

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. RAYMOND CHOATE,  
JUDGE

PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

-vs-

BRUCE MCGREGOR DAVIS,  
Defendant.

NO. A-267861

227

REPORTERS' DAILY TRANSCRIPT

Thursday, January 20, 1972

VOLUME 27APPEARANCES:

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

SLOAN  
MAGDALENE SHEA

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

COPY

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

SLOAN, Laurence W.      3924 M      3930

SHEA, Magdalene Velma      3933 M

E X H I B I T SPEOPLE'S:      IN  
FOR IDENTIFICATION EVIDENCE

48 - certificate of marriage      3940

48-A - and 48-B - two photographs      3940

53-A and 53-B - two revolvers      3962

54 - an attache case      3964

55-A, B and C - pawn tickets      3996

56-A, B and C - pawn tickets      3996

57-A, B, C, and D - pawn tickets      3996

60-A and B - two pawn tickets      3996

61-A through 61-J - ten photographs      3975

62 - six keys and a ring      3997

64 - yellow piece of paper      3997

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71 - a check      3997

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1 LOS ANGELES, CALIFORNIA, THURSDAY, JANUARY 20, 1972 9:46 A.M.

2 - - - -

3  
4 THE COURT: Good morning, ladies and gentlemen.

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

7 THE COURT: The record will show that all the jurors  
8 are present in the case of People vs. Davis. Counsel for  
9 the People and counsel for the defendant are present. The  
10 defendant is present, and we are ready to proceed.

11 MR. MANZELLA: Your Honor, I have what appears to be a  
12 certified copy of a driver's license in the name of Jack  
13 Paul McMillian, and an application for a driver's license  
14 in that same name, both of which appear to be certified  
15 copies.

16 May I have those marked, if I may, your Honor.  
17 People's 98 for identification?

18 THE COURT: All right. So ordered.

19 MR. MANZELLA: The People call Mr. Larry Sloan, your  
20 Honor.

21 THE CLERK: Do you solemnly swear that the testimony  
22 you are about to give in the cause now pending before this  
23 court, shall be the truth, the whole truth, and nothing but  
24 the truth, so help you God?

25 THE WITNESS: I do.

26  
27 LAURENCE W. SLOAN,  
28 called as a witness by and on behalf of the People, having

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

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

3 THE BAILIFF: Would you please state and spell your  
4 full name, sir?

5 THE WITNESS: Yes, sir. Laurence W. Sloan. S-l-o-a-n;  
6 Laurence with a "u".

7  
8 DIRECT EXAMINATION

9 BY MR. MANZELLA:

10 Q Mr. Sloan, what is your occupation?

11 A I am an examiner of questioned documents and  
12 handwriting identification expert, employed by the Office  
13 of the District Attorney, Los Angeles County.

14 Q And have you had some background, training and  
15 experience in the field of the examination of questioned  
16 documents?

17 A Yes. I --

18 MR. DENNY: I am willing to stipulate -- I'm sorry.

19 (Pause in the proceedings while a discussion  
20 off the record ensued at the counsel table between  
21 Mr. Denny and Mr. Manzella.)

22 Q BY MR. MANZELLA: Well, perhaps, Mr. Sloan, you  
23 could tell us what your background, training and experience  
24 has been in that field.

25 A Yes, sir. I began training -- my initial train-  
26 ing in 1945. I was an intelligence agent in the Army, and  
27 attended intelligence school at Fort Sam Houston, Texas.

28 And some of the studies we pursued at that time

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1 were in the field of questioned documents.

2 After joining the Police Department in 1946 --  
3 that is, here in Los Angeles -- I was assigned to the  
4 Questioned Document Section of the Scientific Investigation  
5 Division.

6 I was under the supervision and tutelage of  
7 Donn Mire, who was the document expert for the Police Depart-  
8 ment.

9 I was with Mr. Mire for seven and a half years,  
10 prior to his retirement in 1954.

11 I also attended the University of Southern  
12 California and studied under John L. Harris, an independent  
13 expert in the city, who gave a course in questioned documents  
14 and handwriting identification.

15 During the past 25 years, I have studied and read  
16 considerably the works of Albert Osborn, James V. P. Conway,  
17 Ordway Hilton, and Wilson R. Harrison. All of these people  
18 are recognized experts and authors in the field of questioned  
19 documents.

20 These studies -- I have read materials published  
21 by the Federal Bureau of Investigation and other articles by  
22 my contemporaries in the field.

23 I have testified in the Municipal and Superior  
24 Courts of Los Angeles and other counties in the State of  
25 California; also in the States of Washington, Oregon, Arizona,  
26 Nevada and Oklahoma.

27 Nineteen of my 20 years with the Police Department  
28 was spent in the Questioned Documents Section. And upon my

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1 retirement in 1966, I proceeded to Portland, Oregon, where I  
2 became a document expert for the City of Portland and the  
3 County of Multnomah.

4 I returned to Los Angeles in 1967, in August, and  
5 assumed the position I now hold.

6 I've taught the subject to other people. I have  
7 lectured on the subject. And during my career, I have  
8 examined in excess of 200,000 documents pertaining to ques-  
9 tioned documents, problems of all kinds.

Aa fls.

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1 I am a Fellow in the Questioned Documents Section  
2 of the American Academy of Forensic Scientists. And for the  
3 past 25 years, the field of questioned documents has been my  
4 vocation and my avocation as well.

5 Q Thank you, Mr. Sloan.

6 Would you tell us what a questioned document is?

7 A A questioned document is any document or piece  
8 of material, as far as that's concerned, upon which there  
9 may be a writing or printing, about which there is a question  
10 as to its authenticity or its legality.

11 It may be typing; it may be mechanical printing  
12 or human printing or handwriting -- or any article of any  
13 nature that would have a question raised about it.

14 Q Mr. Sloan, directing your attention to the exhibit  
15 which has been marked People's 38, the Federal Firearms --  
16 what has been identified as a Federal Firearms Transaction  
17 Record, and in particular that portion of the document which  
18 bears the signature and the name of Jack Paul McMillian, have  
19 you seen that document before?

20 A Yes, I have.

21 Q And was that document submitted to you as a  
22 questioned document?

23 A It was.

24 Q Directing your attention to the exhibit which I  
25 have just marked as People's 98 for identification, which  
26 appears to be a certified copy of a driver's license and  
27 application for driver's license in the name of Jack Paul  
28 McMillian, was that document, as well, People's 98 for

Aa-2

1 identification, submitted to you for comparison purposes?

2 A Yes, it was.

3 Q And did you perform an analysis and a comparison  
4 between the signatures "Jack Paul McMillian" appearing on  
5 both of those documents?

6 A Yes, I did.

7 Q Now, on the document, the driver's license and  
8 the driver's license application, which is People's 98,  
9 there appear to be three signatures in the name of Jack Paul  
10 McMillian; is that correct?

11 A Yes. However, actually, the white copy, which  
12 bears the picture, is a duplicate of the license portion  
13 itself. They are not three different items.

14 Q All right. So then, there are two signatures --  
15 two separate signatures which appear on People's 98, the  
16 driver's license and driver's license application, --

17 A Yes, sir.

18 Q -- is that correct?

19 Now, Mr. Sloan, if you would, would you mark the  
20 signatures on that exhibit, People's 98, what you used --  
21 for identification, perhaps you could circle them -- what you  
22 used for comparison purposes?

23 A Well, it would be necessary to encircle all three,  
24 because I made reference to the picture portion, which is a  
25 Polaroid picture, as well as the photostat portion of the  
26 license itself.

27 Q All right. Thank you. And if you would, Mr.  
28 Sloan, would you circle, so that it would be clear, the



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1 signature on People's 38 -- that is, the Federal Firearms  
2 Transaction Record -- circle the signature which was  
3 submitted to you as the questioned signature on that exhibit?

4 A (Witness complies.)

5 Q And would you show those to his Honor, please?

6 And, your Honor, may the record reflect that Mr.  
7 Sloan has complied with my request?

8 (Whereupon, the witness exhibited the documents  
9 to the Court.)

10 THE COURT: Yes, the record may so show.

11 Q BY MR. MANZELLA: Mr. Sloan, did you perform,  
12 then, a comparison between the -- did you compare the  
13 signature appearing on the Federal Firearms Transaction  
14 Record, People's 38, with the signatures appearing on the  
15 driver's license and the driver's license application,  
16 People's 98 for identification?

17 A Yes, I did.

18 Q And as a result of that comparison, did you form  
19 an opinion as to whether or not the signature appearing on  
20 People's 38, the Firearms Transaction Record, was made by  
21 one and the same person who placed the signatures on People's  
22 98 for identification?

23 A Yes, I did.

1 fls.

1-1

1 Q And would you tell us, what is that opinion?

2 A As a result of my comparison of the writing  
3 of the name Jack McMillian as it appears in the center  
4 portion that I have encircled on People's 38, with and against  
5 the two writings of the name Jack McMillian on People's 98  
6 on the driver's license portion and the application portion  
7 which I have in both instances encircled, it is my specific  
8 and unqualified opinion that these writings were made by the  
9 same person.

10 MR. MANZELLA: All right, thank you, Mr. Sloan.

11 THE COURT: Is that all on direct?

12 MR. MANZELLA: Yes, your Honor, thank you.

13 THE COURT: Cross.

14  
15 CROSS-EXAMINATION

16 BY MR. DENNY:

17 Q Mr. Sloan, I am kind of tickled by your statement  
18 that your vocation and your avocation is questioned documents.

19 You spend both your working and your off hours  
20 devoted to your field, is that correct?

21 A Well, a portion of my off hours, you might say.

22 Q You are a man who loves his work and does it  
23 well?

24 A I try to.

25 Q You do, sir.

26 And what is your present position, sir?

27 A I am the senior document expert for the District  
28 Attorney's Office of Los Angeles County.

1-2

1 Q And you've been that since 1967?

2 A Since August, yes.

3 Q Is that when Donn Mire retired from that same  
4 position?

5 A That's right. I followed him to the D.A.'s  
6 office as well as taking over at the Police Department.

7 Q All right, sir. And when was it that these two  
8 documents, 38 and now 98 were submitted to you for your  
9 comparison?

10 A March of last year.

11 Q March of 1971?

12 A Yes, sir.

13 MR. DENNY: All right, fine. I have no further  
14 questions. Thank you.

15 MR. MANZELLA: Nothing further, your Honor.

16 May Mr. Sloan be excused?

17 MR. DENNY: Certainly. Thank you, Mr. Sloan.

18 THE COURT: You may be excused.

19 THE WITNESS: Thank you, sir.

20 (Whereupon, the witness while descending from  
21 the witness stand, tripped.)

22 THE WITNESS: Watch out for that first step.

23 (Laughter.)

24 THE COURT: Remember, the claim has to be filed in a  
25 certain specific time, Mr. Sloan. I won't advise you as to  
26 how long.

27 MR. DENNY: Within 100 days.

28 MR. MANZELLA: Your Honor, the People's next witness is

1-3

1 Mrs. Magdalene Shea, your Honor. Mr. Kay is bringing her  
2 up to court.

3 THE COURT: Will it be long?

4 MR. MANZELLA: Probably about five minutes, your Honor.

5 THE COURT: All right, we're in recess. You can  
6 wander around, if you like. Don't converse among yourselves,  
7 nor with anyone else, nor permit anyone to converse with you  
8 on any subject connected with the matter. We'll be in  
9 recess until the People's witness arrives.

10 (Short recess.)

11 THE COURT: All the jurors are present. The defendant  
12 is present with his counsel.

13 Mr. Manzella, you may call your next witness.

14 MR. MANZELLA: People call Mrs. Magdalene Shea, your  
15 Honor.

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

20 THE WITNESS: I do.

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

22 Would you please state and spell your full name.

23 THE WITNESS: Magdalene Velma Shea. M-a-g-d-a-l-e-n-e,  
24 V-e-l-m-a, S-h-e-a.

25  
26 MAGDALENE VELMA SHEA,

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

## DIRECT EXAMINATION

1  
2 BY MR. MANZELLA:

3 Q Mrs. Shea, did you know a man by the name of  
4 Donald Jerome Shea?

5 A Yes.

6 Q Directing your attention to the two photographs--  
7 first, People's 46. Is that the man you knew as Donald  
8 Jerome Shea?

9 A Yes.

10 Q Directing your attention to the photograph marked  
11 People's 47. Is that another photograph of the same man?

12 A Yes.

13 Q Now, when did you first meet Mr. Shea?

14 A In May of 1969.

15 Q Where did you meet him?

16 A At the Cab Inn.

17 Q That's spelled C-a-b I-n-n?

18 A Yes, it's spelled C-a-b I-n-n.

19 Q Where is that located?

20 A It is on Carson and Alondra -- it is on Avalon  
21 and Alondra in the City of Carson.

22 Q And were you working at the Cab Inn at that time?

23 A Yes.

24 Q And what were you doing?

25 A I was a bar maid and a topless dancer.  
26  
27  
28

1-4

1a fls.

1-a-1

1 Q And were you -- how did you meet Mr. Shea?

2 A He came to work there as manager of the club.

3 Q And do you recall the name of the owner of the

4 club?

5 A Uh, Bromberg.

6 Q Bromberg?

7 A Yes.

8 Q I believe that's spelled B-r-o-m-b-e-r-g.

9 Now, after you -- strike that.

10 Did you know Donald Shea by any nickname?

11 A Shorty Shea.

12 Q Now, sometime after you met Donald in May of

13 1969, did he leave the Cab Inn?

14 A Yes.

15 Q And approximately when was that?

16 A It was about the last of May or the first of

17 June.

18 Q And this is of 1969?

19 A Yes.

20 Q Do you know where he went when he went to the

21 Cab Inn?

22 A He went to Las Vegas.

23 Q And sometime thereafter did you join him in

24 Las Vegas?

25 A Yes.

26 Q When was that?

27 A June.

28 Q Of 1969?

1 A Yes.

2 Q Sometime thereafter did you marry Mr. Shea?

3 A Yes.

4 Q When was that?

5 A July 1st, of 1969.

6 Q And where were you married?

7 A Las Vegas.

8 Q Now, before you were married in -- on July 1st,  
9 of 1969, in Las Vegas, and after you had gone to Las Vegas  
10 in June, did you return to Los Angeles?

11 A Yes, I did.

12 Q And did you return with someone?

13 A Jerry Binder.

14 Q B-i-n-d-e-r.

15 Were you aware of the relationship between Mr.  
16 Binder and your husband, Donald Shea?

17 A Yes.

18 Q What was that relationship?

19 MR. DENNY: I'll object to that as irrelevant and  
20 immaterial. Also calling for speculation and conclusion and  
21 opinion.

22 THE COURT: Overruled.

23 Q BY MR. MANZELLA: What was the relationship?

24 A Uh, it was -- uh, they seemed like part of a  
25 family, a brother and sister thing with his family.

26 Q Now, you flew back to Los Angeles with Mr. Binder?

27 A Yes, I did.

28 Q And for what purpose did you return to Los

1 Angeles in June?

2 MR. DENNY: Object to that as irrelevant and immaterial.

3 THE COURT: Overruled. You may answer.

4 A To go to Tulare, California, to a funeral.

2 fls.



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1 MR. DENNY: Well, your Honor, I will object to that and  
2 move that that be stricken as entirely irrelevant, immaterial,  
3 calculated only to arouse prejudice and passion in the minds  
4 of the jury.

5 MR. KAY: Huh?

6 THE COURT: What was the answer?

7 (Whereupon the record was read by the  
8 reporter as follows:

9 "A To go to Tulare, California, to a  
10 funeral.")

11 THE COURT: "To go to Tulare" is in. The rest may go  
12 out.

13 Q BY MR. MANZELLA: Now --

14 THE COURT: That is, the remainder of the answer,  
15 after "Tulare," is stricken.

16 Q BY MR. MANZELLA: Now, sometime after you met  
17 Donald Shea in May of 1969, did you meet any of his friends?

18 A Yes.

19 Q And who did you meet?

20 A Jim and Sharon Babcocks.

21 Q And were they husband and wife?

22 A Yes, they are.

23 Q And where did you meet them?

24 A In their home. It was out -- uh --

25 Q Do you recall now where it was?

26 A Uh -- I can't recall the town, but it's out by  
27 San Fernandos Valley.

28 Q All right. And did you also meet Jerry Binder?

1 A Yes, I did.

2 Q Did you meet his wife?

3 A Yes, I met Miriam.

4 Q And where did you meet the Binders?

5 A At their home in Hollywood.

6 Q And were you with Donald when you met them?

7 A Yes, I was.

8 Q And was this before you were married, that you

9 first met the Binders?

10 A Yes.

11 Q And was it before you were married that you first

12 met the Babcocks?

13 A No.

14 Q Now, do the Binders have any children?

15 A Yes, they had three.

16 Q And did Donald take you to the Binders'?

17 A Yes, he did.

18 Q And was this for a social visit?

19 A Yes.

20 Q Now, was it after you met the Binders that you

21 returned to Las Vegas?

22 A Repeat the question, please?

23 Q After you met the Binders the first time, before

24 you were married to Donald, was it after that that you returned

25 to Las Vegas?

26 A (No response.)

27 Q If you recall.

28 A I don't understand. After I met --

1 Q I'm sorry. Yes, I'm sorry.

2 After you flew out here to California with Mr.  
3 Binder from Las Vegas, were you met at the airport by  
4 anyone?

5 A Yes. Miriam and their baby.

6 Q That's Mrs. Binder?

7 A Yes.

8 Q And where did you go from the airport?

9 MR. DENNY: I'll object to this as all irrelevant and  
10 immaterial.

11 THE COURT: It would appear to be.

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

13 Q Now, after you were here in Los Angeles for a  
14 while, you then returned to Las Vegas; is that correct?

15 A Yes.

16 Q And you married Donald on July 1st of 1969?

17 A Yes, sir.

18 Q And did you have a -- did Donald have a best  
19 man, and did you have a bridesmaid?

20 A Yes.

21 Q And who was the best man for Donald?

22 A Jerry Binder.

23 Q And who was your bridesmaid?

24 A Brenda Williams.

25 MR. MANZELLA: Your Honor, I have here what appears  
26 to be a certificate of marriage, bearing the names Donald  
27 Jerome Shea and Magdalene -- how do you pronounce your  
28 maiden name?

1           A       Fuery; F like in free, u-e-r-y.

2           MR. MANZELLA; F-u-e-r-y.

3                   May I have that marked People's, -- it has  
4 previously been marked People's 48. May it be marked People's  
5 48 for this proceeding?

6           THE COURT: So ordered.

7           MR. MANZELLA: And I have here two black and white  
8 photographs. May I have those marked People's -- they have  
9 previously been marked People's 48-A and 48-B for identifica-  
10 tion.

11                   May they be so marked at this proceeding?

12           THE COURT: So ordered.

48 id.  
2a fls.

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Q BY MR. MANZELLA: All right.

Mrs. Shea, directing your attention to People's 48, do you recognize that exhibit?

A Yes.

Q And what is that?

A It's a marriage license that we got when we got married in Las Vegas.

Q And directing your attention to the two photographs which have been marked People's 48-A and 48-B for identification, do you recognize those photographs?

A Yes.

Q And what is shown in those photographs?

A One has -- it's a picture of Donald and myself. The other one is a picture of Donald, myself, Jerry Binder and Brenda Williams.

Q And were those pictures taken at the time you were married?

A Yes, at the wedding.

Q Now, sometime after you -- you and Donald were married on July 1st of 1969, in Las Vegas, did you leave Las Vegas?

A Yes, I did.

Q And where did you go?

A I came back to Los Angeles.

Q And did you come back with Donald or without him?

A Without Donald.

Q And did he join you sometime later here in Los

1 Angeles?

2 A Yes, a week later.

3 Q Now, while Donald was in Las Vegas, was he  
4 working for anyone?

5 A Yes.

6 Q Who was that?

7 A Jerry Binder.

8 Q Now, approximately when did you return to Los  
9 Angeles?

10 A About the second week in July.

11 Q And Donald returned about a week later?

12 A Yes.

13 Q And where did you two stay after he returned  
14 from Las Vegas?

15 A We stayed one night at a friend's out in the  
16 City of Carson; and then we moved -- we stayed -- to the  
17 Wilcox Hotel, on Wilcox, right off of Sunset.

18 Q And is that in Hollywood?

19 A Yes.

20 Q All right. And how long did you stay at the  
21 Wilcox Hotel with Donald?

22 A Until August 16th, 1969.

23 Q Now, shortly after you returned, after Donald  
24 had returned from Las Vegas here to Los Angeles, did he take  
25 you anywhere to visit anyone?

26 A Yes.

27 Q And where did he take you?

28 A He took me out to the Spahn's Ranch, the Sunday

1 after he -- the next day after he got back from Las Vegas.

2 Q And did he take you there to visit anyone?

3 A Yes.

4 Q And who was that?

5 A Ruby Pearl and George Spahn.

6 Q Now, when you went out, did you go out to  
7 Spahn Ranch with Donald on that occasion?

8 A Yes.

9 Q And did you meet George Spahn and Ruby Pearl?

10 A No.

11 Q Why not?

12 A Because they wasn't there.

13 Q Did you sometime later return to Spahn Ranch  
14 with Donald?

15 A Yes.

16 Q Did you meet anyone on that occasion?

17 A Yes.

18 Q And who did you meet?

19 A I met Ruby Pearl, George Spahns, Squeaky, Tex --  
20 I mean, Charles Watson, and a lot of other peoples I don't  
21 recall.

22 Q You don't recall their names?

23 A No. I met Manson on the first -- Charles Manson  
24 on the first time.

25 Q All right. Now, had Donald ever said anything  
26 to you about his attitude towards and his relationship with  
27 George Spahn and Ruby Pearl?

28 A Yes.

1 MR. DENNY: Just a moment. I'll object to anything  
2 further beyond that.

3 THE COURT: Sustained.

4 Q BY MR. MANZELLA: And what did Donald tell you--  
5 strike that.

6 Was this on one occasion or more than one  
7 occasion that he talked about George Spahn and Ruby Pearl?

8 A He talked about them quite often, because he  
9 used to --

10 MR. DENNY: I will object to anything beyond "he  
11 talked about them quite often." Move that anything else be  
12 stricken.

13 THE COURT: The objection is sustained.

14 Q BY MR. MANZELLA: All right. Would you tell us  
15 what he said about George Spahn and Ruby Pearl?

16 MR. DENNY: I'll object to that as calling for hearsay.

17 THE COURT: The objection is sustained.

18 MR. MANZELLA: The People would like to be heard  
19 briefly on that, your Honor.

20 THE COURT: All right. I'll hear from you.

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23  
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28  
3 fls.



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

4 MR. MANZELLA: Bob gave me that to give to you.

5 Your Honor, it is the People's position that  
6 because we do not have a -- we have not recovered the body in  
7 this case, that we have to show by circumstantial evidence that  
8 Shea is dead. What we were attempting to prove is that  
9 Mr. Shea had given -- shown no indication and did not intend  
10 to leave his family, his friends, to sever all contacts and  
11 relationships with the people that he knew before he  
12 disappeared. That he had given no indication of that at all.

13 And that his relationship with these people and his  
14 attitude towards these people was such that he would not have  
15 disappeared from view and dropped out of sight without notify-  
16 ing these people.

17 THE COURT: So you're offering --

18 MR. MANZELLA: We're offering this on Shea's state of  
19 mind to show that as circumstantial evidence, when he  
20 disappeared, when he severed his relationship and ties with  
21 these people, it was because as a result of foul play, criminal  
22 act, rather than a voluntary act on his part. It is offered  
23 on his state of mind.

24 MR. DENNY: Well, your Honor, in the first place, it is  
25 irrelevant as to what he said about his feelings about George  
26 and Ruby. We've already gotten something into that through  
27 his former wife, Sandra Harmon, who testified to the relation-  
28 ship between Shorty and George.

3-2

1 MR. KAY: Between 1961 and 1965. And, of course, this  
2 would be more up to date, showing it is a continuing relation-  
3 ship.

4 MR. DENNY: All right. They can testify personally to  
5 that relationship, if they want to. The People can call those  
6 witnesses in and testify as to what that relationship was,  
7 which they have done on prior occasions, both before the Grand  
8 Jury and in the Manson case.

9 THE COURT: Do you think they can express an opinion  
10 from what they saw and observed as to whether or not it was a  
11 friendly relationship or how close it was?

12 MR. DENNY: Well, your Honor, this witness may be able  
13 to express her opinion under the more liberalized opinion  
14 exception.

15 THE COURT: I think that's about all it is, really.

16 MR. DENNY: But, no, he's not asking for opinion. He's  
17 asking for conversation, what Shorty said.

18 THE COURT: Well, the conversations are admitted if  
19 they -- if the Court does admit them solely for the purpose  
20 of showing the relationship between Spahn and Pearl.

21 MR. KAY: That's right.

22 MR. DENNY: Your Honor, we're getting a little far  
23 afield when it comes to the intentions of the party. There is  
24 an exception to the hearsay rule pertaining to state of mind,  
25 but it doesn't pertain to every state of mind. The exception  
26 to the hearsay rule pertains to state of mind when you're  
27 talking about was a person going somewhere or was a person  
28 not going somewhere.

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1 THE COURT: An expression of intention generally is what  
2 you're speaking of.

3 MR. DENNY: Now, the People --

4 THE COURT: The People --

5 MR. DENNY: If I may, your Honor.

6 The People are taking entirely, wholly,  
7 completely inconsistent positions here, getting in every kind  
8 of purportedly state of mind hearsay when they get in hearsay  
9 from Jerry Binder, from Arch Hall, from Babcock and others that  
10 he was going to go into movies, that he was going to go away  
11 to Arizona, when they get in statements from Ray Parrott he was  
12 going to go not to Arizona to make a movie, but to Vallejo to  
13 work in the salt mines. All right, this Court has heard that  
14 evidence already, both in the Manson case and has seen it in the  
15 Grand Jury transcript on the 995 motion.

16 Now, if you are getting all of these in, let's  
17 assume that this is before the Court, how can you say now that  
18 they can also get in state of mind evidence to show that he  
19 wasn't going anywhere, that he planned to stay here with his  
20 friends. It is entirely inconsistent. They have to fish or  
21 cut bait.

22 MR. KAY: That's not true.

23 MR. MANZELLA: That's not what we are doing. I think  
24 Mr. Denny misunderstood what I said.

25 We're not offering the statements that he did not  
26 intend to leave a particular place. What we're offering is his  
27 state of mind to show that Shea's intention was not to sever  
28 his relationship with these people, even if he should tempor-

3-4 1 arily leave, say, Spahn Ranch or the City of Los Angeles. But  
2 that he did not intend to sever his relationship with his  
3 mother, his wife, his friends and so on. That's what we are  
4 attempting to show.

5 MR. DENNY: And they're seeking to get this here --

3 a fol 6 THE COURT: I'll permit it.  
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3a-1 1 MR. DENNY: Your Honor, if I can just get one more thing  
2 in.

3 They're seeking to get this in through hearsay  
4 which is secondary and that the best evidence -- when they're  
5 going to attempt to, at least, get the same evidence in by  
6 virtue of the testimony of Ruby Pearl, of Arch Hall, of Jerry  
7 Binder, of Jim Babcock, that Shorty always contacted them.  
8 And testimony of his mother that he always contacted her.

9 Now, that is better evidence and that is more  
10 direct evidence and it is not hearsay, rather than trying to  
11 get in hearsay through this witness as to what his relationship  
12 was with these people from which you were supposed to then  
13 draw an inference based on that hearsay that he didn't want to  
14 sever his relationship with them.

15 Let them bring in the testimony of the first party  
16 witnesses with whom he had the relationship as to what that  
17 relationship was and as to what contacts he had over the years  
18 with them and the jury may draw their inference from that  
19 testimony. But not hearsay from this witness on that subject,  
20 which is secondary and tertiary as far as the inferences you're  
21 supposed to draw therefrom.

22 THE COURT: Anything further?

23 MR. MANZELLA: If the Court wants to hear from me, I do  
24 have something.

25 If we brought in, say, oh, Ruby Pearl, who testified  
26 she thought -- she trusted Shorty and she felt close to him; and  
27 Dawn Quant, and the other witnesses that we will call. And  
28 there was a witness who was close to Mr. Shea, who heard him say

3a-2

1 that he really didn't like these people and that he was using  
2 them to -- oh, for his own gain, his own goals and so on, and  
3 that he really intended to leave Los Angeles and go some place  
4 else and he didn't like these people, he wanted to get away from  
5 it, he was sick of it, surely Mr. Denny could bring that in.

6 MR. DENNY: I could bring it in by way of impeachment.

7 MR. MANZELLA: That's not true at all, by way of  
8 impeachment. You could bring it in as substantive evidence  
9 that Shea didn't --

10 THE COURT: Of a state of mind.

11 MR. MANZELLA: Of a state of mind, of course. And what  
12 we are trying to show is Mr. Shea's state of mind. Just  
13 because we can show it by several witnesses, we do that to make  
14 it stronger. It is as simple as that. It is admissible to  
15 show a state of mind, and we do it by several witnesses to make  
16 it stronger. And if we can do it, if we have the witnesses to  
17 testify to his state of mind, there's no reason why we can't  
18 use them because it is admissible.

19 MR. DENNY: But this is not real state of mind that this  
20 particular exception to the hearsay rule was supposed to be  
21 directed toward. This is solely her opinion, her opinion and  
22 conclusion as to what Shorty thought of these people. That's  
23 all it is. It is an opinion --

24 MR. MANZELLA: No, in the --

25 MR. DENNY: -- of Shorty.

26 MR. MANZELLA: In the L. Ewing Scott case this kind of  
27 evidence was submitted in almost the same situation, where a  
28 person was suspected of being dead, no body had been recovered

3a-3

1 and the persons, friends, relatives, business associates  
2 testified with regard to her state of mind. It is the same.

3 MR. DENNY: That's exactly what I am saying.

4 MR. KAY: Instead of her relationship with other people.

5 MR. DENNY: To them.

6 MR. KAY: Huh-uh, no.

7 MR. MANZELLA: Her statements she had made during her  
8 lifetime which would show her state of mind.

9 THE COURT: All right, I'll permit it with the admonition  
10 to the jury, however, that it is received for the purpose of  
11 showing Mr. Shea's state of mind.

12 MR. DENNY: State of mind as to what?

13 MR. KAY: Thank you, your Honor.

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

16 Q BY MR. MANZELLA: Now, would you tell us, Mrs. Shea,  
17 what did Donald Shea tell you about George Spahn and Ruby  
18 Pearl?

19 THE COURT: Excuse me just one minute.

20 MR. DENNY: Again, hearsay objection, your Honor.

21 Also, the question is vague and ambiguous.

22 THE COURT: As to --

23 MR. DENNY: Overbroad.

24 THE COURT: All right, sustained. You should particular-  
25 ize it.

26 Q BY MR. MANZELLA: Prior to the -- strike that.

27 During the time that you were -- during the time  
28 that you knew Donald Shea, had he told you about his feelings,

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1 his attitude towards George and Ruby Pearl?

2 A Yes, he looked --

3 MR. DENNY: Just a moment, I'll object to anything else  
4 but yes and move it be stricken.

5 Q BY MR. MANZELLA: All right, would you tell us what  
6 he said with regard to his feelings and his attitude towards  
7 George Spahn and Ruby Pearl?

8 MR. DENNY: Again, hearsay, your Honor.

9 THE COURT: All right, would you approach the bench,  
10 gentlemen.

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

13 THE COURT: The court is going to instruct the jury that  
14 Mr. Shea's statements are received as circumstantial evidence  
15 to show, if indeed they do show, if they indeed do show  
16 Mr. Shea's state of mind at the time the statements were made  
17 in respect to his attitude and relationship toward the person  
18 spoken of --

19 MR. DENNY: All right, your Honor, I will ask, however,  
20 that -- I am going to make a further objection as the question  
21 is phrased on the grounds of opinion and conclusion. We've  
22 been talking about an exception to the hearsay rule based on  
23 statements of Mr. Shea to her. The question was what was his  
24 attitude toward them.

25 MR. MANZELLA: No, that wasn't the question.

26 MR. KAY: No.

27 MR. MANZELLA: What did he say, what did he tell you  
28 about his feelings towards George Spahn and Ruby Pearl.



3a-5

1 MR. DENNY: If we can have it read back -- and it was not  
2 so phrased. And she was about to embark on her opinion of  
3 what his attitude was, not what he said to her.

4 MR. KAY: Let's have it read back.

5 (Whereupon, the question and answer were read by  
6 the reporter as follows:

7 "Q During the time that you were -- during  
8 the time that you knew Donald Shea, had he told you  
9 about his feelings, his attitude towards George  
10 Spahn and Ruby Pearl?

11 "A Yes, he looked --")

12 MR. KAY: See.

13 MR. DENNY: "He looked --" -- she's going to say, not  
14 what he said.

15 THE COURT: It is sustainable. You may rephrase it.  
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1 (Whereupon, the following proceedings were had  
2 in open court, within the presence and hearing of the jury:)

3 THE COURT: Ladies and gentlemen, Mr. Shea's statements  
4 are received as circumstantial evidence, to show -- if indeed  
5 they do show -- Mr. Shea's state of mind at the time the state-  
6 ment was made by him, in respect to his relationship and  
7 attitude towards the person spoken of in the statement.

8 The statements are received for that limited  
9 purpose.

10 Q BY MR. MANZELLA: Mrs. Shea, during the time that  
11 you knew Donald Shea, from May of 1969 to August of 1969, did  
12 he tell you how he felt about George Spahn and Ruby Pearl?

13 A Yes.

14 Q Would you tell us, then, what did he tell you about  
15 George Spahn and Ruby Pearl?

16 A He thought -- looked upon George Spahn as a --

17 MR. DENNY: Just a moment. I'll object to the answer as  
18 not responsive to the question: What did he tell her?

19 Specific words are called for.

20 THE COURT: Is this what he said, Mrs. Shea?

21 THE WITNESS: Yes.

22 THE COURT: The objection is overruled.

23 Q BY MR. MANZELLA: All right. You may answer the  
24 question.

25 A He thought -- he looked -- he thought that George  
26 Spahn was a father, like, to him; and Ruby Pearl was a mother.

27 Q And did he tell you anything about how long he had  
28 known them?

4-2

1 A Yes.

2 Q And what did he say?

3 MR. DENNY: I'll object to that as calling for hearsay,  
4 and not going to state of mind.

5 THE COURT: Sustained.

6 Q BY MR. MANZELLA: Now, do you recall the -- the  
7 second time that you returned to Spahn Ranch? Do you recall  
8 the date on which you returned to Spahn Ranch the second time?

9 A I think it was August 11th, 1969.

10 Q And I think you've already said that you met George  
11 Spahn and Ruby Pearl on that second occasion?

12 A Yes.

13 Q And did you visit with them for a while?

14 A Yes.

15 Q About how long were you there, if you recall?

16 A It was a long time.

17 Q Was it -- was it close to an hour?

18 A It was --

19 MR. DENNY: I'll object to that as leading and suggestive.

20 THE COURT: Overruled. The answer may remain.

21 MR. DENNY: Well, may I have the answer? I didn't hear  
22 it.

23 THE REPORTER: Neither did I.

24 THE WITNESS: It was more than an hour; something like  
25 three or four hours.

26 Q BY MR. MANZELLA: Now, do you recall the date on  
27 which you met the Babcocks, Jim and Sharon Babcock?

28 A I'm sorry. That date was August 11th.

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1 Q When you met the Babcocks?

2 A Yes.

3 Q Did you meet them before you met George Spahn and  
4 Ruby Pearl?

5 A Yes.

6 Q How long after you met the Babcocks on August 11th  
7 did you meet George Spahn and Ruby Pearl?

8 A It was the next day -- two -- one day.

9 Q All right. So it would have been August the 12th  
10 when you met George Spahn and Ruby Pearl?

11 A Yes.

12 Q All right. Now, did you go out -- did you go visit  
13 the Babcocks with Donald? Did he take you there?

14 A Yes.

15 Q And did the Babcocks have any children at that time?

16 A Yes.

17 Q Now, on August the 11th, 1969, did you and Donald  
18 do anything other than visit the Babcocks?

19 A Yes, we did.

20 Q And what did you do?

21 MR. DENNY: Object to that as irrelevant and immaterial.

22 THE COURT: Overruled.

23 Q BY MR. MANZELLA: What did you do?

24 A We went to Maurice Kosloff's studio on Wilshire  
25 Boulevard, to audition for a part in a movie that was being  
26 made.

27 MR. DENNY: I'm sorry. Could I get the name of the studio?

28 THE WITNESS: Maurice Kosloff.

1 MR. MANZELLA: K-o-s-l-o-f-f, I believe. The first name's  
2 spelled M-a-u-r-i-c-e.

3 Q And what did you and Donald do when you went out to  
4 the studio, when you went to the studio on August 11th, 1969?

5 A We both read scripts, and he got a part, after  
6 reading a speaking part, and I got a part as an extra in a  
7 movie.

8 Q But at that time, you signed no contracts; is that  
9 right?

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Q Was anything done in preparation --

A Yes.

Q -- for the parts?

A Yes. The measurements of both of our sizes was taken.

Q Both you and Donald?

A Yes.

Q Now, from the time you had met Donald in May of 1969, had Donald ever said anything to you about the movies, in general, or acting in particular?

A Yes.

Q And what did he say to you?

MR. DENNY: I'll object to that as calling for hearsay.

MR. MANZELLA: The People offer it as Mr. Shea's state of mind, if it shows it, at the time the statements were made.

THE COURT: All right. The Court will permit it, with that restriction, ladies and gentlemen: That it is admitted to establish, if it does, his state of mind in respect to his intentions regarding movie work.

Q BY MR. MANZELLA: Could you tell us what Donald said to you about movie work?

A He used to be a stuntman, and he wanted to go back into movie work again.

And this was all his talk, mostly, was going back into the movies.

Q And did he ever -- did he tell you at any time, after you met him in May of 1969, about any particular film

4a-2

1 or particular movie?

2 A Yes. But I don't recall the name.

3 Q Do you recall the name Robert Bickston?

4 A Right, yes. I do.

5 Q And do you recall whether Donald said anything  
6 about Mr. Bickston?

7 A Yes.

8 Q What did he say?

9 A He said he had did some work for Mr. Bickston  
10 in a movie.

11 MR. DENNY: Well, I'll object --

12 MR. MANZELLA: Bickston is spelled B-i-c-k-s-t-o-n.

13 MR. DENNY: Just a moment. I'll object to that and  
14 move that it be stricken as hearsay; not calling for his  
15 state of mind.

16 THE COURT: Yes, it is stricken. "He said he had  
17 done some work for Robert Bickston," that is stricken.

18 Q BY MR. MANZELLA: My question is, Mrs. Shea,  
19 did he say anything about Mr. Bickston with regard to future  
20 work that he might do?

21 A Yes.

22 MR. DENNY: I think this is leading and suggestive,  
23 your Honor.

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

26 Q BY MR. MANZELLA: And what did he say in that  
27 regard?

28 A He -- he came -- Robert Bickston was making a

1 movie in Phoenix, Arizona --

2 MR. DENNY: I'll object to that as not responsive.

3 Q BY MR. MANZELLA: Did Donald tell you that?

4 MR. DENNY: And move that it be stricken.

5 THE WITNESS: Yes.

6 THE COURT: The objection is overruled.

7 Q BY MR. MANZELLA: And did Donald tell you whether  
8 or not he planned to be in the movie?

9 A Yes, he did.

10 MR. MANZELLA: Your Honor, this is certainly leading  
11 and suggestive.

12 THE COURT: Sustained. The answer is stricken.

13 Q BY MR. MANZELLA: All right. What did Donald  
14 tell you about that movie?

15 A He didn't know very much about it to tell me,  
16 but he had planned to go to Phoenix to work in this movie.

17 But something happened, and he didn't get --  
18 and it was delayed.

19 Q All right.

20 Now, while you were married to Donald, did you  
21 become familiar with any of his personal possessions?

22 A Yes.

23 Q And did Donald have as part of his personal  
24 possessions any guns?

25 A Yes, he did.

26 Q And would you describe them -- strike that.  
27 Did you see those guns?

28 A Yes, I did.



1 Q Did you see them on one occasion or more than  
2 one occasion?

3 A More than one.

4 Q And can you describe those guns for us?

5 A They are Colt .45's, about this long (indicating).

6 Q Would you say that's about ten inches?

7 THE COURT: Nine or ten inches.

8 MR. MANZELLA: All right.

9 Q And how many --

10 A And they had a matched -- they're a matched  
11 set, with the -- that have the Nos. 22 -- 21 and 22.

12 Q They were two guns?

13 A Yes.

14 Q And was that the serial number that you are  
15 referring to?

16 A Yes.

17 Q And part of the serial number was 21, and part  
18 of the serial number of the other weapon was 22?

19 A 22.

4b fls.

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4b-1

1 Q Do you recall any more about them? The  
2 description of those guns?

3 A Hmmm -- well, it was about -- they was about this  
4 long (indicating), and the handles was brown, and I guess the  
5 barrel is blue or black.

6 MR. MANZELLA: Your Honor, I have here two revolvers,  
7 one of which bears the serial number 2421. I would like to have  
8 that marked People's -- it's previously been marked People's  
9 53-A.

10 May I have that marked People's 53-A for  
11 identification at this time for this proceeding?

12 THE COURT: So ordered.

13 MR. MANZELLA: And I have here another revolver, bearing  
14 what appears to be a serial number 2422, previously marked  
15 as People's 53-B.

16 May that be marked People's 53-B for identification  
17 at this proceeding?

18 THE COURT: So ordered.

19 MR. MANZELLA: Your Honor, I have examined both weapons,  
20 and they're not loaded.

21 Q Mrs. Shea, directing your attention to People's  
22 53-A and People's 53-B for identification, do you recognize  
23 these two revolvers?

24 And you can pick them up and look at them, if you  
25 like. They're not loaded.

26 A Yes.

27 Q And are those the guns that belonged to Donald?

28 A Yes.

4b-2

1 Q All right. How do you know about the numbers on  
2 the guns?

3 A Because he showed them to me.

4 Q Yes. And did he show you where they were on the  
5 guns?

6 A Yes.

7 Q Would you point them out to us, please?

8 A The numbers are right across here (indicating).

9 Q You are pointing to the -- that portion of the gun  
10 in front of the trigger guard?

11 A Yes.

12 Q And what is the number on that -- on the weapon  
13 you are holding in your hand?

14 A 2421.

15 Q All right. Would you show us where the serial  
16 number is on the other weapon?

17 A (Indicating) It's in the same place.

18 Q All right. And what's the number on that gun?

19 A 2422.

20 Q Now, did Donald have a container of any sort in  
21 which he carried those weapons, or placed those weapons?

22 A Yes.

23 Q Would you describe that for us, please?

24 A It was a brown attache case with -- on the outside,  
25 wrote "Reverend Donald Jerome Shea."

26 MR. MANZELLA: Your Honor, I have here what appears to be  
27 an attache case, which has previously been marked People's 54.

28 May it be marked People's 54 for identification

4b-3

1 at this proceeding?

2 THE COURT: So ordered.

3 Q BY MR. MANZELLA: Now, Mrs. Shea, directing your  
4 attention to People's 54 for identification, do you recognize  
5 this -- this attache case?

6 A Yes.

7 Q And is that the attache case about which you've  
8 just testified?

9 A Yes.

10 Q And did you see what Donald kept in that case?

11 A Yes.

12 Q And what did he keep in this case?

13 A He kept the two guns and a knife.

14 Q And you -- the two weapons -- the two guns that you  
15 are referring to are People's 53, the two weapons that you've  
16 just identified?

17 A Yes.

18 Q And the knife, can you describe the knife for us,  
19 please?

20 A The knife was about -- was about this long  
21 (indicating), and --

22 MR. MANZELLA: Is that about nine inches, your Honor?

23 THE COURT: It appears to be eight or nine inches.

24 Q BY MR. MANZELLA: And he kept the knife and the two  
25 guns in the attache case, People's 54?

26 A Yes.

27 Q You say there was some writing on the attache case?

28 A Yes.

1 Q And does that writing appear on People's 54 for  
2 identification?

3 A Yes.

4 Q Would you point that out for us, please?

5 A This writing here, "Reverend Donald Jerome Shea."

6 Q All right. I'll hold it back here so that the jury  
7 can all see it better.

8 Now, would you point it out, please?

9 A This writing here (indicating), "Reverend Donald  
10 Jerome Shea."

11 MR. MANZELLA: Your Honor, if I may, I'll open the attache  
12 case.

13 Q Now, directing your attention to the -- first of  
14 all, let me ask you this -- well, strike that.

15 Let me ask you this: Does the interior of the  
16 attache case appear to be similar to the interior of the case  
17 when you saw it?

18 A No, it's not the same.

4c fol

4c-1

1 Q What is different about it?

2 A It was green, for one thing. And then it had  
3 a bottom where one gun laid on each side; and the knife laid  
4 in the middle.

5 Q Now, directing your attention to these items  
6 which are presently in the attache case -- and if you would  
7 just look through some of these items and tell us if you've  
8 ever seen any of these items in the attache case before?

9 Have you ever seen any of these items in the  
10 attache case before?

11 A (No response.)

12 Q I'm sorry. Let me withdraw that question.

13 Have you ever seen any of these items in the  
14 attache case, other than at a proceeding in court?

15 A No.

16 Q In other words, when this case was in Donald  
17 Shea's possession, you never saw any of these items in it;  
18 is that correct?

19 A No.

20 Q I'm sorry. Is that correct? I confused you.  
21 Well, let me withdraw the question.

22 When you saw this case in your husband's  
23 possession, were any of these items in it?

24 A No.

25 THE COURT: Which items are you speaking of, for the  
26 record?

27 MR. MANZELLA: The items which were contained --  
28 which are in the case now, your Honor.

4c-2

1 THE COURT: Which are?

2 MR. DENNY: I'll stipulate, your Honor, there are a  
3 number of items in what appear to be evidence envelopes,  
4 which I think will be later identified during the course of  
5 the trial.

6 MR. MANZELLA: That's correct, your Honor.

7 THE COURT: Very well.

8 MR. MANZELLA: If the Court wishes, I could identify  
9 them now.

10 THE COURT: Yes, let's do, while you are at it.

11 MR. MANZELLA: All right.

12 May I inquire of Mrs. Holt for a moment, your  
13 Honor?

14 (Pause in the proceedings while a discussion  
15 off the record ensued at the clerk's desk between  
16 Mr. Manzella and the clerk.)

17 MR. MANZELLA: Your Honor, Mrs. Holt informs me that  
18 they have not previously been identified specifically by  
19 letter or number.

20 Does the Court want me to do that, or just --

21 THE COURT: Just --

22 MR. MANZELLA: -- describe them?

23 THE COURT: Just look at them and describe them  
24 briefly, if you would.

25 MR. MANZELLA: All right. I'll take it over here,  
26 so that Mr. Denny can look at them as well.

27 I have what appears to be a street map of  
28 Burbank;

4c-3

1 Two envelopes; an envelope bearing the imprint-  
2 ing Pacific Telephone, and the printed name Dwayne, middle  
3 initial "E", Schwarm, S-c-h-w-a-r-m.

4 (Pause in the proceedings while a discussion  
5 off the record ensued at the counsel table between  
6 Mr. Manzella and Mr. Denny.)

7 MR. MANZELLA: And those papers and documents I've  
8 just identified are among several pieces of paper and  
9 envelopes contained in what appears to be an evidence  
10 envelope, which bears the numerical designation 10-F, your  
11 Honor.

12 There's a can of ink eraser, which bears the  
13 numerical designation 10-D.

14 There's a book of checks with the imprinting,  
15 First National Bank of Oregon, and a printed name, Dwayne  
16 E. Schwarm, bearing the numerical designation -- in an  
17 envelope bearing the numerical designation 10-B.

18 And a series of checks bearing the imprinting,  
19 Spahn Movie Ranch, in an envelope bearing a numerical designa-  
20 tion of 10-A.

21 A packet of cigarette paper contained in an  
22 envelope bearing a numerical designation 10-E;

23 And a bottle of Anacin tablets, contained in an  
24 envelope bearing the numerical designation 10-C.

25 And two pennies, loose.

26 THE COURT: Save the Anacin tablets and the two  
27 pennies; we may need them.

28 (Laughter.)



4c-4

1 THE COURT: We'll take a recess now, ladies and  
2 gentlemen.

3 During the recess, you are obliged not to  
4 converse amongst yourselves nor with anyone else, nor  
5 permit anyone to converse with you on any subject connected  
6 with the matter, nor to form or express any opinion on it  
7 until it is finally submitted to you.

8 About ten, fifteen minutes.

9 (Mid-morning recess.)

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1 THE COURT: The defendant is present with his counsel.  
2 All the jurors are in the box. The witness is on the stand.

3 You may proceed.

4 Q BY MR. MANZELLA: Mrs. Shea, on the occasions when  
5 you saw Donald with the guns, did you see him do anything with  
6 the guns?

7 A He used to do tricks with them.

8 Q What do you mean by doing tricks with them?

9 A He would twirl them on his fingers and do fast  
10 draws.

11 Q Did he have a holster of some sort that he used,  
12 that he put the guns in?

13 A Yes.

14 Q Now, after you had met Donald in May of 1969, had  
15 you had the opportunity to observe his demeanor, his behavior,  
16 his emotions, that sort of thing?

17 A Yes.

18 Q And had Donald ever said anything to you about  
19 these guns?

20 A Before we was married?

21 Q No, I mean during the time that you knew Donald,  
22 May of 1969, including the time that you were married to him,  
23 up to August of 1969?

24 A Uh, I saw the guns and -- in Las Vegas, but -- or  
25 before, I never saw them.

26 Q All right. When you saw Donald with the guns, did  
27 he say anything to you about those guns?

28 A Yes.

5-2

1 Q What did he say about them?

2 MR. DENNY: Object, calling for hearsay.

3 MR. MANZELLA: We'll offer it on Mr. Shea's state of  
4 mind, if it does show Mr. Shea's state of mind at the time  
5 he made the statements with regard to the guns.

6 MR. DENNY: Object to that as irrelevant and immaterial.

7 THE COURT: All right, it will be received, ladies and  
8 gentlemen, to show, if it does show, in your judgment,  
9 Mr. Shea's state of mind toward the guns and as circumstantial  
10 evidence, if it does show Mr. Shea's state of mind, as to  
11 whether or not he would dispose of the guns. It is received  
12 for those purposes or that purpose only to show his state of  
13 mind toward the guns.

14 Q BY MR. MANZELLA: All right, Mrs. Shea, would you  
15 tell us what he said about the guns?

16 A He said that he would never sell them to anybody  
17 because, uh, those were his -- something that he had got and he  
18 would never get rid of.

19 Q Now, when was the last time that you saw or heard  
20 from your husband, Donald Shorty Shea?

21 A The last time I saw Donald Short -- Donald was  
22 August 16. The last time I heard from him was in a letter that  
23 he left for me at the Wilcox Hotel, was August 17.

24 Q Now, on that date, August 16, 1969, were you  
25 staying at the Wilcox Hotel in Hollywood?

26 A Yes.

27 Q And sometime during that day did something happen  
28 between you and Donald?

1 A Yes.

2 Q And what was that?

3 A Early that morning we had an argument.

4 Q Can you tell us what was the argument about?

5 A About him drinking, and then about me working.

6 Q Did you object to drinking?

7 A Yes.

8 Q Did he object to your working?

9 A Yes.

10 Q And what did Donald say about your working?

11 A He said he was the man, he should be able to  
12 take care of me and he didn't want his wife working.

13 Q Now, did that argument occur while you were at the  
14 Wilcox Hotel?

15 A Yes.

16 Q And did -- after you had that argument, as a  
17 result of that argument, did Donald leave the hotel?

18 A Yes, he did.

19 MR. DENNY: Just a moment, I'll object to that as  
20 calling for a conclusion as a result of that argument.

21 THE COURT: All right, sustained.

22 MR. DENNY: Move the answer be stricken.

23 THE COURT: The answer is stricken. The objection is  
24 sustained.

25 Q BY MR. MANZELLA: What happened after the argument?

26 A He left.

27 Q At approximately what time of day was this on  
28 August 16 that Donald left?

1           A       It was early in the morning about 7:00 o'clock,  
2 I guess.

3           Q       Did you later that day, did you hear from Donald?

4           A       Yes.

5           Q       And how did you hear from him?

6           A       Over the telephone.

7           Q       And where were you?

8           A       At the Wilcox Hotel.

9           Q       And did you have a conversation with Donald on  
10 the phone?

11          A       Yes, I did.

12          Q       And what, if anything, did he tell you?

13          A       He told me that he was at the Spahn's Ranch and he  
14 was going to stay there until somebody came there. There was  
15 no one there.

16          Q       Now, sometime later did you leave the hotel?

17          A       Yes, I did.

18          Q       This was on August 16?

19          A       Yes.

20          Q       And did you return sometime later?

21          A       In the morning of August 17.

22          Q       Approximately how long were you gone from the --  
23 your hotel room?

24          A       I left about 9:00 and I returned -- I don't know  
25 exactly. Maybe about 3:00 or 4:00 in the morning.

26          Q       Left about 9:00 at night?

27          A       Yeah, about 9:00 or 9:30, I guess.  
28

5a fob

5a-1

1 Q Now, when you left the hotel room, were Donald's  
2 possessions, personal possessions in the hotel room?

3 A Yes.

4 Q And when you returned the morning of August 16,  
5 was anything gone?

6 A Yes.

7 Q What was gone?

8 A All of his clothes and his -- most of his  
9 possessions that we had in the room.

10 Q Now, did Donald have any suitcases of any kind?

11 A Yes.

12 Q Would you describe them for us, please?

13 A He had two footlockers. They was green and on  
14 the top of them they was wrote in red "Donald Jerome," and  
15 he had brown luggage -- piece set. He had a gray piece of  
16 luggage and he had another case. It wasn't -- it was like an  
17 attache case. It was bigger than that one.

18 Q People's 54?

19 A Yes. And it was kind of blue-gray.

20 Q And where did he keep the footlockers?

21 A In the trunk of the car.

22 Q Did Donald have a car?

23 A Yes.

24 Q What kind of car was it?

25 A White Falcon -- a white Comet.

26 Q A Comet?

27 A Yes.

28 Q All right. Directing your attention to these

5a-2

1 photographs -- oh, strike that.

2 Your Honor, I have here, I believe it is,  
3 ten photographs which have previously been marked People's  
4 61-A through J. May I have them so marked for identification  
5 at this proceeding?

6 THE COURT: So ordered 61-A through J.

7 MR. MANZELLA: Yes, your Honor.

8 MR. DENNY: 61 or 51, Mr. Manzella?

9 MR. MANZELLA: 61.

10 MR. DENNY: 61.

11 Q BY MR. MANZELLA: Mrs. Shea, directing your  
12 attention to these photographs, People's 61-A through J  
13 for identification. Do you recognize what is shown in these  
14 photographs?

15 A Yes.

16 Q And what is shown in these photographs?

17 A This is the car that we had.

18 Q And are these -- all of these photographs,  
19 61-A through J, photographs of various parts of that car?

20 A Yes.

21 Q Now, directing your attention to the -- strike  
22 that.

23 Your Honor, I have here what appears to be  
24 two footlockers which have previously been marked People's  
25 65-F and 65-G. May they be so marked for identification at  
26 this proceeding?

27 THE COURT: Yes, so ordered.

65-F & G.

6 fls.

6-1

1 MR. DENNY: I'm sorry. Again, Mr. Manzella, is that  
2 55?

3 MR. MANZELLA: 65.

4 THE COURT: 65-F and -G for identification.

5 Q BY MR. MANZELLA: All right. Mrs. Shea, directing  
6 your attention to the two footlockers, People's 65-F and 65-G,  
7 do you recognize those two exhibits?

8 A Yes.

9 Q And are those the footlockers about which you've  
10 just told us?

11 A Yes.

12 Q Now, did you see where Donald kept those two  
13 footlockers?

14 A In the trunk of the car.

15 Q In the trunk of Mercury Comet?

16 A Yes.

17 Q Now, there's one thing I wanted to ask you,  
18 Mrs. Shea. You heard me describe the contents, the present  
19 contents of People's 54, the brown attache case?

20 A Yes.

21 Q Had you ever seen any of those items before, in or  
22 out of the attache case? Had you ever seen any of those  
23 items in the possession of your husband, Donald Shea?

24 A No.

25 Q Now, approximately when did you receive the tele-  
26 phone call from Donald, on August 16th?

27 A It was in the evening time. I guess it would be  
28 about 7:30 or 8:00 o'clock at night.



1 Q And it was before you -- you left to go out that  
2 night?

3 A Yes.

4 Q Now, when you returned to the hotel on August 17th,  
5 the morning of August 17th, did you -- was there anything  
6 there for you?

7 A I -- a letter in the box.

8 Q And do you have that letter now?

9 A No, I don't.

10 Q When is the last time you've seen that letter?

11 A It was in August of 1969.

12 Q And have you made attempts to look for that letter?

13 A Yes, I have.

14 Q On how many occasions, if you know?

15 A A number of occasions.

16 Q Since August of 1969?

17 A Yes.

18 Q Did you destroy that letter yourself? Or  
19 intentionally get rid of that letter, or destroy it?

20 A I didn't intentionally destroy it, because --

21 Q All right. That's fine. That answers my question.  
22 Has someone asked you to attempt to locate that  
23 letter?

24 A Yes.

25 Q And have you attempted to locate that letter?

26 A Yes, I have.

27 Q And where was it when you last saw it?

28 A It was on LaBrea Avenue, where I was staying.

1 Q And this was sometime later, in August of 1969?

2 A Yes.

3 Q And have you moved since then?

4 A Yes, I have.

5 Q More than once?

6 A More than once.

7 Q All right. Was there writing on the letter?

8 A Yes.

9 Q And was that writing familiar to you?

10 A Yes, it was.

11 Q And whose writing did that appear to you to be,  
12 on the letter?

13 A Donald Jerome Shea.

14 Q All right. Would you tell us what the -- what was  
15 said in the letter?

16 MR. DENNY: Object to that as hearsay, and not the best  
17 evidence.

18 THE COURT: You may approach the bench.

19 (Pause in the proceedings while the Court  
20 perused the Evidence Code.)

21 THE COURT: Mrs. Shea, did you ever make a copy of that  
22 letter?

23 THE WITNESS: No, I didn't.

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

27 THE COURT: Mr. Denny, the Court will hear from you.

28 MR. DENNY: Well, your Honor, I may be under a

1 misapprehension as to what letter it is. I am trying to check  
2 the Grand Jury transcript here to see when she had previously  
3 testified about it.

4 There was a letter introduced at the time of the  
5 Grand Jury hearing, and I believe at the Manson case, --

6 MR. MANZELLA: Well --

7 MR. DENNY: -- from Shorty, purporting to be from Shorty  
8 to her.

9 MR. KAY: That one was found in the footlockers. She  
10 never received that letter, if the Court will remember.

11 THE COURT: That's -- yes, that's the one, as I recall,  
12 that the evidence disclosed was found in the automobile, in the  
13 footlocker.

14 She's referring to the one that she's lost,  
15 apparently.

16 I think it would come in under 1505, as an  
17 exception to the best evidence rule, if there is no copy  
18 available, and if she's -- if it's -- if she doesn't have it in  
19 her possession or under her control.

20 It appears as though it would be admissible; but  
21 again, I guess, of course, the Court should state to the jury  
22 that it's admitted to show -- not for the truth of the matter,  
23 but to show Mr. Shea's state of mind in respect to -- what?

24 MR. MANZELLA: Excuse me?

25 MR. DENNY: Well, I would like an offer of proof as to  
26 what the letter is supposed to state.  
27  
28

6a-1

1 THE COURT: Although I do recall there was a letter,  
2 I don't recall what it was supposed to say.

3 MR. KAY: She testified to it at the Manson trial.

4 MR. MANZELLA: That would be the best offer of proof.

5 She testified at the Manson trial that the  
6 letter stated as follows:

7 "He told me that he was leaving, and he  
8 didn't say exactly where he was going, but he told  
9 me if I wanted to get in touch with him, to call  
10 the Babcocks, and they would know where to reach  
11 him at all times;

12 "That he hoped that I would forgive him  
13 for acting the way he did, but he still didn't want  
14 me to work; and that he wanted the marriage to  
15 continue.

16 "He said he hoped that maybe some day  
17 we could get back together and continue our marriage."

18 That's all she could remember.

19 THE COURT: I see. All right.

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

23 THE COURT: Ladies and gentlemen, the Court is going  
24 to permit the witness to state the contents of Mr. Shea's  
25 letter. But that evidence is received to show -- if, in  
26 your judgment it does show -- Mr. Shea's state of mind  
27 toward his marriage.

28 It's not received for the truth of the matter

6a-2

1 asserted, but to show Mr. Shea's state of mind, if it does,  
2 toward Mrs. Shea and their marriage.

3 The objection is overruled. You may answer.

4 THE WITNESS: He told me that he was sorry for his  
5 drinking; that he loved me very much; and he was going to  
6 try to do better.

7 And he gave me a telephone number to the Babcocks,  
8 if I ever wanted to get in touch with him, how I could get in  
9 touch with them.

10 Q BY MR. MANZELLA: In the letter, did the letter  
11 say anything about your working?

12 MR. DENNY: I will object to that as leading and  
13 suggestive.

14 THE COURT: Sustained.

15 Q BY MR. MANZELLA: Do you recall -- all right.

16 Thank you.

17 Do you recall, now, everything that was in the  
18 letter?

19 A No, I don't.

20 Q All right. Was there more in the letter than  
21 what you've just told us?

22 A It was a letter, yeah. But I don't remember.

23 Q All right. I will ask you, directing your  
24 attention to this transcript, and ask you to -- referring you  
25 to --

26 MR. DENNY: Well, your Honor, excuse me. Before that's  
27 shown to the witness, I am going to object that this is  
28 certainly leading and suggestive.

6a-3

1 We have got testimony pertaining to a letter  
2 that doesn't even exist.

3 THE COURT: Excuse me. I'll hear argument at the bench,  
4 if you wish.

5 MR. MANZELLA: On what, your Honor?

6 THE COURT: What do you propose to do at this moment?

7 MR. MANZELLA: Refresh her memory, your Honor. She's  
8 stated that she cannot -- there was more to the letter, and  
9 she cannot recall what the rest of the letter was.

10 And I can identify what I am showing her, if the  
11 Court wishes.

12 MR. DENNY: I submit it's leading and suggestive,  
13 under these circumstances, your Honor.

14 THE COURT: Well, Mrs. Shea, can you recall anything  
15 further that was in the letter? If there was anything more  
16 in the letter?

17 THE WITNESS: Not exactly. That's been almost three  
18 years ago. It's kind of hard to remember everything like  
19 that.

20 Some things, I can remember. But I can't remember  
21 everything.

22 THE COURT: You may lay the foundation that's necessary  
23 to show her that.

24 MR. MANZELLA: All right.

25 Q Mrs. Shea, you've already testified that there  
26 was more to the letter, but you don't recall now what was  
27 in the letter; is that correct?

28 A Yes.

6a-4

1 Q All right. Did you testify in the case of  
2 People vs. Charles Manson, with regard to the murder of your  
3 husband?

4 A Yes.

5 Q And during the course of your testimony, did  
6 I ask you to tell us what was said in that letter?

7 A Yes.

8 Q And did you tell us what was said in the letter,  
9 in that case?

10 A Yes.

11 Q All right.

12 If I showed you your -- a portion of your  
13 testimony with regard to that letter, which you gave at the  
14 Manson trial, would that help you refresh your memory?

15 A Yes.

16 Q All right. Directing your attention, then, to  
17 this page of the transcript, if you would just read it to  
18 yourself?

19 MR. DENNY: I will still object, your Honor, that it's  
20 leading and suggestive.

21 THE COURT: Overruled.

22 Q BY MR. MANZELLA: Just read it to yourself,  
23 this page of the transcript.

24 A (Witness complies.)

25 THE COURT: Mrs. Shea, at the time you so testified in  
26 the --

27 MR. DENNY: Well, she's reading right now, your Honor.  
28 I hate to interrupt the Court, but --

6b-1

1 THE COURT: At the time you so testified, did -- was  
2 that fresh in your memory? What you related?

3 MR. MANZELLA: Your Honor, I'm not trying to lay a  
4 foundation to offer this into evidence. I'm just trying to  
5 refresh her memory.

6 THE COURT: I understand that.

7 Was that fresh in your memory then?

8 THE WITNESS: Yes.

9 THE COURT: Have you read the passage?

10 THE WITNESS: I read --

11 MR. MANZELLA: I had removed it, your Honor, from the  
12 witness stand.

13 THE COURT: Pardon?

14 MR. MANZELLA: I removed it from the witness stand.

15 THE COURT: All right. You may show it to her. I'm  
16 sorry.

17 MR. MANZELLA: All right.

18 MR. DENNY: Is the objection overruled, your Honor?

19 THE COURT: Yes, the objection to his showing her the  
20 transcript is overruled.

21 Q BY MR. MANZELLA: Have you read that portion,  
22 Mrs. Shea?

23 A Yes.

24 Q All right. Does that refresh your memory as  
25 to what the letter said?

26 A Yes.

27 Q And would you tell us, was there anything said  
28 in the letter, other than what you have related to us



1 previously?

2 A Yes.

3 Q And would you tell us what that was?

4 A He asked me to forgive him for the way that he  
5 had been acting, and -- and he -- also, that -- one day, that  
6 maybe we could -- we could get back together -- no; I don't  
7 remember everything. I just read it, but I can't remember --

7 fls.

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1 Q All right, I understand it.

2 Now, according to your testimony in this case,  
3 have you read anything to refresh your memory as to the details  
4 of your relationship with Donald?

5 A Prior to this case?

6 Q Right.

7 A Uh --

8 Q After you testified in the last case, and before  
9 you were called to the witness stand today, have you read any-  
10 thing to refresh your memory as to the -- your testimony?

11 A I started to, but I didn't finish it.

12 Q You started to read this transcript?

13 A Yes.

14 Q All right. Did you finish it?

15 A Yes.

16 MR. DENNY: I'm sorry, what was the answer?

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

19 "A Yes.")

20 Q BY MR. MANZELLA: Now, did you make any attempt  
21 to contact Donald?

22 A Yes, I did.

23 Q What did you do?

24 A I called the number that he gave me to the  
25 Babcocks and I spoke with Sharon Babcocks.

26 Q Now, did you -- you had already met Sharon Babcock,  
27 is that right?

28 A Yes.

7-2

1 Q And did you recognize her voice?

2 A Yes, I guess I did. I don't remember.

3 Q All right.

4 A But anyway, she was there.

5 MR. DENNY: Well, I'll object to any further response to  
6 the question.

7 THE COURT: Sustained.

8 Q BY MR. MANZELLA: Now, when was it that you called  
9 Sharon Babcock?

10 MR. DENNY: I'll object to that as assuming facts not in  
11 evidence.

12 Q BY MR. MANZELLA: All right, when was it that you --  
13 I'll withdraw the question.

14 When was it that you attempted to contact your  
15 husband Donald; do you recall the date?

16 A August 27, 1969.

17 Q Now, after you spoke to Sharon Babcock on the  
18 telephone, did you call some place else?

19 A Yes.

20 MR. DENNY: I'll object to that as assuming facts not in  
21 evidence and move the answer be stricken. She says she didn't  
22 know who she spoke with, she did not recognize the voice.

23 MR. KAY: That's not her testimony.

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

25 Q BY MR. MANZELLA: Mrs. Shea, do you know who you  
26 spoke to when you called the Babcocks?

27 A Sharon Babcocks.

28 Q All right. And you met Mrs. Babcock previous to

7-3

1 that, before that?

2 A Yes.

3 Q Now, after you spoke to Mrs. Babcock, did you call  
4 some place else?

5 A Yes.

6 Q Where did you call?

7 A Spahn's Ranch.

8 Q Now, how many times in all did you call Spahn Ranch?

9 A Three time -- three -- three -- I think three  
10 times.

11 Q When was the first time that you called?

12 A August 27, 1969.

13 Q And that was after you called Sharon Babcock?

14 A Yes.

15 Q And when you called Spahn Ranch, did you -- did  
16 somebody answer the telephone?

17 A Yes.

18 Q And did you recognize the voice of the person who  
19 answered the telephone?

20 A No.

21 Q Can you tell us whether it was a male or female?

22 A Female.

23 Q And did you have a conversation with a female who  
24 answered the phone?

25 A Yes.

26 Q Would you tell us what the conversation was?

27 MR. DENNY: Object to that as calling for hearsay.

28 THE COURT: Sustained.

7-4

1 Q BY MR. MANZELLA: Did you -- strike that.  
2 As a result of that telephone call, were you  
3 successful in locating Donald Shea?  
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7-5

1 A No.

2 Q Now, when did you call back the second time?

3 A The next day.

4 Q That would be August 28?

5 A Yes.

6 Q Approximately what time did you call back?

7 A Uh, about 10:00 or 11:00 in the morning.

8 Q When you called, did anybody answer the telephone?

9 A Yes.

10 Q And did you recognize the voice of the person who

11 answered the telephone?

12 A No, I can't say for sure.

13 Q Can you tell us whether it was a male or female?

14 A It was a female.

15 Q Did you have conversation with the female who

16 answered the phone on the second occasion?

17 A Yes.

18 Q On August 28th.

19 Would you tell us what that conversation was?

20 MR. DENNY: Object to that as calling for hearsay.

21 THE COURT: Sustained.

22 Q BY MR. MANZELLA: As a result of that conversation

23 were you able to locate Donald Shea?

24 A No.

25 Q Now, when was the third call that you made to

26 Spahn Ranch?

27 A Uh, it was sometime in September.

28 Q Now, when you called on the third occasion, did

7-6

1 someone answer the telephone?

2 A Yes.

3 Q Did you recognize the voice of the person who  
4 answered the telephone?

5 A No.

6 Q Well, can you tell us whether it was male or  
7 female?

8 A It was a female.

9 Q Now, during this third -- the third time that you  
10 called the ranch, did you have a conversation with the female  
11 that answered the phone?

12 A Yes.

13 Q Can you tell us what the conversation was?

14 MR. DENNY: Object to that as calling for hearsay.

15 THE COURT: Sustained.

16 Q BY MR. MANZELLA: As a result of that conversation  
17 were you successful in locating Donald?

18 A No.

7a fol

7a-1

1 Q Now, Mrs. Shea, did Donald have any unusual  
2 markings on his body?

3 A Yes.

4 Q Would you describe them for us, please, and  
5 where they were?

6 A On his chest he had three horses. Uh, there was  
7 -- in the middle was a mare, a baby horse over here (indi-  
8 cating), and a father horse over here (indicating).

9 Q And they were tattooed?

10 A Yes.

11 And on one of his arms he had -- on the left,  
12 I think the left arm he had, uh, a tattoo of a rose and it  
13 had "Rose" on it.

14 And over his heart he had "I'll always love Niki"  
15 tattooed.

16 And --

17 Q Let me interrupt you for a minute. How do you  
18 spell Niki?

19 A N-i-k-i, is how he spelled it.

20 Q Do you have a nickname?

21 A Yes.

22 Q What is it?

23 A Niki.

24 Q Were there any other unusual markings or  
25 characteristics on Donald's body?

26 A Yes.

27 And over his left eye he had a scar that -- where  
28 he had been, like -- had a cut down across here (indicating).



7a-2

1 And then --

2 Q All right. Before you continue, where did the  
3 scar, that scar start? Start above the eyebrow in his  
4 forehead?

5 A Yes.

6 Q Came down through his eyebrow and eyelid?

7 A Yes.

8 Q Where did it end?

9 A Uh, about along in here (indicating) some place.

10 Q And you're pointing to under your eye on your --  
11 just above your left cheekbone?

12 A Uh-huh.

13 Q Or just about on your left cheekbone?

14 A Yes.

15 Q And what other unusual markings or characteristics,  
16 if any, did he have?

17 A On his back he had something like a hole, like,  
18 where he -- a bone had been broken. Like it sunk in.

19 And he had been -- his legs in the back, like,  
20 they had been broken.

21 And up under the bottom part of the leg and so  
22 on, there was scars where it was visible.

23 And then, his feet, they had been broken and they  
24 were very flat. And you could tell, like, from that ankle  
25 on down.

26 Q Mrs. Shea, while you were married to Donald,  
27 did he ever pawn the two revolvers that you have identified,  
28 People's 53, or one or both of them?

1 A Yes.

2 Q On how many occasions?

3 A Once while we was together.

4 Q Did you have -- strike that.

5 Were you with him when he pawned the gun?

6 A One time.

7 Q And did he pawn one gun or both of them, if  
8 you recall?

9 A He pawned both of them. But each one at  
10 separate times.

11 Q All right. And you went with him on each  
12 occasion?

13 A Yes.

14 Q All right. And do you recall where it was that  
15 he pawned the guns?

16 A Uh, it was a loan shop out on Vine Street in  
17 Hollywood.

18 Q It was in Hollywood?

19 A Yes.

20 Q And did you have a conversation with Donald about  
21 the guns at the time that he pawned them?

22 A Yes.

23 Q Would you tell us what that conversation was?

24 MR. DENNY: Object to that as calling for hearsay.

25 THE COURT: The objection is overruled, and the  
26 evidence is received, ladies and gentlemen, for the same  
27 limited purpose, to show, if in your judgment it does show,  
28 Mr. Shea's state of mind toward the guns.

1                   You may answer.

2           THE WITNESS: I asked him why he didn't pawn the guns  
3 for more money, and he told me that the reason that he did  
4 was because this way he was sure that he would get them back.

5           Q       BY MR. MANZELLA: All right, Mrs. Shea, there  
6 is a question I forgot to ask you with reference to the guns.

7                   Again, directing your attention to each of these  
8 revolvers, People's 53-A and 53-B for identification.

9                   Do those guns appear to be in the same condition  
10 which they were when you saw them in Donald's possession?

11          A       No.

12          Q       Would you tell us what's different about their  
13 condition as best you can?

14          A       Well, they look dirty and like when he had them  
15 they was always clean. They was always shiny. And they're  
16 scratched up and everything. They wasn't in that way the  
17 last time I saw them.

18          Q       All right. Is Donald the one that kept them  
19 clean and shiny?

20          A       Yes, he did.

21          Q       Now, Mrs. Shea, had you ever had the opportunity  
22 to see Donald write his signature?

23          A       Yes.

24          Q       On one occasion or more than one occasion?

25          A       More than one.  
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7b fls.

1 MR. MANZELLA: Your Honor, I have here what appears to  
2 be a series of three pawn tickets previously marked People's  
3 55-A, B and C. May they be so marked at this proceeding?

4 THE COURT: A, B and C, yes. 55-A, B and C.

5 MR. MANZELLA: And I have here a series of pawn  
6 tickets previously marked People's 56-A, B and C. May they  
7 be so marked at this proceeding?

8 THE COURT: So ordered. 56 -- 55-A, B and C, and 56  
9 for identification.

10 MR. MANZELLA: Your Honor, I have here a series of  
11 pawn tickets previously marked People's 57-A, B, C and D.  
12 May they be so marked at this proceeding?

13 THE COURT: So ordered.

14 That was four of them, A, B, C and D?

15 MR. MANZELLA: Yes, your Honor.

16 THE COURT: So ordered.

17 MR. MANZELLA: I have here a pawn ticket previously  
18 marked People's 59. May that be so marked at this  
19 proceeding?

20 THE COURT: For identification, yes.

21 MR. MANZELLA: Yes, for identification.

22 I have here a series of two pawn tickets pre-  
23 viously marked People's 60-A and B. May they be so marked  
24 for identification at this proceeding?

25 THE COURT: So ordered.

26 MR. MANZELLA: And I have here a number of keys on a key  
27 ring, previously marked People's 62. May that be marked  
28 People's 62 for identification at this proceeding; a key ring

7b-2

1 and one, two, three, four, five, six keys?

2 THE COURT: So ordered. Six keys and a ring. 62 for  
3 identification.

4 MR. MANZELLA: And I have here a yellow piece of paper,  
5 approximately eight-and-a-half by eleven, containing certain  
6 printing and writing thereon, previously marked People's 64.  
7 May that be marked People's 64 for identification at this  
8 proceeding?

9 THE COURT: How do you identify it as --

62 and 64  
ID

10 MR. MANZELLA: It is a yellow piece of paper, approxi-  
11 mately eight-and-a-half by eleven, containing certain writing  
12 and printing thereon.

13 THE COURT: All right, so ordered.

14 MR. MANZELLA: Previously marked People's 64.

15 And I have here a series of photographs showing  
16 the lockers and clothes, previously marked People's 65-A, B,  
17 C and D. May they be so marked at this proceeding?

18 THE COURT: So ordered.

19 MR. MANZELLA: And I have here what appears to be a  
20 check, on the back of which purports to contain the signature  
21 in the name of "Don Shea," previously marked People's 71. May  
22 that be marked People's 71 for identification at this proceed-  
23 ing?

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24 THE COURT: All right, so ordered.

25 It is a check, you say?

26 MR. MANZELLA: Yes, your Honor. It bears the date  
27 "7-10-69," and the imprinting "Jerry Binder," B-i-n-d-e-r,  
28 first name spelled J-e-r-r-y.

1 THE COURT: 71 for identification.

2 Q BY MR. MANZELLA: All right, Mrs. Shea, if I may,  
3 I would like to direct your attention to a series of exhibits  
4 now.

5 First of all, directing your attention to People's  
6 55-A.

7 And that portion of People's 55-A, in particular,  
8 which shows a signature in the name of Donald Shea.

9 Does that signature appear familiar to you?

10 A Yes.

11 Q And whose signature does that appear to be?

12 A Donald Jerome Shea.

13 Q Now, directing your attention to the signature in  
14 the middle of the document, People's 55-A. Does that signature  
15 appear familiar to you?

16 A Yes.

17 Q And whose signature does that appear to be?

18 A Donald Jerome Shea.

19 MR. MANZELLA: If I may, your Honor, I would like to  
20 circle the two signatures.

21 Q Are these the two signatures, the signatures I have  
22 circled, the two signatures that appear to be the signatures of  
23 your husband, Donald?

24 A Yes.

25 MR. MANZELLA: May the record reflect I have circled the  
26 two signatures?

27 THE COURT: The record may so show.

28 Q BY MR. MANZELLA: Mrs. Shea, directing your

1 People's 55-B. And I'll circle the two signatures that I want  
2 you to look at.

3 Directing your attention to the two signatures I  
4 have circled in the name of Donald Shea. Do those signatures  
5 appear familiar to you?

6 A Yes.

7 Q Whose signatures do those appear to be?

8 A Don.

9 Q Your husband, Donald?

10 A Yes.

11 Q All right. Directing your attention to the two  
12 signatures on People's 55-C that I have circled. Do those two  
13 signatures appear familiar to you?

14 A Yes.

15 Q And whose signatures do those appear to be?

16 A Donald Jerome Shea.

17 Q That's your husband, Donald?

18 A Yes.

19 Q All right, directing your attention to People's  
20 56-A for identification, and the signature which I've circled  
21 in red on that document. Does that signature appear familiar  
22 to you?

23 A Yes.

24 Q Whose signature does that appear to be?

25 A Donald Jerome Shea.

26 Q That's your husband, Donald?

27 A Yes.

28 Q All right, directing your attention to People's

1 55-B -- I'm sorry, strike that, People's 56-B, and the  
2 signature that I have circled on that in red on that document.  
3 Does that signature appear familiar to you?

4 A Yes.

5 Q Whose signature does that appear to be?

6 A My husband's, Donald Jerome Shea.

7 Q And directing your attention to the signature  
8 which appears on People's 56-C, which I have circled. Is  
9 there enough -- that appears to be a copy of a document.  
10 Is there enough there for you to see that signature clearly?

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11 A Yes.

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1 Q And does that signature appear familiar to you?

2 A Yes.

3 Q And whose signature does that appear to be?

4 A My husband's, Donald Jerome Shea.

5 Q All right. Directing your attention to People's

6 Exhibit 57-A for identification, and in particular the two

7 signatures that I've circled in red appearing thereon, do

8 those two signatures appear familiar to you?

9 A Yes.

10 Q And whose signatures do those appear to be?

11 A My husband's, Donald Jerome Shea.

12 Q And directing your attention to People's 57-B

13 for identification, and in particular those two signatures

14 that I've circled in red, do those two signatures appear

15 familiar to you?

16 A Yes.

17 Q And whose signatures do those appear to be?

18 A My husband's, Donald Jerome Shea.

19 Q Directing your attention to the exhibit which

20 has been marked People's 59 for identification, is there

21 enough of -- is that signature clear enough for you to see it?

22 A Yes.

23 Q And does that signature appear familiar to you?

24 A Yes.

25 Q And whose signature does that appear to you to be?

26 A My husband's, Donald Jerome Shea.

27 Q All right. Directing your attention to People's

28 60-A for identification -- and in particular that signature

8-2

1 which I have circled in red -- does that signature appear  
2 familiar to you?

3 A Yes.

4 Q And whose signature does that appear to be?

5 A My husband's, Donald Jerome Shea.

6 Q And directing your attention to the exhibit  
7 People's 60-B for identification, and in particular that  
8 signature which I have circled in red, does that signature  
9 appear familiar to you?

10 A Yes.

11 Q Whose signature does that appear to you to be?

12 A My husband's, Donald Jerome Shea.

13 Q All right. Mrs. Shea, if I may, directing your  
14 attention to this -- these keys and this key ring, People's  
15 62 for identification, I would like you to take a look at  
16 those keys and that key ring, and ask you if -- do you  
17 recognize People's 62?

18 A Yes.

19 Q And could you tell us what those keys are?

20 A This was a car key, the ignition --

21 Q All right. If I may, you are holding up a key  
22 which bears a designation H-27, and the name National Key --

23 A Yes.

24 Q -- is that correct? And that was the key for  
25 what car?

26 A Uh -- the --

27 Q The one --

28 A The Mercury Comet.

8-3

1 Q -- you've identified in the photographs, the  
2 Mercury Comet?

3 A Yes.

4 Q All right. Do you recognize the other keys on  
5 the key ring?

6 A These two (indicating) belong to the footlocker.

7 Q And you are holding up the two small keys which  
8 are designated P-197 --

9 A Yes.

10 Q -- and -- both of which are designated P-197?

11 A Yes.

12 Q All right. Do you recognize any of the other  
13 keys on the key ring?

14 A This one here (indicating).

15 Q And you are holding a key which bears, among  
16 other things, the printing U.S.A.?

17 A Yes.

18 Q All right. Do you recognize any of the other  
19 keys --

20 A No.

21 Q -- on the key ring?

22 To your knowledge, had you ever seen them before?

23 A No.

24 Q Mrs. Shea, directing your attention to this  
25 letter which has been marked People's 64 for identification,  
26 do you recognize the writing on that letter?

27 A Yes.

28 Q And whose writing is that?

8-4

1 A My husband's, Donald Jerome Shea.

2 Q And directing your attention to the signature  
3 at the bottom of the letter, do you recognize that signature?

4 A Yes.

5 Q And whose signature is that?

6 A My husband's, Donald Jerome Shea.

7 Q Now, is there any writing which appears on that  
8 piece of paper, People's 64, which does not appear to be the  
9 writing of your husband? Or does all of it appear to be his  
10 writing?

11 A It's all his writing.

12 MR. MANZELLA: Your Honor, at this time, I would ask  
13 the witness to read that letter. I would offer that letter  
14 into evidence, People's 64, and ask that it be read by the  
15 witness.

16 MR. DENNY: I'll object to that, no foundation.

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1 THE COURT: The People?

2 MR.MANZELLA: The People would request to make an  
3 offer of proof, your Honor.

4 THE COURT: All right. You may be heard.

5 MR. DENNY: May we have the letter?

6 THE COURT: Mrs. Shea, would you hand the letter to  
7 me?

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

11 MR. DENNY: Your Honor, I would like to make a further  
12 objection to this. First of all, there's no date on the  
13 letter.

14 Secondly, from the statements that have just been  
15 made up at the bench here, I believe the last time we were  
16 here, this letter was never received by Mrs. Shea.

17 So that I don't see any reason why she need read  
18 the letter, never having received it, during the ordinary  
19 course of business, apparently.

20 And thirdly -- or fourthly -- I believe that  
21 having her read this letter is purely, plainly and simply  
22 calculated to raise passion and prejudice in the minds of  
23 the jury against the defendant, and sympathy for Mrs. Shea.

24 This letter, as the Court is reading it, is  
25 essentially a love letter of a kind, fashioned to make up --  
26 or attempt to -- and telling Shorty's feelings at the time.

27 And there's no reason on earth why she should  
28 read this letter. First of all --

1 THE COURT: Well, can you shorten your objection?

2 MR. DENNY: Well, not --

3 THE COURT: You object to the lack of foundation?

4 MR. DENNY: There's no foundation as to when it was  
5 found. And until that is laid, the letter is irrelevant.

6 MR. MANZELLA: Well, your Honor, may I be heard briefly?

7 THE COURT: Yes.

8 MR. MANZELLA: Well, we will prove that the letter  
9 was found in one of the footlockers, which was in the trunk  
10 of the Mercury Comet, and the car was found in Canoga Park  
11 on December 9th of 1969; that Sergeant Whiteley found the  
12 vehicle --

13 THE COURT: December 9th?

14 MR. MANZELLA: December 9th of 1969.

15 And that the letter therefore was written some-  
16 time between August 16th of 1969 and December 9th of 1969.

17 And furthermore, that the evidence will show  
18 that -- we believe the evidence will show that Shea was  
19 killed sometime around August 27th, 28th or 29th; and that  
20 therefore, the letter was written before that time; and that  
21 that's a sufficient foundation with regard to the date of the  
22 letter, the date that the letter was written.

23 THE COURT: Well, how do you calculate those --

24 MR. MANZELLA: And the Court can -- rather than  
25 calling this witness back, we would rather -- after we've  
26 established that foundation, we would rather the Court  
27 altered the order of proof.

28 If we don't prove the foundation for the letter,

1 well, then, the letter is not admissible in evidence in any  
2 event.

3 MR. DENNY: Well, your Honor, they've established  
4 that it's his handwriting, according to her. Now, they have  
5 to establish the rest of the foundation before they get it  
6 in.

7 And assuming they have established that it is  
8 his handwriting, and assuming they can establish the time  
9 about when it may have been written, --

10 THE COURT: As to the time --

11 MR. DENNY: -- there is still no reason to have this  
12 witness, who never received that letter, read it. It is  
13 purely, plainly and simply calculated --

14 THE COURT: As to the time, it seems --

15 MR. DENNY: -- it appears to me, to prejudice the  
16 minds of the jurors.

17 THE COURT: -- to me that it was after a parting,  
18 because he's saying, "If I find you and can convince you to  
19 come home."

20 MR. DENNY: Well, we don't know which parting.

21 MR. KAY: The record shows that the only parting  
22 between these two had been on August 16th.

23 THE COURT: I don't know whether it does or not.

24 MR. DENNY: It doesn't, your Honor. She says she  
25 left him in Las Vegas and came here, and that he followed a  
26 week after.

27 MR. MANZELLA: Well, I haven't established yet that  
28 she did not receive the letter, but I will establish that.

1 With this witness, I can establish that she  
2 did not receive the letter.

3 MR. DENNY: Well, if she didn't receive it, there's  
4 no reason why she --

5 THE COURT: She's going to have to come back anyway--

6 MR. MANZELLA: Well, then, I would ask that I read it  
7 into evidence.

8 THE COURT: -- for cross. And it's proper to read  
9 it into evidence, if it's otherwise admissible, but --

10 MR. DENNY: Well, your Honor, if it's otherwise  
11 admissible, fine. Let Mr. Manzella read it into evidence.  
12 But this letter -- having her sit up on the stand, reading  
13 a letter she never received, into evidence -- and crying and  
14 weeping -- it is a pure, plain and simple attempt to arouse  
15 their passions, prejudice and sympathy.

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1 THE COURT: I think that with further foundation, it  
2 should be admissible. You'll have to elicit more from her as  
3 to --

4 MR. MANZELLA: Well, I can't elicit when it was found  
5 from her.

6 THE COURT: No, but you can --

7 MR. MANZELLA: All I can show is --

8 THE COURT: But you represent that you can establish  
9 that it was found in the footlocker --

10 MR. MANZELLA: Yes, on December 9th, 1969, in Canoga  
11 Park.

12 THE COURT: -- as I understand it?

13 MR. KAY: It will be --

14 THE COURT: You'll have to establish whether or not there  
15 was a dispute and a parting, other than the one that she's  
16 mentioned, I think. He could have --

17 MR. MANZELLA: I don't see why, your Honor. I mean,  
18 I don't understand that, really.

19 MR. DENNY: Well, she has already testified that there  
20 was a separation. There was an early separation, right after  
21 they married; that she left him shortly after they married in  
22 July, and she came here and was here for a week before he then  
23 followed after her.

24 MR. KAY: But that wasn't the result of an argument.

25 MR. DENNY: That's not stated, whether it was or was not.

26 THE COURT: I think it could be inferred from the letter  
27 that it was not --

28 MR. DENNY: You can't infer one way or the other from her

8b-2

1 testimony.

2 THE COURT: -- that the letter was written after a  
3 separation of some serious nature, not just an ordinary  
4 separation, wherein they parted for two or three days as a  
5 result of a matter of convenience.

6 MR. DENNY: Well, we don't know that that was the --

7 MR. MANZELLA: All right. I'll lay a further foundation  
8 with the witness.

9 THE COURT: All right. Go ahead.

10 MR. DENNY: Are we going to stop at this point?

11 THE COURT: We are going to recess, then, as soon as  
12 you conclude your foundation.

13 MR. MANZELLA: Fine.

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

Q BY MR. MANZELLA: Mrs. Shea, directing your attention again to People's 64, the letter. Did you ever receive that letter?

A No.

Q And had you ever seen that letter other than when it was shown to you by a prosecutor or law enforcement officer?

A No.

Q Now, Mrs. Shea, when you -- excuse me.

Mrs. Shea, when you left Las Vegas in July, after your marriage to Donald, when you left Las Vegas and came here to Los Angeles, Donald remained behind for a week?

A Yes.

Q Now, at that time was he working for Jerry Binder?

A Yes.

Q And did he -- do you know why Donald remained behind for that week in Las Vegas before he joined you here in Los Angeles?

A He stayed there until they got somebody to replace him to take over his job that he had for Mr. Binder.

Q All right. And when that happened, he joined you here in Los Angeles?

A Yes.

MR. MANZELLA: Your Honor, I have just a few more questions with regard to two more exhibits, if I may.

THE COURT: Go ahead.

MR. MANZELLA: Your Honor, these have already been

9-2

1 marked, I'm sorry.

2 Q Mrs. Shea, directing your attention to these  
3 photographs, People's 65-A, B, C, D and E. In particular,  
4 People's 65-A for identification. Do you recognize what is  
5 shown on that photograph?

6 A Yes, the two footlockers.

7 Q And they're the same two footlockers that appear  
8 before you in front of the witness stand?

9 A Yes.

10 Q And that's a blue suitcase that appears there;  
11 do you recognize that suitcase?

12 A No.

13 MR. MANZELLA: Your Honor, I have here what appears to  
14 be a blue suitcase and contents. May I have the suitcase  
15 and its contents marked People's 65-H for identification, as  
16 it was previously marked?

17 THE COURT: So ordered.

18 Q BY MR. MANZELLA: All right, Mrs. Shea, can you  
19 see the blue suitcase from where you are?

20 A Yes.

21 Q Nobody else can, though. I'll move it.

22 Directing your attention to the blue suitcase  
23 which has been marked People's 65-H for identification. Do  
24 you recognize it as shown on that photograph?

25 I'm sorry, let me withdraw that.

26 Do you recognize that suitcase?

27 A No.

28 Q And you've never seen that before other than in a

65-H  
ID

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1 court proceeding; is that correct?

2 A No.

3 THE COURT: All right, we'll recess now, ladies and  
4 gentlemen.

5 Mr. Chavers, we'll be thinking about you this  
6 afternoon. The Court will order you to return, everyone to  
7 return at 9:30 tomorrow morning.

8 And during the recess, you are admonished that  
9 you are not to converse amongst yourselves, nor with anyone  
10 else, nor permit anyone to converse with you on any subject  
11 connected with the matter, nor form nor express any opinion on  
12 the matter until it is finally submitted to you.

13 See you tomorrow morning.

14 (Whereupon, at 12:10 P. M., an adjournment was  
15 taken in this matter, to reconvene the following day,  
16 Friday, January 21, 1972.)  
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