

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.

228

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Friday, January 21, 1972

VOLUME 28APPEARANCES:

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

MAGDALENE SHEA

JIM GABCOCK

SHARON GABCOCK

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

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

SHEA, Magdalene Velma 4015 M 4034 4157 M 4159
(Continued)

BABCOCK, Sharon 4162 M 4169 4170 M

BABCOCK, Jimmy Ray 4171 M 4188

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

64 - yellow paper with writing 4105
on it

1 LOS ANGELES, CALIFORNIA, FRIDAY, JANUARY 21, 1972, 9:50 A. M.

2
3 THE COURT: Good morning, ladies and gentlemen.

4 (Whereupon, there were murmurs of "Good morning,
5 Judge," heard throughout the members of the jury.)

6 THE COURT: All right, in the case of People versus
7 Davis, the record should show that all the jurors and
8 alternates are present. The defendant is present with his
9 counsel. Mr. Manzella is here for the People.

10 Mrs. Shea.

11
12 MAGDALENE VELMA SHEA,
13 called as a witness by and on behalf of the People, having
14 been previously duly sworn, resumed the stand and testified
15 further as follows:

16
17 DIRECT EXAMINATION
18 (Continued)

19 THE CLERK: State your name, please.

20 THE WITNESS: Magdalene Velma Shea.

21 BY MR. MANZELLA:

22 Q Mrs. Shea, when you called Spahn Ranch the three
23 times beginning on August 27, did you recognize the voice of
24 the person to whom you spoke on the telephone?

25 A No.

26 Q At that time, when you made the first call on
27 August 27, were you familiar with the voice of Ruby Pearl?

28 A No.

1 Q So, you don't know whether or not -- you can't say
2 that it was not Mrs. Pearl who answered the phone, is that
3 correct?

4 A Well --

5 MR. DENNY: Well, that's calling for speculation,
6 certainly, if she is not familiar with the voice.

7 THE COURT: Sustained.

8 Q BY MR. MANZELLA: All right. Now, Mrs. Shea,
9 during the time that you knew Donald, from May and then through
10 the time that you were -- after you got married and so on,
11 during that entire time that you knew Donald, had he spoken to
12 you? Had he told you what his attitude was, what his feelings
13 were about the movies?

14 A Yes.

15 MR. DENNY: I think that's been asked and answered,
16 your Honor, yesterday.

17 THE COURT: Overruled. The answer may remain in the
18 record.

19 Q BY MR. MANZELLA: Would you tell us what he said
20 with regard to the movies?

21 MR. DENNY: Again, objection, your Honor. This is
22 cumulative. Asked and answered yesterday.

23 THE COURT: I think it was answered yesterday,
24 Mr. Manzella, as nearly as I can recall.

25 MR. MANZELLA: I don't recall it being answered, your
26 Honor.

27 THE COURT: All right, I'll permit the answer.

28 THE WITNESS: Uh, he was very excited because once

1 before he had been an actor and, like, he had made certain
2 parts but he had never had anything really big. And that
3 was -- this movie, this last movie that he was going to be
4 in was something than all the other parts than he'd ever
5 really played in. And so like the movies, this is something
6 he wanted all his life. This was mainly his most talk, being
7 an actor.

8 Q BY MR. MANZELLA: And these are things he told you?

9 A Yes.

10 THE COURT: Again, ladies and gentlemen, any
11 statements of Mr. Shea are admissible only to establish,
12 if they do establish in your mind, his state of mind in
13 respect to, in this case, the movie industry.

14 MR. DENNY: Your Honor, may I -- I'm sorry, I didn't
15 mean to interrupt the Court. I thought you were through.

16 THE COURT: Go ahead.

17 MR. DENNY: May I have the last answer read back,
18 please?

19 THE COURT: Yes, you may read it, Mrs. Briandi. Or
20 Mr. Williams. Whichever one took it. I see we have them in
21 tandem today.

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

24 "A Uh, he was very excited because once
25 before he had been an actor and, like, he had made
26 certain parts but he had never had anything really
27 big. And that was -- this movie, this last movie
28 that he was going to be in was something than all

1 "the other parts than he'd ever really played in.
2 And so like the movies, this is something he
3 wanted all his life. This was mainly his most
4 talk, being an actor.")

5 Q BY MR. MANZELLA: And when Mr. Shea spoke to you,
6 when Donald Shea spoke to you about this movie, to what movie
7 did he refer?

8 A He was referring to the movie that Robert Bickston
9 was making in Phoenix, Arizona. It was a western.

10 Q Now, Mrs. Shea, directing your attention to the
11 photographs which have been marked People's 65 for identifica-
12 tion.

13 Do you recognize what is shown in these photo-
14 graphs?

15 A Yes.

16 Q Now, beginning with photograph 65-A, can you tell
17 us what is shown in that photograph?

18 A Two footlockers with Donald Jerome on them and his
19 suitcase.

20 Q And are those the two footlockers which appear in
21 front of you on the witness stand now?

22 A Yes.

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1 Q Directing your attention to photograph 65-D,
2 do you recognize what is shown in that photograph?

3 A Clothes that belongs to Donald.

4 Q And have you in any way identified those clothes
5 on the photograph?

6 A Yes, I marked the numbers.

7 Q And there appear to be numbers 1 through 8 on
8 the clothes. Are those eight items which you have numbered,
9 which you recognize as being clothes of your husband's?

10 A Yes.

11 Q Directing your attention to the photograph which
12 is People's 65-E for identification, do you recognize what
13 is shown in that photograph?

14 A Yes.

15 Q And what is shown in that photograph?

16 A Clothes that belongs to my husband.

17 Q And have you marked those in any way on the
18 photograph?

19 A Yes.

20 Q 1 through 7.

21 And are those seven items of clothing which you
22 recognize as belonging to Donald?

23 A Yes.

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

25 THE COURT: Yes, you may.

26 (Pause in the proceedings.)

27 Q BY MR. MANZELLA: Mrs. Shea, directing your
28 attention to this blue suitcase, a blue suitcase which has

2-2

1 been marked People's 65-H for identification, did this suit-
2 case -- strike that.

3 Had you ever seen this suitcase in possession
4 of your husband, Donald Shea?

5 A No.

6 Q Now, Mrs. Shea, on a prior -- during prior
7 proceedings, have you examined or been asked to examine some
8 of the contents of this suitcase?

9 A Yes.

10 Q And did you recognize any of the papers or
11 clothing which make up the contents of this suitcase,
12 People's 65-H, at this time?

13 A No.

14 Q All right. Mrs. Shea, if you would, I would like
15 to ask you to step down off the witness stand and, using the
16 hand microphone, if you would, tell us if you recognize any
17 of the contents of the footlocker which has been marked
18 People's 65-G for identification?

19 THE COURT: Turn around, Mrs. Shea, will you? And let
20 the jury see what's going on?

21 Q BY MR. MANZELLA: There appears to be a brown
22 suit jacket and trousers in the footlocker, People's 65-G.

23 Do you recognize those?

24 A Yes.

25 Q And what are those?

26 A That's the suit that he got -- when we got
27 married, he got married in.

28 Q And is this -- is this suit shown in one of those

1 photographs, People's 65?

2 A Yes, it is.

3 Q All right. There appears to be a blue -- a blue
4 and black shirt. Do you recognize this shirt, as having seen
5 it before?

6 A (No response.)

7 Q Other than in a court proceeding?

8 A Yes -- well, I'm not sure.

9 Q You are not sure about the shirt?

10 A No.

11 Q There's a white shirt in -- making up the
12 contents of the suitcase. Do you recognize that white shirt?

13 A Yes. That's Donald's.

14 Q A brown shirt, also making up the contents of
15 the footlocker. Do you recognize that?

16 A Yes, that's Donald's.

17 Q And I guess it's a yellow shirt, making up part
18 of the contents of the footlocker. Do you recognize that?

19 A Yes, that's Donald's.

20 Q There's a pair of trousers, with a plaid belt.
21 Brown trousers with a plaid belt. Do you recognize those?

22 A Yes.

23 Q And whose are those?

24 A Donald's.

25 Q Mrs. Shea, also making up the contents of the
26 footlocker are two -- what appear to be green men's jewelry
27 boxes.

28 Do you recognize these two boxes?

1 A Yes. They're Donald's.

2 Q Directing your attention to the contents of
3 these two boxes, they appear to be cuff links and a tie --
4 and tie pins in the boxes.

5 Do you recognize those?

6 A Yes. Uh -- both sets belongs to Donald. That
7 set (indicating) doesn't have a set with it now, but it was
8 a set.

9 Q Right. The jewelry in the cases belonged to
10 Donald?

11 A Yes.

12 Q Mrs. Shea, there appear to be several paper-
13 back books, also making up the contents of the footlocker,
14 People's 65-G for identification.

15 Do you recognize any of these books?

2a fls.

16 A Yes.

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1 Q Would you tell us -- there's a book on how you can
2 stop smoking. Do you recognize that?

3 A Yes.

4 Q And in whose possession did you see that?

5 A In Don's.

6 Q A book on -- entitled "The Green Felt Jungle."
7 Do you recognize that?

8 A Yes.

9 Q And did you see that in Donald's possession?

10 A Yes. It was in the -- in the footlocker.

11 Q There's an astrological cookbook. Do you recognize
12 that?

13 A Yes.

14 Q And how do you recognize that?

15 A That's mine. He bought that for me.

16 Q And a Soul Food Cookbook.

17 A Yeah, that's mine. He bought that for me.

18 Q And a book on vocabulary. Do you recognize that?

19 A Yes.

20 Q Now, Mrs. Shea, there's a bundle of clothing
21 contained in the footlocker which has been identified as
22 People's 65-F, a bundle of clothing held together by string.

23 Have you examined these clothes before, --

24 A Yes.

25 Q -- at a prior proceeding?

26 Did you recognize any of the clothes contained in
27 the bundle?

28 A Yes. I put them to the side, separately from that --

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1 all except the hair nets.

2 MR. DENNY: All except what? I'm sorry.

3 THE WITNESS: All except the hair net.

4 Q BY MR. MANZELLA: This blue hair net?

5 A Yeah.

6 Q Do you recognize that?

7 A Yes, that's probably mine, yeah.

8 Q Now, do you recognize any of the clothing in this
9 other bundle, which also makes up the contents of the foot-
10 locker, which is held together with a string?

11 A No.

12 Q So the clothes that you recognize are the ones in
13 this bundle, --

14 A Yes.

15 Q -- the one I am holding in my hand now?

16 A Yes.

17 THE COURT: Now, can you identify that for the record?

18 MR. MANZELLA: Well, there appears to be a blue sport
19 coat in this bundle.

20 Q How do you recognize that? who did that belong
21 to?

22 A That belonged to Donald.

23 Q And a pair of black pin-striped black slacks.

24 A Those are Donald's.

25 Q There appears to be another pair of trousers. I
26 guess they're light, tan trousers.

27 A Those was his work pants. Those belonged to
28 Donald.

a-3
1 Q And there's a blue print shirt. Do you recognize
2 that?

3 A Yes, that's Donald's.

4 Q And I guess it's a corduroy -- a purple corduroy
5 jacket.

6 A That's Donald's.

7 Q And a light beige -- what appears to be a jacket.
8 Do you recognize that?

9 A Yes, that's Donald's.

10 Q And a -- I guess it's a corduroy jacket. Do you --
11 No, corduroy trousers.

12 A No, it's a coat. It's a jacket.

13 Q Do you recognize that?

14 A Yes.

15 Q And was that Donald's?

16 A Yes.

17 Q And a brown sweater. Do you recognize that?

18 A Yes. It was -- that's Donald's. It was in his
19 possession.

20 Q All right. So you recognize all the clothes which
21 are in -- and all these clothes you've just identified, they're
22 tied together with a string?

23 A Yes.

24 Q And the clothes in the other bundle, tied together
25 with a string, you do not recognize, --

26 A No.

27 Q -- is that correct? Thank you.

28 You can resume the stand.

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1 May I just have one moment, your Honor?

2 THE COURT: Yes, you may.

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

6 MR. MANZELLA: Your Honor, may we approach the bench at
7 this time?

8 THE COURT: Yes, you may.

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

12 MR. KAY: The reason we asked to approach the bench at
13 this time, we are at the point where we are finished question-
14 ing Mrs. Shea.

15 Now, I would like to discuss a couple of matters
16 before Mr. Denny starts his cross examination.

17 Number one, I know Mr. Weedman, in the Grogan
18 trial, attempted to bring out that when Mrs. Shea was 18
19 years old, that she was -- I believe, in some Midwest state --
20 I'm not sure what it was, Ohio or something -- that she was
21 convicted --

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22 MR. DENNY: I am not going to bring that out.
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1 MR. KAY: You are not going to bring that out? All
2 right. Then, number two, Mr. Denny has stated, both in
3 chambers to your Honor and me, that he intends to bring out the
4 fact that somewhere around August 22nd, '69, Mrs. Shea was
5 arrested for prostitution. Now, we would object to this as
6 being improper impeachment of the witness, with a misdemeanor
7 conviction, and being irrelevant; and would ask the Court to
8 exclude it under 352.

9 MR. DENNY: Well, I'll state to the Court --

10 THE COURT: It might be almost as improper as having her
11 read that letter, Mr. Denny.

12 MR. DENNY: Your Honor, I am going to bring out the
13 fact that she was arrested on August 22nd, which is certainly
14 relevant to another matter.

15 THE COURT: For what? For what reason?

16 MR. DENNY: Because of the name she gave at the time
17 and the address she gave at the time, your Honor, which are
18 not the names she presently uses, nor the address she
19 indicated that she was living at under oath here before the
20 Court.

21 THE COURT: So that it would reflect upon Mr. Shea's
22 ability to find her, if he were interested in finding her?

23 MR. DENNY: That is correct, your Honor.

24 THE COURT: I should think it would be relevant for
25 that reason.

26 MR. KAY: Well, you don't need to -- to give the
27 reason for the arrest.

28 MR. DENNY: Well, your Honor --

1 THE COURT: I don't think that's material.

2 MR. KAY: Well, that's what he wants to bring out.

3 MR. DENNY: Well, it's material for that reason, and
4 specifically for that reason. It is also material as to the
5 background of the separation of these two parties. And I
6 will -- well, I will offer, too, the fact that I intend to prove
7 that her statement of why the split up is not at all the
8 reason of why the split up.

9 They split up for an entirely different reason,
10 part of which has to do with her work as a prostitute, which
11 Shorty objected to.

12 And she has put in issue the reasons for their
13 split-up, and Shorty's state of mind --

14 THE COURT: If that is the case, and that is the
15 direction that you wish to take, your theory would be that
16 it would be less likely that Shorty would attempt to find her,
17 if -- if the reason was that she was acting as a prostitute?

18 MR. DENNY: No, there are two reasons. One is her
19 credibility. She has put her credibility in issue, by
20 stating under oath this falderal about a letter that Shorty
21 left with her, a letter which has disappeared, and a statement
22 that the reason they split up was because Shorty was drinking
23 and Shorty disapproved of her continuing to work.

24 And I will submit to the Court that the true reason
25 is her continuing prostitution.

26 THE COURT: Well, do you have an offer of proof in
27 respect to that?

28 MR. DENNY: Yes, I do, your Honor.

1 THE COURT: What is it?

2 MR. KAY: What is it?

3 MR. DENNY: I offer to show that she has been a
4 prostitute, arrested as a prostitute, pleaded guilty to
5 a lesser offense on August 22nd, 1969.

6 She was arrested on August 25th, 1969, in Van
7 Nuys Municipal Court. She pleaded guilty to a 415, on -- just
8 a moment, your Honor. I have the documents.

9 (Pause in the proceedings while Mr. Denny
10 left the bench, returning shortly, whereupon the following
11 proceedings were had:)

12 THE COURT: A disturbing the peace doesn't sound like
13 a reduction from a charge of prostitution.

14 MR. DENNY: Well, I also have the arrest report, your
15 Honor, and this Court should know, having sat as a Municipal
16 Court, that on a first offense of prostitution, it is
17 generally the rule that a court will reduce it to a 415.

18 MR. MANZELLA: How are we going to get that before the
19 jury?

20 MR. DENNY: Well, you can get whatever you want before
21 the jury.

22 MR. MANZELLA: No. I mean, how are you going to get
23 that before the jury? You are offering to prove that she's
24 a prostitute by arrests and 415 convictions.

25 THE COURT: Well, of course, these are things, too,
26 that followed the separation.

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1 Do you have any such incidents that you wish to
2 offer proof on after the -- I mean, before the separation?

3 MR. KAY: Yes, that's what's wrong with it.

4 MR. DENNY: Hold tight just a minute, your Honor.

5 (Whereupon, Mr. Denny left the bench and went
6 to the counsel table.)

7 MR. KAY: I'd ask the Court to reread 352 again. I
8 think this --

9 (Whereupon Mr. Denny returned to the bench,
10 and the following proceedings were had:)

11 MR. DENNY: I have my own typed notes which were taken
12 from the rap sheet which was given to me or I was permitted
13 to peruse on the order of the Court, and which Sergeant
14 Whiteley presented to me, which shows that on March 23, 1967,
15 in Chicago, she was arrested under the name of Joan Woodward.

16 MR. KAY: That's even before they met.

17 MR. DENNY: Well, you're asking for things before. I
18 can show you things after. The fact that I can't show you --
19 the thing I can't show you is on August 16 or July --

20 THE COURT: Excuse me just a minute, 1967 in Chicago.
21 Go ahead.

22 MR. DENNY: That she shows a continuing pattern, your
23 Honor, at least from 1967 through 1971 that she was arrested
24 and convicted, pleaded guilty on June 25, 1971, to a charge
25 of prostitution in Division 66 of the Municipal Court of
26 Los Angeles County.

27 THE COURT: All right. I don't think -- that would
28 obviously not be admissible.

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1 MR. DENNY: Well, your Honor, I intend to introduce
2 evidence of the arrest and what she stated her name was at
3 the time of the arrest for the purpose of showing again that
4 she was using different names. And the Court --

5 THE COURT: The Court does not feel it is material.

6 MR. DENNY: Well, your Honor, I would submit at the
7 time that I would show that it is material of that arrest.

8 MR. KAY: That's what we are trying to decide right
9 now, whether it is material so you don't try to prejudice
10 the jury.

11 MR. DENNY: Let me say something, Mr. Kay.

12 MR. KAY: What's relevant is why they split up on
13 August 16 unless he can show something before the time they
14 split up. It is not relevant what she did after they split
15 up.

16 MR. DENNY: There are other reasons why I can introduce
17 evidence of this and I intend to, if you will give me a chance.

18 MR. KAY: Go ahead.

19 MR. DENNY: The three arrest reports on this young
20 lady showing her arrests, starting on August 22nd, 1969,
21 indicate that she was working, and I use the term advisedly,
22 the International Hotel down by the Airport. The arrest
23 report which I have gotten by means of subpoena from the
24 Police Department indicate that she propositioned the
25 officers in a bar. They went up to a hotel room. She asked
26 them how much they wanted, \$50 for a party, et cetera.

27 Thereafter, on --

28 THE COURT: Now, what bearing would that have on the

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1 issue?

2 MR. DENNY: I don't plan to bring all this out, your
3 Honor. I don't plan to bring all those facts out, but I do
4 plan to bring out the fact that she was working as a prosti-
5 tute.

6 Now, whether she was arrested or not is immaterial,
7 but she was working as a prostitute.

8 THE COURT: During the time she was married to Shea?

9 MR. DENNY: That's right.

10 MR. KAY: How are you going to prove it?

11 MR. DENNY: Circumstantially, just the way you're trying
12 to prove he's dead.

13 THE COURT: The Court would not be inclined to admit
14 that.

15 MR. DENNY: I beg your pardon, your Honor?

16 THE COURT: The Court would not be inclined to admit
17 that.

18 MR. DENNY: Your Honor, if we show she is working as a
19 prostitute six days after they separate, you can certainly
20 draw the inference that's what she was doing before and that's
21 why they separated.

22 THE COURT: The Court thinks not.

23 MR. KAY: Thank you, your Honor.

24 MR. DENNY: Well, I'm not through yet.

25 Well, I'll leave it at that at this time. I am
26 through.

27 Your Honor, I do intend to bring up the matter
28 that she was arrested. What she was arrested for, no, if the

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1 Court is going to rule that way. But there are things in her
2 arrest report, as far as what she stated to the officers at
3 the time that are significant, as the Court indicated.

4 MR. KAY: But I don't remember the Court indicating
5 anything was.

3a³ fls.

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1 THE COURT: Yes, the Court has indicated -- what Mr.
2 Denny said is correct -- it could be argued if she was using
3 another name and using another address that she would have
4 made herself somewhat inaccessible to Mr. Shea even if he
5 wanted to --

6 MR. KAY: The point is, maybe she was using the other
7 name and address just as far as the police were concerned.

8 MR. DENNY: Well, let her explain that.

9 THE COURT: All right. Let's proceed.

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

13 THE COURT: Anything further from the People?

14 MR. MANZELLA: No, your Honor.

15 THE COURT: Cross-examination.

16
17 CROSS-EXAMINATION

18 BY MR. DENNY:

19 Q Mrs. Shea, you've indicated that you could
20 recognize a white shirt of your husband's in one of those
21 trunks.

22 How do you recognize that white shirt?

23 A It has ruffles down the front.

24 Q How do you recognize the yellow shirt?

25 A I know my husband's clothes. Your wife should
26 know yours if she's stayed with you any length of time.

27 Q You didn't stay with Shorty very long, though.

28 A I knew his clothes, sir. He didn't have a great

3a-2

1 deal of them and what he had I knew, just like he knew mines.

2 Q How did you recognize the brown shirt?

3 A He used to wear it quite a lot.

4 Q How did you recognize his handwriting?

5 A I used to read his handwriting every day, more
6 than once a day.

7 I also used to go through his papers where he
8 had signed receipts for parts that he had made or things that
9 he had got and he wrote his signature, like he signed it.
10 That's how I recognized it.

11 And we always used to write notes to each other
12 and sign our names.

13 Q Sort of love notes back and forth?

14 A No, like if I left the house or he left the
15 house, we would write a note telling where we was going.

16 Q He would sign it "Donald Jerome Shea"?

17 A Sometimes.

18 Q Or Donald Shorty Shea?

19 A Sometimes.

20 Q To his wife?

21 A Yes.

22 MR. DENNY: May I approach the witness, your Honor?

23 THE COURT: Yes, you may.

24 Q BY MR. DENNY: You've identified certain of
25 these documents in 55, 56, 57, et cetera.

26 I show you these again.

27 55-A and -B, circled in red.

28 Is that the signature of your husband above and

1 below here?

2 A Yes, it is.

3 Q And I'm showing you B circled in red here.

4 Is that a signature of your husband?

5 THE COURT: Is that a pawn ticket 55-B?

6 A Yes.

7 Q BY MR. DENNY: Is that the signature of your
8 husband?

9 A Yes.

10 Q You're sure of that?

11 A It is a photostatic copy which is not very good,
12 but on the original ones, those are the ones I had identified.

13 Q Well, there is no question, though, that that is
14 your husband's signature, photostatic copy or not?

15 A I can't tell -- not exactly, but the one that I
16 identified was his handwriting.

17 Q Well, are you saying this is or isn't?

18 A I'm not sure.

19 Q Now, when was it that you met Mr. Shea?

20 A It was in May of 1969.

21 Q Early May, late May, what? May?

22 A It was in May. I -- it wasn't early May, and
23 it was in the month of May, I'm sure.

24 Q In the middle of May?

25 A Yes.

26 Q And you met him where?

27 A At a place called the Cab Inn.

28 Q And what was he doing there?

1 A He was manager of the bar there.

2 Q Is that all he did?

3 A That's all I know that he did.

4 Q Well, did he act as bouncer at all there?

5 A Well, if you are manager of a club you have to
6 act as bouncer if you don't have one, and there was no
7 bouncer. So I guess he was a bouncer, too, if trouble started.

8 Q Well, were you ever around there when trouble
9 started when he was there?

10 A No, we never had any trouble. I never saw him
11 throw anybody out.

12 Q All right. And you started dating him after a
13 period of time, did you?

14 A Yes.

15 Q After how long a period?

16 A I'm not sure. I don't exactly remember.

17 Q Well, a couple of weeks, a month?

18 A I don't know how long it was.

19 Q Any idea at all? You got married to him on what,
20 July --

21 A July 1st, 1969.

22 Q And you had known him about six weeks then.

23 How long had you kind of been dating him before
24 you got married to him?

25 A I'm not sure. Like he was my employer and I
26 was at work and we really didn't do a lot of dating.

27

28

3b fls.

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1 Q Well, in July, about July 1st, he went off to Las
2 Vegas?

3 A Yes -- he didn't -- he left before July 1st.

4 Q He left sometime in June?

5 A Yes.

6 Q So you maybe dated a few weeks before he left?

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

9 THE COURT: Overruled. You may answer.

10 THE WITNESS: Well, I guess you would say so.

11 Q BY MR. DENNY: All right. Then, he was gone over
12 to Las Vegas; and then, what? You went over to join him there
13 sometime?

14 A Yes.

15 Q Do you remember testifying in this case on August
16 18th, 1971, that is under the same case number, but against
17 Mr. Charles Manson, August 17 and 18 and 19?

18 A Yes, I do.

19 Q Do you remember testifying there that you met him
20 in the latter part of May, 1969?

21 A Yes.

22 Q Well, was it the latter part of May, 1969, not the
23 middle of May?

24 A Well, two weeks is the middle of May.

25 Q And the latter part of May is not the middle of
26 May, is it?

27 MR. MANZELLA: That's argumentative.

28 THE COURT: Sustained.

3b-2

1 THE WITNESS: If --

2 THE COURT: You needn't answer that.

3 Q BY MR. DENNY: Well, was it the last of May that
4 you met him, the latter part of May?

5 A It was about two weeks in May. The last part of
6 May.

7 Q All right, ma'am.

8 Now, did you know him by any other name other than
9 Donald Jerome Shea?

10 A I knew him by Donald Jerome, Donald Jerome Shea and
11 Shorty Shea.

12 Q You did know him by the name of Donald? Jerome?

13 A Yes.

14 Q How did you know him by the name of Donald Jerome?

15 A Because he told me that he used Donald Jerome.

16 Q He discussed that with you quite a bit?

17 A Yes.

18 Q Well, what did he tell you about how he used
19 Donald Jerome?

20 A I asked him why -- about the footlockers, and
21 that's when he discussed it with me.

22 And he, also, -- they are not here now -- had some
23 pictures of a movie that he had made before and in the movie
24 he had used the name Donald Jerome.

25 Q Did he show you movie stubs or any pay stubs or --

26 A Yes.

27 Q -- things like that, is that right?

28 A Yes.

3b-3

1 Q Do you remember testifying in this case on December
2 14, 1970, before the Grand Jury of this county?

3 A Yes.

4 Q Do you remember testifying as follows:

5 "Now, did you know Donald to use the name
6 Donald Jerome?

7 "A No more than he told me he did. And
8 all I knew him, he used Donald Jerome Shea. That
9 is what I knew him as.

10 "Q Had he told you he used the name Donald
11 Jerome?

12 "A No."

13 Do you remember so testifying before the Grand Jury?

14 A No, but it is there, so evidently I did.

15 Donald Jerome was a stage name, like an actor's.
16 Most actors don't use their real name. And so this is what he
17 told me that the Donald Jeromes was for, anyway.

18 Q In other words, you didn't remember before the Grand
19 Jury in December, but now you remember; is that right?

20 MR. MANZELLA: That's argumentative, your Honor.

21 MR. DENNY: Well, she volunteered that, your Honor.

22 THE COURT: Sustained.

23 Q BY MR. DENNY: Well, is it a fact, ma'am, that your
24 memory has been refreshed since the Grand Jury hearing in
25 December of 1970?

26 A I --

27 MR. MANZELLA: Objection, your Honor. That misstates the
28 import of what Mr. Denny read from the Grand Jury testimony.

3b-4

1 THE COURT: Overruled. You may answer. She may
2 explain.

3 THE WITNESS: What I testified before the Grand Jury
4 in 1970 -- I don't remember a whole lot of things that --
5 like I was up under a great stress then and -- certain things
6 that I can't remember everything that I told them. And I
7 haven't read anything to refresh my memories of nothing.

8 Q Well, you told them the truth there under oath
9 there?

10 A Yes, I did, as I am telling the truth here now.

11 Q Just the way you are telling the truth here now?

12 A Yes.

13 Q All right. Now, Shorty worked where in Las Vegas
14 when he went over there?

15 A Uh, he worked at the Swinger's Boutique and the
16 last place, it was -- the other place was called Books and
17 Things.

18 Q Well, the Swinger's Boutique, what kind of place
19 was that?

20 A It was a bookstore. It was a novelty store. It
21 had some novelties, books, like and souvenirs. I guess it was
22 a novelty shop, I don't know.

23 Q Well, you had been in there, hadn't you?

24 A Well, I am describing it.

25 Q All right.

26 And Books and Things, that was the same type of
27 operation?

28 A They sold books, and, uh -- it wasn't like the

3b-5

3a fol

1 Swinger's Boutique, because, like, they sold more souvenirs
2 at the Swinger's Boutique than they did at Books and Things.
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1 Q Books and Things was a pornographic bookstore, is
2 that right?

3 A Yes.

4 Q And the things they sold besides books were sex
5 things?

6 A I don't know.

7 Q Well, he took you in there, too?

8 A Sure.

9 MR. MANZELLA: Argumentative.

10 THE COURT: The answer may remain. The objection is
11 overruled.

12 Q BY MR. DENNY: I didn't hear the answer.

13 A When I went there, all I saw him sell was books.

14 Q All right.

15 When you came back, you came back for a reason,
16 after you were married there?

17 A Because the living expenses was extremely high
18 and he wasn't making enough money. And then, he was -- he was
19 going to Arizona to do a movie with Robert Bickston, so I
20 came back to L. A. first and got my old job back and he
21 followed a week later.

22 Q And you say he wanted to give notice or a week's
23 notice to Mr. Binder, was it?

24 A Yes.

25 Q Jerry Binder owned both of these stores back
26 there, didn't he, in Las Vegas?

27 A Yes.

28 Q And you came back about when?

1 A Uh, the second -- uh, about the second week. Two
2 weeks in July, I think.

3 Q The second week in July?

4 A Well, it was ending, like, the second week. Like,
5 you know, there's the first week, from the first, and then
6 there's another week coming up, so the end of the second week.

7 Q All right. And Donald followed about a week later,
8 is that right?

9 A Yes.

10 Q And -- all right.

11 And when Donald came, he came with some money?

12 A Yes, he did.

13 Q How much money?

14 A I don't know.

15 Q He came with a check from Jerry Binder, didn't he?

16 A All I saw was cash.

17 MR. DENNY: Well, let me approach the witness a minute,
18 your Honor.

19 THE COURT: Yes, you may.

20 Q BY MR. DENNY: This exhibit which has heretofore
21 been marked Exhibit 71 and the signature endorsement "Don
22 Shea" identified by you, that is your husband's signature, is
23 that right?

24 A Yes.

25 Q That one you do recognize?

26 A Yes.

27 Q And that's a check for one hundred dollars, is that
28 right?

1 A Yes.

2 Q Dated 7 --

3 MR. MANZELLA: I'll object, your Honor. The check speaks
4 for itself.

5 THE COURT: Well, the objection is overruled. The answer
6 is in already and it may remain in the record.

7 Q BY MR. DENNY: Well, I don't think there was an
8 answer, your Honor. I'd asked whether --

9 Dated July 10, 1969.

10 MR. MANZELLA: Same objection.

11 THE COURT: All right, the objection is overruled, you may
12 answer.

13 THE WITNESS: I --

14 THE COURT: You may answer.

15 Q BY MR. DENNY: It is dated 7-10-69?

16 THE COURT: What do you read on the face of it there?

17 THE WITNESS: Yes.

18 Q BY MR. DENNY: All right. When Don came back to
19 you, did he indicate that he had any trouble with this check
20 because it would not clear because of non-sufficient funds?

21 A No.

22 Q You do see what appears to be a crossed out, in ink,
23 statement?

24 A Yes.

25 Q Not sufficient funds there?

26 A Yes.

27 Q Did you have any discussion with Don about the fact
28 that now you're really short of money because the check that

1 Jerry Binder gave you bounced -- or gave him bounced?

2 A Sir, I had never seen the check before until
3 today. Never in court, no place else except right now. I
4 didn't see it yesterday or in no other courts or neither in
5 Don's possessions.

6 Q I'm not asking you, ma'am, whether you saw it.

7 A He didn't discuss no check with me. When he came
8 he had money, all cash.

9 Q How much?

10 A I don't know how much he had, but he had cash.
11 No check.

12 Q Well, you indicated that money was kind of scarce
13 back there, is that right?

14 A He had to get paid for working that week.

15 Q All right. What did he get paid for a week?

16 A I'm not exactly sure, but it was over a hundred
17 dollars.

18 Q A hundred dollars a week?

19 A It was over a hundred. I don't know what it
20 was. I don't know how much he was paying him.

21 Q Well, you knew it wasn't enough to get along in
22 Las Vegas?

23 A No, it wasn't, because the rent was something
24 like -- the apartment we moved in, we had to pay \$250 before
25 we moved in. And Mr. Binder advanced him some money on his
26 pay in order for us to move in to an apartment when we finally
27 found one.

28 Q Let me go back a little bit, ma'am, to your

1 salary. At the time you met Shorty, what were you earning?

2 THE COURT: That wouldn't appear to be material. Let's
3 move the cross examination along.

4 MR. DENNY: Your Honor, I submit it is material.

5 THE COURT: The Court would sustain its own objection to
6 it.

7 MR. DENNY: But I would like to --

8 Well, your Honor, I would like to make an offer
9 of proof, if I might.

10 THE COURT: You may not.

11 Q. BY MR. DENNY: Well, when Shorty came back, again
12 you didn't know how much cash he had, is that right?

13 MR. MANZELLA: The question has been asked and answered.

14 THE COURT: Sustained. The objection is sustained.
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Q BY MR. DENNY: What work did he get?

A He went to work for -- at a club, out in Whittier.

Q Called Sam's Place?

A Yes.

Q For a few days?

A Yes.

Q And then what?

A And then he -- he drove trucks some place -- I don't know where it was; out in the Valley -- for a few days.

And then he started trimming trees. And he had an accident up in a tree --

Q And he fell?

A And he fell.

Q And he injured himself?

A Yes.

Q And he couldn't work?

A For a few days. He went back to work, and the guy gave him a job as picking up the brush from -- wherever the guys was picking -- doing the trees, and -- but -- what they was cutting off the trees. And he was like cleaning it up.

And I don't know where he was putting it. But this is what he told me.

Q Well, ma'am, would it be safe to say that he was just kind of doing pick-up work, wherever he could make a buck, after he got back from Vegas?

4-2

1 A No, I wouldn't say that.

2 Q He was working steadily?

3 A (Pause.) He was working.

4 Q But not steadily?

5 A Well, mostly every day, except when he fell out

6 of the tree.

7 Q All right, ma'am. And were you working?

8 A No.

9 Q Because he told you to quit the Saturday that

10 he came home; isn't that right?

11 A Yes.

12 Q And he came home when?

13 A It was one week after I came from Las Vegas to

14 Los Angeles. He came on a Saturday night.

15 Q All right. And that was about when?

16 A It was one week after I came.

17 Q Well, when did you come?

18 A In July. July, 1969.

19 Q When in July did you come?

20 A I came the end of the second week in July of

21 1969.

22 Q All right. So he came about the third week in

23 July of '69?

24 A Yes.

25 Q All right. From the third week in July until

26 about August 16th, you lived together?

27 A Yes.

28 Q At the Wilcox apartment in Hollywood?

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A Yes.

Q 8010 Wilcox Avenue?

A No.

Q Hollywood Boulevard?

A That's Hollywood Boulevard. That's where Jerry Binders lived.

Q In other words --

A 8010 Hollywood Boulevard was Jerry Binder's address.

Q Do you remember seeing those addresses on these pawn slips?

A Yes. But the Wilcox Hotel is on Wilcox and Sunset Boulevard.

Q All right. Now, you say you went out to -- oh, let me go back a minute.

You've indicated that Shorty was real excited about this movie, is that right, --

A Yes.

Q -- that Bob Bickston was supposed to put him in?

A Yes.

Q And did the movie have a name?

A No, I don't know of a name. All I know, it was a western that was being made in Phoenix, Arizona.

Q Well, you have told us now, under the Court's permission to show Shorty's state of mind, that he was excited about his movie; is that right?

A Yes.

4-4

1 Q And he was excited about it because it was the
2 biggest part that he had ever had; is that right?

3 A Yes.

4 Q Well, what was the part?

5 A I don't know what part it was. He told me that
6 Robert Bickston was going to give him a part -- and he didn't
7 tell me what part, because he hadn't been there. He was in
8 Las Vegas, and he was going there to see what part.

9 But he was very excited about it, because like
10 that was more money for him than he was making there in Las
11 Vegas.

12 Q Well, how much money was it he was going to make?

13 A I don't know. We didn't discuss that, either.

14 Q You didn't know the part, you didn't know the
15 amount.

16 Did he tell you anything about them? The part,
17 what it was, the amount?

18 A No, he didn't know either, I don't guess.

19 Q How long he was going to work? One day or a week?

20 A I was going over there --

21 Q Well, did he say to you how long he was going to
22 work? A day, a week, a month?

23 A No.

4a fls.

4a-1

1 Q But he was really excited about this; is that
2 right?

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

4 Q BY MR. DENNY: Is that right? Because he was
5 black-listed; is that right?

6 A Yes.

7 Q And he told you that he was black-listed and
8 couldn't get a job in the movies; is that right?

9 A Yes.

10 Q And did he tell you who had black-listed him?

11 A He told me, but I don't remember the name now.

12 Q And did he tell you he had been black-listed
13 for quite some time?

14 A Yes.

15 Q All right. Now, he wasn't all that excited
16 about this Bickston movie anyway, when he got back here, was
17 he?

18 A Yes, he was.

19 Q All right. Let me direct your attention again
20 to your testimony before the Grand Jury on December 20 --
21 strike that -- December 14, 1970.

22 Do you remember being asked these questions and
23 giving these answers, at page 527? Starting at line 5.

24 "Q All right. Let me ask you this: With
25 respect to appearing in a movie, did he talk to you
26 and say he was going to appear in a movie around the
27 middle or the last part of August, 1969?

28 "A Just before we came back from Las Vegas,

4a-2

1 "he talked to me about a movie that he was supposed
2 to appear in, in Arizona. And Robert Bickston, when
3 he got back there, he was supposed to call him and
4 tell him where the location and setting and everything
5 would be.

6 "Q This is with respect to Bob Bickston;
7 is that correct?

8 "A Yes.

9 "Q Did he seem excited about it?

10 "A Yes.

11 "Q And did he talk about this picture on
12 more than one occasion? The fact he was going to
13 be able to appear as an actor in a movie?

14 "A Well, he would talk about the movies,
15 you know; but after he didn't appear -- I guess
16 like he was waiting for them to get in touch
17 with him -- he was more for the one that was
18 supposed to be made in September, than the one
19 in August.

20 "Because he was -- he had waited
21 for this one that was supposed to come up in
22 August, and they never called him.

23 "And when he went to their studios
24 on Robertson and Wilshire, he was more enthused
25 about that one.

26 "Q Do you mean Maurice Kolzoff's?

27 "A Yes."

28 That's the way it happened, isn't it?

4a-3

1 MR. MANZELLA: That's argumentative.

2 THE COURT: Overruled. You may answer.

3 THE WITNESS: No.

4 Q BY MR. DENNY: Well, did you testify untruth-
5 fully before the Grand Jury --

6 A No.

7 Q -- on December 14th, 1970?

8 A No, I didn't.

9 Q Well, weren't you testifying truthfully --

10 A Yes.

11 Q -- when you said he wasn't excited about the
12 movie so much?

13 A He was excited about the one, that he came back
14 from Las Vegas to do. But after he had not heard -- for a
15 waiting period, then like when Maurice Kosloff gave him the
16 opportunity again, well, he was very excited again.

17 Your Honor, may I have an aspirin, please? I
18 have a headache.

19 THE COURT: We won't be long. We will see that at the
20 break, you can get one.

21 MR. DENNY: Your Honor, I would be happy to take a
22 break if she wants to take a break at the present time.

23 THE COURT: Let's proceed.

24 Q BY MR. DENNY: Now, ma'am, let's go to the point
25 of separation. Would you tell us again, please, when it was--
26 on what day -- that you and your husband had this quarrel
27 that led to your separation?

28 A It was on the morning of August 16th, 1969.

4b fls.

4b-1

1 Q And you can remember quarreling on that morning?
2 A Yes.
3 Q And was this rather a prolonged quarrel?
4 A (No response.)
5 Q Did it take a matter of minutes or an hour or a
6 half hour, what?
7 A It wasn't a prolonged quarrel.
8 Q Well --
9 A We argued that morning. We quarreled that morning,
10 and he got up and he left.
11 Q Well, how long did you quarrel and argue that
12 morning?
13 A Maybe 15 minutes, maybe 20 minutes. I don't
14 remember how long.
15 But anyway, I know he left.
16 Q Well, do you remember what you argued about?
17 A Yes, I do.
18 Q And what is it you argued about?
19 A About me working.
20 Q You weren't working at that point, were you?
21 A No. He didn't want me to work, and I wanted to
22 work.
23 Q What did you want to do?
24 A What did I want to do?
25 Q Yes.
26 A Go back to work.
27 Q Go back to work where? Doing what?
28 A Anything. Back to where I had my old job -- which

1 I still had. Or -- he didn't want me to do that, either.

2 Something else that I could find to do.

3 Q What?

4 A When you go looking for employment, you know.
5 Like wherever -- when you find something, if you are skilled
6 enough to take it, you take it, don't you?

7 So, I didn't have anything. I did mainly want to
8 go back to my old job, but he refused that, so I was going to
9 find something else to do -- which I know how to do.

10 Q Well, do you know how to do anything other than
11 waitressing and topless dancing?

12 A Yes.

13 Q What is that?

14 A I went to school, to -- before I came to California,
15 for LV -- well, like out here, you call it LVN. I went to --
16 back there, it's called LPN, Licensed Practical Nursing.

17 Out here, it's Licensed Vocational Nursing.

18 I have had some nursing training, and I have
19 worked in some hospitals here in L. A.

20 Q Since that time?

21 A Since that time. And before I met Donald Jerome
22 Shea.

23 Q All right.

24 A In fact, I worked at Beverly West, one of them.

25 Q And he didn't want you to work as a nurse,
26 either?

27 A He said that he was the man, and he didn't want
28 his wife working at all; he should be able to take care of her.

1 Q And you told him that he couldn't take care of
2 you, didn't you?

3 A I didn't tell him that. I didn't work, so I
4 accepted it.

5 Q Well, you went to work right after he left you,
6 didn't you?

7 A No.

8 Q You didn't at all?

9 MR. MANZELLA: Objection. Asked and answered.

10 It's not relevant.

11 THE COURT: Sustained.

12 Q BY MR. DENNY: Well, how did you support yourself?

13 MR. MANZELLA: Objection. Not relevant.

14 THE COURT: Sustained.

15 Q BY MR. DENNY: Well, you were looking for Shorty
16 to help support you, weren't you?

17 A Yes.

18 Q After he disappeared, you were looking for him;
19 isn't that right?

20 MR. MANZELLA: Asked and answered.

21 Q BY MR. DENNY: Well, were you?

22 MR. MANZELLA: Asked and answered.

23 THE COURT: Overruled. You may answer.

24 THE WITNESS: Yes.

25 Q BY MR. DENNY: Looking hard for him, because you
26 didn't have any means of support; isn't that right?

27 A I was also looking for employment, too, sir.

28 Q For what?

1 A Work, too.

2 Q But you didn't find any?

3 MR. MANZELLA: Objection. Not relevant.

4 THE COURT: The objection is sustained.

5 Q BY MR. DENNY: Well, let's go back to this
6 argument, now, that you had.

7 You say the only thing you argued about was the
8 fact that he didn't want you working because, as the man of
9 the family, he should be able to support you; is that right?

10 A That wasn't all.

11 Q All right.

12 A We argued about his drinking, too.

13 Q What did you argue about his drinking?

14 A Well, I didn't like for him to drink. In fact,
15 I don't drink myself, and I don't particularly like peoples
16 that do drink.

17 And he dranked a little too much, sometime. But
18 he wasn't an alcoholic.

4c fol

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4c-1

1 THE COURT: We'll take a short recess now.

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

8 (Mid-morning recess.)

9 (Proceedings had on an unrelated matter.)

10 THE COURT: The case of People vs. Davis. The
11 defendant is present with his counsel. Both counsel for
12 the People are present, and all the jurors and alternates
13 are present.

14 You may proceed, Mr. Denny.

15 MR. DENNY: Thank you, your Honor.

16 Q Mrs. Shea, I'm not sure that I recall whether
17 you have identified all of the items of luggage that your
18 husband had at the time of your separation.

19 These two trunks, you've mentioned. You've
20 identified the little attache case that you said the guns
21 were kept in.

22 Did he have any other items of luggage?

23 A Yes, he did.

24 Q And what were they?

25 A Uh -- one was a brown luggage, and one was a
26 silver-blue luggage, and -- a silver-blue gray, I think.
27 But it was a luggage.

28 And then we had a blue luggage, not a blue -- a

4c-2

1 blue luggage, a silver -- let's see. Blue-gray -- blue-gray
2 luggage, a gray luggage.

3 Q Well --

4 A And he had another -- the silver-blue luggage
5 was something like an overnight -- it wasn't an overnight
6 case, but a weekender overnight case.

7 And then he had a gray -- like a weekend case,
8 luggage. Then the brown one was a travel luggage.

9 Q Well, just so we get it square now, you've
10 mentioned three items of luggage. Are those in addition to
11 the two steamer trunks here and the brown attache case --

12 A Yes.

13 Q -- that you've described?

14 All right. So we get it straight, he had, again,
15 a gray sort of weekend case?

16 A Well, it was -- yeah, like -- it wasn't too big.

17 Q Well, big enough to carry a couple of suits in?

18 A Yes.

19 Q All right. A gray weekend case. And then what
20 else?

21 A A silver-blue luggage.

22 Q Well, how big was that? The same size, bigger,
23 smaller?

24 A It was smaller. Smaller.

25 Q Well, was it bigger than the attache case here?

26 A Yes, it was.

27 Q About the size of this briefcase here that I am
28 holding up?

4c-3

1 A Uh -- not -- about that size; not quite that
2 size.

3 THE COURT: Indicating a briefcase about 18 by 24 by 9.

4 MR. DENNY: Pretty close, your Honor. It's 20 inches
5 long, by about 18, I think, by 9 -- and heavy.

6 Q And then another bag?

7 A Yeah. It was a luggage, like a regular -- a
8 regular luggage.

9 Q A regular suitcase.

10 A Yes.

11 Q About like --

12 A It was brown.

13 Q About like that blue-gray one that you've looked
14 at and said it was not his?

15 A It was --

16 Q About the same size?

17 A -- a little bit bigger than that. Like it was a
18 -- like men's -- you know, they have two different type of
19 suitcases. Well, the large one that they have for men's,
20 you know, where you can put a whole lot of clothes in, and
21 it has a compartment, you know, like where it divides and
22 everything.

23 This is the way the brown one --

24 Q All right.

25 A -- was made.

26 Q All right. And did he have those particular
27 items of luggage at the time you were married?

28 A Yes, he did.

4c-4

1 Q And it was then after you were married that he
2 secured these two footlockers here, People's 65-H and something
3 else?

4d fls.

4 A Yes.
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1 Q And up until the time that he secured those, he
2 carried all of his worldly possessions in those other bags, did
3 he?

4 A The things that I saw, he did.

5 Q Well, when he left you, he took those bags, too;
6 is that right?

7 A Yes.

8 Q Those other bags that you've described?

9 A Yes.

10 Q And do you know what sort of clothing he carried
11 in those?

12 A Some of the clothes that are in the footlockers
13 now was in -- was in some of the other bags.

14 Because some of the clothes that are in the foot-
15 lockers -- the shirts and things -- was in the house; and they
16 wasn't in the footlocker, because in the footlockers, when --
17 the morning that he left, he had a lot of papers; he had his
18 holsters; he had some blank cartridges; he had also some books
19 that are not there now.

20 And everything -- it was -- I -- and then clothes,
21 and then some of my clothes was in the footlocker.

22 Q Well, did you see him when he left?

23 A No, I didn't. I saw him when he left that morning,
24 but I didn't see him after that morning of August the 16th,
25 1969.

26 Q Well, was he using the footlockers kind of for
27 storage, during the time you were living at the Wilcox Hotel
28 there?

4d-2

1 A Yes. Because we didn't want to take everything
2 out and bring it to the one room.

3 Q And he kept these, then, down in the back of the
4 Comet, the white Comet; is that correct?

5 A Yes.

6 Q But the other items of luggage and articles of
7 clothing that you regularly wore, you did keep up in the
8 apartment; is that right?

9 A Yes, some of them.

10 Q But when he left, he cleaned out everything of his;
11 is that right?

12 A Yes.

13 Q And all the suitcases and everything, too?

14 A Yes.

15 Q All right. Now, when was it that he did leave?

16 A August the 16th, 1969.

17 Q And what day of the week was that; do you recall?

18 A On a Saturday morning.

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Q And how do you recall that specifically?

A Because it was on a Saturday evening that he called me.

Q Now, you had this argument that lasted about 15 or 20 minutes.

Was he getting dressed during this argument?

A Yes.

Q It was during the course of that -- did he get something to eat in the apartment or did he go out?

A No, he didn't. He left.

Q Now, did you make a missing persons report some-time later to the Sheriff's Department?

A Yes, I did.

Q Do you recall was that to a Deputy Robert W. Winter?

A Yes.

Q And was that right down here at the Old Hall of Records, just two buildings down here in the Civic Center?

A Uh --

Q Up on the 10th floor?

A No, I went to, uh, 150 --

Q 150 North Los Angeles?

A Yes.

Q The Glass House?

A Yes.

Q You had your discussion with him there?

A Uh, it wasn't -- uh, I don't -- I don't know who the detective was -- the first one I made the first

1 missing persons report to. It wasn't Winters, because
2 Winters came out to La Brea Avenue.

3 Q And Winters took some rather extensive notes of
4 what you told him?

5 A Yes.

6 Q About your relationship with Shorty and Shorty's
7 separation from you, is that right?

8 A Yes.

9 Q And did you tell him when the missing person left
10 the Wilcox address he left a note stating he was going to the
11 Valley but he did not specify as to where? That you were
12 asleep at the time and presumed the time was approximately
13 6:00 a.m.

14 Did you tell him that?

15 A Did I tell him that?

16 Q Yes.

17 A Not that I can recall. I wasn't asleep when he
18 left.

19 Q Well, would it refresh your recollection to see
20 the report?

21 A Yes, I would like to see it.

22 MR. DENNY: May I approach the witness, your Honor?

23 THE COURT: Yes, you may.

24 Q BY MR. DENNY: The part that is underlined in
25 orange there.

26 A No, I don't remember telling him that. He came
27 out. I didn't talk to him at the Old Hall of Records.

28 Q You don't remember telling him that?

1 A (Shakes head.)

2 Q Well, were you asleep at the time Shorty left?

3 A No, I wasn't.

4 Q Because you had had this 20-minute or some
5 argument, is that right?

6 A Yes.

7 Q So if the officer put that down in his report,
8 he would have been mistaken or he would have misinterpreted
9 you?

10 MR. MANZELLA: Objection, calls for conclusion and
11 speculation.

12 THE COURT: Sustained.

13 Q BY MR. DENNY: Well, when was it that Shorty
14 packed up his goods, packed up all his things?

15 A I wasn't there when he got back.

16 Q You mean when he left?

17 A On August 16th.

18 Q I'm sorry, when he left, he didn't take his
19 things with him that morning?

20 A No.

21 Q Oh, I'm sorry.

22 When did he get them, do you know?

23 A On August 16, I guess, because I had went out.

24 Q When did you go out?

25 A August 16th.

26 Q When on August 16th? What time of day?

27 A Uh -- uh, 9:00 something, 10:00 something at
28 night.

1 Q You were there all that time during the day
2 from at least the time Shorty left early in the morning
3 until 9:00 o'clock?

4 A Yes.

5 Q And Shorty didn't come back during that period
6 of time, is that right?

7 A No.

8 Q And was it at that point -- well, you left,
9 and then when you came back Shorty's things were gone, is
10 that right?

11 A Yes.

12 Q I see. Well, do you remember telling the
13 officer this:

14 "The informant was asleep at the time
15 and presumed the time was approximately 6:00 a.m.
16 Missing persons took all of his belongings at
17 the time, which included two metal trunks, a
18 suitcase and an attache case and a small gun bag."

19 Do you remember telling Deputy Winter that?

20 A No, because they wasn't gone that morning.

21 Q They wasn't?

22 A No.

23 Q It wasn't until sometime the next day you
24 discovered they were gone, is that right?

25 A Yes.

26 Q So if he put that down, he was mistaken and
27 misquoting you, is that right?

28 MR. MANZELLA: Objection, calls for conclusion and

1 speculation.

2 THE COURT: Sustained.

3 Q BY MR. DENNY: Now, this letter, he left a letter,
4 a note?

5 A Yes, in the mail box.

6 Q What mail box?

7 A Uh, in the box of the room number that we had
8 at the Wilcox Hotel.

9 Q Well, how did you find that?

10 A The desk clerk gave it to me.

11 Q This is the letter that you've talked about that
12 you can't find now, is that right?

13 A Yes.

14 Q And this is the letter that said what?

15 A He asked me to forgive him and he left the
16 telephone number of the Babcocks telling me if I needed --
17 where I could -- to call him and how I could get in touch
18 with him. And it was some other things, but right now I
19 can't recall.

5a fls.

5a-1

1 Q Well, are you recalling now a little bit more than
2 what was actually in that letter?

3 A No.

4 Q And do you remember telling Deputy Winter that --
5 when the missing person left the Wilcox address he left a note
6 stating he was going to the Valley but did not specify as to
7 where?

8 A Yes, he did leave that. He didn't say where.

9 Q He didn't say all this about asking for forgive-
10 ness, did he?

11 A This was the letter after he had left.

12 Q Were there two letters?

13 A You said the letter. I'm talking about the letter
14 August 17 that I received after Donald had left the hotel with
15 all his belongings.

16 Q Well, did he leave one before that? Did he leave
17 some sort of note before that?

18 A He always left me notes.

19 Q Well, ma'am, I'm talking now about August 16 when
20 you say he left around 6:00 o'clock in the morning, wasn't it?
21 Was it around 6:00 o'clock in the morning?

22 A Yes.

23 Q When you say he left around 6:00 o'clock in the
24 morning, when you now say he left after an argument of 15 or
25 20 minutes, did he leave you a note then saying where he was
26 going?

27 A Yes.

28 Q Well, when in the course of his leaving did he sit

5a-2

1 down and write you a note or stand up and write you a note?

2 A I had a note on the dresser.

3 Q Well, were you asleep then when he left?

4 A No.

5 Q Did you see him write the note?

6 A No, I didn't see him write it.

7 Q Well, excuse me if I don't seem to comprehend,
8 ma'am. You were talking to him. You were arguing back and
9 forth, and then he wrote you a note saying where he was
10 going?

11 A I found a note on the dresser, but I wasn't
12 asleep.

13 Q Well, you saw him write it?

14 A I didn't see him write it. I found a note on the
15 dresser, but I wasn't asleep.

16 Q When did you find the note on the dresser?

17 A When I got up out of the bed and was cleaning up
18 the room.

19 Q When was that?

20 A After he had left.

21 Q Well, how long after he had left? You say he
22 left around 6:00 o'clock, when did you find this note?

23 A About 9:00 o'clock in the morning, I guess. I
24 don't know.

25 Q All right.

26 A When I got up.

27 Q So, now there are two notes, one you found about
28 9:00 o'clock in the morning, and then there was another one

1 that you found on the 17th?

2 A It was a letter.

3 Q The first one was a note?

4 A Yes.

5 Q All right. What did that note say again?

6 A He had left going to the Valley. He didn't say
7 where.

8 Q Signed "Donald Jerome Shea"?

9 A Signed "Donald."

10 Q Signed "Donald," saying "I've left, going to the
11 Valley, Donald"?

12 MR. MANZELLA: Asked and answered.

13 Q BY MR. DENNY: Well, is that all it said?

14 THE COURT: The objection is overruled. You may answer.

15 THE WITNESS: "I've left and gone to the Valley."

16 Q BY MR. DENNY: Signed "Donald"?

17 A Yes.

18 Q That's all?

19 A Yes.

20 Q All right.

21 Now, is that the note, then, that you were referring
22 to when you told Deputy Winter: "When missing person left the
23 Wilcox address he left a note stating he was going to the
24 Valley. Did not specify as to where. The informant was
25 asleep at the time. The approximate time was presumed 6:00
26 A. M."

27 Is that the note you are referring to?

28 A To what? When I made the missing report?

5a-4

1 Q Yes.

2 A That one, yes, where he left saying, "I'm going to
3 the Valley," yes.

4 Q Well, you didn't tell him, then, about the second
5 note that you found in the box at the Wilcox Hotel, is that
6 right?

7 MR. MANZELLA: Objection, irrelevant.

8 THE COURT: Overruled. You may answer.

9 THE WITNESS: I don't remember if I -- evidently I
10 didn't, if you don't have it down there.

11 Q BY MR. DENNY: All right. And this second note
12 that you say was in the box at the hotel is the one where he
13 asked for forgiveness, is that right?

14 A Yes.

15 Q Asked for forgiveness for what, did you say?

16 A For the argument for the morning before, because I
17 was mad at him about drinking.

18 Q Oh.

19 A And I wanted to go back to work. And he said his
20 wife's place is at home.

21 Q And he told you to get in touch with Jim
22 Babcock, did he?

23 A Yes.

24 Q Say anything else?

25 A He said if I wanted to get in touch with them --
26 and he left the telephone number and the letter and told me
27 to call the Babcocks and they would -- I could get in touch with
28 him. And I don't remember everything that was in that letter.

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And he asked me to forgive him for being a poor
fool for drinking.

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1 Q Well, there was something very important in
2 that letter, wasn't there, that he said?

3 A And that he loved me very much.

4 Q Something almost as important to you as that?
5 Something else?

6 Well, do you remember testifying at the Grand
7 Jury hearing on December 14, 1970, to the effect:

8 "Q --" page 514, line 25.

9 "Q And did he indicate to you whether or
10 not he hoped to reconcile these differences with
11 you?

12 "A Yes.

13 "Q And what did he say about that?

14 "A Well, he said that he hoped that we'd
15 get back together. And he explained to me he
16 didn't want me working. And I wanted to work.
17 And he said I could go to work if I wanted to.

18 "Q So, I take it, then, there was hope
19 in your mind that you would be able to reconcile
20 the differences and join Mr. Shea?

21 "A Yes."

22 Do you remember so testifying?

23 A Yes.

24 Q Did he tell you you could go back to work?

25 A Yes, he did.

26 Q Well, that was very important to you, wasn't it?
27 That's what you wanted to do, is that right?

28 A Yes.

1 Q Is there some reason that you didn't remember
2 that when you were testifying on the jury here on direct?

3 A I don't remember.

4 Q Is the reason -- I'm sorry, go ahead.

5 A I beg your pardon.

6 Q Go ahead.

7 A I don't remember.

8 Q Is the reason you don't remember because it never
9 happened? It never happened, it was never in that letter,
10 because there was never such a letter?

11 A Yes, there was such a letter, sir.

12 Q Let's go to your testimony in the Manson case on
13 August 18, 1971.

14 Directing your attention to a question by Mr.
15 Kanarek, starting at page 5748, line 22:

16 "Q Did you tell a police officer, 'Approximately three days after their separation, Mrs. Shea--'
17 meaning you -- 'received a letter from her husband
18 stating he hoped they could get back together again,
19 and if she needed him, she was to call Jim Babcock.'
20

21 "Did you tell that to a police officer?

22 "(Pause.) I don't remember."

23 And then, there are some objections here.

24 Going on to page 5749, line 23.

25 "Q BY MR. KANAREK: Now, do those words --
26 do these words refresh your recollection as to what
27 you have told a police officer or police officers,
28 'Approximately three days after their separation,

1 "Mrs. Shea received the letter from her husband
2 stating he hoped they could get back together again;
3 and if she needed him, she was to call Jim Babcock.'

4 "A Yes, I got a letter on Tuesday.

5 "Q Oh? Now, not that day, but --

6 "A Yes. At the Warwick Hotel.

7 "Q So you got this letter not a few hours
8 after August the 16th, but you got it on Tuesday?

9 "A It was on the Tuesday; I went out there,
10 looking for him.

11 "Q And in what -- would you tell us in what
12 way you got that letter, Mrs. --

13 "A It was in the -- in the mail box for the
14 room that we was living in.

15 "Q And at the Warwick Hotel, this letter
16 was given to you by someone; is that right?

17 "A Yes.

18 "Q And who was the person that gave you
19 this letter?

20 "A I don't recall his name, but it was the
21 guy behind the desk."

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1 Do you remember so testifying?

2 A Yes.

3 Q Well, which is the truth, ma'am? Was the letter
4 received by you on the day you got back, the 17th? Sunday?
5 Or was it received Tuesday?

6 Or was there any letter at all?

7 A There was a letter, sir.

8 Q Well, when was it received by you?

9 A I received the letter -- it might have been on a
10 Tuesday. I thought it was on a Sunday.

11 But I received a letter, and at the time that I --
12 when I first went to 150 North Los Angeles Street, I did have
13 the letter then.

14 But since then, it was misplaced.

15 Q Oh.. When you talked to Deputy Winter --

16 A I didn't talk to Deputy Winters. Deputy Winters
17 came out to -- to the address on LaBrea Avenue.

18 Q Well, when was it then that --

19 A I don't know who I talked to. I talked to some-
20 body in Missing Persons and Homicide. That was the first
21 missing -- that's when I first made the Missing Persons
22 report.

23 Q Well, just a minute. Was that at the Los Angeles
24 Police Department --

25 A Yes.

26 Q -- that you made that?

27 Not the Sheriff's department?

28 A It was over here, 150 North Los Angeles Street.

2 1 Q Commonly referred to as the Glass House?

2 A Yes.

3 Q Now, you say you were in the Missing Persons
4 Bureau at the Los Angeles Police Department and made a report
5 on a missing person?

6 A Yes, I did.

7 Q And do you know about when this was, in connection
8 with or in relationship to the time you spoke with Deputy
9 Winter, from the Sheriff's department?

10 A It was after --

11 Q After you spoke to Deputy Winter?

12 A No. I spoke to Deputy Winters after I had made
13 the missing person report.

14 Q Deputy Winters is the deputy connected with the
15 Missing Persons Bureau of the Sheriff's Office; isn't he, is
16 that correct, to your knowledge?

17 A I think so. I think that's what was on his card he
18 gave me.

19 Q All right. And you are saying that you talked to
20 him after you talked to the L.A.P.D. --

21 A Yes, I did.

22 Q -- Missing Persons people?

23 A Yes.

24 Q How much after?

25 A I don't remember how many days it was. He came
26 out to the address -- to the address on LaBrea.

27 Q Well, you have gone all over this. We are just
28 talking about time now.

6-3

1 A I don't remember how many days. But I went down
2 there first and made a report, plus I supplied them with one
3 of the photographs -- that you have, that you have here now.

4 That's where Deputy Winters got it from, was down
5 there, because they had four photographs of mines down there,
6 and my marriage license, and -- I don't remember everything
7 that -- in fact, I don't know if I got everything back.

8 All I know is, I got my license back, and the four
9 photos that I supplied them.

10 Q Well, in this conversation that you had with
11 Deputy Winter at the place on LaBrea, did he tell you he had
12 been looking for you for a long time, or the Sheriff's Office
13 had been looking for you for a long time?

14 MR. MANZELLA: Objection. Calls for hearsay.

15 THE COURT: Sustained.

16 Q BY MR. DENNY: Oh. These guns that you've
17 identified, ma'am. Now, you say these are in kind of poor
18 condition, compared to what they were when Shorty had them;
19 is that right?

20 A Yes.

21 Q In what way are they in poor condition?

22 A They're not as shiny as they used to be, and the
23 handles wasn't scratched up like that.

24 Q By the way, is there anything different about the
25 handles -- other than the scratches, you say -- now than when
26 Shorty had them?

27 A When -- when I first saw them on the first time --
28 I don't know if it was off or -- or when they came out, or when

1 he pawned them or not, but one of them had "D. S." or "D. J."
2 on it. I don't know which one.

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1 One of them had a hair trigger, and I think
2 that's the one that it was. And --

3 Q On the handle itself?

4 A (Whereupon the witness cocked each gun and
5 pulled the trigger on each gun.)

6 This is it right here.

7 Q All right. And --

8 A Oh, it had the initials --

9 Q Speak so the jury can hear.

10 A It had initials -- it wasn't carved in. This
11 was just on, and it had "DJ" on it.

12 Q All right. Now, are these guns about in the
13 same condition they were, though, when you testified before
14 the Grand Jury concerning them?

15 A Yes.

16 Q All right. And that was back in December of
17 1970; is that right?

18 A 1970?

19 Q December of 1970, over a year ago.

20 A December, 1970?

21 Q December 14.

22 A No. December 14th, 1969.

23 Q Well, you know I have been reading some things
24 from the Grand Jury transcript here of December 14th, 1970.

25 A Oh?

26 Q Does that refresh your recollection?

27 A This is seventy -- yes. This is '72.

28 Q All right now, let me go to page 536 of the Grand

1 Jury transcript, your testimony again on December 14, 1970.

2 Page 526, starting at line 10 --

3 MR. KAY: Well, your Honor, I'm going to object to the
4 reading of testimony. There's no question pending, and I
5 don't think it's proper just to start off by reading testimony.

6 THE COURT: Well, show Mr. Kay what you intend to read.

7 (Pause in the proceedings while Mr. Denny
8 exhibited a transcript to Mr. Kay, which transcript
9 Mr. Kay perused.)

10 Q BY MR. DENNY: Starting at line 10. "Now,
11 quickly showing you 9-A, would you please look at this gun
12 and tell me whether or not you recognize this gun as having
13 seen this gun before?"

14 May I approach the bench, your Honor?

15 And may the Court take judicial notice that the
16 guns have tags on them, previously indicating markings
17 before the Grand Jury, as Exhibits 9-A and 9-B?

18 THE COURT: Yes. They are referring to the same guns.

19 MR. DENNY: (Reading.)

20 "Q Now, quickly showing you 9-A, would you
21 please look at this gun and tell me whether or not
22 you recognize this gun as having seen this gun
23 before?

24 "A Yes.

25 "Q And is that one of Shorty's guns?

26 "A Yes, it is.

27 "Q And showing you 9-B, the other gun,
28 do you recognize this gun as having seen this gun

1 "before?

2 "A Yes.

3 "Q They bear the serial numbers 2421 and
4 2422 respectively; is that correct?

5 "A Right.

6 "Q And has anything been done with these
7 guns to change it, or do they appear to be in
8 approximately the same condition as you saw them
9 with Donald Shea?

10 "A They appear to be in the same condition.

11 "On one, though, I don't know if it still
12 is on there. He had a DS on the end -- no, it was on
13 like one of the sides.

14 "One of them had DS on it.

15 "Q Where? On the handle?

16 "A Yes. It was engra -- it wasn't
17 engraved into it. It was like, you know, you stick
6b fls. 18 something on it.
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1 "Q As you look at these guns, do you have
2 any doubts that these are the guns that Shorty
3 had and displayed them before you in Las Vegas
4 and in Los Angeles?

5 "A No."

6 Do you remember so testifying before the Grand
7 Jury?

8 A Yes.

9 Q And you have just indicated that the guns are in
10 the same condition now as they were then; is that right?

11 A They don't have the "D. S." and they're scratched
12 up, in the same condition as they were there.

13 Q And the same condition that they were in then is
14 the same condition that you saw them with Donald Shea; isn't
15 that right?

16 A No.

17 Q Well, when you testified before the Grand Jury,
18 you were not testifying truthfully; is that correct?

19 A Would you repeat the question again, please?

20 Q Reading back to you the testimony from the Grand
21 Jury on this one point, "They bear the serial numbers
22 2421 and 2422 respectively; is that correct?

23 "A Right.

24 "Q And has anything been done with these
25 guns to change it, or do they appear to be in
26 approximately the same condition as you saw them
27 with Donald Shea?

28 "A They appear to be in the same condition."

6b-2

1 MR. KAY: That's not the complete answer.

2 MR. DENNY: Well, if you want me to.

3 "On one, though, I don't know if it is still
4 on there. He had a D. S. on the end -- no, it was
5 on like one of the sides.

6 "One of them had D. S. on it.

7 "Q Where, on the handle?

8 "A Yes. It wasn't engraved into it.

9 It was like, you know, you stick something on it."

10 Et cetera.

11 Q What I'm interested in is the part where you
12 testify, "They appear to be in the same condition."

13 And that's true; isn't that correct?

14 A As before the Grand Jury?

15 Q They appeared to be in the same condition before
16 the Grand Jury as they were when Shorty had them; isn't that
17 correct?

18 A No.

19 Q Well, then, you testified untruthfully before the
20 Grand Jury?

21 A They don't appear now to be even in the same
22 condition as they was before the Grand Jury.

23 Q Well, do you remember testifying here about three
24 minutes ago that they were --

25 A Yes, I do.

26 Q -- in the same condition?

27 You're changing your testimony now before this
28 jury?

6b-3

1 MR. MANZELLA: Argumentative.

2 Q BY MR. DENNY: Well, do you want to change your
3 testimony before the Grand Jury?

4 MR. MANZELLA: That's irrelevant. The question is
5 what her answer is.

6 THE COURT: All right. Sustained.

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

8 (Pause in the proceedings while a discussion off
9 the record ensued at the counsel table between Mr. Denny and
10 the defendant, followed by a discussion off the record between
11 Mr. Denny and Mr. Manzella.)

12 Q BY MR. DENNY: Now, ma'am, when you left -- you did
13 leave the Wilcox Hotel after Shorty had left; is that correct?

14 A Yes.

15 Q You came back and found his things gone, so you
16 packed up your things and left; is that right?

17 A Yes.

18 Q And where did you go?

19 A On LaBrea Avenue.

20 Q Where on LaBrea Avenue?

21 A It was in the thirty hundred block on LaBrea.

22 Q The thirty hundred block, LaBrea?

23 A Yes.

24 Q And you went with some friends there, relatives?

25 A I had some relatives staying there.

26 Q And you stayed there for a period of several months,
27 into January; is that correct?

28 A Yes.

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Q And during this time, you did attempt to make some contact with Shorty; is that correct?

2

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A Yes.

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Q You attempted to find jobs, as we went into before.

5

May I approach the witness again, your Honor?

6

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THE COURT: Yes, you may.

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1 Q This letter, you've identified as printing of
2 your husband?

3 A Yes.

4 Q And you've read this letter or had it read to
5 you -- you've read the letter, haven't you?

6 A Yes.

7 Q And you've been questioned about it before, is
8 that right?

9 A Yes.

10 Q All right.

11 The letter goes as follows:

12 "Dear Niki --" -- you are called Niki?

13 A Yes.

14 MR. MANZELLA: I don't believe the letter has been
15 introduced yet into evidence.

16 MR. DENNY: Well, I move that it be introduced into
17 evidence.

18 MR. MANZELLA: There's no foundation. Mr. Denny
19 objected on that grounds before.

20 MR. DENNY: Well, I am withdrawing my objection.

21 THE COURT: All right, the Court will receive it.

22 Q BY MR. DENNY: (Reading.)

23 "Dearest Niki:" --

24 MR. MANZELLA: People object on the grounds there is
25 no foundation, your Honor. The same grounds on which the
26 Court overruled my offer of the letter yesterday.

27 MR. DENNY: It is a very interesting turnabout, your
28 Honor. They were trying to get it in yesterday.

7-2

1 MR. MANZELLA: It certainly is interesting.

2 THE COURT: The objection is just as good now as it
3 was then. Sustained.

4 MR. DENNY: Your Honor, I'll have to call her back,
5 then, when the foundation is established.

6 THE COURT: Ask your next question. I'll sustain the
7 objection.

8 MR. DENNY: All right.

9 THE COURT: The Court will withdraw its order admitting
10 the letter into evidence.

11 Q BY MR. DENNY: Now, from the time that you last
12 saw Shorty at about 6:00 o'clock in the morning until the
13 present day, you've never talked to him, seen him, heard his
14 voice, had any contact with him at all, is that right?

15 A That's -- except about 7:30 August 16, 1969.

16 Q 7:30 in the evening?

17 A I talked to him, yes.

18 Q He telephoned you?

19 A Yes.

20 Q And what did he say in that phone conversation?

21 A That he was at the Spahn's Ranch and he had to
22 stay out there -- he was staying there until -- he was at
23 the Spahn's Ranch. They had had a raid that morning and he
24 was waiting for someone to return.

25 Q Well, who was he waiting to return?

26 A Uh, somebody so he could leave George Spahn or
27 Miss Ruby Pearl. There was nobody there but him.
28

1 Q I didn't follow that.

2 A He said that there was nobody there and he was
3 waiting for -- they had had a raid and he was waiting for
4 someone to return to the Spahn's ranch. They -- that night,
5 when I talked to him about 7:30. And he said who he was
6 waiting for. And he said George Spahn or Ruby Pearl, I
7 presume.

8 Q You presume or do you know? Did he tell you he
9 was waiting for George Spahn to return?

10 A Yes.

11 Q All right. And then, he was going to leave?
12 He told you he was going to take off as soon as George Spahn
13 got back, is that right?

14 A Yes.

15 Q And he was going to come back and see you, is
16 that right?

17 A I guess he was coming home.

18 Q Well, he had left you a note there that you got
19 -- you didn't get that note yet, though?

20 A No.

21 Q Okay. So you didn't know that he told you you
22 could work?

23 A No.

24 Q Is that right?

25 He didn't tell you that on the phone?

26 A No, all we talked about on the phone was there
27 had been a raid that morning and there was nobody there at
28 the ranch and he was going to stay there until George Spahn

1 came back to the ranch.

2 Q Well, he had --

3 A He didn't talk to me about anything. That was
4 the only thing he told me.

5 Q He didn't ask for forgiveness in that phone
6 conversation?

7 A No. He called me and told me that there had been
8 a raid that morning at the ranch.

9 Q Just a minute.

10 A And there was nobody there and he was going to
11 stay there until somebody came, George Spahn's came back to
12 the ranch.

13 Q And it was all just kind of a one-sided
14 conversation, him talking and you listening, and then he
15 hung up?

16 A Yes.

17 Q And he didn't say anything like, "Gee, honey,
18 I'd like to get over and talk to you over the fight we had
19 this morning"?

20 A We didn't talk about that.

21 Q I heard what you said. I am just asking if he
22 said anything else.

23 You don't remember him saying anything else?

24 A I remember him telling me that they had a raid.

25 Q We have gone over that. I am just asking if he
26 said anything in addition to that.

27 A I remember him telling me that they had had a
28 raid and he was waiting at the ranch.

1 Q I understand that, ma'am. You repeated that
2 five times.

3 A I don't remember.

4 Q All right. And the only communication then
5 you got from him with regard to this communication that he
6 wanted to reconcile that you now can't find?

7 A Yes.

8 Q Which you got either the next day or the follow-
9 ing Tuesday, is that right?

10 A Yes.

11 Q These people that you were staying with on
12 La Brea, did you once describe them as distant relatives,
13 like second, third or fourth cousins?

14 A Yes, I did. That's what they were.
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7a fls.

7a-1

1 Q But you don't know their names?

2 A Yes, I do.

3 Q Oh, who are they or who were they?

4 A One was Miss April White and the other is Mrs.
5 Jacqueline Jackson.

6 Q Anybody else?

7 A No.

8 Q These were the people you lived with for those
9 months after the separation?

10 A Yes.

11 Q At that location?

12 A Yes.

13 Q Did you live with a man there?

14 A No.

15 Q Now, if we can, I would sort of like to get the
16 chronology of when you filed this missing persons report.

17 Uh, is it true that the first contact that you had
18 with the Sheriff's Office concerning filing the missing
19 persons report or anything having to do with Shorty was when
20 you were asked to come down and take a look at these foot-
21 lockers?

22 A Would you repeat the question? I don't understand.

23 Q Well, were you advised by someone that they had
24 found the footlockers and Shorty's car or they had found
25 Shorty's car, someone from the Sheriff's Office?

26 A Yes.

27 Q That's when you went down to make a missing persons
28 report?

7a-2

1 A No.

2 Q You made a missing persons report before that or
3 after that?

4 A Yes, before that.

5 Q Before that.

6 Okay, when had you given that missing persons
7 report before that?

8 A Uh, it was in November or December. I'm not sure.
9 I think it was November. I'm not sure.

10 Q To whom did you give that?

11 A To one on North Los Angeles Street on the third
12 floor, second or third floor at -- at 150 North Los Angeles
13 Street at the Missing Persons Bureau.

14 Q All right. And this was, then, in November and it
15 was some period of time after that that you were called to the
16 Sheriff's station to give a missing persons report?

17 A Deputy Winters, I think, came out to the LaBrea
18 Avenue address.

19 Q Well, did he bring the trunks with him?

20 A No, he didn't.

21 Q Well, so we get it straight, when you made the
22 missing persons report, did you see the things in the trunks
23 here?

24 A When I made the report?

25 Q Yeah, the original missing persons report.

26 A No, I didn't see the things in the trunk.

27 Q Did they have the trunk there?

28 A No, not when I -- when I first made the missing

7a-3

1 persons report.

2 Q All right. Let me direct your attention again to
3 your testimony in the case of People versus Charles Manson,
4 Wednesday, August 18, 1971, starting at Page 5774, Line 16.

5 I think we have to go up to Line 14.

6 "Q Was it at the police station or was it
7 at the courthouse?

8 "A I saw the footlockers at the police
9 station. I separated the clothes in the court-
10 house across the street.

11 "Q Now, did you do the same thing with
12 this footlocker?

13 "A I did the same thing with that foot-
14 locker.

15 "Q What was the date when you first saw
16 the footlockers, Mrs. Shea?

17 "A I don't remember the date. It was
18 sometime last year I got a call to come down-
19 town to the police.

20 "Q Can you give us your best estimate of
21 what date it was?

22 "A I can't."

23 And then, there are a bunch of objections.
24 Continuing on Page 5775.

25 "Q BY MR. KANAREK: How many months after
26 you tell us you last spoke to Mr. Shea, Mrs. Shea,
27 was it that you first saw these footlockers again?

28 "A I don't remember. It was last year in

7a-4

1 " '70.

2 "Q Yes, but would you tell us how many
3 months after it was that you first saw --

4 "A I don't even remember what month it
5 was that they called me to come down to go down-
6 town and look at the footlockers and make an
7 identification."

8 Going on to Page 5776.

9 "In other words, you were told by the police
10 department to come to the police station and make
11 an identification, is that right?

12 "A They told me they had the footlockers
13 down there and they had the car and everything --
14 and everything, itself, and they wanted to know if
15 I knew. I had already gave them a previous report
16 of things that was missing and they wanted me to
17 come down and identify the things that I told them
18 about.

19 "Q And this report that you told them,
20 that you gave as to what was missing, when did you
21 make that report?

22 "A In November.

23 "Q 1970?

24 "A '69.

25 "Q 1969.

26 And you had no occasion to make any listings
27 until November of '69 as to any items you say
28 belonged to Mr. Shea? You made no such listing until

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"November of 1969, is that correct, Mrs. Shea?

"A When I filed the missing person
report."

Do you remember so testifying?

7b-fol

A Yes.

7b-1

1 Q All right, so, the chronology, then, is you
2 originally filed a missing persons report in November at the
3 Los Angeles Police Department over at the Glass House?

4 A Yes.

5 Q And then, the Sheriffs called you down and said
6 they found the car?

7 A They sent -- before they found the car, I talked
8 to Detective -- I think Detective Winters or Sergeant Winters
9 before they found the car and that's -- he's from the Sheriff's
10 Department.

11 Q Uh-huh. You talked to him about that?

12 A The missing person report that I had filed
13 already at the Glass House, the 150 North Los Angeles Street.
14 That's where I first made the first one.

15 MR. DENNY: May I approach the witness a moment?

16 THE COURT: Yes, you may.

17 MR. KAY: May we see what --

18 Q BY MR. DENNY: Ma'am, I'll show you a County of
19 Los Angeles Sheriff's Department Complaint report dated
20 12-12-69.

21 Do you recognize the information therein?

22 MR. MANZELLA: Objection, that doesn't appear to be
23 relevant, your Honor.

24 THE COURT: Sustained.

25 THE WITNESS: I --

26 Q BY MR. DENNY: Well, you don't have to answer
27 that. There's been an objection sustained.

28 On 12-12-69, did you live at 3451 South La Brea

7b-2

1 Avenue, Room 206?

2 A I lived in 201. I was in 206 when I talked to
3 Deputy Winters.

4 Q Well, did you make a report on December 12,
5 1969, a missing persons report to Deputy Winters stating that
6 your husband, Donald Jerome Shea, date of birth, 3-14-34,
7 8:35, had disappeared?

8 A Yes, that was when he came out, but I had made
9 a previous report to the LAPD.

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1 Q But this is the first report, then, that you made
2 to the Sheriff's department; is that correct?

3 A Yes, it is.

4 Q All right. On December 12th, 1969; is that
5 correct?

6 A Yes.

7 Q And that's about the time they told you they had
8 found Shorty's car?

9 A (Pause) I think so.

10 Q Well, had you had some -- oh, I'm sorry. It was --
11 about when in November? I'm not sure whether I asked you
12 specifically.

13 A The last part of November --

14 Q Around November 17th?

15 A No. It was like the end of the month.

16 Q All right. Now, how was it that the -- well,
17 strike that.

18 Did you just happen to go to the Los Angeles
19 Police Department Glass House and go in and say, "I would like
20 to report a missing person"?

21 MR. MANZELLA: Objection. Irrelevant.

22 THE COURT: Sustained.

23 MR. DENNY: Well, your Honor, I would like to be heard
24 on that.

25 THE COURT: The objection is sustained.

26 Q BY MR. DENNY: All right. You didn't go to them;
27 they came to you, isn't that correct?

28 A No. I went to them.

1 A No. I went to them.

2 Q You were in custody, and they talked to you about
3 it, when they discovered who you were; isn't that right?

4 A No. I was not in custody.

5 Q You had been?

6 MR. MANZELLA: Objection. That's not relevant.

7 THE COURT: Sustained.

8 MR. DENNY: Your Honor, this part of the examination is
9 going to take some time and I wonder if we might stop right at
10 this point.

11 THE COURT: How long do you anticipate the cross will
12 take? The balance of the cross?

13 MR. DENNY: About another half-hour.

14 THE COURT: All right. Ladies and gentlemen, we'll
15 recess until 2:00 o'clock. During the recess, you are
16 admonished not to converse -- let's make it 1:45.

17 During the recess, you are admonished not to
18 converse amongst yourselves nor with anyone else, nor permit
19 anyone to converse with you on any subject connected with the
20 matter, nor are you to form nor express any opinion on it until
21 it is finally submitted to you.

22 I will see you all at 1:45.

23 (Whereupon, at 11:57 A. M., an adjournment was
24 taken in this matter until 1:45 P. M. of the same day.)
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1 LOS ANGELES, CALIFORNIA, FRIDAY, JANUARY 21, 1972 1:50 P.M.

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4 THE COURT: The record will show all jurors to be
5 present. All counsel present.

6 And now, the defendant is present, the record
7 may show.

8 You may proceed, Mr. Denny.

9 MR. DENNY: I wonder if we may approach the bench?

10 THE COURT: Mr. Denny, you may -- oh, you wish to
11 approach the bench?

12 MR. DENNY: Yes, with the reporter.

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

16 THE COURT: Yes.

17 MR. DENNY: Your Honor, I have, again, People's 64.

18 THE COURT: Uh-huh.

19 MR. DENNY: And although I appreciate the good humor
20 of Mr. Manzella in turning the tables on me this morning on
21 this, I do feel that it is going to simply prolong this trial
22 to require Sergeant Whiteley to come in and lay the founda-
23 tion for this.

24 I believe the People stated yesterday, making a
25 good faith offer of proof, that they were going to establish
26 a foundation that this letter was found in the trunk, in the
27 trunk of the car, in the footlocker in the trunk of the car
28 and would establish that through the testimony of Sergeant

9-2

1 Whiteley.

2 I will, based upon what I consider to be the
3 representation of the officers of the Court, make the same
4 representation. It could be so established.

5 And as I look back, although I did raise the
6 objection no foundation, when they indicated the foundation
7 could be established, I simply indicated to the Court that
8 if it were going to be admitted at this time, I simply did
9 not want Mrs. Shea reading it.

10 And I felt that that would be an appeal to the
11 prejudice and emotion of the jury as she read this letter.

12 MR. KAY: Well, conversely, we don't want Mr. Denny
13 to read it.

14 MR. DENNY: I'll let the Judge, if he wants to, read
15 it or the Clerk or anyone else.

16 But I do feel at this time, your Honor, it is
17 pertinent to get this into evidence.

18 And if Mr. Manzella wants to read it, it is
19 fine. Or if Mr. Kay wants to read it, it is fine. I will
20 make the offer of proof.

21 THE COURT: Suppose no one reads it, we just let the
22 jury see it.

23 MR. DENNY: Well, we can pass it around among the
24 jurors.

25 THE COURT: If we need to, to arrive at an agreement,
26 I think that could be done.

27 MR. DENNY: I think it is a little time consuming to
28 do so.

1 MR. MANZELLA: Uh-huh.

2 MR. KAY: Pass it to each juror and let them read it.

3 MR. DENNY: That's fine. I have no objection to that.
4 And I will so move.

5 THE COURT: All right.

6 MR. KAY: No objection.

7 MR. MANZELLA: Or Mrs. Shea could read it.

8 MR. DENNY: Well, I don't want her to read it.

9 THE COURT: All right.

10 All right, it is admitted, then.

11 What's the number of it.

12 MR. DENNY: 64, your Honor.

13 Will the Court advise the jury that this will
14 be passed to them and they will each have a chance to read it
15 at this time?

16 THE COURT: Yes.

17 Is it -- yes, the Court will do that.

18 MR. DENNY: Thank you, your Honor.

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

22 THE COURT: The Court is going to admit 64 for
23 identification, a yellow paper with writing on it.

24 MR. KAY: And the Court will allow the jury to read it?

25 THE COURT: And the Court will permit the jury to
26 read it. So --

27 MR. DENNY: May the record reflect, your Honor, I am
28 handing it to No. 1 juror?

64 id.

1 THE COURT: Mrs. Sandberg, just read it hurriedly.
2 You don't have to read it aloud. And pass it on, would you?

3 (Whereupon, there was a pause in the proceed-
4 ings while Exhibit 64 was passed throughout the jury.)

5 MR. MANZELLA: Your Honor, may I get something out of
6 the anteroom?

7 THE COURT: Yes.

8 MR. MANZELLA: Thank you.

9 THE COURT: Where is the letter now, ladies and
10 gentlemen?

11 MR. DENNY: I have it, your Honor.

12 THE COURT: The record will show all the jurors --
13 is there anyone who has not read it? -- that all the jurors
14 have read the letter.

15 You may proceed.

16 MR. DENNY: May I approach the witness?

17 THE COURT: Yes.

18
19 MAGDALENE VELMA SHEA,
20 the witness on the stand at the time of the noon recess,
21 having been previously duly sworn, resumed the stand and
22 testified further as follows:

23
24 CROSS-EXAMINATION (Continued)

25 BY MR. DENNY:

26 Q Oh, before I do, by the way, Mrs. Shea, at
27 the time Don bought the car, did he buy the car, the Comet,
28 do you know?

A He was buying the car.

9a-1

1 Q Well, did he pay anyone for it at all, do you know?

2 A I don't know.

3 Q Well, do you know, in fact, that he didn't pay

4 anything to John Enfield at the time he got it?

5 A I don't know.

6 Q Well, do you know what he was supposed to pay for

7 it overall?

8 MR. MANZELLA: Objection, that would call for hearsay.

9 MR. DENNY: Well, if she was there.

10 Q Were you there?

11 A I wasn't there.

12 Q All right.

13 At the time the car came into your possession,

14 some dishes also came into your possession, is that right?

15 A Yes.

16 Q They were dishes that appeared to be in the car,

17 did they?

18 A Uh, John Enfield and his wife --

19 Q Did they appear to be in the car, is the

20 question pending.

21 A It --

22 Q At the time you got the car, were the dishes in the

23 car?

24 A Yes.

25 Q All right. And they were just dishes that they

26 had kind of extra, Mr. and Mrs. Enfield; is that right?

27 A Yes.

28 Q His mother had passed away and they had no use for

9a-2

1 the dishes and they just gave them to you, right?

2 A Yes.

3 Q Nothing very special about them?

4 A No.

5 Q All right.

6 Now, may I approach the witness again, your Honor?

7 THE COURT: Yes.

8 Q BY MR. DENNY: Mrs. Shea, I'll show you the
9 document that has been designated and received into evidence
10 as People's 64.

11 You've seen that document before, is that right?

12 A Yes.

13 Q You never received that document in the mail or
14 by any other messenger of any kind, is that right?

15 A No.

16 Q But you have seen it previously at other court
17 proceedings, is that right?

18 A Yes.

19 Q And been questioned about it, is that right?

20 A Yes.

21 Q And I'd like to direct your attention to some of
22 the wording in that letter which you say is in Don's hand-
23 writing.

24 Specifically: "I cannot figure out why you left
25 me."

26 Now, you left him, didn't you?

27 A No.

28 Q Well, all right.

9a-3

1 "I guess maybe I was a little rough on you --"
2 Well, let's go back up here.

3 "You know I love you and nothing you could have
4 done would have been unforgiveable, including topless dancing."

5 In fact, he told you that he didn't mind your
6 topless dancing all that much, did he? Didn't he?

7 A I don't remember.

8 Q Well, when he met you, you were topless dancing,
9 weren't you?

10 A Yes.

11 Q And he was there in a topless bar running the
12 place, wasn't he?

13 A Yes.

14 Q And as far as he was concerned, topless dancing
15 was all right, wasn't it?

16 A He didn't want me to do topless dancing after we
17 got married.

18 Q He didn't want you to do any work, is that right?

19 A No work at all, of no kind.

20 Q Of no kind,

21 There was other kinds of work he didn't want you
22 to do besides topless dancing, is that right?

23 A He didn't want me to work at all.

24 Q "I guess maybe I was a little rough on you about
25 some of the things you wanted to do, but it was only because I
26 loved you so much."

27 Was he rough on you physically?

28 A No, he never hit me.

9a-4

1 Q All right.

2 "If I find you and can convince you to come home,
3 please excuse a poor fool for drinking."

4 "If I find you and can convince you to come home --"

5 Where were you?

6 A On LaBrea.

7 Q Had he been there?

8 A Yes, he had.

9 Q Well, did you leave him any kind of note that
10 that's where you were?

11 A No, I didn't.

12 Q Well, this phone number you say that you used or
13 could have used to get in touch with him, didn't you try to
14 call before August 27?

15 A No, I didn't.

16 Q You were hiding out from him, weren't you?

17 A No, I wasn't hiding.

18 Q You made no effort, whatsoever, to get in touch
19 with him for over ten days after you split up, is that right?

20 A Until August 27.

21 Q Now, that's an interesting date, ma'am.

22 How do you happen to remember, of all the dates
23 in the calendar, that particular date?

24 A I remember August 16.

25 Q How do you remember August 16?

26 A Because that's the date -- the last day I saw
27 Donald.

28 Q How do you know it was August 16?

9a-5

1 A It was the last day that I saw him, and it was
2 August 16, 1969.

3 Q But how do you know it was August 16 as
4 distinguished from August 14 or 13 or 17 or 18?

5 A It was the last time I saw Donald, August 16.

6 Q You keep repeating that, and I'm asking you how
7 you know that.

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

10 THE COURT: And you keep repeating that.

11 MR. DENNY: I do.

12 THE COURT: And that's objectionable.

13 MR. MANZELLA: Objection, your Honor.

14 THE COURT: The objection is sustained.
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1 Q BY MR. DENNY: Well, is the reason you know it
2 because somebody told you that that's the day there was a
3 raid on the ranch, the Spahn Ranch?

4 MR. MANZELLA: The question has been asked and
5 answered, your Honor, why she knows it.

6 MR. DENNY: I think that's proper cross-examination,
7 your Honor.

8 THE COURT: You may answer that.

9 THE WITNESS: Nobody told me that that was the day,
10 but it was the day that something happened on the Spahn's
11 Ranch.

12 Q BY MR. DENNY: How do you know that?

13 A I heard it on the radio, the morning of August
14 the 16th.

15 Q How do you know it was August the 16th that you
16 heard something about a raid on Spahn's Ranch?

17 A Because I moved out of the Wilcox Hotel August
18 the 17th.

19 Q How do you know it was August the 17th?

20 A It was on a Sunday, August the 17th.

21 Q Are you sure it was on a Sunday?

22 A Yes, it was.

23 Q All right. So that's how you know; right?

24 A Yes.

25 Q Okay. Are you sure it wasn't the next week,
26 Sunday of the next week that you --

27 A No, it was August the 17th.

28 Q How do you know that?

10-2

1 MR. MANZELLA: Objection. That's --

2 THE COURT: You needn't answer that.

3 MR. MANZELLA: -- been asked and answered.

4 THE COURT: That has been asked and answered.

5 Q BY MR. DENNY: All right. "The other day, you
6 said you would never do anything to hurt me, but now you have
7 walked out, and I have only pain left."

8 You walked out on him, didn't you?

9 A No, I didn't walk out on him.

10 Q "My body is alive, but I am dead. Please come
11 home."

12 You never returned to him, did you?

13 A I never saw him any more since August the 16th,
14 1969.

15 Q You never tried to find him, did you?

16 A I called August the 27th and tried to find him.

17 Q All right, ma'am. Now, you were -- do you want
18 a moment?

19 (Pause in the proceedings.)

20 Q BY MR. DENNY: Do you want to go on, or do you
21 want a moment more?

22 THE COURT: Go ahead.

23 MR. DENNY: Well, your Honor, I think the record
24 should reflect that she's apparently weeping, or tearful.

25 THE COURT: You may proceed.

26 Q BY MR. DENNY: Ma'am, in answer to a question
27 pertaining to Exhibit 48, your marriage certificate, Mr.
28 Manzella asked you if Magdalene Velma Fuery was your maiden

10-3

1 name -- or, he stated it was your maiden name.

2 Now, that's not your maiden name, is it?

3 Isn't that your prior married name?

4 A No, I'm not prior married.

5 Q Well, what is your maiden name?

6 A My maiden name is Stokes.

7 Q And where did you get the name Magdalene Velma
8 Fuery?

9 A Just like I have more than one name.

10 Q What others?

11 MR. MANZELLA: Objection. It doesn't --

12 THE WITNESS: I don't --

13 MR. MANZELLA: -- appear to be relevant, your Honor.

14 THE COURT: Sustained.

15 Q BY MR. DENNY: Well, just so we do get this
16 squared away, is Magdalene Velma Fuery a prior married name?

17 A No.

18 Q Well, is it the name of a person with whom you
19 associated for a period of time?

20 MR. MANZELLA: Objection. It doesn't appear to be
21 relevant.

22 MR. DENNY: It is relevant, and I will connect it up,
23 your Honor, I guarantee the Court.

24 THE COURT: All right. Let's approach the bench. I
25 can't see the relevance.

26 MR. DENNY: Well, I'll withdraw the question for the
27 moment. The Court will very shortly.

28 Q Did you tell Shorty, at about the time that you

1 split up with him, that you loved him, but had to return to
2 your former boy friend, because he had threatened to kill
3 Shorty?

4 A No.

5 Q Let me rephrase it.

6 Did you tell Shorty, about the time you split
7 up, that you loved him but you had to return to your former
8 husband, because he had threatened to kill Shorty?

9 A No.

10a fls.

10a-1

1 Q All right. Let's go back just a moment.

2 You split up with Shorty August 16th or 17th;
3 is that right?

4 A Yes.

5 Q You moved to the 3000 -- you said the thirty
6 hundred -- the 3000 block of LaBrea with some friends, or
7 second, third or fourth cousins, April White and Jacqueline
8 Jackson, is that right?

9 A Yes.

10 Q And there were no men there. And you continued
11 to live there until sometime in January; is that correct?

12 A Yes.

13 Q And you specifically remember, during that period
14 of time, and specifically August 27th, 1969, calling the Spahn
15 Ranch for Shorty, --

16 A Yes.

17 Q -- is that right? Three times?

18 A Three times I called.

19 Q Are you sure it wasn't just two times?

20 A Three.

21 Q Or not any times?

22 A I called three times.

23 Q From where did you make those calls?

24 A From a phone booth.

25 Q No way to trace those calls.

26 A I made them from a phone booth.

27 Q All right. Now, you were getting along financially
28 all right then, without Shorty; is that right?

10a-2

1 MR. MANZELLA: Objection. That doesn't appear to be
2 relevant.

3 THE COURT: Sustained.

4 Q BY MR. DENNY: Well, isn't it a fact, ma'am, that
5 on or about August 16th, 17th, 1967, you returned to your
6 former boyfriend, Allan Fuery?

7 A No.

8 Q And you returned to him because he threatened
9 to kill Shorty Shea?

10 A No.

11 MR. MANZELLA: Objection. That doesn't appear to be
12 relevant.

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

15 MR. MANZELLA: The People would ask that the answer be
16 stricken, your Honor, in that --

17 THE COURT: Your objection was a little late.

18 The Court will allow it to remain.

19 Q BY MR. DENNY: Is it a fact that you returned to
20 Allan Fuery just because you wanted to --

21 MR. MANZELLA: Objection --

22 Q BY MR. DENNY: -- at about that time?

23 MR. MANZELLA: Objection. The question has been asked
24 and answered. It doesn't appear to be relevant.

25 THE COURT: Sustained.

26 Q BY MR. DENNY: Ma'am, you were arrested on August
27 22nd, 1969, six days after -- or seven days after you split up
28 with Shorty Shea; is that correct?

1 MR. MANZELLA: Objection. That doesn't appear to be
2 relevant.

3 MR. DENNY: This is pursuant to our discussion at the
4 bench earlier this morning.

5 MR. MANZELLA: And I'm making the objection pursuant to
6 the same discussion. It doesn't appear to be relevant.

7 THE COURT: Overruled. I'll permit the answer.

8 You may answer.

9 THE WITNESS: Would you repeat the question, please?

10 Q BY MR. DENNY: You were arrested on August 22nd,
11 1969, at the International Hotel; is that correct?

12 A Yes.

13 (Pause in the proceedings while Mr. Denny exhibited
14 a document to Mr. Kay, which document Mr. Kay perused.)

15 MR. DENNY: May I approach the witness, your Honor?

16 THE COURT: Yes, you may.

17 Q BY MR. DENNY: I'll show you a copy of a Los
18 Angeles Police Department --

19 MR. MANZELLA: Your Honor, excuse me. I object, unless
20 Mr. Denny is prepared to lay a foundation for the report.

21 I object to its identification. There's no reason
22 to identify the report at this time. It's not admissible.

23 THE COURT: Objection sustained.

24 Q BY MR. DENNY: All right, ma'am. On August 22nd,
25 1969, did you tell the arresting officer that your home address
26 was 2244 South Western Avenue, Los Angeles?

27 A I don't remember, no. It was on my license,
28 probably.

1 Q Did you tell him that you lived on the 3000 block
2 of LaBrea, or did you tell him that you lived at 2244 South
3 Western Avenue, Los Angeles?

4 A I -- I didn't tell him anything. My identification
5 was at 2244. I used to live there, and it was on my
6 identification.

7 I told the officer nothing.
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1 Q Did you tell him your true name?

2 A No.

3 Q Six days separated from Donald Shorty Jerome Shea,
4 and what name did you give him?

5 A Magdalene Fuery.

6 Q Magdalene Velma Fuery?

7 A Yes.

8 Q Mrs. Magdalene Velma Fuery?

9 A No.

10 Q Are you sure of that?

11 A I didn't give him no "Mrs.," nothing. I gave him
12 my identification, when he asked me for it.

13 Q And did your identification, what he asked you for,
14 show "Mrs. --"

15 A I don't --

16 Q -- "Magdalene Velma Fuery"?

17 A It --

18 MR. MANZELLA: Objection. That doesn't appear to be
19 relevant.

20 THE WITNESS: It should have.

21 Q BY MR. DENNY: I beg your pardon?

22 A It should have. It should have shown Magdalene
23 Velma Fuery, but not "Mrs."

24 Q Did you indicate your occupation, "Topless dancer"?

25 MR. MANZELLA: Objection. That doesn't appear to be
26 relevant.

27 THE COURT: Sustained.

28 Q BY MR. DENNY: Did you indicate, in case of emergency,

1 "Notify Allan Fuery, above address"?

2 MR. MANZELLA: Objection. That doesn't appear to be
3 relevant.

4 MR. DENNY: Your Honor, I submit it's extremely relevant.

5 THE COURT: Overruled.

6 Q BY MR. DENNY: Did you do so, ma'am, on August
7 22nd, 1969, at the time of your arrest? Did you indicate,
8 "In case of emergency, notify Allan Fuery, at --" A-l-l-a-n,
9 F-u-e-r-y -- "above address, no phone number"?

10 A Probably so.

11 Q Probably so. You did, didn't you?

12 A Yes.

13 Q He didn't get that off a license, did he?

14 A No.

15 Q And when you appeared in court on August 25th,
16 1969, in the Van Nuys Municipal Court, did you give as your
17 true name Magdalene Velma Fuery?

18 A Yes.

19 Q And on November 5th, 1969, at approximately 2:15
20 in the morning, you were also arrested again at the International
21 Hotel?

22 MR. MANZELLA: Objection, your Honor. That doesn't
23 appear to be relevant.

24 MR. DENNY: The same --

25 THE COURT: Overruled. You may answer.

26 THE WITNESS: I don't remember.

27 Q BY MR. DENNY: Well, would it refresh your
28 recollection to show you the police report?

1 A No.

2 Q Would it refresh your recollection to show the
3 docket sheet from the court?

4 A I don't remember.

5 Q Well, would it refresh your recollection?

6 THE COURT: How could she know that? How could anyone
7 know what will refresh his or her recollection?

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

9 THE COURT: Yes, you may.

10 Q BY MR. DENNY: I'll show you a docket sheet,
11 Municipal Court of Los Angeles --

12 MR. MANZELLA: Your Honor, excuse me. I object to the
13 identification of it by Mr. Denny.

14 THE COURT: All right. Sustained.

15 Q BY MR. DENNY: Let me show you an unnamed document.
16 Would you look at that, ma'am?

17 Do you see the document? You don't appear to be
18 looking at it.

19 THE COURT: You may look at it, Mrs. Shea.

20 MR. MANZELLA: She is looking at it, your Honor.

21 THE COURT: What is your next question?

22 Q BY MR. DENNY: Have you read the first part of
23 that?

24 A I don't have to read it, sir.

25 Q You do remember it, don't you?

26 A I see it.

27 Q Well, you remember what it stood for; you remember
28 what this stands for, don't you?

1 A Do you mind, please? I see it.

2 Q Well, does it refresh your recollection as to
3 your arrest on November 5th, 1969, at the International
4 Hotel, at approximately 2:15 in the morning?

5 MR. MANZELLA: Objection. The question is vague and
6 ambiguous.

7 MR. DENNY: I don't think there's anything ambiguous
8 about that.

9 THE COURT: Overruled. You may answer.

10 Does it refresh your recollection?

10 c fol 11 THE WITNESS: Yes.

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1 Q BY MR. DENNY: And you were arrested at that
2 time and date; is that correct? And at that location?

3 THE COURT: She's answered: "Yes."

4 MR. DENNY: I didn't hear that, your Honor.

5 THE COURT: You may respond to that question.

6 THE WITNESS: Yes.

7 Q BY MR. DENNY: All right. At that time, did you
8 give your address as 2244 South Western Avenue, Los Angeles,
9 Calif.?

10 A You have it there, don't you, sir?

11 Q Yes, I do!

12 THE COURT: Mrs. Shea, just respond yes or no.

13 THE WITNESS: I gave my identification.

14 Q BY MR. DENNY: The same identification you'd
15 given before?

16 A Yes.

17 Q So that it showed Mrs. Magdalene Velva, V-e-l-v-a,
18 Fuery? Is that the name you gave them that time?

19 A I gave them my identification.

20 Q What identification?

21 A The identification that you have there.

22 Q I don't have what identification it was, ma'am.

23 You said you gave them a driver's license on
24 August 22nd, that said "Magdalene Velma, V-e-l-m-a, Fuery."

25 Did you give them something that said "Magdalene
26 Zelda Fuery" this time? Mrs.?

27 A I gave them my identification, --

28 Q Well, what was --

10c-2

1 A -- a driver's license.

2 Q A driver's license. All right.

3 And did you tell them that your occupation at
4 that time was packing?

5 MR. MANZELLA: Objection. It doesn't appear to be
6 relevant.

7 THE COURT: Sustained.

8 MR. DENNY: Well, your Honor, this goes to her
9 recollection.

10 THE COURT: The objection is sustained.

11 Q BY MR. DENNY: And did you tell them, "In case
12 of emergency, notify Alan Fuery, husband, same address"?

13 A I don't remember.

14 Q Well, would it refresh your recollection to see
15 this report?

16 A I do not wish to see it, please.

17 Q Well, is that because you don't want to be
18 reminded of that?

19 A Am I on trial?

20 Q Yes, ma'am.

21 A For what?

22 MR. KAY: Objection to Mr. Denny's comments, your
23 Honor.

24 THE COURT: Yes.

25 MR. KAY: And move that his remarks be stricken.

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

11' fls.

11-1

1 THE WITNESS: I have no husband.

2 Q BY MR. DENNY: But you did put down, when they
3 asked you -- you stated to them, "In case of emergency,
4 notify Alan Fuery, husband, same address," isn't that correct?

5 A I don't remember, but I have no husband.

6 Q Whether you have a husband or not, or whether
7 you have two, did you put "Alan Fuery, husband"? Did you
8 give him that information?

9 A I put "Alan Fuery, brother."

10 Q No, that was in June. Or May. May 12, 1971.

11 Do you remember doing that, "Alan Fuery, brother,
12 phone number 737-5840," do you remember that? Is that right?

13 When you were again arrested at the International
14 Hotel at 2:10 in the morning; do you remember that?

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

16 THE COURT: Overruled, you may answer.

17 Q BY MR. DENNY: You do remember it on that
18 particular arrest, May 12, 1971, giving the name "Alan
19 Fuery, brother," is the person to be notified in the case
20 of emergency; is that right?

21 THE COURT: You may answer yes or no.

22 A Yes.

23 Q BY MR. DENNY: Going back to this November 5th,
24 1969, arrest.

25 You also indicated you were one and a half
26 months pregnant, --

27 MR. MANZELLA: Objection.

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

11-2

1 MR. MANZELLA: Objection, it doesn't appear to be
2 relevant.

3 THE COURT: Sustained.

4 MR. DENNY: It is certainly relevant.

5 THE COURT: Sustained.

6 MR. DENNY: Your Honor, may I be heard on that?

7 THE COURT: The objection is sustained.

8 Q BY MR. DENNY: And on this May 12th arrest,
9 1971, at the International Hotel, what address did you give?

10 MR. MANZELLA: Objection, it doesn't appear to be
11 relevant.

12 THE COURT: Overruled. You may answer.

13 A I don't remember.

14 Q Was it 1833 South Hauser, Los Angeles?

15 A Yes, that's where my brother live.

16 Q Your brother, Alan Fuery?

17 A Yes. And I have another brother, Paul Fuery,
18 living at the same address.

19 Q Well, when you gave the addresses in August
20 and November of 1969, were you living with them at that time
21 or were you living with Miss White and Jackie -- what's her
22 name?

23 A Miss White and Miss Jackson.

24 Q Well, who were you living with, then?

25 A Miss White and Miss Jackson.

26 Q Where?

27 A On La Brea, in Apartment 201.

28 Q I see. But you didn't tell the police to

11-3

1 notify them in case of emergency, is that right?

2 MR. MANZELLA: Objection, not relevant.

3 THE COURT: Sustained.

4 Q BY MR. DENNY: Now, ma'am, you said that you
5 spoke with the Los Angeles Police Department, missing persons
6 bureau in November of 1969; is that correct?

7 A Yes. It was the last of November.

8 Q This was just about the time that your prelimi-
9 nary hearing was set on the charge on which you were arrested
10 on November 5th, 1969?

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

12 THE COURT: Sustained.

13 MR. DENNY: Your Honor, I would like to approach the
14 bench and argue on this matter.

15 THE COURT: You may.

16 Ladies and gentlemen, I'll give you a recess
17 now. You've only been sitting there about 40 minutes, but
18 I must handle another matter during the recess.

19 You are admonished that you are not to converse
20 amongst yourselves, nor with anyone else, nor permit anyone
21 to converse with you on any subject connected with the matter,
22 nor are you to form or express any opinion on it until it is
23 finally submitted to you. About ten minutes.

24 You may approach the bench.

25 MR. KAY: Niki, you can take a break.

26 THE COURT: Yes, ten minutes. Come back in ten
27 minutes.

28 (Whereupon, the following proceedings were

11-4

1 had at the bench among Court and counsel, outside
2 the hearing of the jury:)

3 MR. DENNY: Your Honor, I stated in my opening statement
4 to the jury what I intended to prove. And I do intend to
5 prove just exactly what I said I intended to prove, namely:
6 That there has been an extraordinary, almost inconceivable
7 willingness on the part of the prosecuting authorities in
8 this County to grant every kind of leniency possible to get
9 testimony to prosecute Charles Manson and those associated
10 with him on this particular case.

11 I intend to show by the evidence that I've
12 got here that Mrs. Shea, also known as Fuery, also known as
13 Lomas, also known as Stokes, was arrested on November 5th,
14 1969, on the charge of burglary at the International Hotel.

15 Her first appearance in court was on November
16 6th, in Division 64, at which time she indicated that her
17 true name was as indicated, Magdalene Velma Fuery.

18 And bail at that time was set at \$2,500 by the
19 District Attorney's Office on the Complaint.

20 And the preliminary hearing was set over to
21 November 17, 1969, in the ordinary course that it would
22 naturally take.

23 That on November 17, 1969, for some strange
24 reason, the People moved to continue the case and bail was
25 dropped to \$500, plus penalty assessment, a total of \$625, at
26 which time she made bail. Thereafter, the case was
27 continued to December 1, 1969, and at that time the case was
28 dismissed for lack of prosecution.

11a fls.

11a-1

1 MR. KAY: You don't contend that we made a deal with her,
2 do you?

3 MR. DENNY: I certainly do.

4 MR. KAY: Oh, that's preposterous.

5 MR. DENNY: I certainly do.

6 MR. KAY: I would like to see your proof. You make a
7 lot of accusations, but I want to see your proof.

8 MR. DENNY: I have subpoenaed the District Attorney's
9 records and the subpoena should have been served by now.

10 MR. KAY: Okay.

11 MR. DENNY: To bring them in on this particular case.

12 But I think I am perfectly within my rights in
13 attempting to show exactly what I have indicated I would show,
14 and I think there's strong enough prima facie showing to
15 get this evidence before this jury.

16 And if the People want to refute it and make me
17 look silly, they can do so, if they can do so.

18 But I submit, your Honor, that what happened in
19 this case is very simple.

20 In November, she was arrested. L.A.P.D. finally
21 found that this was the Niki Shea that they were looking for.

22 The reports in the Sheriff's Homicide Manual
23 indicate that up to November 4, 1969, they were still attempt-
24 ing to locate the wife of Shorty Shea. They only had bare
25 information at that time as to who she was, as to what her name
26 was.

27 They did have information that she was a topless
28 dancer and had danced in some bars, and that's all they had.

1 When she was arrested on November 5th, finally,
2 the information was put together and L.A.P.D. got a hold of
3 it.

4 The Sheriff's Office also got a hold of her and
5 talked with her and at that time she would not file a missing
6 person's complaint.

7 Thereafter, she was imposed upon to do so, with the
8 promise of dropping this particular burglary charge against
9 her, which was dropped.

10 She then came in. The car had been found by that
11 time. Whiteley had been to Eau Claire to talk with Mary
12 Brunner and had heard about where the car was parked on
13 December 4.

14 On December 9, he returned here and found the car.

15 On December 12th, they called her in, asked her to
16 look at the things in the Sheriff's Office and at that time
17 caused her to sign a missing persons complaint.

18 And since that time --

19 THE COURT: You believe -- you will be able to
20 establish that the case in Division 64 was dropped as a result
21 of her agreeing to cooperate with the authorities in filing the
22 missing persons report?

23 MR. DENNY: Your Honor --

24 MR. KAY: He hasn't shown that by his offer of proof.

25 MR. DENNY: Your Honor, I'm not totally sure I can show
26 that by anybody admitting it. But I certainly intend to show it
27 by circumstantial evidence. And since this whole case is based
28 on circumstantial evidence, I certainly think it is permissible

1 for the defendant to show, particularly the fact I can show
2 without any doubt, whatsoever, as I have probably shown to the
3 Court's and the jury's satisfaction, that the same type of
4 immunity from prosecution was given to Mark Arneson and the
5 charge dropped against him, and the same type of immunity was
6 given to Ella Jo Bailey and the charge was dropped against
7 her. Not total immunity, but an agreement to plead to a
8 misdemeanor, receiving stolen property, out of a horrendous
9 number of charges of receiving stolen property, burglary and
10 possession of dangerous drugs has been given to Alan Springer,
11 who will shortly testify, and that I can prove.

12 MR. MANZELLA: And you can't prove this?

13 MR. DENNY: I don't have it in black-and-white, no.
14 But you don't have a dead body in black-and-white, either.

15 MR. KAY: What's the difference.

16 MR. MANZELLA: The People will object to it because it
17 is not relevant as to whether or not she's been arrested for
18 burglary or charged with burglary. It is not relevant that
19 the case was dismissed unless there was a deal between the
20 District Attorney's Office and her.

21 MR. DENNY: Well, it is like a conspiracy, your Honor.

22 MR. MANZELLA: If it shows some bias, if the case was
23 dismissed on -- because -- in order to secure her testimony --

24 THE COURT: Have you talked with the deputy?

25 MR. MANZELLA: -- show possibly bias.

26 MR. DENNY: I have been trying to get in touch with him.
27 He is no longer a deputy. And I have been trying to get in
28 touch with him all day.

1 THE COURT: He's what, in private practice now?

2 MR. DENNY: He's in private practice now. And I frankly
3 think he will not remember it. I talked with the P. D. that
4 handled it and he doesn't remember it at all.

5 MR. KAY: I think until Mr. Denny has more of a founda-
6 tion, it just doesn't appear to be admissible.

7 MR. DENNY: I find it extraordinary when the People
8 rely totally, wholly and completely on circumstantial
9 evidence to prove their case, to prove a conspiracy, to prove
10 something where you may not be able to prove an agreement, that
11 the defendant cannot do exactly the same thing. And that's
12 exactly what I am attempting to prove here.

11b fol

11b-1

1 MR. MANZELLA: Well, the Court --

2 THE COURT: Well, it is not an unusual thing that bail,
3 in the first instance, will be set in a burglary, particularly
4 if it is a situation where --

5 MR. DENNY: Well, your Honor, I don't --

6 THE COURT: -- where the police and the D.A. don't know
7 the extent of the burglary and don't know too much about it
8 at the time, that bail will be set at a high sum and be
9 dropped.

10 And it is not unusual to have a burglary, a
11 felony prosecution to be dropped.

12 MR. MANZELLA: Especially in view of the facts of this
13 case, your Honor, it is understandable that the case might
14 be dropped for reasons totally unconnected with the prosecu-
15 tion of this case.

16 THE COURT: What, the burglary you're talking about?

17 MR. MANZELLA: Right, right.

18 MR. KAY: It was a flimsy case.

19 THE COURT: When you say "this case," you have
20 something in mind?

21 MR. DENNY: He's got the police report.

22 MR. MANZELLA: I'm talking about the burglary that
23 Mr. Denny is referring to.

24 THE COURT: Let me see what you are referring to.

25 MR. DENNY: Well, my copy is better than that.

26 (Whereupon, Mr. Denny handed the Court his
27 copy of the report.)

28 MR. DENNY: Well, your Honor, the Court is going to

11b-2

1 read this and attempt to second guess the reason for why the
2 charges may have been dropped.

3 All I say is, the People can do the same thing
4 I'm doing now with their case. If they want to just shoot
5 me out from under the water or out of the water by showing
6 there was no such agreement, there was no such deal, that's
7 fine. But I think I've certainly got a right to show
8 circumstantially that there was, because of the sequence of
9 events that occurred here and because of the way it happened,
10 that it is a reasonable inference to be drawn therefrom.

11 THE COURT: What is, the deal?

12 MR. DENNY: The inference --

13 THE COURT: -- the inference --

14 MR. DENNY: -- that the deal is they drop this
15 burglary charge in exchange for her testimony. And she has
16 testified to things which I do not believe occurred.

17 She has testified to the fact, for instance, of
18 trying to contact Shorty on November 27, 1969, which just
19 happens to be the date --

20 MR. KAY: She didn't say she tried to contact Shorty
21 on November 27th.

22 MR. DENNY: On August 27th.

23 MR. KAY: On August 27th.

24 MR. DENNY: I'm sorry, August 27, 1969, which just
25 happens to be the date that the People have picked for
26 Shorty's death.

27 MR. KAY: No, that's --
28

12 fls.²⁷

12-1

1 THE COURT: I can't see what difference that would
2 make.

3 What difference does that make?

4 MR. DENNY: Well, at the time that the testimony was
5 admitted --

6 THE COURT: What is the significance?

7 MR. DENNY: At the time that the testimony was admitted
8 before the Grand Jury --

9 THE COURT: What particular significance does the date
10 have? That's what I mean.

11 MR. DENNY: Because, supposedly by the phone call on
12 the 29th, he's not there. And on the next phone call,
13 supposedly she's told -- and this occurred in the Grand Jury;
14 it's hearsay and was not admitted here, but before the Grand
15 Jury she was permitted to say that a female voice got on the
16 phone and said, "No, he has gone to San Francisco."

17 Which, of course, ties in with some of the other
18 evidence that they have presented in these two cases, against
19 Manson and Grogan.

20 MR. KAY: She was also permitted to testify to that in
21 the Grogan trial, against Grogan.

22 MR. DENNY: That's right. Well, whether she was or
23 not, the tie-in with that is supposedly testimony by -- was
24 it Watkins? I think that's one; and -- and I can't remember--

25 MR. KAY: Sharon Babcock.

26 MR. DENNY: Sharon Babcock, that he went to San
27 Francisco.

28 MR. MANZELLA: And Johnny Swartz.

12-2

1 MR. DENNY: Johnny Swartz.

2 MR. MANZELLA: They're all people who --

3 MR. DENNY: Yes. So, it all ties into the package --
4 some of which I don't believe, in view of her statement --
5 her written statement to Deputy Winter -- which, strangely
6 enough, although an extremely full report, leaves out a good
7 deal of some of these more vital things, like when she last
8 heard from him, and whether she got a letter from him, and
9 evidence of that kind.

10 THE COURT: Well, you've simply shown me now that she
11 has been arrested for burglary. You will be able to estab-
12 lish that the bail was reduced, and the matter was later
13 dismissed, you say. But --

14 MR. DENNY: And I can also show, your Honor, that she
15 did talk to the Sheriffs at a time before December 12th, --

16 THE COURT: Before the matter was dismissed?

17 MR. DENNY: -- 1969 -- no -- well, I'm not sure
18 whether it was before the matter was dismissed.

19 But she talked to them before December 12th,
20 1969, the date on which the missing persons report was made.

21 And at that time, she did not file a missing
22 persons report. It was only later, when she was somehow
23 imposed upon to do so, that she filed the missing persons
24 report.

25 MR. KAY: I think Mr. Denny's on a hopeless fishing
26 expedition, that he really doesn't have anything to back up
27 his --

28 THE COURT: Well, it appear to me as though the two are

1 not connected, and I don't think that it's --

2 MR. DENNY: Well, your Honor, you're making a fact
3 determination at this point, and taking that away from the
4 jury.

5 MR. MANZELLA: That's true. Under Section 352, the
6 Court has a right to determine whether or not the prejudice
7 to the People is outweighed by any probative value that the
8 information might have.

9 And the Court is entitled to weigh your offer
10 of proof in making that determination.

11 And our objection is based on the grounds that--

12 THE COURT: I would have no objection to -- go ahead.

13 MR. MANZELLA: (Continuing) -- on the grounds that the
14 prejudicial effect of this information is outweighed by its
15 probative value, because you cannot show -- and to our
16 knowledge, there was no connection between the dismissal of
17 that burglary and the District Attorney's office in this
18 case.

19 THE COURT: I think it would tend to disparage the
20 witness in the eyes of the jury.

21 MR. DENNY: Well, your Honor, I don't intend to bring
22 in the fact that it was an arrest for a burglary.

23 MR. KAY: You already have.

24 MR. DENNY: No.

25 MR. KAY: You already have.

26 MR. DENNY: You search the record, and I have not
27 mentioned what she was arrested for on any of these. And I
28 did that in accordance with my agreement with the Court

1 here, not to say what the arrests were for.

2 MR. KAY: Huh-uh.

3 MR. DENNY: I have simply said, "She was arrested on
4 such and such a date at such and such a time at the Inter-
5 national Hotel," period; and I have not mentioned the charge.

6 MR. KAY: And that she showed up for preliminary
7 hearing.

8 MR. DENNY: Preliminary hearing, yes. But they don't
9 know what charge.

12a fs

12a-1

1 THE COURT: Now, if you wish, I'll put this matter over
2 until Monday; and in the meantime, you can contact the --

3 MR. DENNY: Well, your Honor --

4 THE COURT: -- District Attorney. There should be
5 some --

6 MR. DENNY: Your Honor, I have a subpoena out to return --

7 THE COURT: There should have been some contact with
8 somebody in the District Attorney's Office that would turn up,
9 so that you could determine whether or not there is any
10 connection --

11 MR. DENNY: Well, I have a subpoena for those records,
12 which is returnable on Monday at 1:30.

13 THE COURT: Well, I should think the District Attorney's
14 Office would be able to move more quickly than that to get some
15 contact with this man who was the Deputy District Attorney.

16 MR. DENNY: Well, your Honor, I have subpoenaed the full
17 file. I have subpoenaed the file, including the Complaint,
18 any memoranda concerning --

19 THE COURT: From what --

20 MR. DENNY: -- deal that was made; anything -- an alibi
21 sheet, showing why --

22 THE COURT: Why there would be a dismissal?

23 MR. DENNY: Why there was a dismissal in the case.

24 THE COURT: Yes.

25 MR. DENNY: These are records that are all kept in the
26 normal course of business in the D. A.'s Office, I know from
27 personal experience. And I --

28 THE COURT: Well, the Court likewise knows that.

12a-2

1 MR. MANZELLA: Of course, on Mr. Denny's copy of the
2 docket sheet, the reason that --

3 THE COURT: Well, I haven't read this.

4 MR. MANZELLA: The docket sheet says that the case was
5 dismissed because the People were unable to proceed.

6 Now, as we all know, that means the People don't
7 have their witnesses, and the case may have been dismissed for
8 the reason which is stated on the docket sheet, which is that
9 the People are unable to proceed.

10 MR. KAY: I think the Court's familiar that when the
11 People --

12 THE COURT: Let's see. I'm holding a docket sheet of --

13 MR. KAY: Your Honor?

14 THE COURT: -- Case No. A-164985, --

15 MR. KAY: I think the Court's experience --

16 THE COURT: -- Municipal Court --

17 MR. KAY: -- in prior experiences has been --

18 THE COURT: And it states -- (pause)

19 MR. DENNY: Let him finish identifying it.

20 (Further pause in the proceedings.)

21 MR. DENNY: It shows the first appearance was on
22 November 6th, at about 3:30 or 3:40 P. M. before, I think,
23 Judge Freund, if I'm not mistaken.

24 THE COURT: Leo Freund, out in West Los Angeles.

25 MR. DENNY: Division 64; that the preliminary hearing was
26 set for November 17; that bail was set at \$2500, plus penalty
27 assessment.

28 THE COURT: On December 1st, 1969 --

1 MR. DENNY: Yeah. There was the appearance on November
2 17th, earlier, at which time, on motion of the People, there was
3 a continuance.

4 THE COURT: -- the People were represented by A. R.
5 Chrystu, C-h-r-y-s-t-u; and the defendant was represented by
6 Audrey Ezratty, E-z-r-a-t-t-y, Deputy Public Defender.

7 It simply shows the People were unable to proceed;
8 that's true.

9 MR. KAY: I think your Honor is probably familiar, from
10 procedures I know that I've used with your Honor, that whenever
11 we are going to dismiss a case, for any particular reason, that
12 we have to get permission, and then we submit a copy of that
13 dismissal to the court.

14 I know that I have done that with your Honor, myself,
15 when I worked in your court on a regular basis.

16 THE COURT: I haven't looked at this arrest report. Let me
17 look at it now.

18 (Pause in the proceedings.)

19 THE COURT: Let's see.

20 MR. DENNY: I can sum it up, your Honor, that the --

21 THE COURT: Go ahead.

22 MR. DENNY: -- that the victim discovered that his hotel
23 room had been ransacked --

24 THE COURT: At the International Hotel?

25 MR. DENNY: At the International Hotel.

26 THE COURT: Um-hmmm.

27 MR. MANZELLA: After an act of prostitution?

28 MR. DENNY: No, no. He returned to the hotel room. He

1 came downstairs and discovered that Miss -- Mrs. Fuery --
2 Mrs. Shea, whatever -- had been apprehended by the house
3 detective, who had seen her apparently exit from that area,
4 and had stopped her before she left, and had found on her
5 keys to two different rooms, neither of which she was
6 registered at, one of the keys being the key, I believe, to
7 this gentleman's room.

12b fol

12b-1

Now, I will say in all candor --

THE COURT: That wouldn't even give probable cause for an arrest.

But go ahead.

MR. DENNY: Well --

THE COURT: Go ahead. What was your remark about it?

MR. DENNY: The occupant of the hotel room was a gentleman, apparently from Florida; and like all hotel people, a transient.

And it's my feeling -- again, perhaps I am looking for things that may not exist, but I think that they do -- that the People purposefully put over the preliminary hearing on this matter, which was originally set for November 17th, and was put over at their request, until a time when this witness would be gone out of the state.

Because, according to Mrs. Shea's testimony, it was right at about that time that she made her contact with -- or, the LAPD made its contact with her concerning Shorty Shea, and the matter was continued for their benefit, despite the fact that it would mean that the gentleman whose house -- whose apartment had been ransacked, or whose hotel room had been ransacked would no longer be available to testify.

MR. KAY: Do you know that for a fact?

MR. DENNY: No, I am -- I am using what they call inferences and deductions from circumstantial evidence.

And then, of course, on December the 1st, they were not able to proceed, because they didn't have their

12b-2

1 witness, who by that time had gone to Florida.

2 And I think it is perfectly consistent with what
3 -- what I submit did happen here, that she thereby gained
4 her dismissal -- which is what they sought to do for her at
5 that time.

6 MR. MANZELLA: The fact that he's in Florida would
7 make it more consistent that it was continued the first time
8 because he wasn't available.

9 MR. DENNY: Well, here again, if the People can show
10 that, fine.

11 MR. KAY: We don't have to show it.

12 MR. MANZELLA: That's the point. Under Section 352, it
13 would be ridiculous to litigate that burglary and present --

14 MR. DENNY: I'm not litigating --

15 MR. KAY: Well, you told her that she was on trial.
16 Obviously --

17 MR. DENNY: She is on trial for perjury. She sure as
18 heck is, and she sure as heck should be.

19 MR. KAY: Hah!

20 MR. DENNY: Well, when she says she was living at
21 La Brea for three months, and says it three or four different
22 times, and says it in the Manson case, too, and then all of
23 these records show she's living some place else --

24 MR. KAY: They don't show she is. They show that's
25 the address she gave.

26 THE COURT: You are still on the record, gentlemen,
27 and this is not pertinent to the discussion.

28 Well, I don't want to preclude you from

12b-3

1 presenting this, Mr. Denny, in the event that you can establish
2 it. So I would suggest that you continue your cross-examina-
3 tion, and we will -- I will order her back for Monday, to
4 determine whether or not you have --

5 MR. DENNY: Can we order her back for Monday afternoon,
6 your Honor? Because presumably the records will be in then.
7 I've subpoenaed a bunch of records.

8 MR. KAY: Well, your Honor, can I --

9 MR. DENNY: Because if any sort of a deal has been
10 worked out, then I think I have a right to show it.

11 MR. MANZELLA: Can I suggest this for the benefit of
12 the witness? She has a job where she works in the afternoons
13 and the evenings. If Mr. Denny shows the Court something that
14 he gets on Monday afternoon which establishes something --

15 MR. DENNY: Could your Honor order her back Tuesday?

16 MR. MANZELLA: -- we'll represent that we will get
17 her back. So let's not have her come Monday and then find that
18 she doesn't have to be here, and she's lost another day's work.

19 THE COURT: All right. We will --

20 MR. KAY: We'll get her back, if you find something
21 relevant. We'll get her back.

22 But you know, let's just not have her lose a day
23 of work and be ordered back Monday, and then we find out --
24 which I think we'll find out -- that there's no relevance.

25 THE COURT: I don't know what you'll find out. But
26 the Court thinks that the defendant has a right to show that --

27 MR. MANZELLA: So do we. We have agreed right from the
28 beginning that if any deals were made to secure the testimony

1 of witnesses, that Mr. Denny had a right to discover those
2 and to bring those out.

3 MR. DENNY: Well, can we order her back for Tuesday
4 morning, your Honor? And if it's not necessary, then
5 obviously, I will stipulate that there's no need to bring her
6 back.

7 But can we have her ordered back for Tuesday?

8 MR. MANZELLA: Your Honor, we'll represent that we
9 will get her back when the Court wants her. But let's not
10 order her back, you know, when it would be unnecessary to do
11 so.

12 THE COURT: I'll order her back for Tuesday, then, at
13 your suggestion.

14 MR. DENNY: Thank you.

15 THE COURT: And see what you have by that time.

16 MR. KAY: Isn't it good enough that we can represent
17 that we'll get her back when the Court wants her? Because if
18 you order her back, and it's for no reason, she will come here
19 and lose a day of work.

20 MR. DENNY: She doesn't have to. I will stipulate
21 that if she's ordered back for Tuesday, and we find it isn't
22 necessary, then --

23 (Proceedings had on an unrelated matter.)

24 (Mid-afternoon recess.)

13 fls.

13-1

1 THE COURT: You may proceed, Mr. Denny.

2 Q BY MR. DENNY: Other than in court proceedings,
3 ma'am, you refer to yourself as Mrs. Fuery or Miss Fuery?

4 A Yes.

5 Q Miss Fuery?

6 A Yes.

7 Q Well, Miss Fuery, it is a fact, isn't it, that you
8 took off from the apartment that you and Shorty occupied the
9 first few months of August, 1969, in order to return to your
10 boyfriend, Alan Fuery; isn't that right?

11 A No.

12 Q And it is a fact, isn't it, that he had indeed
13 threatened to kill Shorty and that's one of the reasons that
14 you returned, isn't that a fact?

15 A No.

16 Q And isn't it also a fact, that one of the main
17 reasons, too, that Shorty just wasn't giving you the good times
18 that you thought he would?

19 A No.

20 Q And he wasn't making any money, isn't that true?

21 A He was making money.

22 Q And he wasn't making enough for you, isn't that
23 true?

24 MR. MANZELLA: The question has been asked and answered.

25 THE WITNESS: No.

26 Q BY MR. DENNY: And isn't it true that you determined
27 that you could do better on your own with you and Alan Fuery
28 than with you and Shorty Shea?

13-2

1 A No.

2 Q Isn't it a fact that you did go to live with Alan
3 Fuery on Western Avenue and not with some girls on LaBrea
4 Avenue?

5 A No.

6 Q And isn't it a fact that you made no effort to
7 contact Shorty Shea, whatsoever, in August, September or
8 October until you heard that he was missing, perhaps, in the
9 newspaper?

10 A That's not true.

11 Q Isn't it a fact that you really didn't have any
12 particular worries about the whereabouts of Shorty Shea until
13 you read about it in the newspaper?

14 A That's not true.

15 Q Did you tell Deputy Winter on or about December 12th,
16 1969:

17 "She was not concerned as to his leaving until
18 his name was mentioned by the various news media?"

19 A No.

20 Q You didn't tell him that?

21 A That I wasn't concerned about him?

22 Q That you were not concerned about his leaving, as
23 to his leaving until his name was mentioned by the various news
24 media?

25 A I had tried to contact him and had "felled."

26 Q You "felled."

27 Isn't it a fact you didn't try to contact him at
28 all until when the police tried to contact you in December --

13-3

1 MR. KAY: Your Honor, I am going to object to Mr. Denny's
2 shouting at the witness. I think he could use a more civil
3 tone.

4 THE COURT: Yes, Mr. Denny, you could modulate your voice
5 a little lower.

6 MR. DENNY: I apologize both to the Court and to Mr. Kay
7 and to the witness.

8 Q Isn't it a fact, ma'am --

9 A The police did not contact me.

10 Q Isn't it a fact that you made no effort to do
11 anything to get in touch with your good husband Shorty Shea
12 until you were in the custody of the police on November 5th,
13 or thereabouts, 1969?

14 MR. MANZELLA: The question has been asked and answered.
15 She's testified --

16 THE COURT: Overruled, you may answer.

17 THE WITNESS: No, that's not true. I did not try to
18 contact the police -- contact --

19 Q BY MR. DENNY: That's right.

20 A -- contact me in November -- they did not contact
21 me.

22 Q You contacted them?

23 A It was the last of November.

24 Q Did you contact them, ma'am, or did they contact
25 you?

26 A Yes, I went down to 150 Los Angeles Street and
27 filled out a missing persons report.

28 THE COURT: Gentlemen, will you approach the bench?

13-4

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

4 THE COURT: I'm going to permit Mr. Denny to ask about
5 whether there was any agreement. I think he has a right to
6 ask whether there was any agreement as a result of her arrest.

7 MR. KAY: Well --

8 MR. MANZELLA: Your Honor, I have no objection to him
9 asking it, out of the presence of the jury, just the way we
10 do if no one knew whether a witness had been convicted of a
11 felony and there was some evidence that a witness might have
12 been, having it out of the presence of the jury. I believe
13 that's the way it was done in the Tate-LaBianca case and --

14 THE COURT: Well --

15 MR. MANZELLA: -- and since we cannot represent to
16 Mr. Denny anything about that except to our knowledge no deals
17 have been made, we have no objection to him inquiring of this
18 witness, out of the presence of the jury, as to whether or not
19 she had any cases dismissed by the prosecution in exchange
20 for her testifying in this case. We have no objection to
21 that as long as it is outside of the presence of the jury.

22 MR. DENNY: The trouble with that is, I wouldn't
23 believe her. I wouldn't believe anything she said in a
24 hearing of that kind.

25 MR. MANZELLA: Well, if he suspects the answer to be
26 no, it wouldn't be proper to go into all of these details
27 anyway.

28 THE COURT: I'm going to permit him to inquire.

13-5

1 MR. MANZELLA: Your Honor, I want to make my point
2 clear.

3 THE COURT: Yes.

4 MR. MANZELLA: Mr. Denny -- I have no objection to him
5 asking the witness out of the presence of a jury if any deals
6 have been made.

7 THE COURT: Why should --

8 MR. MANZELLA: What he wants to do is show chronology
9 of events before he gets to the point of whether any deals have
10 been made.

11 MR. KAY: The problem is, if it is done in the presence
12 of the jury, the insinuation is there was some deal made.

13 THE COURT: Well, the point is, I think, too, gentlemen,
14 that you can't overlook, is that he has a right to make that
15 insinuation.

13a fol

13a-1

1 MR. KAY: Why, when he knows the answer is going to be
2 no.

3 THE COURT: He doesn't.

4 MR. KAY: That's right, he doesn't. Why don't we
5 wait until he has some basis or talks to the D.A. or P.D. or
6 whoever.

7 MR. MANZELLA: Or questioning the witness out of the
8 presence of the jury, your Honor.

9 THE COURT: Rather than go into the details, I think,
10 concerning this burglary arrest, I will permit you to inquire
11 as to whether any transaction was made -- whether, in her
12 mind, at least, regardless of whether the prosecution had
13 any problems in presenting that witness in that division of
14 the Municipal Court or not, whether there was any transaction
15 that ensued whereby she agreed to cooperate as a result of a
16 dismissal.

17 MR. MANZELLA: The People would ask the Court first that
18 it be done out of the presence of the jury.

19 THE COURT: Well --

20 MR. MANZELLA: To avoid prejudicing the People's case.

21 THE COURT: Well, I --

22 MR. MANZELLA: If it turns out there were, in fact,
23 no deals made --

24 THE COURT: I think that ultimately would be a matter
25 for the jury to determine, in any event. I have looked at
26 some of these things that would affect it, the arrest report,
27 and have heard your respective statements, and I think that
28 he has a right to inquire about it.

13a-2

1 MR. DENNY: Thank you, your Honor.

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

5 THE COURT: What was the last question, Mrs. Briandi?

6 MR. DENNY: That's all right, your Honor, I'll get
7 back to it.

8 Q Miss Fuery, isn't it a fact that the police
9 contacted you in jail between November 5th and November 17th,
10 1969, concerning your status as Mrs. Donald Jerome Shorty
11 Shea?

12 A No.

13 Q And isn't it a fact that the police then assisted
14 you in getting the bail reduced so that you could make bail
15 to get out of custody?

16 A No.

17 Q And isn't it a fact that you then went to the
18 Glass House after you were out of custody and talked to them
19 about the disappearance and the background of your marriage
20 to Donald Shorty Shea?

21 A No.

22 Q And isn't it a fact, ma'am, that you talked to
23 the Sheriff's Department, Missing Persons Bureau or officers
24 of the Homicide Bureau, one or the other -- and they're located
25 right in the same -- on the same floor in the same large
26 office, isn't that correct?

27 A It is a large office, and it says "Homicide -
28 Missing Persons Bureau."

14 fls.

14-1

1 Q Up on the tenth floor of the Old Hall of Records
2 here; is that right?

3 A No, at 150 North Los Angeles Street.

4 Q All right, ma'am. I am talking about the
5 Sheriff's Department, not the LAPD.

6 A I have never been to the Sheriff's Department.

7 Q All right.

8 Isn't it a fact that you talked with Deputy
9 Winter once between November 17th, 1969, and December 12th,
10 '69? And then talked with him again on December 12th, '69,
11 when you filed an official missing persons report?

12 A No.

13 Q You only talked with him once?

14 A Once.

15 Q And at that time, he had to coax you into
16 filing a missing persons report; is that true?

17 A No. I had already filed one with the LA --
18 with the Los Angeles County Police Department, at 150 North
19 Los Angeles Street.

20 Q And signed it?

21 A I had talked to someone there.

22 Q Did you sign a written document?

23 A I signed something.

24 Q Well, did you read what you signed?

25 A I signed what I had said to the man. I don't
26 know who he was, but it wasn't Officer Winter.

27 Q Well, did you sign something that was typed,
28 or something that was printed or handwritten?

1 A It was handwritting (sic). The man was getting
2 a statement from me about Donald, his size, his -- everything;
3 a missing persons statement.

4 Q All right. And your signature appear thereon.
5 And how does it appear? As Magdalene Velma Fuery?
6 Or Mrs. Donald Jerome Shea?

7 Or Mrs. Magdalene Velma Shea?

8 A Mrs. Magdalene Shea.

9 Q All right. And isn't it a fact, ma'am, that
10 from the time you left Shorty until May 12th, at least, 1971,
11 you continued to live with Alan Fuery --

12 A No.

13 Q -- isn't that a fact?

14 A No.

15 Q And is this the Alan Fuery -- well, strike that.

16 Isn't it a fact, ma'am, that Alan Fuery said
17 that he would kill Shorty Shea if you didn't come back to him?

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

20 THE COURT: Sustained.

21 THE WITNESS: That's not --

22 THE COURT: The objection is sustained. You needn't
23 answer.

24 Q BY MR. DENNY: And where is Alan Fuery?

25 A I don't know.

26 Q When did you last see Alan Fuery?

27 A New Year's.

28 Q Just this past New Year's?

1 A Yes.

2 Q And where is Shorty Shea?

3 A I don't know that, either.

4 MR. DENNY: I have no further questions.

5 MR. MANZELLA: I just have a few questions, Mrs. Shea.

6
7 REDIRECT EXAMINATION

8 BY MR. MANZELLA:

9 Q The clothes that you identified in the foot-
10 lockers, as being Donald's clothes, were those clothes that
11 you had seen him wear?

12 A Yes.

13 Q Now, when did you move to La Brea? After you
14 left the Wilcox Hotel?

15 A Uh -- August the 17th, 1969.

16 Q Now, what is Alan Fuery's relationship to you?

17 A He's my stepbrother.

18 Q And did Alan Fuery's father have some relation-
19 ship to you?

20 A Yes.

21 Q And where was that?

22 A In Chicago.

23 Q And what was that relationship?

24 A Him and my mother used to live together.

25 Q And for how long did they live together?

26 A About ten years.

27 Q And was that a common law relationship?

28 A Yes.

1 Q And did Jerry--- strike that.
2 What was Alan Fuery's father's name?

3 A Jerry Fuery.

4 Q And did Jerry Fuery raise you?

5 A Yes.

6 Q And do you consider Jerry Fuery your father?

7 A More my father than my real father.

8 Q Have you ever had any sort of sexual or
9 intimate relationship with Alan Fuery?

10 A No.

11 Q You do consider him your brother?

12 A Yes.

13 Q Did Alan Fuery know Donald Shea?

14 A Yes.

15 Q And did --

16 A When I lived at 2244 South Western, Don used
17 to come over there and pick me up and take me to work, when
18 I didn't have a ride.

19 Q Is this when you and Donald worked at the same
20 bar?

21 A Yes.

22 Q And were you -- strike that.

23 Did you observe any hostility or antagonism
24 between Alan Fuery and Donald Shea?

25 A No.

26

27

28

14a fls.

14a-1

1 Q And you said that Alan -- did Alan Fuery have a
2 brother?

3 A Yes.

4 Q And what was his name?

5 A Paul.

6 Q And did they live together?

7 A Yes.

8 Q Did Paul Fuery -- had he ever met Donald Shea?

9 A Yes.

10 Q And had you ever observed any antagonism or
11 hostility between Paul Fuery and Donald Shea?

12 A No.

13 Q And had either of them ever said --

14 A No.

15 Q -- that they were going to harm or kill Donald
16 Shea?

17 A No.

18 Q All right. Have you seen Donald Shea since
19 August 16th of 1969?

20 A No, I haven't.

21 Q And have you heard from him since he left a note
22 for you at the Wilcox Hotel?

23 A No, I haven't.

24 MR. MANZELLA: All right. Thank you. I have no
25 further questions.

26 THE COURT: Any recross?

27 RECROSS EXAMINATION

28 BY MR. DENNY:

RECR

14a-2

1 Q Well, Mrs. -- Miss Fuery, Mrs. Shea -- is there some
2 reason why, on November 5th, 1969, instead of putting Alan
3 Fuery, "brother," "stepbrother," "half brother," you put Alan
4 Fuery, "husband, same address"?

5 A Is there some reason why?

6 Q Yes. Is there some reason why?

7 A No. I thought I put "brother."

8 MR. DENNY: I have no further questions.

9 MR. MANZELLA: I have nothing further.

10 May Mrs. Shea be excused, your Honor?

11 THE COURT: Would you approach the bench, gentlemen,
12 please?

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

16 THE COURT: I suppose that if the defense is going to
17 establish that there was some deal or transaction in connection
18 with the dismissal of the burglary, that you wouldn't need her in
19 any event, would you?

20 MR. DENNY: Not at this point.

21 THE COURT: Well, if you need her, the People have access
22 to her, and can bring her back.

23 MR. MANZELLA: We are asking now that she be excused.
24 If the Court will allow Mr. Denny to go into it, then we --

25 THE COURT: Well, the Court is going to excuse her.

26 MR. DENNY: I have no objection to her being excused,
27 your Honor.

28 MR. MANZELLA: Okay.

14a-3

1 MR. DENNY: Your Honor, I will say this, however. Again,
2 I have to take that back. Again, under the Evidence Code, if
3 I attempt to impeach her by prior inconsistent statement, and
4 she has been excused, and there is any question about it --

5 THE COURT: Well, she's given the opportunity to explain
6 on the witness stand, and that's the alternative that's posed
7 in that section --

8 MR. MANZELLA: That's right.

9 THE COURT: -- under which you can introduce the prior
10 inconsistency.

11 MR. DENNY: As long as the Court makes that finding --

12 THE COURT: Because if you've covered everything, well,
13 then, you needn't hold her here.

14 MR. DENNY: I've covered all the material I feel is
15 inconsistent in the report, your Honor.

16 THE COURT: All right.

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

19 THE COURT: Mrs. Shea, you may step down, and you are
20 excused.

21 MR. MANZELLA: The People call Mrs. Sharon Babcock, your
22 Honor.

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

27 THE WITNESS: I do.

28 SHARON BABCOCK,

14a-4

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

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

4 THE BAILIFF: State and spell your full name, please.

5 THE WITNESS: Sharon Babcock; B-a-b-c-o-c-k.

6
7 DIRECT EXAMINATION

8 BY MR. MANZELLA:

9 Q Mrs. Babcock, are you married?

10 A Yes, I am.

11 Q And what is your husband's name?

12 A Jim Babcock.

13 Q Did you know a man by the name of Donald Shea?

14 A Yes.

15 Q And when did you -- when had you first met Donald
16 Shea?

17 A I think when I married my husband. He would come
18 over.

19 Q All right. And when was that?

20 A We were married in '65.

21 Q And did you have any children in 1969?

22 A Yes, we did.

23 Q And how many children did you have --

24 A One.

25 Q -- in that year?

26 Do you know the previous witness in this case,
27 Magdalene Shea?

28 A Yes.

14a-5

1 Q And when had you met her?

2 A Don brought her to our house, in '69.

3 Q Now, sometime after you met Magdalene Shea, did you
4 receive a telephone -- a telephone call from her, with regard
5 to Donald's whereabouts?

6 A Yes.

7 Q And when did you -- when had you received the
8 telephone call from her?

9 A August 27th.

10 Q Of 1969?

14b fol

11 A Yes.

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14b-1

1 Q And did you have a conversation with her on the
2 telephone on that date?

3 A Yes.

4 Q And will you tell us what that conversation was?

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

6 THE COURT: Sustained.

7 Q BY MR. MANZELLA: Did you give her any informa-
8 tion?

9 A I told her --

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

11 Just hearsay one step removed, your Honor.

12 THE COURT: Sustained.

13 Q BY MR. MANZELLA: The subject of the telephone
14 call, was it the whereabouts of Donald Shea?

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

16 THE COURT: Sustained.

17 Q BY MR. MANZELLA: Now, after the telephone
18 call -- after you received the telephone call from Magdalene
19 Shea, did you call -- make any telephone calls in an
20 attempt to locate Donald Shea?

21 A Yes.

22 (Laughter.)

23 Q BY MR. MANZELLA: You've testified quite a
24 few times in these proceedings, haven't you?

25 A Yes.

26 Q And you have waited in a lot of drafty corridors,
27 waiting to testify.

28 All right. Where did you call?

1 A Spahn Ranch.

2 Q And is that a number you had used before?

3 A Not until then.

4 Q All right. And when you called Spahn Ranch,
5 did somebody answer the telephone?

6 A Yes.

7 Q Did you recognize the voice of the person who
8 answered?

9 A No.

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

12 A A female.

13 Q And did you ask anything of the female who
14 answered the phone?

15 A Yes.

16 Q And what did you ask?

17 MR. DENNY: I will object to that as calling for
18 hearsay.

19 THE COURT: Sustained.

20 MR. MANZELLA: Your Honor, it's not offered for the
21 truth of the matter contained in the question asked by Mrs.
22 Babcock, but rather to show that inquiries were made in an
23 attempt to locate Donald Shea.

24 MR. DENNY: Well, it's irrelevant and immaterial,
25 if there is no answer. Then the answer has got to be
26 hearsay.

27 THE COURT: I'll overrule the objection, and it is
28 admitted, ladies and gentlemen, to show -- if it does show--

1 whether inquiry was made concerning Mr. Shea.

2 THE WITNESS: Could you repeat the question?

3 Q BY MR. MANZELLA: Yes. Did you ask a question
4 of the female who answered the phone?

5 A Yes.

6 Q What was that question?

7 A I asked if Donald Shea was there?

8 Q As a result of that inquiry, were you successful
9 in locating Donald Shea?

10 A No.

11 Q And this call was on August 27th of 1969; is
12 that correct?

13 A Yes.

15 fls.

15-1

1 Q All right. Did you again call Spahn Ranch some-
2 time after this?

3 A Yes.

4 Q When was that?

5 A It was a couple days later.

6 Q And did someone answer the phone when you called?

7 A Yes.

8 Q Did you recognize the voice of the person who
9 answered the phone?

10 A No.

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

12 A Female.

13 Q Can you tell us whether it sounded like the voice of
14 an older woman or younger woman?

15 A She sounded young.

16 Q And with regard to the first phone call, the
17 female who answered, the voice of the female who answered the
18 phone, did it sound like an older woman or younger?

19 A Young.

20 Q When you called the second time, a few days later,
21 uh, this is the second phone call at the Spahn Ranch, did you
22 ask a question of the female who answered the phone?

23 A Yes.

24 Q What was that question?

25 A I asked if Don Shea was there.

26 Q And as a result of that inquiry were you
27 successful in locating Donald Shea?

28 A No.

15a-2

1 Q Did you make any other phone calls to Spahn
2 Ranch?

3 A A couple of days later.

4 Q And when you called Spahn Ranch a few days later
5 or a couple days later, did someone answer the telephone?

6 A Yes.

7 Q Did you recognize the voice of the person who
8 answered the telephone?

9 A The same one who answered the two times before.

10 Q Did you ask a question of the female who answered
11 the telephone?

12 A Yes.

13 Q What was that question?

14 A Was Don Shea there.

15 Q As a result -- strike that.

16 Did the female reply to your question?

17 A Yes, she said he was --

18 MR. DENNY: Just a moment, I'll move to strike anything
19 beyond "yes," as calling for hearsay.

20 THE COURT: Sustained.

21 Q BY MR. MANZELLA: As a result of that inquiry, were
22 you successful in locating Donald Shea?

23 A No.

24 MR. MANZELLA: All right, thank you, Mrs. Babcock.

25 I have no further questions, your Honor.

26 THE COURT: Any questions?

27 MR. DENNY: I've got just a couple.

28 CROSS EXAMINATION

15a-3

1 BY MR. DENNY:

2 Q Mrs. Babcock, have you checked your phone bill to
3 determine the dates that you made these calls?

4 A Yes.

5 Q And that phone bill, in fact, had previously
6 been submitted as evidence, I think, before the Grand Jury; is
7 that right?

8 A Yes.

9 Q All right. And so you were asked to check that to
10 determine the fact there were phone calls to the Spahn Ranch
11 number?

12 A Yes.

13 Q All right.

14 Now, ma'am, did you make any calls back to
15 Magdalene Shea?

16 A No.

17 Q Did she make any further calls to you?

18 A Yes.

19 Q When?

20 A She called -- was -- it was the next day or so that
21 she called.

22 Q The next day or so that she called you? The next
23 day or so after the first call she made to you?

24 A Yes.

25 Q And thereafter she called no more?

26 A No.

27 Q All right. And by the way, how many times had she
28 been over to see you?

1 A She had been over once.

2 Q Just once?

3 A Yes.

4 MR. DENNY: All right, fine.

5 No further questions.

6 THE COURT: You may step down.

7 MR. MANZELLA: Oh, just one question.

8

9 REDIRECT EXAMINATION

10 BY MR. MANZELLA:

11 Q Mrs. Babcock, the copy of the -- strike that.

12 When you searched your records for the telephone
13 bill, did you find the telephone bill which showed that you did
14 make a call on August 27, 1969?

15 A Yes.

16 Q All right, thank you.

17 I have no further questions, your Honor.

18 THE COURT: Now you may step down, and you may be
19 excused, Mrs. Babcock.

20 MR. MANZELLA: People call Mr. James Babcock, your Honor.

21 THE COURT: You may wait in the courtroom, if you wish,
22 Mrs. Babcock.

23 MRS. BABCOCK: Can I wait here?

24 THE COURT: Yes.

25 THE CLERK: Raise your right hand.

26 You do solemnly swear that the testimony you may
27 give in the cause now pending before this court shall be the
28 truth, the whole truth, and nothing but the truth, so help you

1 God?

2 THE WITNESS: I do.

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

4

5 JIMMY RAY BABCOCK,

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

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

9 THE BAILIFF: Would you state and spell your full name,
10 sir?

11 THE WITNESS: Jimmy Ray Babcock; J-i-m-m-y, R-a-y,
12 B-a-b-c-o-c-k.

13

14 DIRECT EXAMINATION

15 BY MR. MANZELLA:

16 Q All right, Mr. Babcock, what's your occupation?

17 A I'm a self-employed truck driver.

18 Q And you own your own rig?

19 A Yes, I do.

20 Q Do you know a man by the name of Donald Shea?

21 A Yes.

22 Q And when had you met Donald Shea the first time?

23 A About 1959.

24 Q And where did you meet him?

25 A Corriganville.

26 Q Is that Corriganville Movie Ranch?

27 A Yes, it is.

28 Q And how did you know him?

1 A He was a stuntman. We did stunt work together.

2 Q At Corriganville?

3 A Yes.

4 Q Would you describe specifically what kind of work
5 you did at Corriganville?

6 A That I did?

7 Q Right.

8 A Well, I did high falls, work off of horses, fist
9 fights.

15a fol

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15a-1

1 Q And did you do these for an audience?

2 A Yes, we did.

3 Q Was this --

4 MR. DENNY: Just a moment, I'll object and move the
5 answer be stricken as far as what "we did." He was asked
6 did he do it and I think his response was "Yes, we did."

7 THE COURT: Sustained. The answer is stricken.

8 Q BY MR. MANZELLA: And did Don Shea do the same
9 things you were doing?

10 A Yes, he did.

11 Q What's a high fall?

12 A A high fall is like off of a two-story barn
13 roof, about 30 foot.

14 Q And fist fights and duels as well?

15 A Yes.

16 Q And you did some riding of horses, is that
17 correct?

18 A That's right.

19 Q Did Don do the same things?

20 A Yes, he did.

21 Q By the way, did you know him rather than by
22 Don, he went by some other nickname?

23 A Shorty.

24 Q Did you both get paid for this work?

25 A Yes, we did.

26 Q And did you do these -- did you and Donald do
27 these -- do the stunt work for live audiences?

28 A Yes.

15a-2

1 Q Were these tours that came and paid admission
2 to Corriganville?

3 A Yes, they were.

4 Q Now, as far as the stunt work goes, did you do
5 any instructing, did you train any other people in stunt
6 work?

7 A Yes, I did.

8 Q Where did you do that?

9 A At Corriganville.

10 Q Do you know a man by the name of Lance Victor?

11 A Yes, I do.

12 Q How do you know him?

13 A I met him at Corriganville.

14 Q Do you know a man by the name of Bob Bickston?

15 A Yes, I do.

16 Q How do you know him?

17 A Met him at Corriganville.

18 Q Now, how long did you remain at Corriganville
19 Movie Ranch doing the work that you've described for us?

20 A Six years.

21 Q So that was about 1965?

22 A Yes.

23 Q How long did Shorty remain there?

24 A Oh, he left probably three or four years before
25 I did.

26 Q Would that have been around 1961 or '62?

27 A I imagine.

28 Q Now, during the time that you remained after

15a-3

1 Shorty left -- by the way, did he come back and do any stunt
2 work at Corriganville after he left in '61?

3 A I --

4 MR. DENNY: Just a moment, I'll object to that as
5 assuming facts not in evidence that he left in '61. The
6 earlier question was about '61 or '62.

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

8 Q Do you recall if Shorty came back and did any
9 stunt work at Corriganville after he left in '61 and '62?

10 A I don't remember if he did or not.

11 Q Are you familiar with Spahn's Movie Ranch?

12 A Yes, I am.

13 Q And have you been there before?

14 A Yes, I have.

15 Q Did you know George Spahn and Ruby Pearl?

16 A Not personally, no.

17 Q Now, how often did you see Shorty during the time
18 that you were both working, doing stunt work at Corriganville?

19 A Every weekend.

20 Q This is when you did the stunt work at Corrigan-
21 ville -- strike that.

22 Is this when Shorty did the stunt work at
23 Corriganville, on weekends?

24 A Yes.

25 Q Now, after he left Corriganville in '61 or '62,
26 did you see him at all?

27 A Periodically.

28 Q Did there come a time, sometime thereafter, when

15a-4

1 you began to see him more frequently?

2 A Yes.

3 Q When was that?

4 A It was when he came back from the salt mines
5 up in Vallejo or that vicinity up there.

6 Q And do you remember what years that was in?

7 A No, I don't.

8 Q Was that the Leslie Salt Mines?

9 A I don't know if I --

10 Q You don't know if you knew the name?

11 A No, I don't.

12 Q Now, after Donald came back from Vallejo, is
13 that when you began to see him more frequently?

14 A Yes, it was.

15 Q How often did you see him after he came back?

16 A About once every week, week and a half, whenever
17 he was in town.

18 Q And where was it that you saw him?

19 A Usually at my house.

20 Q And did he come and visit with you and your
21 family?

22 A Yes, he did.

23 Q Now, had you ever met the woman who testified
24 in this case before your wife did, Mrs. Magdalene Shea?

25 A Yes, I have.

26 Q And when did you meet her?

27 A Shortly after Shorty and her got married,
28 he brought her up to the house.

1 Q Was that in the summer of 1969?

2 A Yes, it was, I believe.

3 Q And when Shorty and Magdalene came over to your
4 house, did you -- did the two of them visit with you and
5 your wife?

6 A Yes, they did.

7 Q Now, would you -- how would you describe the
8 relationship with Shorty?

15b fls. 9 A Oh, I'd say we was very good friends.

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15b-1

1 Q When was the last time that you saw Shorty?

2 A Along about August 15th, '69.

3 Q How do you place that date?

4 A I purchased my truck on August 15, '69. It would
5 be either the same day or within one or two days of that date.

6 Q One or two days after that?

7 A Yes.

8 Q Where did you see Shorty?

9 A At my house in Tujunga.

10 Q I'm sorry, I didn't hear the last part of your
11 answer.

12 A My house in Tujunga.

13 Q And did Shorty come over with some vehicle?

14 A Yes, he did.

15 Q Mr. Babcock, directing your attention to these
16 photographs which have been marked People's 61 for identifica-
17 tion.

18 Do you recognize the vehicles shown in these
19 photographs?

20 A Yes, that's the car that Shorty was driving the
21 last time I seen him.

22 Q And did you have occasion on that day to go out
23 to the car?

24 A Yes, I did.

25 Q Why did you go out to the car?

26 A He had brought over some ears of corn and I went
27 out to get this corn out of the car.

28 Q He brought them over to give to you?

15b-2

1 A Yes, he did.

2 Q Now, at the time that you -- strike that.

3 At the time that Shorty brought Magdalene over to
4 your house, did you have any children?

5 A Yes, I did.

6 Q How many did you have?

7 A One.

8 Q Is it a girl?

9 A Girl.

10 Q How old was she?

11 A Oh, at that time, I imagine about two.

12 Q Did you have the opportunity on that occasion to
13 observe Shorty's relationship with your daughter?

14 MR. DENNY: Well, I'll object to that as really
15 irrelevant and immaterial.

16 THE COURT: Seems to be, sustained.

17 Q BY MR. MANZELLA: Now, had you ever seen Shorty
18 with a set of revolvers?

19 A Yes, I had.

20 Q And did you see them -- did you see him with those
21 revolvers on one occasion or more than one occasion?

22 A More than one.

23 Q Do you recall when it was that you first saw them?

24 A No, not really. It was shortly after he
25 purchased them, though. I don't know what date it was.

26 Q Now, were you familiar with guns?

27 A Yes, I was.

28 Q Did you use any weapons or guns in your stunt work

1 when you did some work?

2 A Yes, I did.

3 Q Now, would you describe the guns which you saw in
4 Shorty's possession?

5 A They were a matched set of Dakotas, .45.

6 Q Were they revolvers or automatics?

7 A Revolvers, single action.

8 Q What does single action mean?

9 A It means you got to cock the hammer every time
10 before you can pull the trigger.

11 Q What do you mean by matched set?

12 A Consecutive serial numbers.

13 Q All right, Mr. Babcock, directing your attention
14 to the two revolvers which have been marked People's 53-A and
15 53-B for identification. And you can examine those weapons
16 to make sure that they're not loaded, if you would.

17 (Witness complies.)

18 Q Do you recognize those guns?

19 A They're the guns that Shorty had, yes.

20 Q Did you ever see Shorty do anything with those
21 revolvers?

22 A Handle them.

23 Q What do you mean by "handle them"?

24 A Well, draw them out of a holster and just gener-
25 ally handling them, you know.

26 Q All right. Well, some of us don't have guns like
27 that and holsters like that. And that's why I asked you to
28 explain it.

1 When you say "drawing them," do you mean quick-
2 draw them?

3 A Yes, uh-huh.
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1 Q And did he do this infrequently or frequently? Did
2 he do it once or more than once?

3 A It is hard to say. We played around with them so
4 much that -- just periodically.

5 Q All right. Do you know if Shorty used those
6 revolvers, People's 53 in his stunt work?

7 A As far --

8 MR. DENNY: Just a moment, I'll object to that as calling
9 for hearsay and lack of personal knowledge unless a foundation
10 is established.

11 MR. MANZELLA: I asked him --

12 THE COURT: Overruled, you may answer.

13 THE WITNESS: As far as I know, he has.

14 MR. DENNY: Well, your Honor, I'd object to that.

15 THE COURT: Well, the answer is stricken.

16 Q BY MR. MANZELLA: Did you ever see him using those
17 revolvers in his stunt work?

18 MR. DENNY: That assumes a fact not in evidence that he
19 seen him do any stunt work since he had the weapons.

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

21 Q Have you seen Donald do any stunt work since you
22 saw him with those weapons?

23 A No, I haven't.

24 Q Now, did Donald ever say anything to you about those
25 guns?

26 A Only how proud he was of them. This was the first
27 set of guns that he had ever owned.

28 Q Did he ever say --

1 MR. DENNY: Well, your Honor, just a moment, I didn't
2 have a chance to object, but I assume again this is being
3 introduced solely for the state of mind of Shorty Shea concern-
4 ing the weapons and not for the truth of the matter asserted.

5 THE COURT: Yes, it is admitted for that purpose.

6 Q BY MR. MANZELLA: Did he ever say what he intended
7 to use the guns for?

8 A Well, he intended to use them for stunt work.

9 Q And did you use guns in your stunt work when you
10 did stunt work?

11 A Yes, I did.

12 Q And did Shorty have a holster set for those guns?

13 A Yes, I believe he did.

14 Q Did you ever see it?

15 A Oh, on one, possibly two occasions. I didn't pay
16 too much attention to it.

17 Q Now, other than what you have already told us,
18 did Shorty ever talk about the guns?

19 A Well, just the fact that it was the first set that
20 he had ever owned.

21 Q Did -- during the time that you knew Shorty, did you
22 have the opportunity to observe his behavior and his demeanor,
23 his feelings about things?

24 A I'd say so, yeah.

25 Q Did you have the opportunity to observe his
26 behavior, his attitude, his feelings about those guns?

27 A Yes.

28 Q Would you describe that feeling for us?

1 A It was just, uh, well, he treated them like
2 probably most men would treat a favorite pet, you know, or
3 small child, which Shorty didn't have, you know.

4 Q All right. Did you ever see Shorty carrying the
5 guns in any kind of container?

6 A Yes, he did. He carried them in an attache case.

7 Q Can you describe it for us?

8 A It is a brown attache case with letterings
9 "Reverend Donald Shea" on it.

10 Q All right. Directing your attention to the case
11 which has been marked People's 54 for identification,
12 Mr. Babcock.

13 Do you recognize this case?

14 You can take a look at it.

15 A Yes, that's -- that's Donald's case he carried his
16 guns in.

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1 Q Thank you. Now, Mr. Babcock, do you recall the
2 last time that you saw the guns?

3 I'm sorry. I shouldn't have removed them from
4 the witness stand.

5 Do you recall the last time that you saw these
6 revolvers, People's 53?

7 A Oh, not what day it was. It was one time that
8 Don was at my house, though.

9 Q And do you recall the condition in which they
10 were? Their appearance at that time?

11 A Oh, their appearance at that time, if I
12 remember correctly, was better condition than what they are
13 in right now.

14 Q Can you tell us what's different about their
15 condition now?

16 A Oh, for one thing, the lacquer on the grips, and
17 the bluing on the end of the barrels.

18 Q And what about the lacquer on the grips?

19 A It was in a lot better condition, and polished.

20 Q And the bluing on the barrels, you are referring
21 to the color of the metal part of the weapon?

22 A Yes. Right here (indicating).

23 Q And you are pointing to the ends of the barrel?

24 A Yes, I am.

25 Q And what's different about it?

26 A Well, the bluing is wore off, down to bare
27 metal.

28 Q Did you have the opportunity to observe the

16-2

1 condition in which Shorty kept the guns when he had them?

2 A Yes, I did.

3 Q And what was that condition?

4 A Real, real good.

5 Q Now, when was the last time that you saw Shorty?

6 A On or about August 15th.

7 Q Was -- within how many days of August 15th had
8 you -- strike that.

9 Was that 1969?

10 A Yes, it was.

11 Q All right. Within how many days of August 15th,
12 if you can tell us?

13 MR. DENNY: I think that's been asked and answered
14 already.

15 THE COURT: Sustained.

16 Q BY MR. MANZELLA: Was it within one or two days?

17 A Yes, it was.

18 Q And would that have been earlier than August
19 15th, later, or both?

20 MR. DENNY: I think that's already been asked and
21 answered.

22 MR. MANZELLA: I don't believe that has, your Honor.

23 THE COURT: You may answer it.

24 The objection is overruled.

25 THE WITNESS: I think it was one or two days after
26 August 15th.

27 Q BY MR. MANZELLA: So that the latest you saw him,
28 then, would have been August 17th?

16-3

1 A Yes.

2 Q And have you seen him or heard from him in any
3 way since that date?

4 A No, I haven't.

5 Q Prior to that time, had Donald Shorty Shea said
6 anything to you about leaving his friends permanently?

7 A No.

8 MR. DENNY: That calls for -- just a moment. I'll
9 object to that, and move that it be stricken for the purposes
10 of an objection.

11 That calls for hearsay and it is also leading.

12 THE COURT: Overruled.

13 However, it's admitted, ladies and gentlemen, to
14 establish Mr. Shea's state of mind, and only for that
15 purpose.

16 It's not admitted for the truth of the matter.

17 Q BY MR. DENNY: Had he said anything to you about
18 leaving his friends permanently?

19 A No, he had not.

20 Q Had he said anything to you about leaving Los
21 Angeles or the State of California permanently?

22 A No, he had not.

23 Q Had he said anything to you about leaving his
24 family permanently?

25 A No, he had not.

26 MR. MANZELLA: May I just have one moment, your Honor?

27 THE COURT: Yes, you may.

28 (Pause in the proceedings.)

16-4

1 Q BY MR. MANZELLA: Mr. Babcock, when Shorty came
2 to your house, the last time that you saw him, did he come
3 alone or did he come with someone else?

4 A He was by himself the last time I saw him.

5 MR. MANZELLA: All right. Thank you, Mr. Babcock.

6 I have no further questions, your Honor.

7 THE COURT: Mr. Denny?

8
9 CROSS-EXAMINATION

10 BY MR. DENNY:

11 Q Mr. Babcock, I realize time goes by, as far as
12 memories go, but do you remember testifying in the Grand Jury
13 hearing in this case, on or about December 14, 1970?

14 A Yes, I do.

15 Q And was your memory a little fresher then about
16 events, or is it fresher now about the events you've just
17 testified to?

18 A Well, I couldn't really say. As time goes on,
19 you -- you know, more and more things come to mind.

20 Q You mean more and more things, as you think about
21 it, come to the fore, and you get a little bit more specific
22 about some things?

23 A Yes, um-hmm.

24 Q And perhaps a little less specific about others?

25 A Probably.

16a fls.

16-5

1 Q And I am just curious as to whether you have
2 become a little more specific about the last time you
3 saw him, since the time of the Grand Jury hearing?

4 A Yes, I have.

5 Q There's something that triggered a memory reflex
6 there?

7 A Yes, it was.

8 Q What was that?

9 A The purchase of my truck.

10 Q Well, of course, you had already purchased the
11 truck long since, but how is it that -- that you remembered,
12 from the time of the Grand Jury hearing, till now, between
13 those two periods, that that was about the last time that you
14 saw Shorty?

15 A Well, it --

16 MR. MANZELLA: Objection, your Honor. That doesn't
17 appear to be relevant, and I think it's vague and ambiguous.

18 THE COURT: Overruled. You may answer.

19 THE WITNESS: What was the question again?

20 MR. DENNY: It was a little difficult.

21 Q You do remember testifying at the Grand Jury
22 hearing that you didn't remember exactly the last time you
23 saw Shorty, --

24 A Yes.

25 Q -- is that right? Okay.

26 And now, you do have a definite recollection.

27 A Yes, I do.

28 Q And I am just wondering how you came by this

1 definite recollection. What -- did somebody tell you some-
2 thing? Or were you just sitting around thinking about it
3 one time? "When did I last see Shorty?"

4 Or how did this come to you?

5 A Well, it come to me by setting around thinking
6 about it.

7 Q Okay.

8 A Trying to figure out approximately when the last
9 time was that I did see Shorty.

10 Q All right. Good. And all I am trying to -- all
11 I am trying to find out now is when you thought about it,
12 when you remembered, in relation to your testimony on
13 December 14th?

14 A Well, it was after -- after the Grand Jury. I
15 don't -- I don't know. I was just setting around. I don't
16 remember what day it was.

17 Q Well, you know, within the space of a month or
18 so afterwards?

19 MR. MANZELLA: Objection. The witness has answered
20 the question, your Honor.

21 THE COURT: Sustained.

22 MR. DENNY: All right.

23 Q Now, as far as these guns go, you know a little
24 bit about guns yourself, don't you?

25 A Yes, I do.

26 Q You've handled guns over the years, as a stunt-
27 man?

28 A Yes, I have.

1 Q And these particular guns are not what you would
2 call really good guns, are they?

3 A Well, they're -- they're good guns for what
4 they're designed for.

5 Q Well, what are they designed for?

6 A Well, they're single-action; they are a replica
7 or a duplicate of the Colt.

8 Q Well, if you had your druthers, would you druther
9 have a Colt itself or one of these?

10 MR. MANZELLA: That doesn't appear to be relevant,
11 your Honor.

12 MR. DENNY: Well --

13 THE COURT: The objection is sustained.

14 Q BY MR. DENNY: Just from the standpoint of the
15 condition of those guns now, is what I am primarily
16 interested in, sir.

17 These guns are kind of cheap guns to begin with,
18 are they not?

19 MR. MANZELLA: Objection. That doesn't appear to be
20 relevant, your Honor. It would appear that that calls for
21 an opinion on the part of the witness.

22 THE COURT: Sustained. The objection is sustained.

23 Q BY MR. DENNY: Well, sir, how long have you
24 been around guns?

25 A Pretty near all my life.

26 Q You've bought and sold guns?

27 A In a small way, yes.

28 Q All right. And you've looked at guns over the

1 years?

2 A Yes, I have.

3 Q You've looked at the prices of guns?

4 A Yes.

5 Q And some guns you look at, and the price you
6 figure is too much to pay; and other guns, you figure it's
7 just about right?

8 A Right.

9 Q And you have some idea of the value of guns?

10 A Yes, I do.

11 Q You have got guns yourself?

12 A Yes.

13 Q Are the guns similar to these?

14 A Similar, yes.

15 Q What kind of guns do you have?

16 A Colt --

17 MR. MANZELLA: Just a minute. Excuse me.

18 Withdraw the objection, if anybody heard it.

19 Q BY MR. MANZELLA: All right, sir. They're the
20 real Colt .45's; is that right? Or are they .44's that you
21 have got?

22 A That I have got?

23 Q Yeah.

24 A .45's.

25 Q All right. And as between the ones that you have
26 got and these here, these are a much cheaper type of gun
27 than the ones you have got; is that right?

28 A Yes, they are.

16b-1

1 Q All right. And they're cheaper, because the
2 bluing is not very good on the barrels; isn't that right?

3 MR. MANZELLA: Objection. Calls for an opinion, your
4 Honor.

5 MR. DENNY: Well, I think he's qualified to express that.

6 MR. MANZELLA: It's also not relevant, a comparison of
7 these guns with Mr. Babcock's guns.

8 MR. DENNY: I'm not asking him to compare now. I'm
9 asking him just to look at these guns.

10 THE COURT: It would appear to sound like a comparison.

11 MR. DENNY: Well, let me withdraw the question.

12 THE COURT: All right. You may restate it --

13 MR. DENNY: All right.

14 THE COURT: -- or rephrase it,

15 Q BY MR. DENNY: All right, sir. You've indicated
16 that when Shorty had these guns, the bluing was better, and
17 the lacquer on the handles was also better, --

18 A Right.

19 Q -- is that right? All right.

20 Now, just as far as the bluing on the barrel
21 itself, with a cheaper gun, the bluing tends to come off
22 easily; is that correct?

23 MR. MANZELLA: Objection. It calls for an opinion, your
24 Honor.

25 THE COURT: Overruled. You may answer.

26 THE WITNESS: Not necessarily. Bluing is wore off of --
27 will wear off of any weapon.

28 Q BY MR. DENNY: And the bluing here particularly is

16b-2

1 worn off where the weapon would slide into a holster; isn't
2 that right?

3 A Yes, it is.

4 Q So that -- do you recall whether the bluing was
5 worn off at the tip of the barrel of the gun, at the time
6 Shorty had it -- or had them?

7 A At the time I last seen him, I don't believe they
8 were, no.

9 Q Well, do you know for a fact?

10 MR. MANZELLA: The question has been asked and answered.

11 THE COURT: Sustained.

12 Q BY MR. DENNY: Well, at the time you last saw the
13 guns, was Shorty playing with them? Did he have them out of
14 the holster?

15 A Yes, he did.

16 Q And doing tricks with them?

17 A Yes.

18 Q All right. And were you both doing tricks with
19 your guns?

20 A Yes, we were.

21 Q All right. And you weren't particularly paying
22 attention to the conditions of his guns at that time, were you?

23 A Well, I handled them, looked at them; yes, I did.

24 Q You did?

25 A Yes, I did.

26 Q And he handled yours?

27 A Yes.

28 Q All right. Now, at that particular time, the

16b-3 1 lacquer appeared to be somewhat better than it is now?

2 A Yes, sir.

3 Q Again, based on your experience with guns, the
4 cheaper a gun, the quicker the lacquer wears off; isn't that
5 true?

6 MR. MANZELLA: Objection. The question has been asked
7 and answered, your Honor, and it calls for an opinion.

8 THE COURT: Sustained.

9 MR. DENNY: All right.

10 Q I think you did say, however, that you really
11 don't recall when the last time is that you saw those guns
12 with Shorty; is that right?

13 A That's right.

14 Q All right. And you don't then know how much he
15 used them or what he did with them after the last time you saw
16 him with those guns?

17 A No, I don't.

18 Q All right, sir. Now, you indicated that he
19 treated these guns kind of like a pet, I think you said -- my
20 notes are not quite full here -- or like a small child with a
21 toy, something like that?

22 A Yes, something like that.

23 Q All right. I don't want to misquote you.

24 But he was kind of pleased to have this set of
25 guns; right?

26 A Yes, he was.

27 Q All right. And he was particularly pleased at
28 the time he originally got them; is that right?

16b-4

1 A Yes, he was.

2 Q And that was about 1968, to your knowledge? Or
3 do you remember?

4 A I don't really remember when it was he got them.

5 Q All right. And like anybody with something new,
6 he was particularly excited about the new acquisition that he
7 got; is that right?

8 A Right.

9 Q And he showed them around, displayed them?

10 A Yes.

11 Q And really made quite a thing of it for a period
12 of time, didn't he?

13 A Yes, he did.

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1 Q All right. Now, in response to a question of
2 Mr. Manzella, you indicated that you began to see him somewhat
3 more after he had returned from the salt mines up at Vallejo;
4 is that right?

5 A That's right.

6 Q And was that some time after -- oh, perhaps
7 September or October of 1968?

8 A Could have been. I'm not sure of the date.

9 Q You don't remember exactly what period it was?

10 A No, I don't.

11 Q Well, do you remember whether it was the summer
12 of '68, or the winter of '69, or the winter of '68, or any-
13 thing of that kind?

14 A Oh, it was probably the winter, I imagine, along
15 about the latter part of '68, the first of '69.

16 Q All right. And he kind of began to see you
17 every week or week and a half or so; is that right?

18 A Yes, whenever he was in town.

19 Q And there were times when he wasn't in town --

20 A Yes, sir.

21 Q -- thereafter; is that right?

22 A Yes, sir, there was.

23 Q And those periods of time when he wasn't in
24 town, you didn't see him, right?

25 A Right.

26 Q Okay. And when he left town, he didn't check
27 with you always before he left, did he?

28 A No, he didn't.

1 Q He didn't ask your permission to go?

2 A No.

3 Q Shorty was kind of independent that way, right?

4 A Oh, yeah.

5 MR. DENNY: Oh, yeah. Thank you, sir, very much.

6 THE WITNESS: You bet.

7 MR. DENNY: No further questions.

8 MR. MANZELLA: No questions.

9 May Mr. Babcock be excused, your Honor?

10 THE COURT: Yes. Mr. Babcock, you are excused.

11 Any further witnesses?

12 MR. MANZELLA: No, your Honor. I feel very bad, this
13 being Friday afternoon and all, but we don't have any more
14 witnesses.

15 (Laughter.)

16 THE COURT: I can tell how sorry you are.

17 MR. DENNY: Your Honor, may I approach the bench?

18 THE COURT: Yes, you may.

19 MR. DENNY: May we approach the bench, with a
20 particular problem in mind?

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

24 MR. DENNY: Your Honor, I have been able to take care of
25 everything -- every appearance in connection with my calendar
26 thus far, except one, which is a motion for new trial on a
27 divorce matter, which is a long, long pending divorce matter.

28 And how the judge even managed to grant the motion

1 for new trial at such a late date, I don't know; but there is
2 a hearing set for it in Division H, I believe, in Santa
3 Monica --

4 THE COURT: In a department of the Superior Court?

5 MR. DENNY: Yes, of the Superior Court in Santa Monica;
6 Monday, at 9:00 o'clock.

7 And I do not expect that it will take much time,
8 because I think it is the next closest thing to a frivolous
9 motion.

10 But there's no way that I can brief an associate
11 on the entire facts of the case.

12 THE COURT: Who is the judge there?

13 MR. DENNY: I beg your pardon?

14 THE COURT: Who is the judge in H?

15 MR. DENNY: Goscoe Farley.

16 THE COURT: All right. How long do you think it will
17 take you to get here?

18 MR. DENNY: Well, if it's heard first thing, I can --

19 THE COURT: You can ask for priority.

20 MR. DENNY: Yes. I can get here in half an hour from
21 the Santa Monica court. And if it's heard first thing, I
22 shouldn't think I would be much longer than 10:00 o'clock.

23 THE COURT: Let's see if I can get in touch with Judge
24 Farley on Monday morning. It might help.

25 MR. DENNY: It certainly would, I should think.

26 THE COURT: Will you be ready to go at 10:00 o'clock?

27 MR. MANZELLA: Could we make it 10:30, for the
28 convenience of the witnesses and so on?

1 THE COURT: We will make it 10:30.

2 MR. MANZELLA: All right. Fine, thank you. Yes,
3 we will be ready.

4 THE COURT: Gentlemen, just a moment.

5 What is your prognosis now? Are we --

6 MR. MANZELLA: I stopped making them.

7 MR. KAY: No, sir. After Ella Jo Bailey, we have no
8 prognoses.

9 THE COURT: Off the record.

10 (Whereupon, a discussion was had off the record.)

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

13 THE COURT: Ladies and gentlemen, we won't be able to
14 assemble to begin on Monday morning until 10:30. So the
15 Court will excuse you until 10:30 on Monday.

16 Remember the admonition that I have heretofore
17 given you: That you are not to converse amongst yourselves
18 nor with anyone else, nor permit anyone to converse with you
19 about this case, nor are you to form or express any opinion
20 on it until it is finally submitted to you.

21 Remember, too, that admonition I have heretofore
22 given you concerning your affirmative obligation not to expose
23 yourself to any publicity concerning this case, any case
24 involving Charles Manson or any matter involving Mr. Manson
25 or the Manson Family.

26 I hope you all have a pleasant weekend. I'll see
27 you at 10:30 on Monday morning. Good night.

28 (Whereupon, murmurs of "Good night, Judge,"

1 were heard from members of the jury.)

2 (Whereupon, at 4:08 P. M., an adjournment was
3 taken in this matter until 10:30 A. M. on Monday morning,
4 January 24, 1972.)
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