.

10 MR. MANZELLA: I'll withdraw the objection.

11 THE COURT: The Court will --

12 MR. MANZELLA: I withdrew the objection.

13 THE WITNESS: There was no, uh, discussion about perjury,
14 uh, you know, at any time during the talk about immunity.

15 Q BY MR. DENNY: And there isn't in that contract any-
16 thing that says you'll be prosecuted for perjury if you commit
17 perjury in the course of your testimony, is there?

18 A Not in a statement, that it is an understanding.

19 Q Have you ever seen a statement given under
20 statutory immunity, under 1324 of the Penal Code?

21 MR. MANZELLA: Objection, that does not appear to be
22 relevant.

23 THE COURT: It would be immaterial, Mr. Denny.

24 MR. DENNY: Well, your Honor, may we approach the bench
25 briefly on that?

26 THE COURT: No, you may not. The objection is sustained.

27 Q BY MR. DENNY: I want to read you from your
28 testimony yesterday so I don't misquote you at all, Miss Bailey.

1 3560.

2 "Q Miss Bailey --" this is by Mr. Manzella on
3 opening redirect.

4 "Miss Bailey, in the last few questions that
5 Mr. Denny asked you this afternoon, you said that
6 you could not have stopped Charlie. You could not
7 have stopped Charlie. What did you mean by that?

8 "A There was nothing I could do to, uh,
9 stop Charlie from doing what he was going to."

10 Do you remember giving that answer to that
11 question?

12 A Yes.

13 "Q To stop Charlie from what he was going
14 to do."

15 What was Charlie going to do?

16 A Well, it would be, uh, through a conversation that
17 I heard, you know.

18 Q You knew what Charlie was going to do when those
19 people left in that car going to Gary Hinman's house, didn't
20 you?

21 A I thought Gary Hinman would come, you know, with
22 the Family. But I did believe that if he didn't choose to,
23 that he might be killed, yes.

24 Q And it was for that reason that you didn't want to
25 go, and you told Bill Vance that you didn't want to go; is
26 that right?

27 A That's right.

28 Q Because it had been brought up at that Devil's

1 camp meeting if he didn't turn over the money he was to be
2 killed, is that right?

3 A Not at that Devil's camp meeting that you are
4 talking about, no.

5 Q You didn't have any chance to warn him?

6 A No.

7 Q Now, you stated that nobody disobeyed Charlie.
8 Remember that on redirect yesterday afternoon?

9 A It wasn't common to disobey him, that's right.

10 Q Well, Bill Vance did, didn't he?

11 A Yes.

12 Q And Danny DeCarlo did, didn't he?

13 A Yes.

14 Q And you've indicated that Vance was kind of a
15 loner?

16 A Yes, he was.

17 Q Well, you could have asked him to take off and warn
18 Gary about what was going to happen to him, couldn't you? You
19 could have?

20 A I didn't think of it.

21 Q You didn't want to, did you?

22 A It wasn't even a thought that I didn't want to.

23 Q It was because you --

24 A It was because I was afraid.

25 Q It was because you were part of the plan?

26 THE COURT: Let her finish her answer.

27 MR. DENNY: I'm sorry, your Honor.

28 Q You were afraid?

1 A Yes.

2 Q You were afraid someone was going to get killed,
3 weren't you?

4 A Me, if I tried to leave.

5 Q And Gary Hinman, if anybody went to visit him
6 per that plan, isn't that right?

7 A Well, on Friday, yes, I believe that. But I
8 thought that Gary would come willingly, because he was a weak
9 man. He wasn't a strong man. I thought he would come.

10 Q You figured all Bobby Beausoleil had to do was
11 wave that gun in his face and he would come, is that right?

12 MR. MANZELLA: Objection, it has been asked and answered.

13 MR. DENNY: No, it hasn't, your Honor, not right on that
14 line.

15 THE COURT: It has been asked and answered. We've gone
16 over this before.

17 MR. DENNY: This is on her redirect, your Honor.

18 Q Well, let me go to that particular point in your
19 redirect.

20 I guess we'll get to it a little bit later.

21 All right, again, so I don't misquote you, let me
22 read your testimony yesterday just briefly here.

23 At 3562 of the transcript.

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1 "Q During the time that you were living
2 with the Family on Spahn Ranch, did the Family,
3 the entire Family, including Charles Manson, get
4 together almost every day in a group?

5 "A Well, not really every day, but it was
6 common.

7 "Q I'm sorry, I didn't hear you.

8 "A Not every day, but it was very common
9 to meet in a group.

10 "Q Can you tell us about how often?

11 "A Well, there was a time when they were
12 working on the dune buggies that, uh, not everyone
13 did meet all the time because they were doing other
14 things, but it was pretty much every day."

15 Do you remember that?

16 A Yes.

17 Q And this period of June and July of 1969 was a
18 period when they were doing a lot of work on dune buggies,
19 is that right?

20 A Yes.

21 Q They were getting ready to move permanently to
22 the desert, you stated; is that right?

23 A Yes.

24 Q And Bruce spent a lot of time working on the
25 dune buggies, is that right?

26 A Yes.

27 Q And from time to time, after he came to the ranch
28 in May, as you said, in 1969, he spent a lot of time welding

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1 on the dune buggies, is that right?

2 A Yes.

3 Q They put on roll-bars and extra supports and
4 things like that. And that's what he was doing, is that
5 right?

6 A That's correct.

7 Q And sometimes they even worked late into the
8 night, you've testified; is that correct?

9 A Yes.

10 Q And setting up lights and running cords through
11 the saloon so that they could work late into the night?

12 A That's correct.

13 Q And between May and July you testified that there
14 were at least four of these dune buggies that you know of
15 that they were working on over that period, is that right?

16 A Yes.

17 Q And was this night work going on on the night of
18 July 22nd, 1969?

19 A I can't recall.

20 Q On the night of July 23, 1969?

21 A I wouldn't be able to remember the exact dates.

22 Q On the night of July 24, 1969?

23 MR. MANZELIA: Objection, the question has been
24 answered. She said she would not be able to remember the
25 exact dates.

26 THE COURT: The objection is sustained.

27 Q BY MR. DENNY: Well, where was Bruce on those
28 nights?

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1 MR. MANZELLA: Objection, the question is vague and
2 ambiguous as to what nights?

3 Q BY MR. DENNY: Just those I have just mentioned,
4 July 22nd, July 23rd, and July 24th.

5 A Well, I couldn't tell you where he was every
6 minute of the day.

7 Q I'm just talking about the nights, ma'am. About,
8 oh, between 7:00, 8:00, 9:00, 10:00 o'clock.

9 A Well, he often -- he was -- he drove the dune
10 buggies quite often and because they were leaving the
11 Devil's Canyon campsite quite often, it was made clear that
12 Charlie wanted everyone to be at the campsite the night of
13 the 20 -- you know, that week, you know.

2 fls.

1 Q Well, of course, --

2 A He was pretty much out at Devil's Canyon those
3 nights, except -- you know, for going for a ride in the dune
4 buggy. But he was there.

5 Q Or working on them at night, under those hot lights?

6 A Not during the week that we were camped at Devil's
7 Canyon. He didn't work on the ranch on the dune buggies that
8 week.

9 Q You are sure of that?

10 A Yes.

11 Q Well, when I asked you where he was on July -- or
12 whether they were working on the dune buggies on July 22nd or
13 23rd, 24th -- there was an objection to the 24th -- but when I
14 just asked you a few minutes ago about July 22nd and July 23rd,
15 you said you didn't know whether they were working on them; is
16 that right?

17 A Well, I couldn't -- you know, the way you put it,
18 I didn't know what the -- you know, you were talking about
19 specifically. I know that Bruce --

20 Q I was talking about --

21 A -- was at Devil's Canyon that week that we were
22 there, except for times that he took the dune buggy out for a
23 short run. But he was there.

24 Q Now, I believe you stated on your redirect
25 examination that Mr. DeCarlo, Danny, brought guns when he came
26 to the ranch, and began accumulating them; is that right?

27 A Well, guns became a common appearance after the
28 first one came to the ranch, yes.

1 Q Well, going to 3564:

2 "Q BY MR. MANZELLA: --"

3 MR. MANZELLA: Objection to reading questions in testi-
4 mony at this point, your Honor. It doesn't appear to be
5 relevant, and it calls for hearsay.

6 THE COURT: Approach the bench, and I'll take a look at
7 what you are --

8 MR. DENNY: Well, let me withdraw it and ask it in this
9 fashion:

10 Q After Danny came to the ranch, did he begin bring-
11 ing guns to the ranch with him?

12 A He brought the machine gun to the ranch. But I
13 don't remember stating that he brought all the guns that
14 appeared on the ranch.

15 Q I didn't say all the guns. I said: Did he begin
16 bringing guns, plural, with him?

17 A I -- I couldn't recollect who brought what guns
18 specifically, except for the machine gun that I know he brought.

19 Q Well, let me read 3564 of the transcript, starting
20 at Line 24.

21 "Q Danny DeCarlo was a member of a motor-
22 cycle gang, was he not?

23 "A Yes, he was.

24 "Q And when he came to the ranch, did he
25 bring guns with him, or after he arrived at the
26 ranch to live, did he begin bringing guns to the
27 ranch with him?

28 "A Yes.

1 "Q About what time was that?

2 "A Well, that wouldn't have been too much
3 sooner. It would have been either May or June.

4 "Q 1969?

5 "A Yes."

6 Is that true?

7 A Yes.

8 MR. DENNY: All right. May I approach the witness, your
9 Honor?

10 THE COURT: Yes, you may.

11 Q BY MR. DENNY: I have an exhibit previously
12 marked C-10. I'll take it out of the folder here.

13 Do you recognize -- for identification, this is a
14 gun that's been identified by Mr. Stanoff as a .45 caliber
15 Colt U. S. Army model 1911 A-1.

16 Do you recognize the gun, very similar to that --
17 almost identical with that -- in Mr. DeCarlo's possession?

18 A It appears to be like the gun that I've identified
19 before.

20 Q Yes, it does, doesn't it?

21 A Yes, it does.

22 Q But I am asking you if you saw a gun like that in
23 Danny's possession.

24 A I can't recall seeing one like that. I don't
25 remember.

26 Q Well, did you see two guns on the ranch that
27 appeared to look just about like that pictured in C-10?

28 A No.

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1 Q Did you ever see Danny carrying around a gun
2 that looked like this?

3 MR. MANZELLA: Objection. The question has been asked
4 and answered.

5 THE COURT: Sustained.

6 Q BY MR. DENNY: Now, you stated that you and
7 Sherry and Ruth Morehouse and Danny DeCarlo made bullets
8 there at the ranch; is that right?

9 A Yes, on one occasion.

10 Q These were lead reloads for bullets; is that
11 right?

12 A Yes.

13 MR. DENNY: Your Honor, I have an envelope containing
14 six bullets, Super Vel 9 millimeter Luger -- although not
15 all of that particular brand, but all appearing to be 9
16 millimeter.

17 May they, together, be marked Defendant's, I
18 believe, F for identification?

19 THE COURT: All right. F for identification. So
20 ordered.

21 Q BY MR. DENNY: Showing you those bullets, do you
22 recognize the type of -- you recognize the type of bullets
23 shown there, don't you?

24 A What do you mean, the type of bullets? I --

25 Q Well --

26 A They look like the bullets that were made.

27 Q Those are lead reload bullets; is that right?

28 A I guess that's what you call them. I don't

2a-2

1 know.

2 Q Well, did you assist Mr. DeCarlo with Sherry
3 and Ruth in the pouring of the lead into the molds and then
4 putting of the lead slugs into the casings?

5 A All I did was -- you know, watched the lead being
6 melted. I really didn't participate in -- you know, stamping
7 out bullets or anything.

8 Q You saw Danny do that, though?

9 A Yes.

10 Q And they were, when they came out of that process,
11 in appearance similar to those before you; is that right?

12 A Yes.

13 Q In fact, they look just like the ones before you;
14 is that right?

15 A To the best of my recollection.

16 Q All right. Thank you.

17 A Um-hmm.

18 Q And that's the kind of ammunition that Mr. DeCarlo
19 was making in May, June and July of 1969; is that right?

20 A I wouldn't know about all three of those months,
21 but I did have occasion to see him make those bullets.

22 Q And, in fact, you saw members of the Family fire
23 those bullets; is that right? Bullets of that kind, from
24 the various guns?

25 A If -- if they fit into the machine gun, I saw
26 that being fired. I wouldn't know about the other guns,
27 which ones I had seen being fired.

28 Q Well, it wasn't just 9 millimeter bullets that

2a-3

1 Mr. DeCarlo was pouring in the molds, was it?

2 A Yes. To the best of my recollection, it was.

3 Q They had other guns of other dimensions there
4 at the ranch, other caliber and other millimeter?

5 A Yes. But I don't -- I don't know that he made
6 bullets for anything else besides his machine gun.

7 Q Just his machine gun?

8 A That's what he was concerned about the night that
9 I recollect.

10 Q And how about that 9 millimeter Radom, People's
11 30, that you have identified? 9 millimeter?

12 A What about it?

13 Q Were the bullets made for that, too?

14 A I don't know.

15 MR. DENNY: Your Honor, may I have just a moment?

16 THE COURT: Yes, Counsel.

17 (Pause in the proceedings while a discussion
18 off the record ensued at the clerk's desk between
19 the Court and the clerk.)

20 MR. DENNY: Your Honor, I have to get the exhibits
21 here. I'm sorry.

22 (Further pause in the proceedings.)

23 THE COURT: Would you open the breech on that, Mr.
24 Denny?

25 MR. DENNY: I have checked the weapon, your Honor,
26 and it is empty.

27 Q This, by the way, is the gun that you have said
28 looks like the gun that Bruce had?

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A Yes.

MR. DENNY: I am holding People's 30.

Q Now, I have withdrawn the clip from that. This is the clip that you have spoken about, that goes up inside the gun?

A Yes.

Q And you've seen -- you've seen that clip loaded?

A Yes, I think I have.

2b fls.

1 (Pause in the proceedings.)

2 Q BY MR. DENNY: Now, I am putting these bullets
3 into that clip, these 9-millimeter bullets.

4 And that's the way you've seen it loaded; is
5 that right?

6 A Yes, I think so.

7 (Pause in the proceedings while a discussion off
8 the record ensued at the clerk's desk between Mr. Denny and
9 the clerk.)

10 Q BY MR. DENNY: Now, I believe you testified on
11 redirect examination that no one has shown you any notes or
12 documents to refresh your recollection before testifying,
13 other than a two-page report, I think it was, you said that
14 you corrected; is that correct?

15 A Yes.

16 Q All right. Well, you've refreshed your recollec-
17 tion, though, before testifying in this case by reading your
18 testimony -- or a part of your testimony -- in the Manson
19 case, the testimony you gave on October 12th and 13th; isn't
20 that right?

21 A I -- briefly, yes, I read part of it.

22 Q All right. So, then, when you testified on
23 redirect here that you hadn't seen anything but a two-page
24 document to refresh your recollection, that was somewhat in
25 error; is that right?

26 MR. MANZELLA: Objection. That assumes a fact not in
27 evidence. I don't believe that's what she testified to.

28 THE COURT: Sustained.

1 Q BY MR. DENNY: Now, what report is it that you
2 were asked to check for corrections?

3 A I believe it was one that Mr. Katz wrote up.

4 Q This was a report of a conversation that you had
5 with him and Sergeant Whiteley, in Room 649 of the Hall of
6 Justice on February 18th, 1971?

7 A I'm not sure of the date, you know, that the report's
8 written up from.

9 Q Well, were there other reports that were made, of
10 conversations between you and Mr. Katz and Mr. Whiteley, --

11 A I don't know --

12 Q -- other than that one that you are aware of?

13 A I don't know.

14 MR. DENNY: May I approach the witness?

15 THE COURT: Yes, you may.

16 Q BY MR. DENNY: Would it refresh your recollection
17 to see a copy of that report that I've just described?

18 A Yes.

19 Q Does that appear to be the report that you say you
20 checked? Showing you a copy of a statement, "Ella Jo Bailey,
21 taken in Room 649, Hall of Justice, by Burton Katz and
22 Sergeant Paul Whiteley, February 18, 1971, at 9:00 A. M."

23 A Yes.

24 Q And were you ever asked to check any reports made
25 by Sergeant Whiteley?

26 A That's the only report I was asked to check.

27 Q Were you ever asked to make any reports pertaining
28 to Sergeant Whiteley's notes?

1 A No.

2 Q Or any official reports that he had written,
3 pursuant to those notes?

4 A No.

5 Q And this report that you checked for this meeting
6 between you and Mr. Katz and Mr. Whiteley on February 18, was
7 that accurate in all respects?

8 A No.

9 Q In how many respects -- don't tell me what they were
10 at this point, but just how many errors were there in that
11 report?

12 A I don't recollect.

13 Q Do you have any idea?

14 A No. I hadn't -- I haven't seen it for a long
15 time. I didn't -- I don't remember.

16 Q Well, did you personally, in your own handwriting,
17 make corrections on any report that was shown to you?

18 A No. They were never written in.

19 Q When was it that you were asked to correct the
20 report?

21 A I can't remember exactly.

22 Q Well, how close to February 18, 1971, were you
23 asked to correct that report?

24 A I don't know.

25 Q Do you have any recollection, ma'am?

26 A No, I really don't.

27 Q Anything help you refresh your recollection?

28 A No, I couldn't say.

1 Q All right. I would like to ask you a few ques-
2 tions, ma'am, that you may have heard before.

3 Now, Miss Bailey, did you at any time tell anyone
4 to kill Gary Hinman?

5 A No.

6 Q Did you agree with anyone that Gary Hinman should
7 be killed?

8 A No.

9 Q Did you advise anyone to kill Gary Hinman?

10 A No, I did not.

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1 Q Did you encourage anyone to kill Gary Hinman?

2 A No.

3 Q Did you plan with anyone to kill or how to kill
4 Gary Hinman?

5 A No.

6 Q Well, let me rephrase those a little bit.

7 Did you at any time advise anyone to get money
8 from Gary Hinman?

9 A I suggested Gary Hinman's name as a person that
10 might have money, --

11 Q All right.

12 A -- but there was no talk about doing any harm to
13 Mr. Hinman at the time that I mentioned his name.

14 It was just in regards to money that I mentioned
15 him.

16 Q I didn't ask you about that.

17 I just asked you the simple question: Did you
18 advise anyone to get money from Gary Hinman?

19 A Yes.

20 Q Did you encourage anyone to get money from Gary
21 Hinman?

22 A No, I didn't encourage anyone.

23 Q Did you plan with anyone to get money from Gary
24 Hinman?

25 A If mentioning his name is planning. But that's
26 all I did, was mention his name.

27 Q And sit around while it was talked about?

28 A Yeah, I was there at the campsite.

2c-2

1 Q And count the spoils after they came in?

2 MR. MANZELLA: Objection. It's argumentative.

3 THE COURT: Sustained.

4 Q BY MR. DENNY: Now, let me rephrase the question
5 just a little bit further.

6 Did anyone advise -- or, did you advise anyone
7 to take property from Mr. Hinman?

8 A No.

9 Q Did you encourage anyone to take property from
10 Mr. Hinman?

11 A (Pause.) No.

12 Q Did you plan with anyone to take property from
13 Mr. Hinman?

14 A No, not to take it from him, no.

15 Q After you had suggested his name, you heard
16 Charlie say, "If you can't get it from him voluntarily,
17 kill him," didn't you?

18 A That was much later, though. That wasn't --
19 that wasn't when I brought up his name.

20 Q And you didn't think Gary Hinman, because he was
21 effeminate, would give any of the men in the Family any
22 trouble, when they went out to talk him into turning over
23 the property; isn't that right, --

24 A That's right.

25 Q -- isn't that what you testified to?

26 And you didn't think he'd put up a fight, did
27 you?

28 A No, I thought he'd come.

2c-3

1 Q You figured they'd go out, ask him for the
2 property, and he'd meekly submit; is that right?

3 A Well -- uh --

4 Q Is that right?

5 A I can't really say that I knew what would --
6 you know, how they would be confronted. I thought he would
7 willingly come with the Family.

8 Q You thought he'd submit to the men going out, or
9 any man going out, although he hadn't submitted to your
10 blandishments for two years, or a year and a half, --

11 MR. MANZELLA: Objection. It's argumentative.

12 Q BY MR. DENNY: -- is that right?

13 THE COURT: The objection is sustained.

14 Q BY MR. DENNY: Well, you tried to get him for
15 over a year to go out and become a member of the Family;
16 isn't that right?

17 A No, not for over a year. I -- I spoke with him
18 a couple of times about it, but I -- you make it sound like
19 it was a continuous effort for me to get Gary Hinman to
20 come, and this is not true.

21 Q Charlie sent you out during 1969 to get him to
22 come to the Family and join the Family, --

23 A '68.

24 Q -- isn't that right?

25 A 1968.

26 Q Did you say to Sergeant Paul Whiteley, Deputy
27 Guenther, Deputy D. A. Katz on May 15, 1969 -- strike that --
28 1970, in Tacoma, that through 1969, Charlie Manson would ask

1 Susan Atkins, Mary Brunner and you to go to the Hinman
2 residence for money?

3 A Well --

4 Q Did you state that?

5 A No, not exactly like that. No.

6 Q How, then?

7 A That there were -- there was occasion when we
8 went to Mr. Hinman for money. But it concerned getting
9 someone out of jail.

10 You know, it wasn't -- it was a specific time.

11 Q I see. There were occasions when you went to
12 get money from him, is that right, --

13 A Yes.

14 Q -- to get people out of jail?

15 A Once.

16 Q And there were other occasions when you went
17 to try to have him join the Family; isn't that right?

18 MR. MANZELLA: The question has been asked and
19 answered.

20 THE COURT: Overruled. You may answer.

21 THE WITNESS: In 1968, that was when -- shortly after
22 I had first met Gary Hinman, that I tried to get him to come
23 live with the Family. It was 1968.

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1 Q BY MR. DENNY: And in 1969, you quit trying
2 because you knew that he wasn't coming, isn't that right?

3 A That was because we didn't see him. I didn't see
4 him for a long time.

5 Q But you still knew him best of all the members of
6 the Family, is that right?

7 MR. MANZELLA: Objection, that calls for speculation on
8 the part of the witness.

9 Q BY MR. DENNY: This is what Charlie told you, at
10 any rate?

11 I'll withdraw the question.

12 This is what Charlie told you when he told you to
13 go and visit him, said you go because you know him best, is that
14 right?

15 A That's pretty much what he said.

16 Q That's true, as far as you know, right?

17 MR. MANZELLA: Objection, calls for speculation.

18 THE COURT: The objection is sustained.

19 Q BY MR. DENNY: Now, on redirect, Mr. Manzella, if
20 you recall, directed your attention to the fact that I had
21 asked you on cross examination who was present at Devil's
22 camp site and you forgot to mention Bruce's name; do you
23 remember that?

24 A Yes.

25 Q When he asked you why that was, you said it is
26 often easy to forget someone's name when you are listing a whole
27 bunch of people; is that right?

28 A Yes.

3-2

1 Q But you did certainly tell Sergeant Whiteley in
2 May of '70, when you talked to him and Guenther and Katz, that
3 Davis was there, right?

4 A Yes.

5 Q You didn't forget that?

6 A No.

7 Q And in September you told them so?

8 A Yes.

9 Q And at the Manson trial in August of '71 you
10 mentioned that Bruce was there, is that right?

11 A Yes.

12 Q And you had no trouble remembering that at that
13 time or any of those times, is that right?

14 A I didn't forget at that time.

15 Q You didn't forget?

16 A At that time.

17 Q Now, sitting up on the witness stand, it certainly
18 is kind of a strain sometimes trying to remember things, isn't
19 it?

20 A Yes.

21 Q It is easier in a more relaxed atmosphere, say,
22 in a conference with Sergeant Whiteley?

23 A Not necessarily.

24 Q Well, in that conference with Mr. Whiteley and
25 Mr. Guenther and Mr. Katz, after straining your brain a little
26 bit -- without even straining your brain a little bit, you
27 remembered Bruce was there, is that right, on that Devil's
28 Canyon meeting?

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1 A I don't --

2 MR. MANZELLA: Objection, vague and ambiguous, your
3 Honor. I don't know what "straining your brain" means.

4 THE COURT: The objection is sustained.

5 Q BY MR. DENNY: Well, without too much mental
6 effort on your part, you remembered that Bruce was there, is
7 that right?

8 A I don't know that I can recollect if it took time
9 to remember who was there or not. I don't know. That was a
10 long time ago.

11 Q Well, that was several months closer to this time
12 of your testimony than the events that you are testifying to,
13 wasn't it?

14 A Yes.

15 Q By about seven months, is that right, or over half
16 a year?

17 MR. MANZELLA: That's argumentative.

18 MR. DENNY: I'll withdraw the question.

19 Q BY MR. DENNY: Well, you try to remember back, now,
20 to May, 1970, if you will, Miss Bailey, and tell us how long
21 it took you to come up with the names of the people that
22 you've presented to Sergeant Whiteley, who you say were at the
23 Devil's Canyon campfire meeting when Gary Hinman's name came
24 up.

25 A I can't remember that. I can't remember now long
26 it took me to think of something.

27 Q Well, can you picture in your mind sitting there
28 with these men?

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1 A No.

2 Q Around you?

3 MR. MANZELLA: Objection, it is not relevant.

4 Q BY MR. DENNY: And they are asking you questions?

5 THE COURT: Sustained.

6 Q BY MR. DENNY: Well, did you pop the names off just
7 like that; one, two, three?

8 MR. MANZELLA: Objection, argumentative.

9 THE WITNESS: I don't remember.

10 MR. MANZELLA: The witness has answered.

11 THE COURT: The objection is overruled. The answer may
12 remain in the record.

13 Q BY MR. DENNY: But on that particular occasion,
14 May, 1970, May 15 or May 16, you didn't remember Mary Brunner's
15 name, did you?

16 A I don't remember.

17 Q Well, let me refresh your recollection, then.

18 MR. MANZELLA: Objection, your Honor.

19 Q BY MR. DENNY: Well, let me impeach you, then.

20 MR. MANZELLA: Mr. Denny has not shown that her
21 recollection needs to be refreshed, and I ask that his remark
22 with regard to impeachment be stricken.

23 THE COURT: Yes, Mr. Denny's remarks are stricken.

24 Q BY MR. DENNY: All right, did you state --

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A No.

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Q Around you?

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MR. MANZELLA: Objection, it is not relevant.

4

Q BY MR. DENNY: And they are asking you questions?

5

THE COURT: Sustained.

6

Q BY MR. DENNY: Well, did you pop the names off just like that; one, two, three?

8

MR. MANZELLA: Objection, argumentative.

9

THE WITNESS: I don't remember.

10

MR. MANZELLA: The witness has answered.

11

THE COURT: The objection is overruled. The answer may remain in the record.

13

Q BY MR. DENNY: But on that particular occasion, May, 1970, May 15 or May 16, you didn't remember Mary Brunner's name, did you?

16

A I don't remember.

17

Q Well, let me refresh your recollection, then.

18

MR. MANZELLA: Objection, your Honor.

19

Q BY MR. DENNY: Well, let me impeach you, then.

20

MR. MANZELLA: Mr. Denny has not shown that her recollection needs to be refreshed, and I ask that his remark with regard to impeachment be stricken.

23

THE COURT: Yes, Mr. Denny's remarks are stricken.

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Q BY MR. DENNY: All right, did you state --

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1 MR. MANZELLA: Excuse me, reading hearsay at this
2 point would be inadmissible and I object on that ground.
3 The witness has stated she does not remember.

4 THE COURT: Sustained.

5 MR. DENNY: Well, your Honor, I am attempting to --

6 THE COURT: This has been covered, too, Mr. Denny.
7 I'll hear from you at the bench, if you wish.

8 MR. DENNY: I would like to, your Honor.

9 (Whereupon, the following proceedings were had
10 at the bench among Court and counsel, outside the
11 hearing of the jury:)

12 MR. DENNY: Your Honor, if it's been covered on direct
13 and cross, and they bring it back up on redirect, I have the
14 right, I think, to cover what they've covered on redirect
15 on recross. That's one thing.

16 The second thing --

17 THE COURT: When do we stop? You have elicited from
18 her that she has forgotten Mary Brunner's name and I think
19 the record is clear in respect to that.

20 MR. DENNY: We stop when I impeach her with a prior
21 inconsistent statement.

22 THE COURT: Well, you have done that.

23 MR. MANZELLA: She hasn't made a prior inconsistent
24 statement. She said she forgot.

25 THE COURT: And you've done that on direct. She said
26 she forgot Mary Brunner's name to Whiteley, and again on
27 the witness stand she forgot Mary Brunner's name. I don't
28 know how far you want to carry it, but it seems to me at some

3a-2

1 point it has got to stop.

2 MR. DENNY: All right, your Honor, we'll stop.

3 THE COURT: Now, what do you propose to do in --

4 MR. DENNY: I have a report of 5-18-70 by Sergeant
5 Whiteley that states his conversation with her on 5-15-70.
6 And it states in paragraph 4 thereof:

7 "She stated sometime in July the Family
8 was camping in Devil's Canyon. This included Charles
9 Manson, Charles Watson, Steve Grogan, Danny DeCarlo,
10 Bruce Davis, possibly Charlie Green, Robert Beausoleil,
11 Mary Brunner, Susan Atkins, Patricia Krenwinkel,
12 Catherine Share and Sandra Good and others."

13 THE COURT: You intend to read that to her?

14 MR. DENNY: I certainly do.

15 THE COURT: And ask her --

16 MR. DENNY: Whether --

17 THE COURT: I can't see that that's --

18 MR. DENNY: That's fine, your Honor.

19 THE COURT: -- contradictory.

20 MR. DENNY: I'll withdraw the question.

21 THE COURT: Is it contradictory of what she just said?

22 MR. DENNY: Your Honor, we're wasting time. I am
23 withdrawing the question.

24 MR. KAY: Your Honor, while we are up here, we've had
25 Mrs. Elizabeth Shea and Sandra Harmon here since last --
26 what was it, Wednesday or Thursday?

27 MR. MANZELLA: I'm afraid to say.

28 MR. KAY: And after Miss Bailey is finished, we would

3a-3

ask to put those two witnesses on out of order. And from then on, I can't represent we're going to get our witnesses here on time. Mr. Denny has just clogged up our witness list.

THE COURT: I can't say that Mr. Denny has.

MR. KAY: Well, I'll say it.

THE COURT: I don't think we can tag it all on him.

MR. KAY: Those two witnesses are out-of-state witnesses.

THE COURT: Make your motion when your cross is finished, cross and recross.

MR. DENNY: I don't think they have to make a motion. They have discretion to put their witnesses on in any order they want. They don't have to make a motion to the Court to do so.

MR. KAY: That's probably correct.

THE COURT: Whatever it may be, let's proceed.

MR. KAY: All right, fine.

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

Q BY MR. DENNY: Well, I'm sorry, Miss Bailey, since the conversation here has somewhat interrupted the train of thought, was it your testimony that you don't remember whether you brought up Miss Brunner's name with Whiteley and Guenther and Katz?

MR. MANZELLA: The question has been asked and answered, your Honor.

THE COURT: Overruled, you may answer.

THE WITNESS: Yes, at this time I don't remember if,

3a-4

1 uh, I mentioned her name in May of 1970.

2 Q BY MR. DENNY: But you do remember mentioning it
3 in September when you talked to Whiteley, is that right?

4 You do remember mentioning to him in September
5 in your conference with him on September of 1970 -- in
6 September of 1970 that she very specifically was there at
7 that Devil's Canyon campground meeting where Gary Hinman was
8 discussed; is that right?

9 A I can't recollect the date on which I told them,
10 but I remember telling Sergeant Whiteley that Mary Brunner
11 was there, yes.

3b flg.

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1 Q Well, did you tell him after you had been
2 advised that the People wanted to prosecute Mary Brunner
3 now because she had reneged on her testimony in the Bobby
4 Beausoleil case, is that when you told him?

5 A Well, since I don't remember the day, I don't
6 know. I really don't. I don't know, you know, when I was
7 told that or if that has anything to do with it.

8 Q Well, before you testified in September of 1971,
9 in the Grand Jury hearing against her, at sometime before
10 that time, the People had told you that they were interested
11 in knowing whether Mary Brunner was there; is that right?

12 A I don't know that they told me that.

13 Q At that campground meeting.

14 THE COURT: I didn't hear that.

15 (Whereupon, the record was read by the
16 reporter as follows:

17 "A I don't know that they told me that.")

18 Q BY MR. DENNY: You heard from someone that they
19 were interested in determining from you, that is, someone
20 in the prosecutorial system here, either the Deputy Sheriffs
21 or some Deputy D. A., you had some discussion with someone
22 before you testified before the Grand Jury and they asked
23 you, "Do you remember specifically whether Mary Brunner was
24 there," isn't that right?

25 A I don't remember that.

26 Q Well, do you have any recollection as to when
27 you were first aware of the fact that the People wanted to
28 know specifically from you whether Mary Brunner was there?

1 MR. MANZELLA: Objection, that assumes a fact not in
2 evidence.

3 THE COURT: The objection is sustained.

4 Q BY MR. DENNY: Do you have any recollection at
5 all when you were first apprised by anyone on the prosecuting
6 side that Mary Brunner was going to be prosecuted for
7 perjury?

8 MR. MANZELLA: Objection, that assumes she was ever
9 informed of that.

10 THE COURT: The objection is sustained.

11 Q BY MR. DENNY: Were you ever so informed?

12 THE COURT: The Court will reverse its previous
13 ruling. She has stated that she does know of somebody who
14 has been prosecuted for perjury, namely Mary Brunner.

15 Q BY MR. DENNY: And when were you informed that
16 Mary Brunner was going to be prosecuted not only for
17 perjury but for the murder of Gary Hirman?

18 MR. MANZELLA: Objection, compound question.

19 THE COURT: Sustained.

20 Q BY MR. DENNY: When were you informed that Mary
21 Brunner was going to be prosecuted for perjury?

22 A I believe it was after the Grand Jury indictment.

23 Q After the Grand Jury -- which Grand Jury?

24 A For Mary Brunner.

25 Q Well, she was indicted twice. Which one?

26 A I didn't know she was indicted twice, so it
27 would be the one I testified at.

28 Q Oh, September of 1971?

1 A Yes.

2 Q That's the first you heard that the People were
3 interested in prosecuting her for perjury?

4 A Yes, I believe so.

5 Q You didn't know when you went there that your
6 testimony was going to be used in an attempt to get an
7 indictment for perjury, is that right?

8 A No, I did not.

9 Q You thought it was just going to be for murder,
10 is that right?

11 A Yes.

12 Q And it wasn't until after you testified that you
13 heard anything about any kind of perjury?

14 MR. MANZELLA: Objection, the question has been asked
15 and answered.

16 THE COURT: Yes, it has been asked and answered, Mr.
17 Denny. Sustained.

18 Q BY MR. DENNY: All right.

19 Now, Miss Bailey, again on redirect by Mr.
20 Manzella, he showed you People's 30, that Radom, and directed
21 your attention to your testimony on direct where you said in
22 answer to one of his questions, "It appears to be the gun
23 that Bruce Davis was carrying that night."

24 By that, from your testimony here, you say that
25 "It appears to be the gun, you know, that he was carrying.
26 It looks like the gun he had."

27 Is that the meaning that you meant to give in
28 answer to his question?

1 A Yes, it looks like the gun he had that night.

2 Q You're not, then, attempting at any time in this
3 trial to get across to the jury the idea that you are
4 specifically identifying that gun as the gun that he had?

5 MR. MANZELLA: Objection, that's argumentative.

6 THE COURT: Sustained.

7 Q BY MR. DENNY: Well, was that the gun?

8 A I'm not an expert on guns. All I can say is that
9 it appears to be the gun. And I'm pretty sure that it is the
10 gun that he had that night.

11 Q But you've testified previously, definitely
12 identifying it as the gun, haven't you?

13 MR. MANZELLA: Objection, that calls for a conclusion
14 on the part of the witness and it is argumentative.

15 THE COURT: The objection is sustained.

16 Q BY MR. DENNY: Well, have you ever definitely
17 identified the gun as the gun that Bruce had, People's 30?

18 MR. MANZELLA: Objection, vague and ambiguous as to
19 what "definite" means. Calls for a conclusion on the part
20 of the witness.

21 THE COURT: Objection sustained.

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1 Q BY MR. DENNY: Well, ma'am, you know what I mean
2 by a definite identification versus kind of a questionable
3 identification?

4 MR. MANZELLA: Objection on the same grounds.

5 MR. DENNY: I'm just asking her if she does know.

6 THE COURT: The objection is sustained.

7 Q BY MR. DENNY: Have you testified under oath,
8 "Yes, sir, I identified it as the gun Bruce had"?

9 A I don't remember.

10 Q Well, let me refresh your recollection, if I may.
11 May I approach the witness, your Honor?

12 THE COURT: Yes, you may.

13 Q BY MR. DENNY: Would it help you if you saw your
14 testimony?

15 A Yes.

16 Q All right. Showing you Page 3163 of this
17 transcript. Do you want to start reading at Line 22 and going
18 over to 3164, Line 5.

19 A (Witness reading.)

20 Q And does that refresh your recollection as to
21 your testimony in this case previously?

22 A Yes.

23 Q And did you say, "Yes, sir, I identified it as the
24 gun that Bruce had"?

25 A Yes, I did.

26 Q And it was your intention at the time that you so
27 testified to indicate to this jury that that was a positive
28 identification; is that correct?

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1 MR. MANZELLA: Objection, it is argumentative. Calls
2 for a conclusion.

3 MR. DENNY: It is her state of mind which is relevant,
4 your Honor.

5 THE COURT: Sustained.

6 Q BY MR. DENNY: And in the Manson case on August
7 12, did you testify concerning this Radom, People's 30,
8 "It is the gun I saw Bruce with"?

9 A Yes, I believe so.

10 Q It was your intention then to have that jury believe
11 that that was definitely the gun, and no question; is that
12 right?

13 MR. MANZELLA: Objection on the same ground, your Honor.

14 THE COURT: Sustained.

15 Q BY MR. DENNY: Now, again, on Mr. Manzella's
16 redirect, he asked you some questions concerning "have you ever
17 denied the fact that you were the one that brought up the name
18 of Gary Hinman at Devil's Canyon camp site?"

19 Do you remember that question?

20 A Yes.

21 Q And your answer?

22 A No, I have never denied it.

23 Q And on -- in September, when you talked to
24 Mr. Whiteley, did you ever deny -- did you deny that you were
25 the one that brought it up?

26 MR. MANZELLA: Objection, the question has been asked and
27 answered. She said she never denied it.

28 THE COURT: Sustained.

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Q BY MR. DENNY: Do you remember Mr. Manzella asking
that on redirect?

A Yes.

Q And the answer was "no"?

MR. MANZELLA: Objection on the same grounds.

THE COURT: Sustained.

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1 Q BY MR. DENNY: And you didn't deny it in the Manson
2 trial?

3 MR. MANZELLA: Objection on the same grounds.

4 THE COURT: Sustained.

5 Q BY MR. DENNY: But you tried to get two --

6 MR. MANZELLA: Objection. This is argumentative.

7 THE COURT: Let him finish his question.

8 MR. MANZELLA: Your Honor, he doesn't have to finish his
9 question. It's improper.

10 Q BY MR. DENNY: Is it a fact -- let me withdraw that
11 question,

12 Is it a fact that in answering questions put to
13 you before the Grand Jury of this county, by Mr. Goldsobel,
14 on September 13, 1971, you -- you specifically sought to
15 mislead them by not stating that you were the one who suggested
16 Gary Hinman?

17 A No, I didn't specifically try to mislead the Grand
18 Jury.

19 Q Well, you didn't tell that Grand Jury in response
20 to a question as to the conversation, that you were the one
21 who brought up Gary Hinman's name, though, did you?

22 MR. MANZELLA: Objection. It's argumentative.

23 THE COURT: Sustained. It's covered, too. It's been
24 covered.

25 MR. DENNY: Well, your Honor, he has covered it on
26 cross -- on redirect. I believe I have a right to cover it
27 on recross.

28 THE COURT: The objection is sustained.

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1 Q BY MR. DENNY: Well, were you asked these
2 questions, and did you give these answers at the Grand Jury
3 hearing on that subject?

4 THE COURT: Hasn't this been gone into on cross?

5 MR. DENNY: And on redirect, your Honor. When she says
6 she never denied it --

7 MR. MANZELLA: Your Honor, I don't believe the testimony
8 which Mr. Denny -- if that's what it is -- is about to read is
9 admissible, because it's hearsay.

10 And I would like to be heard on it at the bench.

11 MR. DENNY: It's a prior inconsistent statement.

12 THE COURT: Let me see --

13 MR. MANZELLA: Ask that Mr. Denny's statement, that
14 it's a prior inconsistent statement, be stricken, and the jury
15 advised to disregard it.

16 THE COURT: All right. So ordered. You are advised,
17 ladies and gentlemen, to disregard Mr. Denny's statement.

18 (Whereupon, the following proceedings were had at
19 the bench among Court and counsel, outside the hearing of the
20 jury:)

21 THE COURT: Isn't this what you read before?

22 MR. DENNY: Yes, it is.

23 THE COURT: Then when do we stop?

24 MR. DENNY: Your Honor, if she gets back on the stand and
25 testifies on redirect, "I've never tried to mislead anybody," --

26 MR. MANZELLA: She didn't testify to --

27 MR. DENNY: She testified -- that's the sum and substance
28 of her testimony.

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1 MR. MANZELLA: That's a lot of crap.

2 THE COURT: Mr. -- just a moment, now, Mr. Manzella.

3 The Court understands that this is a situation
4 in which your feelings are aroused. But nevertheless, you
5 are an attorney, and you are in court, and you are before
6 this court. And any such further remark of that nature will
7 result in the Court's being very displeased with you.

8 MR. MANZELLA: I apologize to the Court for making the
9 remark.

10 THE COURT: All right.

11 MR. MANZELLA: But this witness did not testify that
12 she misled anybody.

13 THE COURT: All right. The objection will be sustained,
14 if you are going to read the same thing that you read on
15 cross. Because we will simply be going over what's been done
16 before. And you -- that's been stated and restated.

17 MR. DENNY: Well, your Honor, if she states on redirect
18 examination that she denied to anyone -- which, in sum and
19 substance, is what her testimony was -- that she never denied
20 that she's the one who mentioned Gary Hinman's name --

21 THE COURT: All right. Now, you asked her that on
22 cross --

23 MR. DENNY: And she -- and then on redirect, they've
24 tried to rehabilitate her, and she says, "I never denied it
25 to anyone."

26 Now, I can certainly knock her down again, assum-
27 ing she has been rehabilitated.

28 THE COURT: All right. The Court will let you do it,

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1 Mr. Denny.

2 MR. DENNY: Thank you.

3 MR. MANZELLA: Your Honor, I would like to be heard
4 briefly.

4a fol 5 THE COURT: All right.
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1 MR. MANZELLA: Your Honor, I'm sorry. My objection is
2 not that it's been asked and answered. My objection is that
3 it's not inconsistent. She didn't deny it in the testimony
4 that Mr. Denny is about to read.

5 MR. KAY: That's correct.

6 THE COURT: Well, I think that's true. But it is a
7 situation wherein she never admitted it. Whether it's a
8 matter of -- that she wanted to conceal, or whether it --

9 MR. KAY: Well, in --

10 THE COURT: -- whether she just wasn't asked --

11 MR. KAY: That's right. It assumes a fact not in
12 evidence, that she was even asked.

13 THE COURT: Well, it's a matter for the jury to determine
14 in connection with her credibility and her bias and motive.
15 And --

16 MR. KAY: But --

17 THE COURT: -- Mr. Denny can once again argue it, by
18 means of reading what he has already to the jury.

19 MR. KAY: But doesn't it assume a fact not in evidence,
20 though, that she was asked specifically whether -- who brought
21 it up?

22 THE COURT: No, I don't think it does, if he's going to
23 read the same passage.

24 MR. DENNY: I am.

25 MR. MANZELLA: All right.

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

28 THE COURT: All right. The Court will permit you to read

1 that again, Mr. Denny.

2 MR. DENNY: Thank you.

3 Q Reading from your testimony before the Grand Jury
4 in the case of People versus Mary Brunner, your testimony on
5 September 13th, 1971, at Page 58, starting at Line 15.

6 "Q Was there any discussion of the
7 manner of obtaining money from Gary Hinman?"

8 And again, this is relating to the Devil's
9 Canyon meeting.

10 "Was that discussed in these two conversa-
11 tions you mentioned?

12 "A Yes. First of all, it was suggested --
13 it was suggested --"

14 THE COURT: Just read --

15 MR. MANZELLA: Excuse me, your Honor. There was no
16 repetition of that phrase.

17 MR. DENNY: All right.

18 THE COURT: Yes.

19 MR. DENNY: I'll read it again.

20 "Yes. First of all, it was suggested
21 that perhaps he just be approached and might
22 willingly give his money to the Family and
23 perhaps come with us.

24 "Q Who was it, if you know, that made
25 that particular suggestion?

26 "A Well, I know Charles Manson mentioned
27 it.

28 "Q Was that at the first conversation?

1 "A Yes.

2 "Q And was that in Devil's Canyon; is that
3 right?

4 "A Yes."

5 Now, you testified that Charles Manson brought
6 up the name of Gary Hinman; isn't that right?

7 MR. MANZELLA: That's improper, your Honor. That's
8 improper. There's testimony --

9 THE WITNESS: No.

10 MR. MANZELLA: -- about the name of Gary Hinman prior
11 to that, read by Mr. Denny. And for him to suggest that
12 it's not is improper.

13 THE COURT: The objection is overruled.

14 You may answer.

15 THE WITNESS: Would you please repeat it?

16 MR. DENNY: Would you repeat the question, Mr. Williams?

17 (Whereupon, the record was read by the reporter
18 as follows:

19 "Q Now, you testified that Charles
20 Manson brought up the name of Gary Hinman; isn't
21 that right?")

22 THE WITNESS: Could you read what you read?

23 MR. DENNY: Yes, I will be glad to.

24 "Q Was there any discussion of the
25 manner of obtaining money from Gary Hinman?
26 Was that discussed in these two conversations
27 you mentioned?

28 "A Yes. First of all, it was suggested

1 "that perhaps he just be approached, and he might
2 willingly give his money to the Family, and
3 perhaps come with us.

4 "Q And who was it, if you know, that
5 made that particular suggestion?

6 "A Well, I know Charles Manson mentioned
7 it.

8 "Q Was that at the first conversation?

9 "A Yes.

10 "Q And was that in Devil's Canyon; is
11 that right?

12 "A Yes."

13 THE WITNESS: Yes, Mr. Denny. What I meant there was
14 that Charles Manson did suggest that Gary Hinman be approached
15 about the money; not that -- not meaning that Charles Manson
16 suggested Gary Hinman's name.

17 Just that there was further conversation, and
18 Charlie did say Gary Hinman could be approached about the
19 money.
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4b fol

4b-1

1 Q BY MR. DENNY: All right. Let's go back, then,
2 a little bit further in your testimony. Page 57, line 1.

3 "Q At sometime around July of 1969, was there
4 any conversation that you had or that you were present
5 at when Mr. Manson had some conversation with regard
6 to Gary Hinman?

7 "A Yes.

8 "Q And could you tell the Grand Jury what
9 that conversation was, generally?

10 "A Yes. We were in Devil's Canyon, and there
11 was some talk about raising money so that we could go
12 to the desert. Gary Hinman was mentioned as someone
13 who possibly had some money, and there was a discussion
14 relating to that.

15 "Q Was that discussion relating to the
16 legitimate or illegitimate of obtaining -- legitimate
17 obtaining of money from Mr. Hinman?

18 "A Yes, it was."

19 Do you remember that?

20 A Yes.

21 Q And it was discussing both the legitimate and
22 the illegitimate means of getting money from Mr. Hinman;
23 is that right?

24 A Well, the legitimate part of getting the money
25 from Gary Hinman was mentioned shortly after his name was
26 suggested, but --

27 Q And you told --

28 A -- as far as obtaining money illegitimately, money

4b-2

1 from him, it wasn't at that same conversation. It wasn't
2 until after Terry Melcher -- after other people were mentioned
3 that there was any talk about using any illegitimate means
4 of obtaining the money.

5 Q In that very discussion, though, isn't that
6 correct?

7 A Not in regard to Gary Hinman.

8 Q Well, when you testified before the Grand Jury,
9 that both legitimate and illegitimate means of getting money
10 from Gary Hinman were used, --

11 A After other people were suggested.

12 Q -- were you lying to the Grand Jury when you so
13 testified, --

14 A No, no.

15 Q -- that there were legitimate and illegitimate
16 means of obtaining money from Mr. Hinman that were discussed?

17 A No.

18 Q Well, you did so testify, didn't you?

19 A But it was later. It wasn't at the same time
20 that his name was mentioned. It was later on.

21 Q All right, ma'am. And you did try to mislead the
22 jury in the Manson case by not saying that you had suggested
23 the name, until forced to by the Court; isn't that right?

24 A No, I didn't try to mislead them.

25 Q All right. Just a moment.

26 THE COURT: Counsel here in the case of People vs.
27 Cotton?

28 (Proceedings had on unrelated matter.)

4b-3

1 THE COURT: Ladies and gentlemen, the Court will grant
2 you a recess now. During the recess, you are obliged not to
3 converse amongst yourselves nor with anyone else, nor permit
4 anyone else to converse with you on any subject connected
5 with the matter, nor to form or express an opinion on the
6 matter until it is finally submitted to you.

7 We'll take about a ten, fifteen-minute recess.

8 (Proceedings had on an unrelated matter.)

9 (Mid-morning recess.)

5 fls.

5-1

1 THE COURT: All right, the record will show that the
2 jurors are all present. The defendant is present. All
3 counsel are present. You may proceed.

4 Q BY MR. DENNY: Miss Bailey, when we took the
5 recess I had just asked you the question:

6 "And you didn't try to mislead the jury
7 in the Manson case by not stating that you had mentioned
8 Gary Hinman's name until you were forced to by the
9 Court, is that right?"

10 And you said, "No, I didn't try to mislead them."

11 Do you remember that?

12 A Yes.

13 Q Now, you did testify there in response to what
14 was said about Gary Hinman, it was believed that Gary Hinman
15 was the owner of a house, et cetera, when you were asked
16 concerning conversation about Gary Hinman. It was stated that
17 he owned his house; do you remember that?

18 A Yes.

19 Q Now, was that specifically carefully chosen
20 phraseology on your part?

21 A No.

22 Q Until the Court finally stated, "Now, who stated
23 that?"

24 And you said, "Myself."

25 Is that right? Do you remember that in the Manson
26 case?

27 A Yes, I remember stating I stated it.

28 Q After the Court stated who stated it, is that

5-2

1 right?

2 A Yes, in response to the question I answered I did.

3 Q And you have been asked the question two times
4 before in that case?

5 A No.

6 Q What was the conversation about Gary Hinman, is
7 that right?

8 A Yeah, about the conversation.

9 Q And you specifically attempted to mislead that
10 jury that you were not the one who suggested Gary Hinman's
11 name, is that right?

12 A No, I did not try to mislead them.

13 Q All right. Now, several times on your redirect
14 Mr. Manzella asked you about certain conversations that you
15 had with Sergeant Whiteley in May of 1970 and September of
16 1970; do you recall that?

17 A Yes.

18 Q And you said yes, that you had had certain conver-
19 sations with him in September of 1970; do you recall that?

20 A Yes.

21 Q And that was September what?

22 A I don't remember.

23 Q You don't remember?

24 A Not the date.

25 Q Would it refresh your recollection to hear the
26 date?

27 A Yes, it might.

28 Q As, for instance, on 3589, question by Mr. Manzella:

1 "The conversation at the Devil's Canyon
2 campsite, did that conversation -- strike that.

3 "And did you tell Sergeant Whiteley about
4 that on September 23, 1970?

5 "A Yes."

6 Do you recall that?

7 A Yes.

8 Q Well, do you recall that it was September 23?

9 A I really don't remember about the date.

10 Q You were just answering yes because Mr. Manzella
11 suggested that is the date; is that right?

12 MR. MANZELLA: Argumentative.

13 THE COURT: Sustained.

14 Q BY MR. DENNY: Well, where did you get that date?

15 MR. MANZELLA: Objection, it is irrelevant.

16 Q BY MR. DENNY: Or was that the date?

17 MR. MANZELLA: Objection, it is irrelevant.

18 THE COURT: Sustained.

19 Q BY MR. DENNY: Well, ma'am, I asked you a lot
20 of questions on cross-examination pertaining to notes of the
21 conversation, which notes I assumed were made May 15 and 16.
22 And I questioned you about did this -- was this said on
23 May 15 and May 16th?

24 Do you remember all those questions I asked you?

25 MR. MANZELLA: Objection.

26 THE WITNESS: Yes.

27 MR. DENNY: All right.

28 MR. MANZELLA: I'll withdraw the objection.

1 Q BY MR. DENNY: Now, ma'am, some of the things you
2 said yes, you had said, and some you said no, you were mis-
3 quoted; do you remember that?

4 A Yes.

5 Q But of those things that I asked you that you said
6 you had said, did you say them on May 15 or 16, 1970, when I
7 questioned you about those conversations; is that right?

8 MR. MANZELLA: Objection, that's vague and ambiguous,
9 "those things you said I had said," your Honor.

10 THE COURT: Sustained.

11 MR. DENNY: Well, maybe I misphrased myself.

12 THE COURT: The objection is sustained.

13 Q BY MR. DENNY: When you answered, Miss Bailey,
14 to my questions about discussions related in notes, and you
15 answered, "Well, I did say this, I did say this, I did say
16 this," in the conversation of May 15, and May 16; that was
17 true that you did say those things, is that right?

18 MR. MANZELLA: Objection, your Honor, the question is
19 vague and ambiguous.

20 THE COURT: Sustained.

21 Q BY MR. DENNY: Well, do you remember what you
22 said on May 15, 16, and what you said on September 23?

23 A I can't say that I remember every bit of the
24 conversation on all three of those dates.

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5a fls.

5a-1

1 Q Well, did you tell Mr. Whiteley essentially the
2 same thing on all of those dates about your connection with
3 the Hinman case?

4 MR. MANZELLA: Objection, it is vague and ambiguous,
5 "essentially the same thing."

6 THE COURT: Sustained.

7 Q BY MR. DENNY: Well, did you go over the same
8 material each time with Mr. Whiteley?

9 MR. MANZELLA: Same objection on the same grounds, your
10 Honor.

11 THE COURT: Sustained.

12 Q BY MR. DENNY: Well, can I ask you, then, what
13 you told -- I'll strike that. That will get us into years
14 of testimony.

15 Do you remember what you told him on May 15 or 16
16 or don't you?

17 A In part I do. I can't say I remember the whole
18 conversation of those dates.

19 Q Because you didn't take any notes?

20 THE COURT: I think that's been established.

21 Q BY MR. DENNY: And do you remember what you told
22 him on September 23, 1970?

23 A In part.

24 Q Well, the parts that you remember of May 15, 16
25 and September 23rd conversations, were they the same?

26 MR. MANZELLA: Objection, it is vague and ambiguous.
27 Calls for a conclusion on the part of the witness.

28 THE COURT: Sustained. The objection is sustained.

5a-2

1 Q BY MR. DENNY: Well, did you change on September
2 23, when you talked to him, did you change anything that you
3 told him on May 15 or 16, that you remember?

4 MR. MANZELLA: Objection, that calls for a conclusion on
5 the part of the witness. It is vague and ambiguous.

6 THE COURT: Sustained.

7 Q BY MR. DENNY: Well, did you state any new material
8 on September 23 that you hadn't told him on May 15, 16 about
9 your connection with the Hinman case?

10 MR. MANZELLA: Same objection, your Honor.

11 THE COURT: The objection is sustained.

12 MR. DENNY: Well, your Honor, I don't think there is
13 anything vague and ambiguous about any new material, if she
14 knows what she told him on the first date.

15 THE COURT: The objection is sustained.

16 Q BY MR. DENNY: Truth of the matter is, you can't
17 remember what you told him from one time to the other, isn't
18 that right?

19 A Not completely, no. That's not completely true.
20 It is true that I can't remember the total of all three of
21 those conversations.

22 Q All right. Let me direct your attention to just
23 one question and answer here that Mr. Manzella asked and you
24 gave.

25 Page 3609, question by Mr. Manzella.

26 "Miss Bailey, in September, 1970, did
27 you tell Sergeant Whiteley that in substance
28 that with regard to that Friday evening, July

5a-3

1 "25, 1969, that they took a German automatic
2 belonging to Bruce which had been kept in the
3 gun room, that you didn't see him leave with it,
4 but you knew that Bruce took the gun?"

5 "A Yes."

6 Do you recall that?

7 A No, I really don't.

8 Q Because you didn't tell Sergeant Whiteley that
9 you didn't see him leave with it but you knew that Bruce took
10 the gun, is that right?

11 A I'm sorry, I don't understand your question.

12 MR. DENNY: Well, may I approach the witness a moment,
13 your Honor?

14 THE COURT: Yes, you may.

15 Q BY MR. DENNY: Let me put the question right in
16 front of you so there will be no problem with your under-
17 standing.

18 Between the two red marks here that I've got.

19 A (Witness reading.)

20 Q You've read that?

21 A Yes.

22 Q All right. Now, the question was: "In
23 September, 1970, did you tell Sergeant Whiteley that in
24 substance that with regard to that Friday evening, July 25,
25 1969, that they took a German automatic belonging to Bruce
26 which had been kept in the gun room. That you didn't see him
27 leave with it but you know that Bruce took the gun"; is that
28 what you told Sergeant Whiteley?

5a-4

1 A In substance, yes. But it is not completely
2 correct.

3 Q Well, what is correct is that you didn't see Bruce
4 leave with the gun, isn't that right?

5 A Yes, that's correct.

6 Q You didn't see anybody leave with the gun, isn't
7 that right?

8 A I didn't see -- I saw -- the only thing I saw
9 about the gun was when they were standing there and Bruce was
10 holding it. I didn't see him leave the ranch with a gun.

11 Q You didn't see Bobby leave the ranch with a gun?

12 A No.

13 Q All right. Now, you remember Mr. Manzella also
14 yesterday on redirect asking you a lot of questions whether
15 Sergeant Whiteley or any prosecuting officers had talked to
16 you about this, that is, any phases of the case: The beads,
17 et cetera?

18 A Yes.

19 Q All right. But it was kind of a general topic
20 of conversation around the ranch, you said, during that week-
21 end, about what was going on, is that right?

22 A Yes.

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Q And you heard specifically from Sadie, and Mary, and Bobby what had happened up at the house, is that right?

A Charlie and Bruce, also.

MR. DENNY: I move that the last be stricken as not responsive to the question.

THE COURT: All right, the Court will strike that. The Court strikes the last answer.

Q BY MR. DENNY: Without volunteering, Miss Bailey, the question is simply did you hear from Sadie, and Mary, and Bobby --

A Yes.

Q -- about what had gone on up at the house?

A Yes.

Q And each one described to you what had gone on up there, is that right?

A Yes, in part.

Q And did you hear from Sadie, and Mary, and Bobby how they left Gary's body?

MR. MANZELLA: Objection, it calls for hearsay.

MR. DENNY: It is not offered for the truth of the matter asserted.

THE COURT: Yes, it is not offered for the truth of the matter, but, ladies and gentlemen, as to whether or not it was said.

MR. MANZELLA: Your Honor, I would like to inquire of the Court, however, something. Shall we approach the bench or can I inquire here?

THE COURT: Yes, you may.

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

4 MR. MANZELLA: Your Honor, I wanted to ask the Court
5 if we did not offer the statements for the truth of the
6 matter, would we be able to bring out from the witness what
7 Manson told her and what -- well, for example, what Manson
8 told her, the way Mr. Denny is doing it for Beausoleil,
9 Brunner and Atkins?

10 THE COURT: The question is how she got the information,
11 so Mr. Denny is attempting to elicit that she had reports
12 during the time that she was back at Spahn Ranch.

13 MR. MANZELLA: I understand that. I understand that.

14 THE COURT: So I think it is admissible in view of what
15 was brought out on redirect by the People.

16 MR. MANZELLA: Right, I understand that.

17 My question is: Would we be allowed to bring out
18 what Manson said about it, if it is not being offered for the
19 truth of the matter?

20 MR. DENNY: What would it be offered for?

21 MR. MANZELLA: For the same purpose you are offering
22 this testimony. That's why I objected. If we are not allowed
23 to bring it out from Manson, I wanted to make my objection
24 on the grounds of hearsay. If we are allowed to bring it
25 out, I'll withdraw the objection. But I don't think it should
26 be limited, you know, to Beausoleil, Brunner and Atkins.

27 THE COURT: It might very well open the whole --

28 MR. MANZELLA: You see, that's the problem.

1 THE COURT: -- the whole prospect as to what she did
2 here in order to determine what her knowledge was of what the
3 occurrences were at the ranch.

4 MR. MANZELLA: That's the only reason for my objection,
5 because I wanted to clarify it right now.

6 THE COURT: I think, nevertheless, Mr. Denny has a
7 right to ask it, and I'll rule on the other question when we
8 come to it.

9 MR. KAY: We would like to go into the statements of
10 what she did here.

11 MR. MANZELLA: He knows that.

12 THE COURT: All right.

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

16 THE COURT: Go ahead, Mr. Denny. The objection is
17 overruled.

18 MR. MANZELLA: No.

19 THE COURT: No, that's right, there was no objection.

20 MR. DENNY: I thought there was.

21 THE COURT: This testimony is elicited from the
22 witness not to establish the truth of what was said, but
23 whether or not, in fact, there was a conversation.

24 Is that correct, Mr. Denny?

25 MR. DENNY: Yes, your Honor.

26 Q BY MR. DENNY: You've stated, then, that each
27 one described to you how the body was discovered?

28 MR. MANZELLA: That calls for conclusion.

1 Q BY MR. DENNY: They didn't do that, did they?

2 MR. MANZELLA: That calls for a conclusion on the part
3 of the witness, how the body was discovered.

4 THE COURT: Well, that's vague and indefinite.

5 Q BY MR. DENNY: Well, they didn't -- let me with-
6 draw the question.

7 THE COURT: All right.

8 Q BY MR. DENNY: They didn't tell you how the body
9 was discovered when the body was discovered, did they?

10 A They couldn't tell me how the body was discovered?

11 Q No, they couldn't, could they.

12 Someone told you the condition of that body when
13 it was discovered, though, didn't they?

14 A Well, I'm not sure I understand what you are
15 asking me.

16 If you are asking me if I knew what condition
17 Gary Hinman was in, if they told me that, or what position
18 he was in -- I'm not sure I understand you.

19 MR. DENNY: Miss Briandi, could you read the question,
20 please?

21 May I have her reread the question I asked?

22 THE COURT: You needn't do that. I think the response
23 was -- I think the answer was responsive. You may rephrase
24 your question.

5c fls.

5c-1

1 Q BY MR. DENNY: All right, ma'am.

2 Somebody told you about the condition of the body
3 when the police discovered it, isn't that right?

4 A I don't see how I can answer that. Mary and Sadie
5 told me that --

6 Q Just a moment.

7 I'm going to move anything after, "I don't know how
8 I can answer that," as not responsive to the question.

9 THE WITNESS: Okay.

10 THE COURT: That is stricken.

11 Q BY MR. DENNY: Is it a fact that someone in law
12 enforcement told you about the condition of the body when it
13 was discovered by law enforcement agencies?

14 A No.

15 Q So you don't know the condition of the body when it
16 was actually discovered by law enforcement agencies, is that
17 right?

18 A Well, again, I don't understand what you mean by
19 "the condition of the body."

20 Q All right. You weren't there when the body was
21 discovered by law enforcement agencies on July 31, 1969, were
22 you?

23 A No.

24 Q And you don't know whether it had, at that time,
25 anything next to it, is that right?

26 A That's right.

27 Q Because you weren't there, were you, when it
28 was discovered?

5c-2

1 A No, I was not.

2 Q And so as far as the condition of the body when it
3 was discovered, you don't know anything about that, do you?
4 Of your own knowledge, of your own personal knowledge?

5 A No.

6 Q But you've had some hearsay about it, about the
7 condition of the body, when it was discovered?

8 A Yes.

9 Q And someone from the police has told you about that,
10 is that right?

11 A No, I mean from members of the Family.

12 Q But they weren't there when it was discovered, were
13 they?

14 A No.

15 Q Police were, weren't they, to your knowledge?

16 A I guess so, yes.

17 Q Well, you've been told that, haven't you?

18 A That police discovered the body, yes, I've been
19 told that.

20 Q Who told you that?

21 A Sergeant Whiteley, I suppose.

22 Q All right. And going to Page 3614, Line 14.

23 "Q Has Sergeant Whiteley or any other
24 law enforcement officer told you that a -- when
25 the body was discovered, a blanket was covering
26 the body up to the neck?

27 "A No."

28 Right?

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A Right.

Q Was a blanket covering the body up to the neck?

A I don't know.

Q Had somebody told you that?

A No.

Q Were there prayer beads by the body?

A I don't know.

Q Sergeant Whiteley had told you that, hadn't he?

A No.

MR. DENNY: I have no further questions, your Honor.

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1 MR. MANZELLA: I just have a few questions, your Honor.
2 I would like to open direct for one question with regard to
3 People's 19, if I may.

4 THE COURT: All right. You may.

5 People's 19 is -- what is that?

6 MR. MANZELLA: That's the mannequin, your Honor.

7 THE COURT: All right.
8

9 FURTHER DIRECT EXAMINATION

10 BY MR. MANZELLA:

11 Q Miss Bailey, have you had the opportunity to view
12 the mannequin which is People's 19?

13 A Yes, I saw it here in court one day.

14 Q Can you tell us, does that mannequin substantially
15 -- well, strike that.

16 Can you tell us whether the size and shape of the
17 torso of the mannequin -- that is, the torso and the head on
18 the mannequin -- is substantially similar to the size and shape
19 of the torso and head of Gary Hinman in life, as you knew him?

20 A Yes, it was.

21 Q Was he either much thinner or much heavier than is
22 shown by the mannequin?

23 A No.
24

25 REDIRECT EXAMINATION

26 BY MR. MANZELLA:

27 Q Now, on the evening at the camp site in Devil's
28 Canyon, the week before Mr. Hinman was killed -- or the week

1 earlier, earlier in the week that Mr. Hinman was killed, was
2 there -- when you brought up the name of Gary Hinman, was there
3 on that evening a discussion by anyone present of what would be
4 done to Mr. Hinman, specifically, or anyone else, if Mr. Hinman
5 or any other person did not come with the Family and bring
6 their money to the Family?

7 A Uh -- not in regard to Mr. Hinman. It wasn't
8 until after Terry Melcher's name was mentioned that there was
9 any talk about how they would try to get the money, or what
10 they would do with the person --

11 Q All right.

12 A -- if they didn't bring the money or didn't come.

13 Q Now, after the first conversation at the camp site
14 in Devil's Canyon, earlier that week, did the Family continue
15 to remain at Devil's Canyon for a few days thereafter, before
16 they returned to Spahn Ranch?

17 A Yes.

18 Q During those few days, while the Family was at
19 Devil's Canyon and before the Family returned to Spahn Ranch,
20 were there further conversations at which you were present
21 about bringing money to the Family?

22 A Yes.

23 Q Now, in those conversations, was anything said --
24 said about how the money would be brought to the Family, if
25 these people refused to come to the Family?

26 MR. DENNY: I will object to that as calling for hearsay,
27 your Honor. There's no time, place or persons present.

28 MR. MANZELLA: All right. I'll withdraw the question.

1 Q Did Mr. Manson, Charles Manson, say anything about
2 these people that had been mentioned during the prior conversa-
3 tion about which you've already testified?

4 A Yes, sir.

5 MR. DENNY: Objected to as calling for hearsay, and ask
6 that the answer be stricken.

7 THE COURT: The answer is stricken. The objection is
8 sustained.

9 Q BY MR. MANZELLA: Now, during these latter
10 conversations in Devil's Canyon, before the Family returned
11 to Spahn Ranch, was there any specific reference to what would
12 be done to Gary Hinman if he refused to return -- or, strike
13 that.

14 (Continuing) -- if he refused to come with the
15 Family and bring his money with the Family?

16 A No.

17 MR. DENNY: Just a moment. I'll object to that as
18 calling for hearsay.

19 MR. MANZELLA: It's the same -- it's a continuation of
20 the same conversation about which we have been talking, your
21 Honor; that is, the conversations in Devil's Canyon.

22 MR. DENNY: Well, I'd object to that statement as
23 testifying by Mr. Manzella, --

24 THE COURT: Yes.

25 MR. DENNY: -- and I would move that that be stricken.

26 MR. MANZELLA: That's my offer of proof, your Honor.

27 THE COURT: Mr. Manzella's statement is stricken.

28 Well, without further foundation in that regard, the

1 Court would sustain the objection.

2 MR. MANZELLA: All right.

3 Q Miss Bailey, in these conversations during the
4 following days while the Family was still at Devil's Canyon,
5 but before they returned to Spahn Ranch, did Charles Manson
6 speak to the members of the Family at the camp site?

7 A Yes.

8 Q And do you recall whether this was on one
9 occasion or more than one occasion? Was it on several
10 occasions, after that first conversation about which you've
11 already testified?

12 A Yes. There were a lot of conversations in Devil's
13 Canyon.

6a fol

6a-1

1 Q Now, do you recall the people who were present at
2 these later conversations?

3 A No. It would vary at different times of the day.

4 Q All right. Were there any conversations in the
5 evening? That is, at about the same time that you had had
6 that conversation -- had that first conversation?

7 A I really don't recall.

8 Q Was there any conversation in which substantially
9 the same people -- that is, the same people that were present
10 at the first conversation -- were present at a later conver-
11 sation? In other words, when the -- when almost the whole
12 Family was present at a conversation?

13 A No, not that I recall.

14 Q Now, Miss Bailey --

15 MR. MANZELLA: Your Honor, this is offered for Miss
16 Bailey's state of mind, and I would like to argue it to the
17 Court, if I may. In other words, it's being offered for the
18 same reason that it was offered on cross-examination.

19 THE COURT: All right. You may approach the bench.

20 Ladies and gentlemen, we'll recess until 2:00
21 o'clock.

22 During the recess, you are obliged not to
23 converse amongst yourselves nor with anyone else, nor permit
24 anyone to converse with you on any subject connected with the
25 matter, nor to form or express any opinion on it until it is
26 finally submitted to you.

27 I will see you all at 2:00 o'clock.

28 (Whereupon, the members of the jury exited the

6a-2

1 courtroom, and the following proceedings were had:)

2 MR. MANZELLA: Your Honor, may the record reflect the
3 jurors have left the courtroom?

4 THE COURT: Yes.

5 MR. MANZELLA: Your Honor, my purpose in offering this
6 testimony is to show that Miss Bailey has testified to explain
7 certain -- what appears to be a contradiction in her testimony.

8 Miss Bailey has testified that when Charles Manson
9 asked her to go to Hinman's house on Friday, July 25th, she
10 said she didn't go; and the reason was because she thought
11 Hinman would be killed if he didn't come with the Family.

12 Now, she has testified, in the first conversation,
13 at Devil's Canyon -- which is earlier that same week -- that
14 when Gary -- when she mentioned Gary Hinman's name, nothing
15 was said at that time about killing or murdering.

16 Now, Mr. Denny has attacked her on that point and
17 said, "Well, didn't you know, when Gary Hinman's name was
18 brought up -- wasn't it discussed that Gary Hinman was going
19 to be killed?"

20 Now, Mr. Denny has brought that out, you know, and
21 gone over and over that on cross-examination.

22 Now, my offer of proof is that I believe she
23 would testify that killing -- when she brought up Gary
24 Hinman's name, there was no discussion of killing or murdering
25 Gary Hinman, but that later on that week, while they were
26 still at the Devil's Canyon -- in other words, during the
27 following few days, before they moved back to the Spahn
28 Ranch -- that Charles Manson talked about people that would

6a-3

1 come with the Family; and if they wouldn't come with the
2 Family, that they would kidnap them, kidnap them or kill
3 them.

4 THE COURT: Well, that seems to be clearly in the
5 record. It's been so stated, I think mostly on cross,
6 two or three times.

7 Don't you believe it's --

8 MR. MANZELLA: Well, I don't think it's been stated
9 that clearly, because I didn't understand it myself until
10 this morning.

11 THE COURT: I have gotten it from --

12 MR. DENNY: Well, your Honor --

13 THE COURT: -- from her testimony yesterday and today,
14 that there was later conversation, after the campfire conversa-
15 tion that has been referred to, in which -- and after Melcher's
16 name was mentioned, in which Manson stated that if the property
17 couldn't be procured from him peaceably, that he should be
18 killed.

19 MR. MANZELLA: I didn't recall her --

20 THE COURT: I think it's clear.

21 MR. DENNY: Your Honor, I don't think it's clear. If
22 Mr. Manzella wants to go into it, he can attempt to go into
23 it with the Court's permission, because I am not going to
24 object, if she's going to testify that between the time of the
25 conference in Devil's Canyon that the name was first brought
26 up, and the time that she says Manson approached her and
27 asked her to go to Gary Hinman, there was further conversation--

28 THE COURT: There were a few days.

1 MR. DENNY: -- about Hinman.

2 THE COURT: There were a few days intervening between
3 that, she stated.

4 MR. MANZELLA: Right.

5 MR. DENNY: Right. And if she's going to testify now
6 that there was further conversation about Gary Hinman at that
7 time, in her presence, about going out and killing him, I'm
8 not going to object to that.

9 MR. MANZELLA: No, she is not going to testify to that.
10 That's not what I said to the Court.

11 My offer of proof is that she would testify that
12 there was no reference to anyone -- that there was no
13 reference that they would kidnap or kill anyone specifically.

14 In other words, what Manson said was that anybody
15 who didn't come with the Family, they'd kidnap them or kill
16 them.

17 And if she didn't know that they had picked Gary
18 Hinman until that Friday, when Manson came up to her, when
19 she was with Bill Vance, and said, "I want you to go with
20 Bobby to Gary's house."
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6b fls.

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1 And this is the first time she knew that they --
2 that Manson and the others planned to get Hinman.

3 THE COURT: Well, there's no doubt about there having
4 been a conversation around the campfire --

5 MR. MANZELLA: Right.

6 THE COURT: -- about Gary Hinman, wherein she suggested
7 Gary Hinman's -- Hinman as a source of funds or property.

8 She has further stated that at a later time, while
9 there was no -- let's go back.

10 There was no conversation, as I see the record,
11 about the possibility of killing Gary Hinman at that time.
12 But later, Charles Manson did mention that he would be killed
13 in the event the property could not be procured.

14 And I think the record is abundantly clear on
15 that. Isn't that true?

16 MR. KAY: I don't think so.

17 THE COURT: You may look at even this morning's --

18 MR. MANZELLA: I don't think so.

19 THE COURT: I think even this morning, the transcript
20 would show that. Take a look at it over the noon hour. And I
21 don't think it's -- it's necessary to burden the --

22 MR. MANZELLA: Well, that was the last --

23 THE COURT: -- record with anything further.

24 Now, as to whether or not she knew that Gary
25 Hinman had been chosen, of course, that's a matter -- you can
26 ask her that: Whether, at the time of the confrontation of
27 Manson and Vance, she knew what was to occur. You may ask her
28 that.

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1 But I think that what the record reflects at this
2 time is that she believed that the Family was going to go to
3 Gary Hinman's house; she believed that it was -- there was
4 a possibility of a killing, but she didn't think it would
5 happen because Gary Hinman, she anticipated, would accede to
6 the wishes of the men who were going.

7 She didn't want to go because of the possibility
8 of some violence.

9 MR. MANZELLA: Yes. What I wanted to --

10 THE COURT: I can't see that your opening the subject
11 would in any way contribute to --

12 MR. MANZELLA: Yeah. See, I didn't realize -- I
13 didn't think it was clear --

14 THE COURT: Well, read it.

15 MR. MANZELLA: -- as to why she believed that.

16 THE COURT: And if you don't agree with the Court, you
17 may renew your motion.

18 But it seems to me it's already been cleared up.

19 MR. MANZELLA: All right. Thank you.

20 THE COURT: We are in recess until 2:00 o'clock.

21 MR. KAY: 2:00 o'clock?

22 THE COURT: 2:00 o'clock.

23 (Whereupon, at 12:07 P. M., an adjournment was
24 taken in this matter until 2:00 o'clock P. M. of the same
25 day.)
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1 LOS ANGELES, CALIFORNIA, TUESDAY, JANUARY 18, 1972, 2:07 P. M.

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THE COURT: The jurors are all in place. All counsel are present. The defendant is present. Miss Bailey is on the stand.

ELLA JO BAILEY,
called as a witness by and on behalf of the People, having been previously duly sworn, resumed the stand and testified further as follows:

REDIRECT EXAMINATION (Continued)

BY MR. MANZELLA:

Q Miss Bailey, I just have about five questions, five more questions to ask you.

During your examination by Mr. Denny he read a portion of your testimony before the Grand Jury. And I wanted to read that to you now and direct your attention to it and ask you some questions about it.

I'm quoting from your testimony as it was read to you by Mr. Denny.

"Q Was there any discussion of the manner of obtaining money from Gary Hinman? Was that discussed in these two conversations that you mentioned?

"A Yes. First of all, it was suggested that perhaps he just be approached and he might willingly give his money to the Family and

1 "perhaps come with it."

2 MR. DENNY: "With us."

3 MR. MANZELLA: I'm reading it as Mr. Denny read it to
4 you, and it says "Perhaps come with it."

5 "Q Who was it, if you know, who made that
6 particular suggestion?

7 "A Well, I know Charles Manson mentioned
8 it.

9 "Q Was that at the first conversation?
10 The first conversation?

11 "A Yes.

12 "Q And was that in Devil's Canyon; is that
13 right?

14 "A Yes.

15 "Q Was that after his name had been first
16 brought up as a person who had money?

17 "A Yes.

18 "Q Was there some subsequent conversation
19 about getting money from him in some other way?

20 "A Yes.

21 "Q Was that conversation strictly about
22 Mr. Hinman or were there other names mentioned?

23 "A There were other names mentioned.

24 "Q You told us about a continuation of
25 some other conversation?

26 "A Yes.

27 "Q Was this still in Devil's Canyon?

28 "A Yes."

1 That's the end of the portion that I am quoting.

2 Now, I want to ask you, what did you mean by
3 "subsequent conversation"?

4 A That after that first night when I mentioned Gary
5 Hinman's name, there were a few days before we went back to the
6 ranch, and there was further discussion on those following days
7 as to how, uh -- how it would be handled if he didn't willingly
8 come with the Family. How anyone, with no specific name
9 mentioned.

10 Q And were these statements made by Mr. Manson?

11 A Yes.

12 Q During the subsequent conversations?

13 A Yes.

14 Q Was it during the subsequent conversations that
15 killing and kidnaping was mentioned by Mr. Manson?

16 A Yes.

17 Q Was any specific -- strike that.

18 Did Mr. Manson say that any specific person would
19 be killed or kidnaped at the subsequent conversations?

20 A No.

21 Q Now, when did you first become aware in your own
22 mind that Mr. Hinman was the person that Mr. Manson wanted to
23 get money from?

24 A Not until Friday the 25th of July.

25 Q Was that at a conversation that you have already
26 told us about?

27 A Yes, when Charles Manson came down, when I was with
28 Bill Vance at the dump area.

1 Q All right, Miss Bailey, in answer, I believe, to
2 one of Mr. Denny's questions, and I believe this is about the
3 last question I have for you.

4 In answer to one of Mr. Denny's questions you said
5 something about your eyesight and how it -- and the condition
6 of your eyes today as compared to July of 1969.

7 I wanted to ask you, how do you know about the
8 condition of your eyes now as compared to then?

9 A Well, it was recently that I had an eye test and
10 got the lenses that I have in these things now.

11 Q All right. And as of July, 1969, when was the last
12 time that you had had an eye test prior to July of 1969?

13 A At least two years prior.

14 Q Well, do you know what the condition of your eyes
15 were on July of 1969?

16 A No.

17 Q Then, are you able to tell us, then, what the --
18 how the condition of your eyes now compares with July of 1969?

19 A Only that it's improved some.

20 MR. DENNY: I didn't hear that last. Would you read it,
21 please?

22 (Whereupon, the record was read by the reporter
23 as follows:

24 "A Only that it's improved some.")

25 MR. DENNY: No, the question and the answer, please.

26 (Whereupon, the record was read by the reporter
27 as follows:

28 "Q Then, are you able to tell us, then,

1 "what the -- how the condition of your eyes now
2 compares with July of 1969?

3 "A Only that it's improved some.")

4 Q BY MR. MANZELLA: Are you referring to with
5 glasses?

6 A Yes.

7 Q Now, when you remove your glasses and do not use
8 them, in other words, see without your glasses for some period
9 of time, the longer that you do that, do you begin to see
10 things more clearly without your glasses?

11 MR. DENNY: Object to that as leading and suggestive.

12 THE COURT: Sustained on that ground.

13 Q BY MR. MANZELLA: Does your ability to see things
14 more clearly improve after you've removed your glasses and seeing
15 without your glasses for some period of time?

16 MR. DENNY: Object to that as leading and suggestive.

17 THE COURT: That is suggestive, sustained.

18 Q BY MR. MANZELLA: Does the condition of your ability
19 to see things clearly change after you've been seeing without
20 your glasses for some period of time?

21 A Yes.

22 Q And as of July, 1969, how long had you been seeing
23 without your glasses, without using your glasses?

24 A About a year and ten months.

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

26 THE COURT: You may have.

27 (Whereupon, there was a pause in the proceedings
28 while Mr. Manzella conferred with Mr. Kay at the counsel table.)

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(Proceedings had on an unrelated matter.)

Q BY MR. MANZELLA: All right. Miss Bailey, one other question.

At the subsequent conversations in Devil's Canyon, when Mr. Manson spoke about kidnapping and then killing, did you speak at those conversations?

A Did I speak?

Q Yes. Did you enter into those conversations?

A No.

MR. MANZELLA: All right. Thank you, Miss Bailey.

I have no further questions, your Honor.

THE COURT: Cross?

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

THE COURT: Yes, you may.

(Pause in the proceedings.)

RECROSS EXAMINATION

BY MR. DENNY:

Q All right. Miss Brunner -- I'm sorry; Miss Bailey. I was just reading Miss Brunner's name in here.

Going to the Brunner Grand Jury hearing, isn't it a fact that at that hearing, you testified that there were only two conversations -- only two conversations in which Gary Hinman's name was brought up in your presence by Mr. Manson?

A I don't remember.

Q Well, isn't it a fact that you testified that there were just the conversations in the Devil's campground --

8-2

1 the Devil's Canyon campground area, earlier in the week, and
2 then the second conversation in which you say Mr. Manson
3 spoke to you about going to Gary Hinman's in the presence of
4 Mr. Vance?

5 A That wasn't at Devil's Canyon.

6 Q No, at the dump area, as you have testified in
7 this case.

8 A I didn't mean to say that.

9 Q Well, I'm not asking you whether you meant to.
10 I am asking if that's what you did say.

11 A I don't remember.

12 Q Well, let me direct your attention to your
13 testimony -- and unfortunately, this is going to be a little
14 bit long -- starting at page 57. Page 57. Line 1.

15 "Q At some time around July of 1969,
16 was there any conversation that you had or that
17 you were present at when Mr. Manson had some
18 conversation with regard to Gary Hinman?

19 "A Yes.

20 "Q And could you tell the Grand Jury what
21 that conversation was, generally?

22 "A We were in Devil's Canyon, and there
23 was some talk about raising money so that we could
24 go to the desert. Gary Hinman was mentioned as
25 someone who possibly had some money, and there was
26 a discussion relating to that.

27 "Q Was that discussion relating to the
28 legitimate or illegitimate obtaining of money

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1 "from Mr. Hinman?

2 "A Yes, it was.

3 "Q Now, with relation to Mr. Hinman, did
4 you have any particular discussion or did you hear
5 any particular discussion regarding him?

6 "A Yes. Later on, Charles Manson came up
7 to me and asked me to go to Mr. Hinman's house.

8 "Q So that we have some point in time,
9 when was the original mention of the name Hinman
10 made?

11 "A It was within a week of the time when
12 Mr. Hinman was killed.

13 "Q This, of course, would be prior to his
14 death?

15 "A Yes.

16 "Q Do you recall where the conversation had
17 taken place?

18 "A One took place at Devil's Canyon at the
19 campsite; and the other was at the Spahn Ranch."

20 And then it goes on to locate where the Devil's
21 Canyon is.

22 Do you remember that testimony?

23 A Yes.

24 Q Was that true?

25 A Yes, in regard to specific mention of Gary
26 Hinman.

27 Now, the conversations on the other days, Gary
28 Hinman's name wasn't mentioned.

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1 In regard to kidnapping and killing, there wasn't
2 a specific name mentioned during those other conversations.

3 Q Well, you've just told us that the testimony I
4 have read is true; is that right?

5 A I can't even remember what you just read. I'm
6 sorry.

7 Q You can't remember the testimony I just read?
8 The testimony you gave before this Grand Jury under oath --
9 that is, the Grand Jury of the County of Los Angeles under
10 oath on September 13th, 1971?

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11 A No, I can't remember all of what you just read.
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1 Q Well, but what you testified there was true,
2 wasn't that right?

3 A Yes, that there were two conversations concerning
4 Gary Hinman.

5 Q And everything else that I read here, that you
6 testified to, that's true, isn't it?

7 A I can't remember all that you just read. I'm
8 sorry.

9 Q Well, everything that you testified before the
10 Grand Jury was true, wasn't it?

11 A Yes, to the best of my knowledge it is.

12 Q Well, you didn't lie before the Grand Jury, did
13 you?

14 A No, I don't think so.

15 Q So that when this question was asked and this
16 answer was given, that was true?

17 "We were in Devil's --

18 "And could you tell the Grand Jury what
19 that conversation was generally?

20 "A Yes. We were in Devil's Canyon, and
21 there was some talk about raising money so we could
22 go to the desert. Gary Hinman was mentioned as
23 someone who possibly had some money, and there was
24 discussion relating to that.

25 "Q Was that discussion relating to the
26 legitimate or illegitimate obtaining of money from
27 Mr. Hinman?

28 "A Yes, it was."

1 That's true, isn't it?

2 A Yes. It was at Devil's Canyon that that was
3 talked about.

4 Q And it was at that one conversation when Gary
5 Hinman's name was first brought up?

6 A No, not all of it.

7 Q That's what you told the Grand Jury, though,
8 isn't it?

9 A No, that isn't what I thought I told them.

10 Q What I read just doesn't refresh your recollec-
11 tion at all?

12 A I don't know.

13 MR. DENNY: All right. I have no further questions,
14 your Honor.

15 MR. MANZELLA: Nothing further, your Honor. Thank
16 you.

17 THE COURT: You may step down.

18 May she be excused?

19 MR. MANZELLA: We have no objection.

20 MR. DENNY: Your Honor, may we approach the bench a
21 moment?

22 THE COURT: Yes, you may.

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

26 MR. DENNY: Your Honor, I do not want to excuse this
27 witness, because of the impeachment provisions of the
28 Evidence Code for prior inconsistent statements, where the

1 witness must be available to be given the opportunity to
2 respond.

3 THE COURT: Well, you've given her the opportunity to
4 respond.

5 MR. DENNY: Well, your Honor, I understand that.

6 THE COURT: I don't think the Evidence Code requires
7 that she be kept here.

8 What is that, 771?

9 MR. DENNY: I believe so. 771 or 7 --

10 THE COURT: No, that's not it.

11 MR. DENNY: 791?

12 THE COURT: It's referred to in -- no, not 791. 770.

13 MR. MANZELLA: Since it's apparently -- it's -- the
14 provision is designed to protect the adverse party's right to
15 recall the witness to explain any apparent inconsistencies,
16 we could deem that she -- the Court could excuse her, and it
17 could be deemed that she is not excused from further testi-
18 mony in the case, should one party or the other wish to
19 recall her.

20 MR. DENNY: Your Honor, I want -- in the first place,
21 according to Mr. Manzella, she didn't come at County expense
22 from any long distance to appear here. That, I was not able
23 to get into evidence, but --

24 THE COURT: Well, if you wish to present any inconsis-
25 tent statements by some other witness, she has been placed on
26 the stand, and she --

27 MR. DENNY: Yes. But, your Honor, under 770 and
28 Subsection (b) --

1 THE COURT: All right. "Unless the interests of
2 justice otherwise require, extrinsic evidence of a statement
3 made by a witness that is inconsistent with any part of his
4 testimony at the hearing shall be excluded unless;

5 "(a) the witness was so examined while
6 testifying as to give him an opportunity to explain
7 or to deny the statement; or

8 "(b) --" and you certainly are not going
9 to bring up anything that -- after all of this cross and
10 recross examination, that was not covered, and where she
11 didn't have an opportunity to explain, are you?

12 MR. DENNY: Well, yes, I -- I am not going to, your
13 Honor. But apparently the People are going to.

14 From what I understand, Mr. Whiteley is going to
15 come here and attempt to rehabilitate this witness, by reference
16 to his notes.

17 And I do not want to excuse this witness until
18 after Mr. Whiteley's testified concerning those notes, so that
19 I will be given the opportunity to further examine this
20 witness as to what he said about those notes.

21 And I am not excusing her, and I am going to ask
22 that the Court not excuse her, or that she be simply subject
23 to recall -- which I think she can be.

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8b fls.

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1 MR. MANZELLA: That's what I said.

2 THE COURT: The only thing that Whiteley could testify
3 to is about things which you have asked her.

4 MR. DENNY: Well --

5 THE COURT: And certainly, just as I pointed out
6 before, this has to end sometime. You can't have one side
7 opposing the other side by going back and forth and saying,
8 "Yes, I did, no, I didn't," incessantly.

9 MR. DENNY: Well, your Honor, I hope that it will not be
10 necessary to call her. But I don't know what Mr. Whiteley is
11 going to testify to.

12 Now, if Mr. Whiteley testifies to something --

13 THE COURT: He can't testify to anything about what she
14 has not testified to in the conversations.

15 MR. DENNY: Well, maybe he can.

16 THE COURT: And she has had an opportunity to explain
17 everything that --

18 MR. DENNY: Your Honor, you don't know what he's going
19 to testify to, and neither do I. We assume that he may
20 testify --

21 THE COURT: I'm going to excuse her.

22 MR. DENNY: -- consistent with what the facts are --
23 well, your Honor, may I strongly object to her being excused
24 without being subject to recall?

25 I think Mr. Manzella --

26 MR. MANZELLA: She's always subject to recall. She
27 can be subject to recall.

28 THE COURT: I'm going to excuse her.

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MR. MANZELLA: Fine.

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MR. DENNY: And -- well, subject to recall?

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THE COURT: She has been on the stand for a week now, and there has been plenty of opportunity to ask her about these things.

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If you have any other thing that you wish to ask her about, do so now.

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MR. DENNY: Well, your Honor, I don't know what I am going to ask her, what I am going to ask her about.

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

3 THE COURT: You may be excused, thank you.

4 MR. KAY: Your Honor, the People would interrupt the
5 presentation of evidence in the Hinman case right now to call
6 two out of state witnesses on the Shea murder.

7 And the first witness we'll call is Mrs.
8 Elizabeth Shea.

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

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

13 THE WITNESS: I do,

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

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

17 THE WITNESS: My name is Elizabeth Shea. E-l-i-z-a-b-e-t-
18 -h, S-h-e-a.

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

23
24 DIRECT EXAMINATION

25 BY MR. KAY:

26 Q Mrs. Shea, are you the mother of Donald Jerome
27 Shea?

28 A Yes.

1 Q Where do you live, ma'am?

2 A In Somerville, Mass.

3 Q Massachusetts.

4 MR. DENNY: I'm sorry, could you say that again, ma'am?

5 THE WITNESS: Somerville, Massachusetts.

6 THE COURT: You want to spell it?

7 THE WITNESS: S-o-m-e-r-v-i-l-l-e.

8 Q BY MR. KAY: How many children do you have,
9 Mrs. Shea?

10 A Five boys.

11 MR. DENNY: Just a moment, I'll object to that as
12 irrelevant and immaterial, and move the answer be stricken.

13 THE COURT: Sustained.

14 MR. KAY: Your Honor, I would like to argue it at the
15 bench. I feel it is very relevant.

16 THE COURT: The objection will be sustained. The answer
17 is stricken.

18 Q BY MR. KAY: Mrs. Shea, where do your children live
19 other than Donald Jerome Shea?

20 MR. DENNY: I'll object to that as irrelevant and
21 immaterial.

22 THE WITNESS: Well --

23 THE COURT: Sustained.

24 MR. KAY: Well, may I be heard on it, your Honor?

25 THE COURT: All right, I'll let you approach the bench
26 and argue.

27 (Whereupon, the following proceedings were had at
28 the bench among Court and counsel, outside the hearing of the

1 jury:)

2 MR. KAY: My point is, your Honor, she will testify
3 that she has five sons, including Donald, and that she has a
4 very close association with the sons. And she keeps in
5 contact with all of them, as she did with Donald while he was
6 alive. Of course, we are alleging that he is no longer alive.

7 And she'll also testify that these other four sons
8 live in close proximity to her and that by her keeping in close
9 contact with these sons that she has no knowledge herself
10 where Donald is. And by keeping in close contact with these
11 other sons, that she still has no knowledge of where Donald
12 is.

13 MR. DENNY: Well, that's calling for hearsay and it is
14 irrelevant, whether she has close contact with her other sons.
15 The only thing that is relevant in this case is whether she has
16 had contact with her son Donald and what that contact has been.

17 THE COURT: I think that's correct. It is irrelevant.
18 I can see that she does have other sons and --

19 MR. KAY: I think it is relevant to show that Donald
20 hasn't been in contact with these other sons.

21 MR. DENNY: Well, that's calling for hearsay.

22 THE COURT: I think that -- I think the objection has
23 to be sustained to the question as you put it. I think that
24 you -- I think that you might reword your question without --
25 it is not really material that she has four sons except that
26 she has made inquiry, if she has, concerning her son from time
27 to time.

28 MR. DENNY: Of those other sons, of those other children,

1 that's calling for hearsay as to what her sons or daughters or
2 whatever have told her. Whether they've been contacted or not,
3 that's calling for hearsay.

4 MR. KAY: I'm not asking for what they told her.

5 THE COURT: As to what they told her is hearsay.

6 MR. DENNY: It is still irrelevant.

7 MR. KAY: No, it is not, because Sergeant Whiteley is
8 going to be allowed to say what he did --

9 MR. DENNY: Well, that's different.

10 MR. KAY: No, it is not. He made an investigation,
11 trying to locate Donald Shea. Well, just as he made an
12 investigation, she made an investigation, at least with the
13 close relatives in the family, and she hasn't been able to find
14 out by his own brothers, by his four other brothers --

15 MR. DENNY: And that's obviously calling for hearsay.

16 MR. KAY: I'm not asking what she said, just that she has
17 not been able to locate him.

18 MR. DENNY: It is obvious that she has not been able to
19 locate him. It is obvious they said they couldn't find him,
20 and you're getting hearsay in through the back door which you
21 aren't able to --

22 MR. KAY: It is not hearsay.

23 THE COURT: You may proceed. You may ask another
24 question, but the Court will sustain the objection to the
25 question as it now stands.
26
27
28

EXH 9a-1

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

Q BY MR. KAY: Mrs. Shea, when was your son Donald born?

A 19 -- September 18, 1933.

Q All right. And directing your attention to 1954, where did you live?

A In Massa --

MR. DENNY: Just a moment, I'll object to that as irrelevant and immaterial.

THE COURT: Overruled.

Q BY MR. KAY: You can answer that, Mrs. Shea.

A Madford, Massachusetts.

Q All right. And was Donald living with you then?

A Yes.

Q All right. Now, sometime during 1954 did Donald leave home and join the Army?

A Yes, he did.

Q All right. And after he was discharged from the Army, did he return home?

A Yes, he did.

Q And when was that?

A '57.

Q All right. And after he returned home, after being discharged from the Army in 1957, did he live with you for a while?

A He --

1 MR. DENNY: Irrelevant and immaterial.

2 THE COURT: Overruled.

3 A He did.

4 Q BY MR. KAY: And how long did he live with you?

5 A Oh, probably six months.

6 Q Now, approximately when did Donald leave after
7 living with you, after having been discharged from the Service?

8 A '57, in '57, '58.

9 Q Late '57 or early '58?

10 A Yes.

11 Q Where did he go when he left?

12 A California.

13 MR. DENNY: Just --

14 Q BY MR. KAY: Now, between the period of roughly
15 late 1957 or early 1958, when Donald left home with you until
16 June of 1969, on the average, how often would you hear from
17 Donald during the years in between 1957 and 1969?

18 A Two or three times each year I would hear from
19 him.

20 Q All right. And how would you hear from him?

21 A Either call or send a telegram or call collect.

22 Q All right. Did you encourage Donald to call you?

23 A I did.

24 Q Now, were there any specific dates during a given
25 year that you would hear from Donald?

26 A On Christmas and Mother's Day.

27 Q Now, between 1957 and June of 1969, did you hear
28 from Donald on every Christmas?

1 A 19 -- up to 1968.

2 Q Was that the last Christmas you heard from him?

3 A That was the last.

4 Q But from 1957 to 1968, you heard from him every

5 Christmas?

6 A I did.

7 Q And how about Mother's Day? Did you hear from

8 him?

9 A And on Mother's Day send me a telegram.

10 Q And on Christmas would he do anything special?

11 A Yes, sent me a gift.

12 Q Every Christmas?

13 A Most of them.

14 Q And in 1968, the last Christmas you heard from

15 him, did you receive a gift from him?

16 A I did. I received a tapestry.

17 Q Now, directing your attention to January, 1969.

18 Did you hear from Donald?

19 A I did.

20 Q How did you hear from him?

21 A I got a letter.

22 Q All right. Now, were you ever aware that Donald

23 stayed at Spahn's Movie Ranch out in Chatsworth, California?

24 A Yes --

25 MR. DENNY: Object to that as calling for --

26 THE WITNESS: -- he did.

27 MR. DENNY: -- a conclusion, and move it be stricken as

28 calling for hearsay and lack of personal knowledge.

1 THE COURT: Sustained.

2 MR. DENNY: I move that the answer be stricken.

3 THE COURT: The answer is stricken.

4 Q BY MR. KAY: From time to time did you send money
5 to Donald, money orders?

6 A I did.

7 Q Did you ever send money to Donald in a place
8 other than California?

9 A No. Never.

10 Q Now, directing your attention again to 1969,
11 When was the last time that you, uh, heard from Donald?

12 A Around May or June I got a call.

13 Q Now, did Donald, during the period between 1957
14 and 1969, did Donald ever come back to Massachusetts and
15 visit you?

16 A Yes.

17 Q On approximately how many occasions during that
18 period?

19 A Approximately eight times.

20 Q Now, since May or June of 1969, have you -- have
21 you, when you received the phone call from Donald, have you
22 either seen or heard from him since that time?

23 A No, I haven't seen or heard from him.

24 Q And to this date do you know where he is?

25 A No.

26 Q Did you make an inquiry to attempt to determine
27 where your son was?

28 MR. DENNY: Object to that as calling for hearsay.

1 THE WITNESS: Well, no.

2 MR. DENNY: Just a moment. I'm sorry, ma'am.

3 Object to that as calling for hearsay.

4 THE COURT: The objection is overruled.

5 THE WITNESS: Spahn Ranch is the only place I know.

6 THE COURT: Excuse me, that's stricken as not responsive.

7 THE WITNESS: The --

8 THE COURT: The response is not admitted for the truth
9 of the matter involved, but as to whether or not an inquiry
10 was made.

11 Q BY MR. KAY: All right.

12 Mrs. Shea, do you have four other sons besides
13 Donald?

14 A Yes.

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9b-1

1 Q And did you make an inquiry of those sons?

2 A Yes, I go visit them.

3 Q All right.

4 THE COURT: Same admonition pertains to that.

5 Q BY MR. KAY: And as a result of your inquiry of
6 the four other sons that you have, have you been able to
7 locate Donald?

8 MR. DENNY: Just a moment, please. Object to that as
9 calling for hearsay.

10 THE COURT: Overruled.

11 Q BY MR. KAY: You can answer that, Mrs. Shea.

12 A Yes. Nobody has seen him or heard from him.

13 MR. DENNY: Object, move that that be stricken as
14 hearsay.

15 THE COURT: The objection is sustained. The motion is
16 granted. That is stricken.

17 Q BY MR. KAY: Mrs. Shea, my specific question is:
18 As a result of the inquiry that you have made of your four
19 other sons, have you been able to locate Donald?

20 A No.

21 Q Now, directing your attention to the phone call
22 that you received from Donald in May or June, 1969.

23 Did you -- I take it you had a conversation with
24 him during that phone call?

25 A Yes.

26 Q All right.

27 And did he discuss any work with you, any work
28 that he was going to be doing?

1 A Yes.

2 MR. DENNY: Calling for hearsay, objection.

3 THE COURT: Sustained.

4 MR. KAY: Well, this would be state of mind, your Honor,
5 of Mr. Shea. It would be offered for that purpose.

6 THE COURT: The Court will reverse its ruling and
7 permit it. Overruled.

8 MR. DENNY: Well, is the jury to be admonished that
9 is the sole purpose it is to be admitted for and not for the
10 truth of the matter asserted?

11 THE COURT: All right, the Court admits this conversa-
12 tion as to what Mr. Shea intended to do, work he intended to
13 pursue, any course of conduct he intended to adopt as simply
14 showing his state of mind. It is not admitted for the truth
15 of the matter as to whether or not -- it is not admitted
16 for the truth of the matter contained in the statement.

17 Q BY MR. KAY: Yes, did he discuss with you any
18 type of work that he was going to be doing?

19 A He was going to be in a movie.

20 Q Is that what he said?

21 A Yes.

22 Q All right. What was his reaction to this, in
23 the conversation?

24 MR. DENNY: I'll object to what his reaction was.

25 THE COURT: Sustained, calls for a conclusion.

26 MR. KAY: Well, excuse me, I didn't hear your Honor.

27 THE COURT: It calls for a conclusion. I suppose
28 that's the basis of your objection?

1 MR. DENNY: Yes, it is, your Honor.

2 Q BY MR. KAY: Well, were you familiar with your
3 son's demeanor, the way he behaved when he was happy or when
4 he was sad?

5 A Yes.

6 Q All right. And I take it you have known him ever
7 since he was a little boy, haven't you?

8 A Yes.

9 Q All right. And when you had a conversation with
10 him -- well, when you had this conversation with him over the
11 phone, could you tell us whether he was happy or sad about
12 being in this movie?

13 MR. DENNY: Just a moment. Just a moment. I ask --
14 object on the grounds it calls for a conclusion, opinion.
15 His conversation can be admitted for the limited purpose --

16 THE COURT: Sustained.

17 MR. DENNY: And she can be asked that.

18 MR. KAY: Well, your Honor, if a mother can't --

19 THE COURT: Well, gentlemen, don't argue that. The
20 Court believes the objection is well taken with the background
21 you've thus far established. The objection is sustained.

22 MR. KAY: Let's see.

23 Your Honor, I have here an exhibit which has
24 previously been marked People's 46. I ask that it be marked
25 People's 46 again. It is a photograph of a male individual.

26 People's -- I have an exhibit, also, People's 47,
27 which has previously been marked People's 47, a photograph
28 of a male individual. May that continue to be marked

1 People's 47?

2 THE COURT: They may be marked 46 and 47, respectively,
46 & 47 Id.3 yes.

4 MR. KAY: And I have an exhibit that's previously been
5 marked People's 58. May it -- it is a certified copy of a
6 birth certificate. May it continue to be marked as People's
58 id.7 58?

8 THE COURT: So ordered. Let's see, 46, 47, and 58,
9 respectively, those items.

10 MR. KAY: May I approach the witness?

11 THE COURT: Yes, you may.

12 Q BY MR. KAY: Mrs. Shea, I show you People's
13 Exhibit 46. Do you recognize the individual depicted in
14 that photograph?

15 A Yes, that's my son Donald.

16 Q Donald Jerome Shea?

17 A Yes.

18 Q And I show you the photograph of People's 47.
19 Do you recognize the person depicted in that photograph?

20 A Yes.

21 Q And who is that?

22 A Donald.

23 Q And, Mrs. Shea, I show you this birth certificate
24 from the City of Medford, Commonwealth of Massachusetts,
25 United States of America. Do you recognize that birth
26 certificate?

27 A Yes, that's Donald Jerome Shea.

28 Q That's Donald's birth certificate?

A Yes.

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46,47,
58
rec'd

1 MR. KAY: Your Honor, at this time I'd ask People's 46,
2 47 and 58 be received into evidence.

3 MR. DENNY: No objection, your Honor.

4 THE COURT: All right, they're received in evidence.

5 MR. KAY: At this time, I will show the members of the
6 jury the two photographs of Donald Jerome Shea.

7 MR. DENNY: Well, your Honor, I don't think it is
8 necessary to do that at this time.

9 THE COURT: Well, he may very hurriedly walk in front of
10 the jury with the photographs.

11 MR. DENNY: They've been received in evidence.

12 THE COURT: The record will show that he's done that.

13 Q BY MR. KAY: Now, Mrs. Shea, in this --

14 Again, your Honor, this will be admitted for
15 Mr. Shea's state of mind only.

16 THE COURT: Go ahead and ask your question.

17 Q BY MR. KAY: All right, did Donald tell you in
18 this last conversation, phone conversation you had with him
19 in either May or June of 1969, did he tell you then or had he
20 ever -- had he told you at any previous time that he intended
21 to permanently absent himself?

22 MR. DENNY: Well, I'm going to object before the question
23 is asked because it is leading and suggestive.

24 MR. KAY: May I finish my question?

25 MR. DENNY: Not if it is that leading and suggestive.

26 THE COURT: Let him finish his question.

27 Q BY MR. KAY: Did he tell you at any time he
28 intended to permanently absent himself from California or the

929c-2

1 United States?

2 MR. DENNY: I'll object to that as leading and suggestive.

3 THE COURT: Sustained.

4 Q BY MR. KAY: Well, the last conversation that you
5 have with Donald, did Donald say anything about --

6 A No.

7 Q -- about leaving California?

8 THE COURT: Wait until the question is over.

9 MR. DENNY: Move that that answer be stricken.

10 THE COURT: You're having a tough time.

11 Pardon?

12 MR. DENNY: Move that that answer be stricken.

13 THE COURT: Since it is meaningless until the question is
14 finished, the Court will strike it.

15 You're having a tough time, Mr. Kay. Start again.

16 Q BY MR. KAY: Mrs. Shea, the last conversation you
17 had with Donald, did he say anything to you about an intention
18 of his to leave California?

19 MR. DENNY: Objection, leading and suggestive.

20 THE COURT: Overruled.

21 THE WITNESS: No.

22 Q BY MR. KAY: All right, did he --

23 A He never did.

24 Q Did he say anything to you about any intention to
25 leave the United States?

26 A No.

27 MR. DENNY: Suggestive and leading. Move the answer be
28 stricken.

9c-3

1 MR. KAY: That can be answered yes or no.

2 MR. DENNY: That's exactly why --

3 THE COURT: She answered -- that's not the determinative
4 factor as to whether it is leading or suggestive. The Court
5 overrules the objection. The answer may remain in the record.

6 MR. KAY: Thank you, your Honor.

7 May I have just a moment?

8 THE COURT: Yes.

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(Proceedings had on an unrelated matter.)

MR. KAY: I have no further questions at this time, your Honor. Thank you, Mrs. Shea.

THE COURT: Mrs. Shea, just a moment. Mr. Denny may wish to ask you some questions on cross-examination.

THE WITNESS: Oh, I see.

CROSS-EXAMINATION

BY MR. DENNY:

Q Ma'am, I understand your discomfiture at being here. You have been told that your son is dead; is that right? Don?

A Yes.

Q All right. You don't know that for a fact. You've just been told that; is that right?

A Well, I haven't heard from him for so long.

Q I understand that, ma'am.

Let's go to this conversation that you did have with him, the last conversation that you say that you had with him on May of 1969.

MR. KAY: Well, that states a fact not in evidence. She said May or June, 1969.

Q BY MR. DENNY: All right. Do you recall whether it was May or June, ma'am?

A I can't recall. Either May or June.

Q Well, do you remember stating that he called you just about every Mother's Day, or sent a collect telegram --

A Yes.

10-2

1 Q -- or sent a telegram, rather?

2 A Yes.

3 Q And was this, then, for Mother's Day of '69, to
4 the best of your recollection, that you had this conversation
5 with him?

6 A Yes.

7 Q And was it a collect phone call?

8 A No, not that time.

9 Q He paid for that one?

10 A Yes.

11 Q So that would have been whenever Mother's Day
12 was in 1969 -- or just about then?

13 A It was 1969.

14 Q No. I mean: It would have been just about the
15 time of Mother's Day --

16 A Yes.

17 Q -- of 1969?

18 Now, I believe there has been some testimony that
19 Mother's Day was May 10th --

20 A Yes, sir.

21 Q -- of 1969.

22 A Yes, sir.

23 Q And would it have been about that time that you
24 had this conversation?

25 A About that time.

26 Q All right. And again, you've related a portion
27 of the conversation, as to Shorty's state of mind, and it's
28 been admitted for that purpose, about the fact that he was

10-3

1 going to be in a movie.

2 A Yes.

3 Q Is that right?

4 A Yes.

5 Q Now, could you relate as best you can for us,
6 Mrs. Shee -- and I understand it's been quite sometime -- but
7 could you relate as best you can for us that full conversa-
8 tion about the movie, as far as what Shorty said about it?

9 A Well, all he said, that he was going to work in
10 Spahn Ranch, and they were making movies there. And when he
11 gets ahead, he would send me some money, for all I did for
12 him.

13 So -- there's nothing else.

14 Q All right. But you do remember that he said he
15 was going to work at Spahn Ranch?

16 A Yes, sir.

17 Q Now, did he tell you that he was working at
18 Spahn Ranch then, making movies?

19 A No. He had told me before, that he was at Spahn
20 Ranch.

21 Q Well, I want to know about this conversation,
22 though. Did he tell you in this conversation, on about May
23 10, 1969, that he was then working at Spahn Ranch, making
24 movies?

25 A Yes, he did.

26 Q All right. And he didn't tell you that -- well,
27 did he tell you that he was going to be continuing making
28 movies there at Spahn Ranch, doing the same work that he was

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1 then doing?

2 A I didn't ask him, because I figured he was going
3 to stay there and make movies.

4 Q Yes. I am not asking whether you asked him,
5 ma'am; just what he told you.

6 Did he tell you, without any prodding or question-
7 ing by you, did he just volunteer that he was going to
8 continue working, making movies there at Spahn Ranch, as he
9 was then doing?

10 A Yes.

11 Q And you do have a specific recollection of this?

12 A Yes.

13 Q And that was the last conversation you had with
14 him; is that right?

15 A Yes.

16 MR. DENNY: All right. I understand.

17 And thank you very much for coming and testifying.
18 Thank you.

19 I have no further questions.

20 MR. KAY: No further questions, your Honor.

21 THE COURT: All right. You may be excused.

22 THE WITNESS: Thank you, your Honor.

23 (Proceedings had on an unrelated matter.)

24 MR. KAY: The People's next witness will be Mrs.
25 Sandra Harmon, your Honor.
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Ex10a-

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THE CLERK: Would you raise your right hand?

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.

SANDRA HARMON,

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

THE CLERK: Would you please take the stand and be seated?

THE BAILIFF: State and spell your full name.

THE WITNESS: Sandra Harmon; S-a-n-d-r-a, H-a-r-m-o-n.

DIRECT EXAMINATION

BY MR. KAY:

Q Mrs. Harmon, directing your attention to 1957, during 1957 did you live near Spahn's Ranch in Chatsworth, California?

A Yes, I did.

Q All right. And did you work at Spahn's Ranch on the weekends?

A Yes, I did.

Q And what did you do?

A I took guide trips out and collected the money, and I helped around the ranch with the horses.

Q All right. Did you also work at Corriganville?

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A Yes.

Q And what is Corriganville?

A It's a --

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

THE COURT: Overruled.

THE WITNESS: It's a movie ranch, where they have stunt shows and entertainment, to show people how a movie location is like.

Q BY MR. KAY: And what do you mean by "stunt shows"?

A Well, the men put on stunt shows and show them how they -- an imitation of how they do it in the movies.

Q Do you mean like riding horses and falling off horses and --

A Off buildings, and shooting each other and this kind of stuff.

Q Okay. Now, in 1957, did you know George Spahn and Ruby Pearl?

A Yes, I did.

Q And who are they?

A George is the owner of the ranch, and Pearl is like the manager.

Q That's of Spahn's Ranch?

A Yes, right.

Q When did you first meet George Spahn?

A In '57.

Q All right. Now, directing your attention to 1957,

10a-3

1 again, when you first met George Spahn, what was George
2 Spahn's eyesight like in 1957?

3 A It was --

4 MR. DENNY: Irrelevant and immaterial.

5 MR. KAY: Well --

6 THE COURT: Sustained.

7 MR. KAY: May we approach the bench on this, your Honor?

8 THE COURT: Yes, you may.

9 MR. KAY: Thank you.

10 THE COURT: Ladies and gentlemen, we'll take a recess
11 now. During the recess you are admonished that you are not to
12 converse amongst yourselves nor with anyone else, nor permit
13 anyone to converse with you on any subject connected with the
14 matter, nor are you to form nor express any opinion on it
15 until it is finally submitted to you.

16 About ten minutes, if you would, please.

17 I'll give you ten minutes.

18 (Proceedings had on an unrelated matter.)

19 THE COURT: All right. Let the record show that all the
20 jurors have left the room.

21 What is the purpose of inquiring about Mr. Spahn's
22 eyesight in 1957?

23 MR. KAY: All right. Your Honor, by inquiring about it
24 now, I admit that it does not appear to be relevant at this
25 point. However, it would save bringing Mrs. Harmon back from
26 out of state, because we believe -- Mr. Denny, in his opening
27 statement, has represented that he's going to call Mr. Spahn
28 as a witness.

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1 And obviously, we know from the in-court discussions
2 that what he wants Mr. Spahn to testify to -- or what he expects
3 that Mr. Spahn will testify to -- is that Squeaky was not
4 present at a conversation that he had with Frank Retz, when
5 Ruby Pearl was present, about hiring Shorty. And --

6 THE COURT: Do you mean --

7 MR. KAY: -- this is --

8 THE COURT: -- in '69?

9 MR. KAY: This is in '69.

10 And we want to show, by way of rebuttal, that even
11 back in 1957, that Mr. Spahn's eyesight was in such a terrible
12 state that -- that he couldn't even see Mr. Denny, not to speak
13 of the pictures that Mr. Denny was holding up yesterday.

14 THE COURT: I can't see its materiality, in 1957.

15 MR. KAY: Well, your Honor, it's material by way of
16 rebuttal evidence, impeachment of Mr. Spahn.

17 Now, I know Mr. Spahn hasn't testified; but again,
18 by getting this over with now, it would save bringing this
19 witness back from out of state again to testify to this point.

20 And it would be material, after Mr. Spahn
21 testified, after Mr. Denny called Mr. Spahn.

22 MR. DENNY: Well, your Honor, if they're going to seek
23 to make a big thing out of this, I'll withdraw my objection.

24 I am just trying to save a little bit of time.
25 I have been accused of taking up an awful lot of time, and --

26 THE COURT: Who would accuse you of that?

27 MR. KAY: I did.

28 MR. DENNY: Mr. Kay did, your Honor, at the bench.

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1 THE COURT: At the bench? That was shameless, wasn't
2 it?

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3 MR. DENNY: I thought so. I'm trying to expedite this
4 case. But unfortunately, with all the time taken up over my
5 objection, it has seemed to prolong it.

6 So I will withdraw my objection and let him ask
7 that question and get that evidence in.

8 MR. KAY: All right. Thank you, Mr. Denny. And your
9 Honor.

10 (Proceedings had on an unrelated matter.)

11 (Mid-afternoon recess.)

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1 THE COURT: All counsel are present. All jurors are
2 present, the record may show, and the defendant is present.

3 MR. KAY: I'll have to call Mrs. Harmon.

4 MR. MANZELLA: I'll get her.

5 MR. KAY: All right.

6 Q BY MR. KAY: State your name.

7 A Sandra Harmon.

8 Q Mrs. Harmon, while you were at Spahn Ranch in
9 1957, did you meet Donald Shea?

10 A Yes, I did.

11 Q Did you know Don by a nickname?

12 A Shorty.

13 Q At some time after you met Don at Spahn's Ranch,
14 did you start working with him on Spahn's Ranch?

15 A Right away. We worked together.

16 Q All right. What did he do there at that time?

17 A Well, he helped with the horses, mainly, making
18 sure they were properly taken care of and saddling them and
19 getting them ready and taking guide trips out.

20 Q And you did the things that you've testified to
21 previously?

22 A Yes.

23 Q Now, at some point in time did you and Donald
24 get married?

25 A In '61.

26 Q How old were you at that time?

27 A 16.

28 Q After you got married, did you and Don live for

11-2

1 a period of time at Spahn's Ranch?

2 A Yes, we did.

3 Q Where did you live on Spahn's Ranch?

4 A There was a big rock house down in the valley
5 below the ranch. It was on the ranch property, but it was
6 down a little valley.

7 Q Now, did Donald ever discuss with you what his
8 attitude was toward Spahn's Ranch?

9 A It was like a second home.

10 MR. DENNY: Just a moment. Just a moment. I'll object
11 to that and ask the answer be stricken. It is a yes or no
12 answer.

13 THE COURT: It is stricken. Whatever was said. I
14 didn't quite catch it.

15 Q BY MR. KAY: You can answer this yes or no, and
16 then I'll ask you what he said.

17 First, did Donald ever discuss with you what his
18 attitude was towards Spahn's Ranch?

19 A Yes, he did.

20 Q All right. And was this on one occasion or many
21 occasions?

22 A Very often.

23 Q All right. And what did he say his attitude was
24 about Spahn's Ranch?

25 MR. DENNY: Just a moment, object, calling for hearsay.

26 MR. KAY: This would be for Mr. Shea's state of mind,
27 your Honor.

28 MR. DENNY: When, 1965?

1 MR. KAY: This is --

2 THE COURT: The objection will be sustained.

3 Q BY MR. KAY: All right, what period of time did
4 this cover?

5 A The whole time we were married.

6 Q How long was that?

7 A Four years.

8 Q All right. Between 1961 and 1965?

9 A That's right.

10 Q All right. And what did Mr. Shea say his
11 attitude was about Spahn's Ranch?

12 MR. DENNY: Object as calling for hearsay and irrelevant.

13 THE COURT: Sustained.

14 Q BY MR. KAY: Now, I take it while you and Don
15 stayed on Spahn's Ranch, George Spahn and Ruby Pearl were
16 there?

17 A Yes, they were.

18 Q How would you characterize Don's relationship
19 with Ruby Pearl and George Spahn?

20 MR. DENNY: Object to that as calling for a conclusion
21 and opinion.

22 MR. KAY: I'm asking how she would characterize it.

23 MR. DENNY: And irrelevant.

24 THE COURT: The -- I think there is a lack of founda-
25 tion by reason of which the Court should sustain the objec-
26 tion. The Court sustains the objection.

27 Q BY MR. KAY: All right, Mrs. Harmon, did you see
28 Don with Ruby Pearl and George Spahn on many occasions?

1 A Yes.

2 Q All right. On approximately how many occasions
3 did you see them together?

4 A Well, we went up to the ranch quite often, the
5 whole time we were married, and we were together the whole
6 time we was up there, and then he'd go up and visit when we
7 were living elsewhere.

8 Q All right. Did Don spend a lot of time with
9 Ruby Pearl and George Spahn?

10 A Yes, he did. They were very close.

11 MR. DENNY: Just a moment, I'll object and move every-
12 thing be stricken other than "Yes, he did,"

13 THE COURT: After the answer "Yes, he did," everything
14 is stricken. The answer, "Yes, he did," may remain.

15 Q BY MR. KAY: And you said you did see Don on
16 many of these occasions when he was with Ruby Pearl and
17 George Spahn?

18 A Yes.

19 MR. DENNY: Asked and answered.

20 THE COURT: The objection is overruled and the answer
21 may remain.

22 Q BY MR. KAY: And would you characterize his
23 relationship with Ruby Pearl and George Spahn?

24 MR. DENNY: Object to that as calling for opinion,
25 conclusion and as irrelevant since 1965.

26 MR. KAY: Well, it would be --

27 THE COURT: Overruled, you may answer.

28 THE WITNESS: Would you please ask it again?

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1 Q BY MR. KAY: All right. Would you characterize
2 his relationship with Ruby Pearl and George Spahn during
3 this period of time you were married to Don?

4 A Well, we kept going back there like it was a
5 second home to him. He was -- they were like a second family
6 to him.

7 Q Now, on the occasions other than right after you
8 got -- right after you got married, that you already testified
9 to, on the other occasions when you stayed at Spahn Ranch, did
10 you and Don work there?

11 A Yes, we did.

12 Q All right. And during the four-year period that
13 you were married to Don, how much of that time would you say
14 you spent at Spahn Ranch? You and Don?

15 A I'd say, all together, it would be --

16 MR. DENNY: Well, just a moment. I'll object to the
17 question as ambiguous. "How much time --"

18 THE COURT: Sustained.

19 MR. DENNY: -- "did you spend there?"

20 Q BY MR. KAY: Well, how much time -- how long did
21 you stay at Spahn Ranch between -- during the four years
22 that you were married?

23 A The majority of time, other than when we were out
24 of state.

25 Q Okay. And on how many occasions were you out of
26 state?

27 A Three.

28 Q Now, on the first -- well, in 1961, did you have an

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1 occasion to go back to Boston?

2 MR. DENNY: Object as leading.

3 THE COURT: Overruled.

4 THE WITNESS: Yes, we did.

5 Q BY MR. KAY: All right. You went there with
6 Don?

7 A Yes.

8 Q All right. And where did you stay?

9 A At first, we stayed with his mother.

10 And then we had an apartment in Medford and another
11 one in Newton.

12 Q And how long did you stay there, approximately?

13 A We were out there almost a year.

14 Q That's in Boston?

15 A Yes.

16 Q Now, after spending approximately the year there
17 in Boston, did you leave Boston, --

18 A Yes.

19 Q -- you and Don?

20 A Yes.

21 Q And where did you go after you left Boston?

22 MR. DENNY: Irrelevant and immaterial.

23 THE COURT: Sustained.

24 Q BY MR. KAY: Well, after leaving Boston, did you
25 come back to California?

26 A Yes.

27 Q Where did you go?

28 A To Spahn's Ranch.

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1 Q All right. And why did -- why did you and Don
2 leave Boston to come out to Spahn's Ranch?

3 MR. DENNY: Object to that as irrelevant and immaterial.

4 THE COURT: Sustained.

5 Q BY MR. KAY: Now, during the time that you were
6 married to Donald, did he work in any movies?

7 A Yes, he did.

8 Q And how many movies did he work in?

9 A Three.

10 Q Did you have any -- were these -- what type of
11 movies were these?

12 A Westerns.

13 Q All right. Now, did you have -- during the
14 period of time you were married to Don, did you have any
15 discussions with him concerning his feelings about working
16 in the movies?

17 MR. DENNY: Object to that as irrelevant and immaterial.

18 MR. KAY: This would be for Mr. Shea's state of mind,
19 again, your Honor.

20 MR. DENNY: Irrelevant and immaterial, as of the time
21 they were married.

22 THE COURT: Overruled. The Court will permit it, with
23 that restriction that has heretofore been stated to you,
24 ladies and gentlemen.

25 It's not to prove the truth of the matter, but to
26 show a state of mind, if in fact it does.

27 MR. DENNY: Well, your Honor, may we approach the bench
28 a moment on that?

1 THE COURT: All right. You may.

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

5 MR. DENNY: Your Honor, I am going to make certain
6 objections to state of mind testimony, as it comes in --
7 or, as they attempt to bring it in -- which is close to the
8 time in question; that is, whether he intended to go some
9 place on or about July or June of 1969, et cetera.

10 But what his state of mind was four years or five
11 years or ten years before the incident in question is not
12 relevant at all. And that's not the purpose of --

13 MR. KAY: Well --

14 MR. DENNY: -- of state of mind, and under the hearsay
15 rule.

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1 MR. KAY: But it's relevant when it is a continuing
2 state of mind, and this is what we are offering.

3 THE COURT: I assumed that it was preliminary to asking
4 questions of other witnesses, to establish more or less the
5 same state of mind.

6 MR. KAY: Sure.

7 THE COURT: An intention to stay around Spahn Ranch,
8 and find a spot as a stuntman or as a movie man.

9 MR. DENNY: Well, your Honor, again, the relevancy is --

10 THE COURT: The Court believes it's not so much a
11 matter of relevancy, but the Court agrees with you that it
12 becomes rather --

13 MR. DENNY: Remote.

14 THE COURT: -- a tenuous thing, when it's so remote.
15 But this isn't so remote that it cannot be considered.

16 It's a matter of weight, which the jury can
17 determine, either accept or reject.

18 MR. DENNY: Well, when you admonish the jury that this
19 is admitted for Shorty's state of mind, that doesn't have
20 any meaning to them. They don't know what state of mind you
21 are talking about.

22 And I'm not sure what state of mind you are talking
23 about.

24 THE COURT: Well, do you wish the Court to so specify?
25 I should think that would be a matter for you gentlemen to
26 argue.

27 MR. DENNY: Well --

28 THE COURT: You will be arguing that it doesn't really

1 reflect his state of mind, and --

2 MR. DENNY: Well, your Honor, I would prefer, if this
3 type of evidence at this point, at least, on this particular
4 score, is going to be admitted, that the Court admonish the
5 jury that this is offered not to prove the truth of the
6 matter, but only as to Donald Shea's state of mind as of --
7 whenever she's going to testify that it occurred; as to
8 whether or not --

9 THE COURT: All right. At the time the statements were
10 uttered.

11 MR. DENNY: That's right.

12 THE COURT: All right. Well, I think that's -- I more
13 or less felt that that was understood. That's the only thing
14 it could be offered for, but --

15 MR. DENNY: Well, I think the jurors should be
16 specifically admonished, when these things are in. Other-
17 wise, it's too easy just for them to accept it for any
18 purpose at all.

19 THE COURT: All right. The objection will be overruled.
20 You may question concerning that. The Court will adopt your
21 suggestion, Mr. Denny.

22 MR. DENNY: Thank you.

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

26 THE COURT: These statements which the Court is
27 permitting in evidence are to be received, ladies and gentle-
28 men, simply to show Mr. Shea's state of mind -- if, in fact,

1 they do show state of mind, in your judgment -- as of the
2 time that the statements are uttered, and for no other
3 reason.

4 Go ahead, Mr. Kay.

5 Q BY MR. KAY: Mrs. Harmon, do you remember my last
6 question --

7 A No.

8 Q -- about -- did you have any discussions during
9 the period you were -- the four year period you were married
10 to Don, between 1961 and 1965, where Don expressed his
11 feelings about working in the movies?

12 A Constantly.

13 Q All right. And what would Don say?

14 A That's the thing he really wanted. That's the
15 thing he wanted most, was to be in the movies.

16 Q And you say he talked about this constantly?

17 A Talked about it and worked towards it.

18 MR. DENNY: Well, I'll object, and move that the last
19 portion be stricken.

20 THE COURT: All right.

21 MR. DENNY: "And worked towards it."

22 THE COURT: All right. Talked about it. "And worked
23 towards it" is stricken, as not responsive.

24 Q BY MR. KAY: Now, during the four years you were
25 married to Don, did you observe him do any work towards
26 getting in the movies and being a movie actor or a stuntman?

27 A Yes, I did.

28 Q What did you observe him do?

1 A He worked over at the Corriganville, with the
2 stuntmen over there.

3 And I went with him on one location job, just a
12b flg.4 short one, down to the Simi Valley.

12b-1

1 Q And what would he do over in Corriganville with
2 the stuntmen over there?

3 A Well, the regular stunt work. They would act out
4 a scene like you would see in a movie, a shooting match or
5 something, or somebody falling, getting shot and falling off
6 the barns, this type of thing.

7 Q Would this be before live audiences?

8 A Yes. Yes, sir.

9 Q Now, did you make any efforts to discourage Don
10 from pursuing a movie career or a stunt career?

11 A Yes, I did.

12 Q All right. Now, with respect to your attempt to
13 discourage Don from pursuing a movie career, did you encourage
14 him to leave California?

15 A Yes, I did.

16 Q All right. And other than the -- when you went to
17 Boston, which you have already described, in 1961, did you go
18 anywhere else?

19 A Yes. We went to Arizona.

20 Q And when was that?

21 A That was in -- that would have been '62, for part
22 of '63.

23 Q And approximately how long did you stay in
24 Arizona?

25 A We were there almost a year.

26 Q All right. And was Don working in Arizona when
27 you were there?

28 A Yes, he was.

12b-2

1 Q And by the way, when you were back in Boston,
2 was Don working there also?

3 A Yes, he was.

4 Q All right. Getting back to when you were in
5 Boston, when you left Boston to come to California, why did you
6 leave Boston?

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

9 THE COURT: Sustained.

10 MR. KAY: Well, may we be heard on this, or --

11 THE COURT: No, you may not.

12 Q BY MR. KAY: And when you left -- when you left
13 Arizona, when you and Don left Arizona, why did you leave
14 Arizona?

15 MR. DENNY: I'll object to that as irrelevant and
16 immaterial.

17 THE COURT: Sustained.

18 MR. KAY: Well, this would go to Mr. Shea's state of
19 mind in 1963, --

20 MR. DENNY: Well, I would object --

21 MR. KAY: -- when he expressed a -- at this time, what
22 his state of mind was, for what reason, why he wanted to leave
23 Arizona and Boston.

24 It's the same reason.

25 THE COURT: You may question her with respect to that.

26 MR. DENNY: In 1963, your Honor? I submit that it's
27 irrelevant and immaterial.

28 THE COURT: I'll sustain the objection.

12b-3

1 Q BY MR. KAY: Well, did Donald say anything when
2 you left Arizona, as to why he wanted to leave Arizona?

3 MR. DENNY: Irrelevant and immaterial.

4 THE COURT: Sustained.

5 MR. DENNY: And calling for hearsay.

6 Q BY MR. KAY: Now, after you left Arizona and
7 returned to California, where did you go?

8 A Spahn --

9 MR. DENNY: Just a moment. I'll object to that as
10 assuming facts not in evidence, that they returned to
11 California.

12 THE COURT: Sustained.

13 Q BY MR. KAY: Well, did you return to California
14 after you left Arizona?

15 A Yes, sir.

16 Q All right. And where did you go?

17 A Spahn's Ranch.

18 Q Now, how many children did you and Don have during
19 your four years of marriage?

20 MR. DENNY: Object to that as irrelevant and immaterial.

21 THE COURT: Overruled. You may answer.

22 THE WITNESS: Three.

23 Q BY MR. KAY: All right. And did you legally
24 separate from Don in 1965?

25 A Yes, I did.

26 Q And was there a specific reason for that separation?

27 A Because I wanted --

28 MR. DENNY: Just a moment. I'll object to the answer,

12b-4

1 anything other than yes or no in answer to the question as
2 posed.

3 THE COURT: Sustained.

4 Q BY MR. KAY: Now --

5 THE COURT: Was there an answer?

6 MR. DENNY: There was not.

7 MR. KAY: No.

8 THE COURT: Do you want the question read to you?

9 THE WITNESS: Please.

10 THE COURT: All right. Read the last question, please.

11 (Whereupon, the record was read by the reporter
12 as follows:

13 "Q And was there a specific reason for
14 that separation?")

15 THE WITNESS: Yes.

16 Q BY MR. KAY: And what was that reason?

17 MR. DENNY: Object to that as irrelevant and immaterial.

18 THE COURT: Sustained.

19 Q BY MR. KAY: Now, in 1965, after you and Don
20 separated, did you -- you and Don have a discussion about his
21 being able to see the children, the three children that you
22 had from your marriage?

23 A Yes, we did.

24 Q And where did that discussion take place?

25 A In my home, in the Simi Valley.

26 Q All right. And do you remember what month that
27 was in 1965?

28 A In July.

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1 Q All right. And what did you say and what did Don
2 say in that conversation?

3 MR. DENNY: I'll object to that as calling for hearsay.

4 THE COURT: Overruled. Again, the same admonition, --

5 MR. DENNY: Well --

6 THE COURT: Ladies and gentlemen, concerning Mr. Shea's
7 state of mind toward his children, and toward wanting to see
8 his children.

9 MR. DENNY: Well, your Honor, excuse me. May I approach
10 the bench on the relevancy of that? I submit it's irrelevant.

11 THE COURT: Overruled.

12 Q BY MR. KAY: You may answer, Mrs. Harmon.

13 A What we said? I told him not to come around the
14 children; that I didn't want any money from him; that I thought
15 it best for him to stay away.

16 Q And did you leave -- well, what was his reaction to
17 that?

18 A He just sat there and cried.

19 Q And did you leave California shortly after that?

20 A It was the following year.

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1 Q All right, and since July of 1965, have you seen
2 Don Shea?

3 A No, I haven't.

4 Q During your -- during the four years you were
5 married to Don, were you opposed to his being involved in
6 movie work?

7 A Yes, I was.

8 Q And was that the reason for your separation?

9 A Yes, it was.

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

11 THE COURT: Yes.

12 Remember, ladies and gentlemen, these statements
13 of this witness, the statements of Mr. Shea which have been
14 related are admitted to establish, if they do establish in
15 your judgment, a state of mind of Mr. Shea at the time that
16 these statements were uttered. Not for the truth of the
17 matter, the truth of the content of the matter.

18 Q BY MR. KAY: Mrs. Harmon, I think when I was
19 questioning you at first, you stated that there were three
20 times that you left California. In other words, you stayed
21 at Spahn Ranch except for the three times you left California.
22 You've told us about Boston and Arizona, but I don't believe
23 I've asked you about the third time.

24 A That was when we was first married. We went to
25 Texas.

26 Q How long was that for?

27 A That was just like a visit.

28 Q Was that your honeymoon or --

1 A Yeah, that's about what you would call it. Texas
2 and New Mexico, we made a little trip.

3 Q So, in other words, you stayed in Boston about a
4 year, you stayed in Arizona about a year and the other two
5 years you stayed at Spahn Ranch except for the trip to Texas,
6 is that right?

7 A Not at Spahn's Ranch. Not at Spahn's Ranch. Close
8 to it.

9 Q Close to it?

10 A Yeah.

11 Q Well, how much of the time did you actually stay
12 on Spahn's Ranch, actually live there?

13 A That's a hard question, to remember back.

14 Q Was it back in --

15 A I would say --

16 Q Okay, answer.

17 A I would say we actually lived on Spahn Ranch, I
18 would say, nine months.

19 Q During the four years that you were married?

20 A Right.

21 Q Then, how often when you were in California, when
22 you weren't living on the ranch, how often would you go there?

23 A He was always going up there. Just about every
24 weekend, unless something came up.

25 MR. KAY: I have no further questions at this time, your
26 Honor. Thank you, Mrs. Harmon.

27 THE COURT: Cross examination.

28 CROSS EXAMINATION

1 BY MR. DENNY:

2 Q To get the chronology of this, Mrs. Harmon --
3 Harmon, you've since been remarried, is that right?

4 A That's right.

5 Q And your husband has adopted Don Shea's children
6 shortly after you were married, is that right?

7 A Two years after we were married.

8 Q Yes, all right.

9 And that was with the writ and concurrence of
10 Mr. Shea, is that right?

11 A No, sir.

12 Q That was an abandonment proceeding?

13 A No, sir.

14 Q He didn't fight the fact that his children were
15 going to be adopted by your new husband, though?

16 MR. KAY: Well, that assumes a fact not in evidence that
17 he knew.

18 Q BY MR. DENNY: Oh, you didn't advise him?

19 THE COURT: Well, the objection will be sustained.

20 Q BY MR. DENNY: Did you advise Mr. Shea that his
21 children were going to be adopted by another man?

22 A No, sir.

23 Q All right. And where did this adoption take place?

24 A In Ohio.

25 Q Now, when you were first married, you went to
26 Texas for a while?

27 A Yes.

28 Q Short period of time?

1 A Yes.

2 Q Do you remember Don getting some traffic tickets
3 there in Texas?

4 A No.

5 MR. KAY: Well, that's irrelevant, your Honor.

6 THE COURT: Sustained.

7 Q BY MR. DENNY: All right. And then, you came back
8 here to Southern California?

9 A Yes.

10 Q Was it at that point that you stayed about nine
11 months on Spahn's Ranch?

12 A That nine months wasn't together.

13 Q Oh, these were various times, is that right?

14 A (Nods head.)

15 Q You returned to Spahn Ranch after your Texas job?

16 A Yes, we did.

17 Q For how long?

18 A We were there -- we would stay there just long
19 enough to get a house to live in, you know, and get back on our
20 feet. George and Pearl would help us. And we'd work there for
21 them while we were there.

22 Q In other words, Shorty was not too good of a
23 provider during the course of his marriage, is that right?

24 A Yes, he provided for his children.

25 Q Did he provide for you?

26 A Yes, he did.

27 Q One of the reasons that you divorced him was the
28 fact that he was not too good of a provider for you, is that

1 right?

2 A No, it isn't.

3 Q One of the reasons you divorced him was the fact
4 that he was drunk a lot of the times, is that right?

5 A That didn't aggravate me.

6 Q But it is true, is that right?

7 A No, it isn't.

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1 Q Well, when you said "that didn't aggravate me,"
2 he was drunk, it just didn't aggravate you; is that right?

3 A He did drink.

4 Q All right. And that house that you say you
5 occupied, what sort of a house was that?

6 A It was like a rock house there on the property
7 down from the ranch.

8 Q Well, do you know if that house was still standing
9 in 1969 or not?

10 A To my understanding it was.

11 MR. DENNY: Your Honor, may I get the exhibits in here
12 a moment?

13 THE COURT: You may.

14 (Whereupon, there was a pause in the proceed-
15 ings while Mr. Denny conferred with the clerk.)

16 Q BY MR. DENNY: Excuse me.

17 Now, when you and Shorty went to Arizona, he
18 wasn't working in movies in Arizona, is that right?

19 A No, he wasn't.

20 Q What was he working at?

21 A He worked driving truck and he worked transporting
22 animals to the stockyards, to the auction barns to sell.
23 Mostly driving truck.

24 Q All right. And you moved there because you wanted
25 to get away from the movie business, is that right?

26 A Yes, and my problem with my little boy.

27 Q All right. It was some asthmatic condition,
28 was it?

1 A Yes, it was.

2 Q All right. And so you got Shorty away from this
3 area, and then you came back after about a year, is that
4 right?

5 A That's right.

6 Q And then, that was the last time you and he left,
7 is that right?

8 A Yes, it was.

9 Q And along about in June or July, 1965, you
10 decided that you wanted to divorce him, is that right?

11 A No.

12 Q When?

13 A We separated in February.

14 Q All right. Then, in February of '65, you decided
15 that you wanted to divorce him, is that right?

16 A That's right.

17 Q And you didn't want anything more to do with him,
18 is that right?

19 A That's right.

20 Q And you told him that you didn't even want him
21 around his kids, is that right?

22 A Yes.

23 Q And you took his kids away from him and went
24 away, is that right?

25 A Yes.

26 No, I didn't move away.

27 Q Oh, you didn't?

28 A No.

1 Q You stayed right here? For how long after this
2 February, 1965?

3 A I stayed here until -- in the state, you mean?

4 Q Well, right around the Chatsworth area.

5 A Uh, until approximately April, '66.

6 Q More than a year after your separation, is that
7 right?

8 A That's right.

9 Q And when was this conversation had with Shorty
10 where you say he broke down and cried after you told him that
11 he couldn't see his kids any more?

12 A That was in July. That was in my house in Simi
13 Valley.

14 Q In July of '65?

15 A That's right.

16 Q And you just said, "I don't want to see you around
17 here any more and I don't want you messing with the kids,"
18 is that right, in sum and substance?

19 A Yes.

20 MR. KAY: Well, I'll object to sum and substance. I
21 think she --

22 THE COURT: Overruled. She may answer.

23 She's already answered. The answer may remain
24 in the record.

25 Q BY MR. DENNY: And he never did come around and
26 see them again, is that right?

27 A That's right. After July.

28 Q All right. Never sent you any money for them

1 either, did he?

2 A I told him I didn't want any.

3 Q And he did just what you said as to both of those
4 things, he didn't come around and see his kids and he didn't
5 send you any money?

6 A He knew I meant what I said.

7 Q Because you were pretty doggone mad at him at
8 that time, is that right?

9 A No, I had given up on our marriage and called it
10 quits.

11 Q And he had given up on his fatherhood and called
12 it quits, too, is that right?

13 MR. KAY: Well, calls for a conclusion.

14 THE COURT: Sustained.

15 Q BY MR. DENNY: Well, you say while he was here,
16 he went up to Corriganville and tried to act like a stuntman
17 up there, is that right?

18 MR. KAY: Well, that's a mischaracterization of her
19 testimony, "trying to act like a stuntman."

20 THE COURT: Sustained.

21 Q BY MR. DENNY: Acted like a stuntman?

22 A Yes.

23 Q Wasn't very successful at it, though, was he?
24 He didn't make much money at it?

25 A Well, I can't give a professional opinion.

26 Q I'm just talking about the money he brought home
27 from that, ma'am, not how good he was. The money he brought
28 home. He brought almost nothing home from that, is that

1 right?

2 A I don't know what you mean by nothing. He
3 brought home enough money that we were getting along.

4 Q But the reason you wanted him out of the movie
5 business was because he wasn't making enough money for you
6 and the kids, is that right?

7 A No.

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1 Q Well, didn't you testify that the reason you
2 put up with him was because you objected to his attempting
3 to get into movies?

4 A I didn't want nothing to do with movies.

5 Q All right. You haven't seen or heard from
6 Shorty Shea since that conversation in your house in Simi
7 Valley in July of 1965, is that right?

8 A That's right.

9 MR. DENNY: All right, I have no further questions.

10
11 REDIRECT EXAMINATION

12 BY MR. KAY:

13 Q Mrs. Harmon, I take it in response to Mr. Denny's
14 question that your testimony was, was it not, that Donald
15 wasn't drunk all the time but he did drink, is that correct?

16 A Like a lot of men.

17 Q Well, I take it that is correct, that he wasn't
18 drunk all the time?

19 A No, he wasn't drunk all the time.

20 MR. KAY: I have no further questions.

21 THE COURT: All right, you may step down, then. And
22 may she be excused, gentlemen?

23 MR. KAY: Yes.

24 MR. DENNY: She may be excused, your Honor.

25 THE COURT: You are excused, thank you.

26 MR. KAY: The People's next and last witness would be
27 Deputy Grap. This would be on the Hinman case again.

28 May I be excused to get some exhibits, your

1 Honor?

2 THE COURT: Yes, you may.

3 MR. KAY: Thank you.

4 THE COURT: Deputy Grap?

5 DEPUTY GRAP: Yes, sir.

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

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

11 THE WITNESS: I do.

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

13 Please state and spell your full name.

14 THE WITNESS: George D. Grap, G-r-a-p.

15
16 GEORGE D. GRAP,
17 called as a witness by and on behalf of the People, having
18 been first duly sworn, was examined and testified as follows:
19

20 DIRECT EXAMINATION

21 BY MR. KAY:

22 Q Deputy Grap, what's your occupation and current
23 assignment?

24 A I'm a Deputy Sheriff currently assigned to
25 Wayside Maximum Security.

26 Q Now, directing your attention to July 28, 1969.
27 Where were you assigned?

28 A To Malibu substation, sir.

1 Q And how long had you been assigned there?

2 A For approximately four years at that time.

3 Q Now, on July 28, 1969, did you go to Spahn's
4 Ranch?

5 A Yes, sir.

6 Q At about what time did you get to Spahn's Ranch?

7 A At approximately 1:00 a.m.

8 Q So that would 1:00 o'clock in the morning on
9 July 28?

10 A Yes.

11 Q In 1969?

12 A Yes, sir.

13 Q When you arrived at Spahn's Ranch, were you alone
14 or were other law enforcement officers with you?

15 A I was not alone. I was accompanied by approxi-
16 mately five police cars in pairs of two officers.

17 Q Now, when you went to Spahn's Ranch, did you go
18 to the area around the boardwalk at Spahn's Ranch, around
19 that area?

20 A Yes, sir.

21 Q I take it you had been to Spahn's Ranch before?

22 A Yes, sir.

23 Q On how many occasions?

24 A Oh, numerous, I would have to say. I couldn't
25 pick a number.

26 MR. KAY: May I approach the witness a moment, your
27 Honor?

28 THE COURT: You may.

1 Q BY MR. KAY: Now, Deputy Grap, when you went to
2 Spahn's Ranch on July 28, 1969 -- I'm showing you People's 1
3 for identification. Did you see this vehicle?

4 A Yes, sir.

5 Q Could you step down from the witness stand just a
6 moment here. And here's the hand microphone.

7 Now, Deputy Grap, I'm going to put People's 36
8 up here.

9 Do you recognize what's depicted in the eight
10 photographs on People's 36? Do you recognize the location?

11 A Yes, sir, it is the Spahn Ranch.

12 Q All right. Now, again, directing your attention
13 to this white Fiat stationwagon that you've identified in
14 People's 1 as seeing it at the ranch on July 28, 1969, can
15 you point out the approximate location where you saw it?

16 A Yes, sir. The picture that best depicts it would
17 be this one.

18 Q That's photograph E?

19 THE COURT: Gentlemen, I don't think the jurors on the
20 end, Mr. Jeffery and Mrs. Corman can see that. Step aside,
21 if you would, Deputy, and use the pointer's that's on that
22 bench and keep your voice up.

23 THE WITNESS: This photograph E depicts the location
24 best, and the actual point of location of the vehicle would
25 be approximately where this red pickup truck is.

26 Q BY MR. KAY: All right. And had you seen that,
27 this Fiat automobile marked as People's 1 before that
28 evening on July 28?

14 fls. 1

14-1 2

A Yes, I had, sir.

Q And where had you seen that?

A In Old Topanga Canyon.

Q And do you know who the owner was?

A Vaguely, yes, sir.

Q And who was that?

A Gary Hinman.

Q Would you please resume the stand at this time?

Excuse me. Mr. Manzella has informed me that I misspoke. It's the morning of July 28th when you saw this; is that correct?

A Yes, sir.

Q At 1:00 o'clock in the morning.

Now, after -- after you saw this vehicle at Spahn Ranch, at sometime afterwards, did you have occasion to interview some of the people living on Spahn's Ranch?

A I did, sir.

Q And how many people was it that were interviewed, either by yourself or in your presence, by other law enforcement officers, that night?

A There were 11 people.

Q That night -- or again, I should say that morning?

A That morning, yes.

Q It's hard to differentiate, but that morning, And directing your attention to the defendant,

Mr. Bruce Davis, was he interviewed?

A Yes, he was.

MR. DENNY: Just a moment. I'll move to strike that as

1 calling for hearsay, or lack of personal knowledge, unless
2 personal knowledge is established.

3 THE COURT: All right. That's stricken, ladies and
4 gentlemen.

5 The objection is sustained.

6 Q BY MR. KAY: Deputy Grap, did you see Mr. Bruce
7 Davis at Spahn's Ranch on the morning of July 28th, 1969?

8 A I did, sir.

9 Q And was he interviewed either by you or one of
10 the other officers in your presence?

11 A He was, sir.

12 Q All right.

13 MR. DENNY: Well, move -- I'm sorry. Move to strike
14 that compound question.

15 THE COURT: Overruled.

16 Q BY MR. KAY: Was he interviewed by yourself or
17 by one of the other officers, while the other officer was in
18 your presence?

19 A By one of the officers -- other officers, while
20 in my presence.

21 Q All right. And during that interview, was Mr.
22 Davis asked his name by the other officer?

23 A Yes, sir.

24 Q And did he tell that other officer that his name
25 was Bruce Davis?

26 A No, he did not, sir.

27 Q What name did he tell the other officer?

28 MR. DENNY: I'll object to that on lack of personal

1 knowledge.

2 Q BY MR. KAY: Well, were you present --

3 MR. DENNY: And hearsay.

4 Q BY MR. KAY: Were you present --

5 THE COURT: Sustained at this time.

6 Q BY MR. KAY: Were you present when Mr. Davis
7 responded to the other officer?

8 A Yes, sir.

9 Q And what name did Mr. Davis use as his name?

10 MR. DENNY: Object again, lack of foundation. You can
11 be present and still not hear.

12 He has got to be asked first whether he heard.

13 Q BY MR. KAY: Well, did you hear -- did you hear
14 Mr. Davis respond to the other officer with his name?

15 A Yes, sir.

16 Q And what name did Mr. Davis give to the other
17 officer as being his name?

18 A He used the name Jack Paul McMillian.

19 Q And --

20 Excuse me, your Honor. May I get another
21 exhibit? I see the other exhibit isn't here. Excuse me
22 just a moment.

23 (Pause in the proceedings while Mr. Kay exited
24 from the courtroom, returning shortly, whereupon the
25 following proceedings were had:)

26 Q BY MR. KAY: Directing your attention, Officer,
27 to People's Exhibit 37 for identification, if you could step
28 down just a moment?

1 Now, directing your attention to the males on
2 these photos, excluding photographs A and C, did you see any
3 of the other people in the photographs there --

4 A Yes, sir.

5 Q -- on the morning of July 28th, 1969?

6 A That is correct.

7 Q And who did you see there at Spahn's Ranch?

8 A I saw the persons depicted in photographs B, D
9 and E.

10 Q All right. And who's in B?

11 A The person pictured in B presented himself as --
12 MR. DENNY: Well, just a moment. I'll object to what
13 he presented himself as, as calling for hearsay.

14 This officer was asked: Who are the people? Not
15 how they presented themselves.

16 THE COURT: The objection is sustained. That would be
17 hearsay.

18 THE WITNESS: All right. This (indicating) is Charles
19 Manson; and this (indicating) is Robert Beausoleil; and this
20 (indicating) is Bruce Davis.

14a fls.

14a-1

1 Q And Mr. Manson and Mr. Beausoleil and Mr. Davis
2 were all at Spahn's Ranch on the morning of July 28, 1969?

3 A That's correct, sir.

4 Q Thank you. You may resume the stand.

5 Now, directing your attention to August the 16th,
6 1969, did you have occasion to go to Spahn's Ranch on the
7 afternoon of August the 16th, 1969?

8 A Yes, sir.

9 Q All right. And on the afternoon of August the
10 16th, 1969, did you see the defendant, Mr. Bruce Davis, at
11 Spahn's Ranch?

12 A I did, sir.

13 Q All right. And on that occasion, did you ask
14 Mr. Davis his name?

15 A I did, sir.

16 Q And what name did Mr. Davis give to you, as
17 being his name?

18 A Jack Paul McMillian.

19 Q Do you remember about -- approximately what time
20 it was on the afternoon of August 16th that you were there
21 and talked to Mr. Davis?

22 A Yes, sir. It was approximately 5:30 to 6:00
23 o'clock in the evening.

24 MR. KAY: I have no further questions at this time.
25 Thank you, Deputy Grap.

26 THE COURT: Any questions?

27
28 CROSS-EXAMINATION

1 BY MR. DENNY:

2 Q Are you sure it was 5:30 to 6:00 o'clock, Officer?

3 A I believe it was. It was still light out; I
4 remember that.

5 Q Well, are you guessing as to what time it was?

6 A I would have to say: Just the early evening.
7 I would rather not pin it down to a definite hour.

8 Q Well, you take back your testimony, then, that
9 it was 5:30 to 6:00 as not accurate?

10 A True.

11 Q In fact, your field investigation report -- you
12 did make one out in that particular instance; isn't that
13 right?

14 A Yes, sir.

15 Q That shows: "Date, 8-17-69, 7:45 p.m.," isn't
16 that correct?

17 A The time might be -- it seems to be earlier than
18 that. It was still, like I say, sunlight.

19 MR. DENNY: May I approach the witness a moment?

20 THE COURT: Yes, you may.

21 Q BY MR. DENNY: Sir, I don't have the card itself,
22 but let me -- I'm sorry. Just a moment.

23 (Pause in the proceedings while a discussion
24 off the record ensued at the counsel table between
25 Mr. Denny and Mr. Kay.)

26 Q BY MR. DENNY: Well, let me ask you this,
27 Officer. Was Officer Richards, No. 3353, your partner at
28 that time?

1 A I believe he was, sir.

2 Q And your number is 1175?

3 A Yes, sir.

4 Q And you were, on August 17th, 1969, in unit
5 No. 103 PM?

6 A Correct, sir.

7 Q And at the time you saw this gentleman, Jack
8 Paul McMillian, Mr. Davis here, as you've identified him,
9 was he wearing a rust colored suede coat, Levi pants, and
10 brown moccasin shoes?

11 A Yes.

12 Q And did he indicate to you that he had returned
13 from Hemet?

14 A He did, sir.

15 Q And that he normally lives at Spahn Ranch?

16 A Yes, sir.

17 Q And that he had missed the raid on the 16th?

18 A Yes, sir.

19 Q And this was then on the 17th, wasn't it, that
20 you saw him?

21 A It was a Sunday afternoon.

22 Now, in my recollection, the 16th was a Sunday.
23 The day of the raid.

24 Q You are sure it was a Sunday afternoon?

25 A The day I talked to Mr. Davis, yes, sir.

26 MR. DENNY: Your Honor, may the Court take judicial
27 notice that July 17 -- I mean, August 17, 1969, was Sunday?

28 THE COURT: Yes. August 17, 1969, was a Sunday.

1 Q BY MR. DENNY: Does that refresh your recollec-
2 tion, Officer, that it was the 17th?

3 A Yes, sir.

4 Q And that this interview occurred the day after
5 the big raid of the 16th?

6 A Apparently so, yes, sir.

7 Q All right. And does it refresh your recollection
8 also that this conversation did occur about 7:45 p.m.?

9 A That would be probable. I believe it would still
10 be light at that time of night.

14b fls.

14b-1

1 Q And so on July 28th, 1969, when was it that you saw
2 Mr. Davis?

3 A It was a period of three hours, in which we were at
4 the Spahn Ranch that night, from 1:00 till 4:00 A. M. or
5 thereabouts.

6 Q And a card was made out on him, a FIR card, to your
7 knowledge?

8 A Yes, sir.

9 Q What is a FIR card?

10 A Field Interrogation Report.

11 Q Made out by Officers E. A. Loobey and G. T.
12 Wilson, to your knowledge?

13 A Yes.

14 Q Those are the officers you heard interrogating him?

15 A Yes, sir.

16 Q That's E. A. Loobey, No. 2585 and G. T. Wilson,
17 No. 1369, is that right?

18 A Yes.

19 Q And that was about 4:00 A. M., that he was
20 interrogated; do you remember that?

21 A I think it would be toward the latter part of the
22 three-hour period, yes.

23 Q All right, sir. Now, you say you had been out to
24 Spahn's Ranch a number of times?

25 A On numerous occasions, yes.

26 Q On numerous occasions.

27 A Within the period of July of '69, not an unusually
28 large amount of times. In other words, this spans my term at

14b-2

1 Malibu Station, I was talking about.

2 Q Well, I am talking now just about the month of
3 July, '69.

4 A No, I believe I had been to the ranch maybe two
5 times that month.

6 Q How about in August?

7 A Maybe three.

8 Q Well, weren't you keeping kind of particular
9 track of the goings on at Spahn Ranch, from July 28th to
10 August 16th?

11 A Not myself personally, no, sir.

12 Q Others in the department were? Other officers
13 out of the Malibu Station; is that right?

14 MR. KAY: It calls for hearsay and a conclusion, your
15 Honor.

16 THE COURT: Sustained.

17 Q BY MR. DENNY: Now, did you make out any report
18 indicating that this Fiat that appears in People's 1 was
19 present at the ranch? On July 28th, 1969?

20 A There was no report made indicating that, no,
21 sir.

22 Q By anybody, to your knowledge?

23 A No, sir.

24 Q But you just happened to remember it?

25 A No, sir. I -- I made a notation in my notebook at
26 the time of the vehicle

27 Q Do you have that notebook?

28 A Yes, I do.

14b-3

1 Q With you?

2 A Yes, sir.

3 Q May I see that?

4 May I approach the witness, your Honor?

5 THE COURT: Yes, you may.

6 Q BY MR. DENNY: I see you've stapled everything
7 else, so that perhaps I couldn't see that; is that right?

8 A No comment, sir.

9 Q All right. That's fair enough.

10 And was this notation made at or about the time
11 indicated, 4:00 A. M. on 7-28-69?

12 A Yes, sir.

13 Q And you've indicated that at that time there
14 were a '62 Ford -- is this license GYY 435?

15 A That's correct.

16 Q Registered owner, Joanne Williams?

17 A Um-hmm.

18 Q And a '65 Fiat station wagon, OYX 3 -- and then a
19 blank.

20 A Correct, sir.

21 Q Didn't you get the full license number?

22 A Uh -- when I was running the -- writing the license
23 number down, the registered owner came back on the vehicle;
24 and it seemed more important at the time to indicate the
25 registered owner, rather than getting the license number, and so
26 I did so.

27 However, I failed to go back and --

28 Q I don't want the jury to get a wrong impression

1-b-4

1 from your testimony. You said, "the registered owner came
2 back."

3 You don't mean Mr. Hinman came back?

4 A No.

5 Q But the registered owner, the name, came back from
6 your radio call?

7 A Right. Correct, sir.

8 Q All right.

9 A I'm sorry.

14c fol

14c-1

1 Q Good. And this is, then, what you wrote down;
2 you interrupted yourself in mid-license number, as it were,
3 and wrote that down; is that right?

4 A Yes, sir.

5 Q All right. And were there any other cars there?

6 A Not of -- not of any significance, sir.

7 Q Well, when you say "not of any significance,"
8 do you mean not operable, or not apparently operable?

9 A That's correct, sir.

10 Q There were some kind of derelict hulks of trucks
11 and things around, parked in that parking lot area, in front
12 of the boardwalk; is that right?

13 A Yes, sir.

14 MR. DENNY: Your Honor, I wonder if I may take this
15 witness just briefly for a couple of questions --

16 MR. KAY: Well, I wonder if I could finish my redirect.

17 THE COURT: Have you finished on cross?

18 MR. DENNY: I am finished on cross.

19 THE COURT: Go ahead.

20 MR. KAY: May I approach the witness?

21 THE COURT: Yes, you may.

22 MR. KAY: I haven't had an opportunity to see this.

23 (Pause in the proceedings while a discussion
24 off the record ensued at the witness stand between
25 Mr. Kay and the witness.)
26

27 REDIRECT EXAMINATION

28 BY MR. KAY:

14c-2

1 Q I see you've written on this page: "Spahn's
2 Movie Ranch, 7-28-69, 4:00 a.m.," and "OYX," and then a
3 "3" and then a blank, and "'65 Fiat S/W, Gary Alan Hinman,
4 1964 Old Topanga."

5 A Correct, sir.

6 Q Deputy -- excuse me. Excuse me.

7 Deputy Grap, showing you the license plate on
8 this Fiat automobile, do the first three letters appear to be
9 OYX?

10 A Yes, sir.

15 fls.

15-1

1 Q And that corresponds with what you have in your
2 notebook?

3 A Yes, sir.

4 MR. KAY: I have no further questions.

5 MR. DENNY: I would like --

6 THE COURT: You may take him as your own witness now.

7 MR. DENNY: All right.

8 THE COURT: Very briefly, if you will.

9 MR. DENNY: Yes.

10 THE COURT: The Court is about to recess for the day.

11
12 GEORGE D. GRAP,

13 called as a witness by and on behalf of the defendant, having
14 been previously duly sworn, was examined and testified as
15 follows:

16 DIRECT EXAMINATION

17 BY MR. DENNY:

18 Q Deputy Grap, were field investigation reports,
19 FIR's made out on all eleven persons that night of July 28,
20 1969?

21 A Yes, sir.

22 Q And do you know where they are?

23 A Not currently. I couldn't tell you. I wouldn't
24 know.

25 Q Well, in the normal course of events -- were they
26 processed at that time, to your knowledge, in the normal
27 course of business?

28 A When you say "processed," -- in other words, all we

1 do or did at the time, was to return to the station, whereupon
2 they were placed into a file of other FIR cards.

3 Q And is that an alphabetical file or a chronological
4 file by date?

5 A Alphabetical, sir.

6 Q And to your knowledge that's what was done with
7 those cards?

8 A That's what was done with them. Now, since that
9 time I believe they've left the station and they -- they may
10 be in Homicide Detail or somewhere else.

11 Q All right. So, to the best of your knowledge they
12 went from the Malibu Station to the Homicide Detail?

13 A Correct, sir.

14 Q All right. And I'm sorry, sir, I didn't remember
15 whether you said that there were eleven men or eleven people
16 lined up there in front of the boardwalk on that particular
17 early morning of the 28th?

18 A Eleven people.

19 Q Including women?

20 A Correct, sir.

21 Q Girls.

22 All right, and had you kind of made a raid on the
23 ranch at this point with your five police cars and ten
24 officers?

25 A I wouldn't call it a raid, sir.

26 Q Well, it was kind of unusual, wasn't it, to have
27 five police cars come into a place at 1:00 o'clock in the
28 morning and round up the parties there?

1 A Well, the particular location is at a point where
2 the jurisdictions of three policing departments come close
3 together. In other words, almost in a set. And there was --
4 and we knew there was normally quite a large number of people
5 at the ranch. And so for safety sake, we requested a few more
6 units.

7 Q Well, was there some particular reason for your
8 going there that night?

9 A Yes.

10 Q What was that?

11 A Uh, we had received a call from Los Angeles
12 Police Department, uh, and relayed that they had information
13 that there was a stolen car at the Spahn Ranch.

14 Q And about what time was it that you -- well,
15 strike that.

16 Did the cars all gather down on Old Topanga
17 Canyon Road or on Topanga Road just short of the Santa
18 Susanna Pass Road before they went up?

19 A It was right at the intersection, yes, sir.

20 Q All right. And there were the five cars, about,
21 sitting down there?

22 A Yes, sir.

23 Q And about what time was that that you were
24 congregating down there?

25 A Oh, it would have to be around a quarter to 1:00 in
26 the morning.

27 Q And you did make an arrest there of someone in
28 connection with a stolen vehicle, is that correct?

1 A Yes, sir.

2 Q And that was Johnny Swartz?

3 A Yes, sir.

4 Q And in connection with what automobile was that?

5 A This was on a Ford.

6 Q Well, is it the car that you have listed there on
7 your notebook or another car?

8 A No, it seems to me it was a '58 Ford that the
9 stolen plates were attached to.

10 Q A '58 Ford with stolen plates.

11 Can you describe that Ford?

12 A I don't believe so, sir.

13 Q Well, was it white and cream?

14 A It was a lighter color, I'd have to say, yes.

15 Q Two-tone?

16 A Yes, sir.

17 Q Yellow, white and yellow?

18 A I believe the upper portion would be white and
19 the lower portion would be -- could be any color of a lighter
20 -- in other words, like a light blue or light green. It could
21 be like that.

22 Q Or yellow?

23 A Possibly.

24 Q You didn't make a note of that particular fact?

25 A No, sir.

26 Q Did you?

27 All right, thank you very much, Deputy.

28

CROSS EXAMINATION

1 BY MR. KAY:

2 Q Deputy Grap, when you were interviewing or you and
3 the other officers there were interviewing these eleven people,
4 where were they situated in front of the boardwalk; where-
5 abouts?

6 A I would say approximately fifteen feet from the
7 boardwalk and slightly to the west of the Long Branch Saloon,
8 gathered in somewhat of a circular pattern of people.

9 Q All right. And while these people were being
10 interviewed, were the lights of the police cars on?

11 A Yes, sir.

12 Q All right. The headlights?

13 A Yes, sir.

14 Q And the red lights?

15 A Uh, some police vehicle's red lights were on, yes,
16 sir. Not all.

15a-1

1 Q Okay. And of these 11 people, how many were men
2 and how many were women?

3 A I believe the breakdown was something like 8 to 3,
4 eight men to three women.

5 Q And, Mr. Swartz, when you say he was arrested,
6 he wasn't arrested for his stolen vehicle, was he? He was
7 arrested for switched plates or --

8 A Yes, sir.

9 Q What do you mean by "switched plates"?

10 A Well, the vehicle plates were registered to
11 another vehicle, not to the one they were attached to. Mr.
12 Swartz readily admitted his ownership of the vehicle.

13 MR. KAY: I have no further questions.

14 MR. DENNY: Just one thing, if I may, your Honor, just
15 very briefly.

16
17 REDIRECT EXAMINATION

18 BY MR. DENNY:

19 Q Deputy Grap, as far as where you arrested these
20 people, were they arrested all congregated in these buildings
21 along the boardwalk or were they arrested at any other
22 location there at the ranch?

23 A There was only one person arrested.

24 Q I'm sorry, I don't mean arrested. Those who
25 were gathered as you've described before the buildings along
26 the boardwalk, were they, at the time you arrived, in those
27 buildings along the boardwalk where at the time you and the
28 other officers arrived, were they at any other location?

15a-2

1 A At the time we arrived, they -- there were some
2 people walking on the boardwalk. But I would say the majority
3 were inside.

4 Q Were there any at the back ranch house, do you
5 know?

6 A Are you -- would you describe what you mean by the
7 back ranch house?

8 Q Yeah. Let me show you a picture, Deputy.

9 You recognize the terrain shown here in People's
10 93, don't you?

11 A Yes, sir.

12 Q A place called the farm house, as it is listed
13 here?

14 A Uh-huh.

15 Oh, yeah.

16 Q You recognize that location?

17 A Uh-huh.

18 Q Were there any people there, do you know?

19 A No, sir, not when we arrived.

20 Q Did you check that location out yourself?

21 A Yes, sir.

22 Q Did you go back any farther than that, along the
23 road from the main area to the farm house and beyond?

24 A We -- I believe we went just up to the -- what you
25 have described as the outlaw shacks.

26 Q (Indicating.)

27 A Yeah, that small complex of buildings, movie
28 props, I believe.

15a-3

1 Q All right. Again, just a little bit farther west
2 than the thing designated as farmhouse?

3 A Correct, sir.

4 THE COURT: Let's see, that's on --

5 MR. DENNY: 93, I believe.

6 All right, no further questions.

7 MR. KAY: I have just a couple, very briefly.

8
9 REGROSS EXAMINATION

10 BY MR. KAY:

11 Q Deputy Grap, when you entered Spahn's Ranch, did
12 you notice anyone who appeared to be hiding in the bushes,
13 right at the entrance of Spahn Ranch in a vehicle?

14 A Uh, do you mean at the intersection of Santa
15 Susanna Pass and Topanga Canyon?

16 Q Yes.

17 A Yes, sir.

18 Q Who was that?

19 A Charles Manson.

20 Q When you went -- well, describe where he was and --

21 A Well, he was seated in a dune buggy at that time,
22 hidden by some shrubbery and large trees. He had been removed
23 from that location by the Los Angeles Police Department, and,
24 uh, was being interrogated at our arrival.

25 Q Now, after you arrived, did Mr. Manson lead you
26 into the ranch, into the Spahn's Ranch?

27 A Yes, he did, sir.

28 Q Did he leave you for a period of time when he --

15a-4

1 while he was leading you?

2 A He preceded us for the entire duration from the
3 intersection to the ranch.

4 Q Did he do anything unusual when he got to the area
5 of the buildings at the Spahn Ranch?

6 A Yes, sir.

7 Q What did he do?

8 A Instead of proceeding in a -- what would be a normal
9 fashion to the front of the ranch or to the front of the
10 structures, uh, he cut sharply to the east of all of the
11 structures and increased his speed and we -- I could see him
12 turn in behind the buildings. And that was the last I saw of
13 his vehicle. And we approached and pulled up to the front of
14 the buildings.

15 Q And then, did -- when did you next see Mr. Manson?

16 A Uh, he came out of the Long Branch Saloon. As we
17 were going in the building, he was coming out.

18 Q All right. And when you went in the building,
19 did you see any sleeping bags in the building?

20 A Yes, sir, there were people, sleeping bags and
21 various paraphernalia.

22 Q And were there people in the sleeping bags?

23 A Yes, sir.

24 Q Were all the sleeping bags -- did all the sleeping
25 bags have people in it or --

26 A No. I would say the majority, but there were some
27 empty ones where people were walking around.

28 Q That's the building that Mr. Manson came out of

15a-5

1

as you were entering?

2

A Yes, sir.

15b fls. 3

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15b-1

1 MR. KAY: I have nothing further.

2 THE COURT: All right, we'll recess.

3 MR. DENNY: Your Honor, may I ask one question?

4 THE COURT: Mr. Kay only wanted to ask two and he asked
5 ten.

6 MR. DENNY: I understand that. I'm going to ask just
7 one.

8 THE COURT: All right.

9 MR. DENNY: Promise.

10 If I can get the picture.

11 THE COURT: Ladies and gentlemen, we're going to recess
12 until 1:30 tomorrow.

13

14

REDIRECT EXAMINATION

15

BY MR. DENNY:

16

17 Q All right, showing -- I'm sorry, I didn't know you
18 were talking, your Honor.

19

THE COURT: Go ahead.

20

21 Q BY MR. DENNY: Showing you People's 2, these two
22 photographs of the VW microbus. Did you, at the time you and
23 the other officers were congregated down below the hill at the
24 intersection of Topanga Road and Santa Susanna Pass, did you
25 see this vehicle drive up Santa Susanna Pass Road?

26

A No, sir.

27

MR. DENNY: All right, that's my one question.

28

MR. KAY: Nothing further.

29

MR. DENNY: Thank you, your Honor.

THE COURT: Thank you, Deputy Grap. You may be excused.

29 You may leave.

1 Ladies and gentlemen, we're going to recess until
2 1:30 tomorrow. All of the court personnel will be attending a
3 funeral of a man who for a number of months appeared in this
4 courtroom almost daily as a newspaper reporter. And we've
5 received the word of his death recently and the funeral is
6 tomorrow. So, we'll all assemble at 1:30 here.

7 During the recess you are admonished that you are
8 not to converse amongst yourselves, nor with anyone else, nor
9 permit anyone to converse with you on any matter connected
10 with this trial, nor are you to form nor express any opinion
11 on the matter until it is finally submitted to you.

12 Mr. Chavers has indicated to me that he would like
13 to have -- is it Thursday morning?

14 JUROR CHAVERS: Thursday afternoon.

15 THE COURT: Thursday afternoon. So you can count on
16 Thursday afternoon, likewise, as being in recess. We'll
17 work on Thursday morning and recess at the usual time, 12:00
18 o'clock, Mr. Chavers?

19 JUROR CHAVERS: Yes.

20 THE COURT: So, goodnight, ladies and gentlemen.

21 (Whereupon, at 4:30 P. M. an adjournment was
22 taken in this matter, to reconvene the following afternoon,
23 Wednesday, January 19, 1972, at 1:30 P. M.)
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25
26
27
28