

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

-vs-

BRUCE MCGREGOR DAVIS,

Defendant.

NO. A-267861

233

REPORTERS' DAILY TRANSCRIPT

Monday, January 31, 1972

VOLUME 33APPEARANCES:

For the People:

JOSEPH P. BUSCH, JR., District  
AttorneyBY: ANTHONY MANZELLA  
andSTEPHEN R. KAY,  
Deputies District Attorney

For Defendant Davis:

GEORGE V. DENNY, III

WATTELEY (INQUIRIES, SEARCH, DESERT)  
PEARLMARY LOU BRIANDI, CSR  
ROGER K. WILLIAMS, CSR  
Official Court Reporters

COPY

I N D E X

<u>PEOPLE 'S WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
WHITELEY, Paul J.	4938M 4961M	4960 4966 5019	5041M	5042
PEARL, Ruby (Cont'd)	4995M 5044M	5098		

E X H I B I T S

<u>PEOPLE 'S:</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
76 - a contour map	4947	
80-I - photograph	5088	5092
88-A through 88-I - photographs	4952	4953
89 - a contour map	4950	
90-A through 90-D - photographs	4956	4956
101 - certification of records of Sheriff's Department	4936	4937
102 - certification of records of Sheriff's Department	4937	4937

LOS ANGELES, CALIFORNIA, MONDAY, JANUARY 31, 1972 10:00 A.M.

- - - -

(Whereupon the following proceedings were had in the chambers of the Court out of the presence and hearing of the jury:)

THE COURT: The record may show we are in chambers. All counsel are present.

Mr. Denny.

MR. DENNY: Briefly, I would like to state for the record that the weather over the weekend was bright, clear, beautiful and I --

THE COURT: And I hope you enjoyed it.

MR. DENNY: I was tearing my hair, frankly, because it was, I believe, exactly the type of weather that prevailed, according to the meteorologist and the astrophysicist that testified.

THE COURT: Did you enjoy your stay on Spahn Ranch? I suppose you were out there.

MR. DENNY: Yes. And the weather conditions --

THE COURT: Were the buildings up or the trees there?

MR. DENNY: No, but they don't have to be for this particular view.

And I would renew my motion since it appears that the weather is going to remain the same, and today will be the last day that the moon will be in such fullness that it can still be considered full according to Dr. Kaufmann.

1 THE COURT: The Court denies it for the same reasons  
2 previously stated.

3 MR. DENNY: Now, your Honor, I would also like to move  
4 at this time, simply for expediency and for perhaps a little  
5 saving of money under the power given the Court under 1094  
6 to have George Spahn brought down here at the same time that  
7 Ruby Pearl is brought down to testify.

8 MR. KAY: Ruby Pearl is already here.

9 MR. DENNY: Well, that's going to change my motion a  
10 little bit. I was going to ask that the Court have George  
11 Spahn brought down at the same time and not require a  
12 double trip down, which is apparently going to be necessary  
13 for Pearl, if she goes back and Spahn is brought down at  
14 my behest. If she's here, then, that takes care of that.

15 Thirdly, I would ask --

16 THE COURT: In any event, the Court had previously  
17 told you that it would order Spahn here if you wished to  
18 have him here, and wished to utilize him as a witness.

19 MR. DENNY: I would request that the Court appoint --  
20 not appoint, but simply to direct, since he has already  
21 appeared as a witness for the People and is employed by the  
22 District Attorney's Office -- Larry Sloan, handwriting expert  
23 and questioned document examiner to examine the six negatives,  
24 Defendant's B, and prepare a report to Court and both counsel  
25 as to whether or not the writing, that is the numbers on the  
26 bottom of each of the negatives numbered 1 through 6, were  
27 placed there after or before the negatives were printed.

28 According to Sergeant Christansen, the reason

1 for the mixup in these negatives were that they were  
2 prenumbered before the pictures were taken and they took  
3 some extra pictures because of vibration or whatever.  
4 And according to my own personal examination, which I would  
5 like to have verified and I think will prove to be the case  
6 by Larry Sloan, whose credentials I think are very good,  
7 what appears to be india ink numbers have been placed on  
8 these documents after they had been taken, after they have  
9 gone through the wash process and after they have gone  
10 through the drying process and before they are used for  
11 printing the pictures which have been heretofore received  
12 in evidence.

1a fls.

1-a-1

1 I think this is relevant evidence, again, as to the  
2 credibility of Sergeant Christansen and as to the attempt of the  
3 crime lab to fabricate evidence. And I would request the Court  
4 make that order.

5 MR. KAY: I think number one, that's irrelevant, and  
6 I think that Sergeant Christansen -- he wasn't sure about that.  
7 He said he didn't remember whether they were put on before or  
8 after, and you hopped on him for a while. He said, "Well, I  
9 guess before." But he wasn't definite.

10 MR. DENNY: Well, the record speaks for itself.

11 MR. KAY: That's right, it does.

12 THE COURT: I'll look at the record and make the determin-  
13 ation one way or the other sometime today.

14 MR. DENNY: And, finally, your Honor, I have not gotten  
15 the Springer statements and any tapes that may have been made  
16 at the time he made the first statements concerning any Manson  
17 related matters to officers of the Los Angeles Police Department  
18 on or about October 15, 1970, or 1969.

19 THE COURT: Have you gentlemen found anything?

20 MR. MANZELLA: No, your Honor. Sergeant Whiteley has --  
21 if Sergeant Whiteley has notes, they'll be made available for  
22 Mr. Denny to read and copy if he wants.

23 MR. DENNY: These are the ones --

24 MR. MANZELLA: But we found no reports or tapes relating  
25 to the Manson case or any negotiations between our office and  
26 Springer.

27 MR. DENNY: No, I'm not talking about --

28 MR. MANZELLA: In our --

1a-2

1 MR. DENNY: I'm talking about the reports which you  
2 indicate were in existence and Lieutenant -- either Neilson  
3 or Sartuche are in possession of them and one of them was on  
4 vacation that's why you couldn't get them.

5 MR. KAY: That's right. He'll be back February 8.

6 MR. DENNY: Well, one of them --

7 MR. KAY: Sartuche.

8 MR. DENNY: He's got a partner Neilson.

9 MR. KAY: Never has been his partner.

10 MR. DENNY: Well, if it is not --

11 THE COURT: Well, are there any reports that you know of  
12 that you haven't given Mr. Denny in connection with Mr. Springer?

13 MR. KAY: No.

14 THE COURT: Reports of tapes?

15 MR. DENNY: Well, your Honor, I'm sorry, if the Los  
16 Angeles Police Department made a record, and I'm sure they did  
17 make a record of their initial conversation and contact with  
18 Laurie Alan Springer, there isn't just one man in the whole  
19 Los Angeles Police Department -- Lieutenant Nielson or  
20 Sergeant Sartuche -- which one is it, you say?

21 MR. KAY: Neilson is not a lieutenant. He's just  
22 some detective out of Hollywood Police Department.

23 MR. DENNY: There isn't one man in the whole of  
24 Los Angeles Police Department that has a copy of that report.  
25 There has to be more than one copy available. And it seems  
26 to me that they can find it.

27 THE COURT: See if you can find it and make one more  
28 effort and let me know what the results are.

1 MR. KAY: Yes.

2 THE COURT: We've spent a lot of time on it, asking about  
3 that and replying as to why it can't be produced.

4 All right, let's proceed.

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

7 THE COURT: Good morning, ladies and gentlemen.

8 (Whereupon, there were murmurs of "Good morning,  
9 your Honor," heard throughout the members of the jury.)

10 THE COURT: You all look well-rested and ready for work.

11 We're ready to proceed. All the jurors are  
12 present and the defendant is present. Mr. Manzella for the  
13 People. Mr. Denny for the defendant, and we're ready to  
14 proceed.

2-1  
1 MR. MANZELLA: The People call Sergeant Paul Whiteley,  
2 your Honor.

3 THE CLERK: You do solemnly swear that the testimony  
4 you may give in the cause now pending before this court  
5 shall be the truth, the whole truth, and nothing but the  
6 truth, so help you God?

7 THE WITNESS: I do.

8 MR. MANZELLA: Your Honor, before examining Sergeant  
9 Whiteley, the People have a stipulation that they would like  
10 to offer at this time.

11 MR. KAY: Yes. The defense has informed me that they  
12 will stipulate with the prosecution that Charles Manson was  
13 released from jail, after his August 24th, 1969, arrest,  
14 on August the 26th, 1969, at 11:42 p.m.

15 So stipulated?

16 MR. DENNY: Yes.

17 MR. KAY: Well, also we have a document here. May --  
18 it's a certification of records of the Sheriff's Department.

19 May this be marked as the People's next in  
20 order?

21 THE COURT: All right.

22 MR. DENNY: And received in evidence, your Honor?

23 THE COURT: It would be People's --

24 MR. DENNY: 102?

25 THE COURT: -- 101.

26 MR. KAY: 101. Okay. And this pertains to the  
27 August 24th, 1969, arrest.

28 And we have a certified document. May it be

101 Ev.

2-2

1 marked People's 102? And this pertains to the August 16th  
2 arrest of Mr. Manson.

3 THE COURT: The August 16th documents are 102, you  
4 suggest?

5 MR. KAY: Yes.

6 THE COURT: All right. So ordered. 102 for identifi-  
7 cation.

8 And is it stipulated they may be received in  
9 evidence, then?

10 MR. DENNY: Yes, so stipulate.

11 MR. KAY: We would offer them, yes.

12 THE COURT: Is that the stipulation as to 101 and 102, --

13 MR. KAY: Yes.

14 THE COURT: -- that they be received in evidence?

15 All right. So ordered, ladies and gentlemen.

16 MR. KAY: And also, may it be stipulated that after Mr.  
17 Manson was arrested on August the 16th, that he was released  
18 from jail on August 20th, 1969? So stipulated, Counsel?

19 MR. DENNY: So stipulated. The record, of course,  
20 speaks for itself there, but it is so stipulated.

21 THE COURT: All right. August 20th was the release  
22 date. That is the stipulation.

23 It came rather fast as to your other stipulation.  
24 The release was --?

25 MR. KAY: On the August 24th arrest, that Mr. Manson  
26 was released on August 26th, 1969, at 11:42 p.m.

27 THE COURT: 11:42 p.m. All right. It is so stipulated.

28 You'll recall, ladies and gentlemen, that a

102, Id.

101, 102 Ev.

1 stipulation is an agreement between counsel, and the subject  
2 matter of that agreement need not be proved in any other way,  
3 except by the stipulation in evidence.

4  
5 PAUL J. WHITELEY,  
6 called as a witness by and on behalf of the People, having  
7 been first duly sworn, was examined and testified as follows:

8  
9 DIRECT EXAMINATION

10 BY MR. MANZELLA:

11 Q Sergeant Whiteley, would you tell us your occupa-  
12 tion and assignment, please?

13 A I am a Detective Sergeant with the Los Angeles  
14 County Sheriff's Office, assigned to the Homicide Bureau.

15 Q And you are the chief investigating officer in  
16 this case, is that correct?

17 A Yes.

18 Q And how long have you been with the Sheriff's  
19 Office?

20 A Almost 15 years.

21 Q And how long have you been with the Homicide  
22 Bureau?

23 A Four and a half.

24 Q Now, Sergeant Whiteley, do you recall when it was  
25 that you were originally assigned to the investigation of the  
26 Shea case?

27 A Yes.

28 Q When was that?

1           A       I assigned the case to myself. However, it  
2 was approximately October the 13th, 1969.

3           Q       That's when you began your investigation into the  
4 Shea case?

5           A       That's correct.

6           Q       Now, after you began your investigation into the  
7 Shea case, did you make any efforts, through the use of  
8 inquiries, teletypes, other types of inquiries, to locate  
9 Donald Jerome Shea?

10          A       Yes, I did.

11          Q       Would you tell us what you did in that regard?

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

13          THE COURT: Overruled.

14          THE WITNESS: I sent a teletype to the California  
15 Identification and Investigation Section in Sacramento,  
16 to find out if Mr. Shea had any arrest record.

17                 I also checked to see if he had any arrests  
18 after August of 1969.

19                 I checked with the Department of Motor Vehicles  
20 for any driver's license activity; also, if he had any  
21 vehicles registered in his name after August of -- everything  
22 was after August of 1969.

23                 I checked with the Division of Hospitals, State  
24 of California; also with Arizona.

25  
26  
27  
28  
2a fls.

2a-1  
xxxxx

1 I sent a teletype to the Coroner's Offices

2 throughout the nation. I checked with the licensing bureaus  
3 in California, Arizona, Massachusetts and Texas.

4 I contacted the Federal Bureau of Investigation in  
5 Washington, D. C. I checked the United States State  
6 Department, the Division of Passports.

7 I contacted the Internal Revenue Service, the  
8 Social Security Administration, Workmen's Compensation. I sent  
9 a nationwide teletype to the Missing Persons details of the  
10 local police departments.

11 I checked with the credit unions -- or, excuse  
12 me -- credit agencies in California. I contacted the United  
13 States Post Offices at every known address of Mr. Shea's that  
14 I could find.

15 I contacted the trade unions here in Southern  
16 California, the Bureau of Social Services, the local utility  
17 companies, the United States military records in Kentucky,  
18 the Veterans Administration, the Registrar of Voters.

19 And then I contacted every known friend, and I also  
20 checked personally with each police department of every town  
21 that I could locate Mr. Shea as having lived in at one time.

22 Q BY MR. MANZELLA: As a result of your inquiries,  
23 were you able to locate Donald Jerome Shea or his whereabouts?

24 MR. DENNY: Just a moment. I'll object -- all right. The  
25 objection is withdrawn.

26 THE WITNESS: No, sir. I showed no record, after August  
27 of 1969.

28 MR. DENNY: I'll move that that answer be stricken as not

2a-2

1 responsive, and as voluntary, everything after "No, sir."

2 THE COURT: After "No, sir" is stricken.

3 Q BY MR. MANZELLA: Now, sometime after you began  
4 your investigation into the case of Donald Jerome Shea, did you  
5 make and direct a physical search for the body of Donald  
6 Jerome Shea?

7 A Yes, I did.

8 Q And when did you begin the direction of that  
9 physical search?

10 A In December of 1969.

11 Q Would you tell us what areas that physical search  
12 covered?

13 A It started at the Spahn Movie Ranch and the  
14 adjoining properties, and extended into the Devil's Canyon,  
15 Ybarra Canyon area, and also the canyon -- Box Canyon area;  
16 and it ultimately led up to Death Valley.

17 Q What particular part of Death Valley?

18 A The Meyer and -- the Meyers Ranch-Barker Ranch  
19 area.

20 Q And those are the ranches approximately 26 miles  
21 from the town of Ballarat?

22 A That's correct.

23 Q Now, what -- strike that.

24 Was the Sheriff's department the only agency  
25 involved in that physical search of the areas you've mentioned?

26 A No.

27 Q What other agencies were involved?

28 A We had the Los Angeles County Flood Control and

2a-3

1 the Engineers Department. We had the Los Angeles County Fire  
2 Department.

3 Then, we had various mountain rescue units of our  
4 own bureau -- or, our own department, the Emergency Services  
5 Bureau, the Aero Bureau, with helicopters, our Special  
6 Enforcement Bureau.

7 Q Now, approximately how many man-hours were spent --  
8 strike that.

9 You began this search in November or December of  
10 1969?

11 A Yes, sir.

12 Q How long did the search continue? Over what  
13 period of time did the search continue?

14 A I believe through July of 1970.

15 Q And approximately how many man-hours were spent  
16 in this physical search of the areas you've mentioned?

17 A Approximately five thousand.

18 Q All right. Sergeant Whiteley, if you would step  
19 down off the witness stand? And directing your attention to  
20 the aerial photograph which is People's 92, would you point  
21 out to us -- perhaps using the pointer, if there is one  
22 available -- the area that the physical search covered, which  
23 is shown in People's 92?

24 A The search started at the tunnel underneath the  
25 Santa Susanna Pass Road, where the Southern Pacific Railroad  
26 tracks come underneath (indicating), and it extended up  
27 through -- there is a river that runs along Santa Susanna  
28 Pass Road, up through the mountains here (indicating).

2b fol

2b-1

1 The main area of the search was in here (indi-  
2 cating); and then it fanned out.

3 We took in all the Iverson's Ranch (indicating),  
4 Devil's Canyon area, and Ybarra Canyon, which is up above  
5 the top of the map (indicating).

6 Q Now, are those areas marked and identified on the  
7 aerial photograph?

8 A Yes.

9 Q And the areas which are marked in blue tape on  
10 the aerial photograph, People's 92, do they accurately mark  
11 the locations which they purport to mark?

12 A Yes.

13 Q All right. Directing your attention to the  
14 aerial photograph which is People's 93, is that an aerial  
15 photograph showing Spahn Ranch?

16 A Yes.

17 Q And does that appear to accurately depict the  
18 area on and around Spahn Ranch?

19 A Yes.

20 Q And can you show us with more particularity that  
21 area of Spahn Ranch which you and the other deputies and  
22 agencies searched?

23 A We searched all the areas that are marked here  
24 in blue (indicating). There were some -- a cave up here  
25 alongside the Santa Susanna Pass Road. We had the Fire  
26 Department move into the area adjacent to the rear of Spahn's  
27 Ranch and pump the creek dry, and we checked the creek as  
28 it moved down to the Southern Pacific Railroad tracks.

1 We also sent a diver down through the well marked  
2 here (indicating).

3 And there were -- by Rocky Peak here (indicating),  
4 there were two other abandoned wells which were also checked  
5 by divers.

6 We checked the areas in the clump of trees  
7 surrounding the farmhouse and the outlaw shacks (indicating),  
8 and also we checked the area around here, the eucalyptus  
9 grove.

10 We went through numerous caves up in the Iverson  
11 Ranch area (indicating). There were approximately 40 caves  
12 in here that were checked.

13 We also found approximately 30 caves on the  
14 Iverson property north of the Simi Valley Freeway.

15 Q And the blue tape, which purports to mark certain  
16 locations on People's 93, does that -- do those -- are those  
17 locations accurately marked on People's 93?

18 A Yes.

19 Q Now, the creek that you mentioned, is that the --  
20 would you point that out again for us, please?

21 A (Indicating).

22 Q Is that the creek which runs behind the main  
23 buildings at Spahn Ranch?

24 A Yes. The creek comes down in this clump of trees  
25 (indicating) and moves along here, and then right in here  
26 there's a -- it goes underneath the Southern Pacific Railroad  
27 tracks (indicating).

28 Q All right.

1 A There's a small tunnel.

2 Q Does the creek more or less follow Santa Susanna  
3 Pass Road, except where it goes under the railroad tracks,  
4 and where it goes around the main ranch buildings?

5 A Yes.

6 Q And would you tell us what you did, what was done  
7 specifically with regard to the creek?

8 A We had the Fire Department move into the area  
9 behind the Spahn's Ranch, and with pumpers, they pumped the  
10 water and diverted it out of the creek, so that our SEB  
11 forces could walk down the creek to the numerous pools and  
12 check what was at the bottom of them.

13 Q And that creek was pumped almost dry by the  
14 Fire Department?

15 A Yes.

16 Q What type of equipment was used during this  
17 physical search?

18 A Well, we used bulldozers, fire engines, helicopters,  
19 scuba divers.

20 Q And the pumping equipment that you've already  
21 mentioned?

22 A Yes. That was part of the fire engines.

23 Q Now, are you familiar with that area of the  
24 Spahn Ranch buildings -- that is, the buildings on the  
25 boardwalk at Spahn Ranch -- that room which is known as the  
26 parachute room?

27 A Yes, I have been in it.

28 Q And did you, in particular, when you were

1 examining and conducting a physical search of the creek on  
2 Spahn Ranch, did you examine the area -- was the area of  
3 the creek behind the parachute room examined?

4 A Yes.

5 Q I take it the entire creek was examined, after  
6 it was pumped dry; is that correct?

7 A Yes.

8 Q Now, had it rained heavily in September and  
9 October of 1969, in that area of Los Angeles?

10 A Yes.

11 Q As a result, Sergeant Whiteley, of the efforts--  
12 your efforts and the efforts of the other men and agencies  
13 involved in the physical search -- were you able to locate  
14 the body of Donald Jerome Shea?

15 A No.

3 fls.

3-1

1 Q All right, Sergeant Whiteley, I would like to turn  
2 now to that portion of Inyo County in which the Barker-Meyers  
3 Ranches are.

4 Directing your attention to this, what appears to  
5 be a contour map of the area.

6 Your Honor, I have here what appears to be a  
7 contour map of the Barker and Meyers Ranches area, and the  
8 Death Valley area. I believe it has previously been marked  
9 People's 76 for identification. If it has not been so marked  
10 at this proceeding, the People would ask that it so be marked  
11 People's 76 for identification.

12 THE COURT: So ordered.

13 Q BY MR. MANZELLA: All right, Sergeant Whiteley,  
14 directing your attention to People's 76.

15 Can you tell us what that is?

16 A Yes. Starting at the left side here, where the  
17 red line is, this is the dirt road off the main highway to  
18 the town of Ballarat. Ballarat is approximately three  
19 buildings and twelve trailers. And then, there is a roadway  
20 going somewhat south. This is a dirt road going down through  
21 this Panamint Valley, and then into Goler Wash and up to the  
22 Barker-Meyers Ranch.

23 Q Now, the exhibit itself, People's 76, that appears  
24 to be a contour map of the area, is that what it is?

25 A Yes.

26 Q And does it appear to accurately depict that area  
27 which it purports to depict of Inyo County?

28 A Yes.

76 ID

3-2

1 Q Now, the road which you've mentioned leading to  
2 Ballarat, and then from Ballarat to Goler Wash, and then from  
3 Goler Wash to the Barker-Meyers Ranches, is that marked in red  
4 on the map?

5 A Yes.

6 Q I take it those areas are designated on the map, is  
7 that correct?

8 A Yes, marked Meyers Ranch has the red circle.

9 Q All right. And Goler Wash is designated on the  
10 map, that's the more or less horizontal red line?

11 A Yes, the wash starts where the light brown turns to  
12 dark brown and extends through here (indicating) to approxi-  
13 mately -- to the Lotus Mine, and then it moves into a small  
14 valley.

15 Q Now, have you been to the -- strike that.

16 Have you traveled the route from Ballarat to --  
17 through Goler Wash to the Barker-Meyers Ranches which are  
18 marked on that map?

19 A Yes, I have.

20 Q Approximately how many times?

21 A Four times.

22 Q Beginning when?

23 A October of 1969.

24 Q Now, would you describe -- well, strike that.

25 The town of Ballarat, approximately what is the  
26 population of the town of Ballarat?

27 A I don't know what the permanent population is  
28 there. You couldn't be more than 40 people.

1 Q You described the only structures that exist in the  
2 town already, is that right?

3 A Yes.

4 Q Would you describe the road from Ballarat to Goler  
5 Wash?

6 A It is a dirt road of chuck holes. The -- when it  
7 rains in this area, the water washes away a great portion of  
8 this roadway in here (indicating). It is very difficult to  
9 drive a vehicle in here.

10 Q All right.

11 A To this point (indicating), at the entrance of  
12 Goler Wash.

13 Q Now, the road we were just speaking of, of Ballarat,  
14 Goler Wash, is more or less the verticle line on the map, is  
15 that correct?

16 A Yes.

17 Q Now, along that road from Ballarat to Goler Wash,  
18 are there any structures?

19 A No.

20 Q Are there any residences, any type of residences  
21 at all?

22 A No.

23 Q What type of operations or businesses, if any,  
24 are conducted in that area?

25 A Mining.

26 Q Now, would you describe for us the route from that  
27 road through Goler Wash to the Barker-Meyers Ranches?

28 A It is up through a deep canyon with a dry waterfall.

1 It has a solid rock bed, very steep up it, and twist and turn.  
2 Doesn't show it on the map here, but you're going back and  
3 forth continuously, all the way up. The walls on each side  
4 are perhaps 700 feet straight up. And at points a vehicle has  
5 approximately four inches clearance on either side.

6 Q What type of vehicle did you use to travel that  
7 route, Goler Wash?

8 A Four-wheel drive.

9 Q And I take it from your description that there were  
10 times when you walked, is that correct?

11 A Yes, one of the vehicles in our caravan was a  
12 Carry-All four-wheel drive, and because of its length on  
13 negotiating one of the turns the vehicle got stuck for a day.

14 Q All right, Sergeant Whiteley, directing your  
15 attention -- well, strike that.

16 Your Honor, I have here what appears to be a  
17 contour map of the same area of Inyo County, covering a  
18 greater portion of Inyo County. It previously has been marked  
19 People's 89 for identification. If it has not been so marked  
20 at this proceeding, may it be marked People's 89 for identifi-  
21 cation?

22 THE COURT: All right, so ordered.  
23  
24  
25  
26  
27  
28

3a fol

3a-1

1 Q BY MR. MANZELLA: All right, Sergeant Whiteley,  
2 directing your attention to People's 89 for identification.

3 Do you recognize what is depicted in that exhibit?

4 A Yes.

5 Q Does that appear to be a contour map of the --  
6 including the same area which is shown in the -- People's  
7 78?

8 A Yes.

9 Q Would you point out for us, please, that portion  
10 of -- that is the road from Ballarat to Goler Wash to the  
11 Barker-Meyers Ranches? Would you point out where that is  
12 shown on People's 89?

13 A Yes. This is the main paved highway (indicating),  
14 and this is the turnoff from Ballarat where it turns into a  
15 dirt road and coming south through Panamint Valley (indi-  
16 cating), and then into Goler Wash which would be horizontal  
17 to the Barker-Meyers Ranch.

18 Q Now, in what direction is Los Angeles from --  
19 off what end of the map would Los Angeles be?

20 A It would be southwest.

21 Q What is the route that you take to get to Ballarat  
22 from Los Angeles?

23 A From Los Angeles, you go to the turnoff which is  
24 just past Olancho and you turn east and you -- I don't  
25 remember what the highway number is, but you come along  
26 this highway, and then down (indicating).

27 Q All right.

28 A There is a second way to go which is much longer.

3a-2

1 Q All right. Let me ask you this, first -- well,  
2 strike that. What is the second approach to the Barker-  
3 Meyers Ranches?

4 A You come from the south out through Barstow, and  
5 then come up through Death Valley and across through Mingo  
6 Pass and down.

7 Q And is that longer or shorter than the route  
8 through Ballarat?

9 A It is quite a bit further.

10 Q Do you know how much further it is?

11 A I'd say approximately 100 miles.

12 Q Now, Sergeant Whiteley, approximately how far  
13 from the mouth of Goler Wash are the Barker-Meyers Ranches?

14 In other words, how far do you have to travel  
15 when you start into Goler Wash until you get to the Barker-  
16 Meyers Ranches?

17 A I can only estimate it because of the twist and  
18 turns. I'd say it is about eight miles.

19 MR. MANZELLA: Your Honor, I have here a series of  
20 photographs, black and white photographs which have previously  
21 been marked People's 88-A through -I for identification.

22 May they be marked People's 88-A through -I  
23 at this proceeding?

24 THE COURT: Yes, they may be so marked 88-A through -I  
25 for identification.

26 How many are there? -A through -I, whatever  
27 that is.

28 MR. DENNY: Nine.

3a-3

1 THE COURT: I was going to say ten.

2 Q BY MR. MANZELLA: All right, Sergeant Whiteley,  
3 directing your attention to the photographs which have been  
4 marked People's 88-A through -I for identification.

5 Would you look at all the photographs, first,  
6 and tell us generally what all the photographs depict?

7 Now, you've seen these before, have you not?

8 A Yes.

9 Q All right. Would you tell us generally what all  
10 the photographs depict?

11 A The route from -- or to Ballarat, and then  
12 ultimately down to Goler Wash, through Goler Wash to the  
13 Barker-Meyers Ranches.

14 Q All right. Now, first, with regard to People's  
15 88-A for identification, can you tell us specifically what  
16 is shown in that photograph?

17 MR. DENNY: Your Honor, I would have no objection if  
18 these are received into evidence and perhaps Sergeant Whiteley  
19 could come down with Mr. Manzella in front of the jury.

20 MR. MANZELLA: People appreciate that.

21 THE COURT: Yes, why -- why don't you use the board  
22 there, the bulletin board. Just stick them up there.

23 MR. MANZELLA: Well, the reason I'd rather not, we  
24 either have to put the board over here or --

25 THE COURT: That's all right.

26 MR. MANZELLA: Is that all right?

27 THE COURT: Yes.

28 MR. MANZELLA: It is just for these photographs, your

1 Honor. It might not be worth the trouble.

2 THE COURT: Perhaps. You can move it along.

3 Q BY MR. MANZELLA: People's 88-A, what is shown  
4 in that?

5 A That's the turnoff from the main highway to  
6 Ballarat looking somewhat east.

7 Q People's 88-B, what is shown in that?

8 A Looking east entering the town of Ballarat.

9 Q And does that pretty much show the town of  
10 Ballarat?

11 A Yes.

12 Q And the buildings which make up the town?

13 A Yes.

14 Q People's 88-C?

15 A That's the turnoff in Ballarat south to Coler  
16 Wash.

17 Q People's 88-D?

18 A That's the beginning of the roadway as you come  
19 out of Ballarat south on the dirt road.

3b fls.

20

21

22

23

24

25

26

27

28

3b-1

1 Q People's 88-E?

2 A That's beginning of Goler Wash looking east.

3 Q People's 88-F?

4 A That's starting up through Goler Wash.

5 Q And People's 88-G?

6 A That's going through the dry falls, approximately

7 halfway up Goler Wash.

8 Q And 88-H?

9 A That's coming out of Goler Wash into the small

10 valley just -- let's see, it would be the west end of the

11 Valley where the Lotus Mine is.

12 Q That's an area you've already designated on

13 People's 76?

14 A Yes.

15 Q Would you point to that again, using the pointer,

16 please, showing that area which is shown in 88-H?

17 A It is written very small printed in black "Lotus

18 Mine."

19 Q That's the approximate area in which the -- your

20 two vehicles are on People's 88-H?

21 A Yes. They're just coming out of the wash.

22 Q And People's 88-I?

23 A That's at a fork to Mingo Pass which is just west

24 of the Barker-Meyers Ranch.

25 Q And is this, the location shown in 88-I, is this

26 just before you get to the ranches coming through Goler Wash?

27 A Yes.

28 THE COURT: Those are received in evidence, ladies and gentlemen, as 88.

1 MR. MANZELLA: Your Honor, I have here four black-and-white  
2 photographs which appear to depict the Barker and Meyers  
3 Ranches. I believe they have previously been marked People's  
4 90-A through D. May they be marked People's 90-A through D  
5 for identification?

6 MR. DENNY: I have no objection if they are received into  
7 evidence.

8 MR. MANZELLA: People would offer them into evidence, your  
9 Honor.

10 THE COURT: Let's see, we had something marked 98  
11 previously.

12 MR. MANZELLA: I'm sorry, your Honor.

13 MR. DENNY: 90.

14 THE COURT: 90.

15 Received in evidence as 90-A through D.

16 Q BY MR. MANZELLA: Sergeant Whiteley, directing your  
17 attention to People's 90-A, will you tell us what is depicted  
18 in that photograph?

19 A This is the front yard of Barker Ranch.

20 Q And perhaps I can just hold them up here.

21 People's 90-A, you said, was what?

22 A Front yard of Barker Ranch.

23 Q People's 90-B is this photograph.

24 Can you tell us what is depicted in that photo-  
25 graph?

26 A Yes. That's looking at the ranch from the rear.

27 Q And is that -- which ranch is that?

28 A Barker's.

90-A  
thru D

ID and  
Rec'd

1 Q And People's 90-C, Sergeant Whiteley, will you tell  
2 us what is depicted in that photograph?

3 A Yes, this is also from the rear of Barker Ranch  
4 and in the distance in the upper right-hand corner here is  
5 where Goler Wash would be.

6 Q So in this photograph, are you looking east?

7 A No, you're looking west.

8 Q I'm sorry, west.

9 A Somewhat west.

10 Q And the area which is marked the line in green and  
11 the initials "P. W.," those are your initials and that depicts  
12 the area where Goler Wash is looking from Barker Ranch?

13 A Yes.

14 Q And People's 90-D, will you tell us what is shown  
15 in that photograph?

16 A That's the front of the Barker Ranch.

4 fol

17

18

19

20

21

22

23

24

25

26

27

28

4-1

1 Q All right. Sergeant Whiteley, approximately how  
2 far apart are the Barker and the Meyers Ranches?

3 A Just a few hundred yards.

4 Q And are you familiar with the structures on  
5 those two ranches?

6 A Yes.

7 Q Approximately how many structures are on each  
8 ranch? And what kinds of structures are -- let me withdraw  
9 that and ask you this:

10 Are the structures fairly accurately depicted  
11 in the photographs, People's 90-A through -B?

12 A Yes.

13 Q During the time that you were traveling the  
14 route from Ballarat to Barker's-Meyers Ranches, the route  
15 you've already described and pointed out for us, could you  
16 see any traffic on that route, other than police vehicles?

17 MR. DENNY: I'll object to that as irrelevant and  
18 immaterial.

19 THE COURT: Sustained.

20 MR. MANZELLA: May we approach the bench, your Honor?

21 THE COURT: Yes, you may.

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

25 MR. MANZELLA: We are attempting to show by this  
26 testimony -- we believe it's relevant to show that, No. 1,  
27 the Family, Manson, Davis and the other members of the  
28 Family, attempted to hide themselves from discovery by the

1 police and detection by law enforcement; and to do so, they  
2 went through an area of the country which is desolate,  
3 isolated, remote, more or less cut off from contact with --

4 THE COURT: How many times --

5 MR. MANZELLA: -- the main parts of civilization.

6 THE COURT: I see. How many times was the Sergeant  
7 there?

8 MR. DENNY: Four times.

9 MR. KAY: Four times.

10 MR. MANZELLA: Four times.

11 MR. KAY: That's quite a few times to be in that area.

12 THE COURT: All right.

13 MR. DENNY: Well, your Honor, I think it's irrelevant,  
14 as to what he saw four separate and distinct isolated times.  
15 I don't think he's sufficiently familiar with the area to  
16 know whether it is well traveled or by whom or not.

17 MR. MANZELLA: That's not what he's testifying to.

18 THE COURT: Well, from the four times that he's been  
19 there, if he didn't see any traffic, some inference could be  
20 drawn; and then that, coupled with the pictures, I think  
21 that -- I think's permissible.

22 The Court would permit it.

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

26 THE COURT: You may rephrase your question.

27 Q BY MR. MANZELLA: Sergeant Whiteley, on the four  
28 occasions that you traveled the route from Ballarat to the

1 Barker-Meyers Ranches, have you seen any other vehicles on  
2 that route, traveling that route, other than police vehicles?

3 A From Ballarat to the Meyers-Barker Ranch?

4 Q Yes.

5 A No.

6 MR. MANZELLA: All right. I have no further questions,  
7 your Honor.

8 THE COURT: Any cross?

9 MR. DENNY: Yes, there is, your Honor.

10 I wonder if the Court plans to take its recess  
11 at the present time.

12 THE COURT: Well, the jurors have been sitting about  
13 an hour, even though we have only been going for about 45  
14 minutes.

15 Yes, we'll take a recess now.

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

21 We are in recess.

22 (Mid-morning recess.)

23 THE COURT: The jurors are all present. The defendant  
24 is present with counsel.

25 You may proceed.

26  
27 CROSS-EXAMINATION

28 BY MR. DENNY:

1 Q Sergeant Whiteley, these photographs --

2 MR. MANZELLA: Excuse me, Mr. Denny. I'm sorry. I  
3 should have asked you before.

4 Your Honor, I was wondering -- your Honor, I had  
5 a few more questions I would like to ask, if I may, with  
6 Mr. Denny's permission and with the Court's permission.

7 MR. DENNY: You've got mine.

8 MR. MANZELLA: I'm sorry.

9  
10 FURTHER DIRECT EXAMINATION

11 BY MR. MANZELLA:

12 Q Sergeant Whiteley, I wanted to ask you something  
13 I forgot to ask you before.

14 When's the first time that you had gone out to  
15 the Spahn Ranch, in the investigation of the Hinman and the  
16 Shea cases?

17 MR. DENNY: I'll object to that as irrelevant and  
18 immaterial.

19 THE COURT: Sustained.  
20  
21  
22  
23  
24  
25  
26  
27  
28

4a fls.

1 Q BY MR. MANZELLA: Had you been out to Spahn Ranch  
2 several times before you began the physical search in November  
3 and December of 1969?

4 MR. DENNY: I'll object to that as irrelevant and  
5 immaterial.

6 THE COURT: Overruled.

7 THE WITNESS: Yes.

8 Q BY MR. MANZELLA: Approximately how many times,  
9 if you know?

10 A Prior --

11 Q Prior to beginning the --

12 A -- to the physical search?

13 Q Right, that's correct.

14 A A dozen times.

15 Q Now, after the rains in -- strike that.

16 During and after the rains in September and October  
17 of 1969, was there any change in the condition of the creek  
18 bed and the banks of the creek, which you've described, and  
19 which are shown in People's 93?

20 MR. DENNY: I'll object to that, without further founda-  
21 tion.

22 THE COURT: Sustained.

23 Q BY MR. MANZELLA: During the dozen or so times  
24 that you have been out to Spahn Ranch, prior to the time you  
25 began the physical search, did you have the opportunity to see  
26 the creek, which you later caused to be pumped dry?

27 A Yes, I could see it.

28 Q And was there any change in the condition of the

4a-2

1 creek after the rains in September and October of 1969?

2 MR. DENNY: I'll object to that without prior or more  
3 proper foundation.

4 THE COURT: Overruled.

5 THE WITNESS: Not that I could see.

6 Q BY MR. MANZELLA: Well --

7 A I didn't make that extensive a search of the  
8 creek bed, the first few times I was out there.

9 Q Were there any slides in the creek?

10 A Yes --

11 MR. DENNY: I'll object to that -- just a moment. I'll  
12 move that the answer be stricken, and I'll object to that as  
13 too ambiguous as to time.

14 Q BY MR. MANZELLA: When you began your physical  
15 search -- I'll withdraw the question.

16 THE COURT: Yes. The answer is stricken.

17 Q BY MR. MANZELLA: When you began your physical  
18 search in November and December of 1969, were there any slides  
19 in the creek area?

20 MR. DENNY: I'll object to that as irrelevant and  
21 immaterial.

22 THE COURT: Overruled.

23 MR. DENNY: And also ambiguous, your Honor, as to point  
24 of time.

25 Is he talking about slides recent or old or what?

26 THE COURT: Overruled.

27 THE WITNESS: Yes.

28 Q BY MR. MANZELLA: And did they appear to be

4a-3

1 recent?

2 A Yes.

3 MR. DENNY: Well, just a moment. I'll object to that and  
4 move that the answer be stricken for the purposes of --5 THE COURT: The objection -- the motion to strike is  
6 granted. The answer is stricken, and the objection is  
7 sustained.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

5 fol

5-1

1 Q BY MR. MANZELLA: Can you point out the area on  
2 People's 93 where those -- where you observed those slides?

3 A I observed two slides along the creek bed in  
4 the area here labeled "Creek" (indicating).

5 Q That's over toward the railroad tracks?

6 A Yes. Just up the hill from the railroad tracks.  
7 It was a very large slide. You can't see it on this one.  
8 It is in Devil's Canyon.

9 Q All right. All right. Thank you. Thank you.

10 Sergeant Whiteley, one or two other questions.

11 On July 31st, and August 1st, of 1969, when you  
12 went to the Hinman house, July 31st and August 1st of 1969,  
13 during your search of the Hinman home, did you find any  
14 bullets or shell casings other than the bullet which is  
15 the evidence bullet, I believe it is People's 31?

16 A No.

17 Q Sergeant Whiteley, you were asked a question  
18 with regard to your opinion, I believe you had previously  
19 stated in some report that the bullet track or marks on  
20 the kitchen cabinets which you've already identified in  
21 the photographs of the kitchen in the Hinman home were --  
22 appeared to be recent, recent marks or recent bullet track.

23 Do you recall that?

24 A Yes, I recall it.

25 Q Would you tell us -- strike that, I'm sorry.

26 I believe your previous opinion was that it  
27 did not appear to be recent.

28 A That is correct.

1 Q All right. Would you tell us where the bullet  
2 track does not appear to be recent?

3 A I felt that there would be splinters on the floor  
4 as the bullet caromed off the drawer and also on the floor  
5 where it went through the kitchen sink.

6 Q And you're talking about wood splinters?

7 A Yes.

8 Q Did you find any wood splinters during your  
9 search?

10 A Not on the floor in the kitchen.

11 MR. MANZELLA: All right, thank you. I have no  
12 further questions, your Honor.

13 Oh, I'm sorry, yes, I do have one other questions.

14 Q BY MR. MANZELLA: Sergeant Whiteley, would you  
15 describe for us the terrain, the topography of Spahn Ranch?

16 A It is a very hilly, rocky area. At the time of  
17 the search there was an awful lot of overgrowth and vegetation.

18 MR. MANZELLA: All right, thank you.

19 No further questions, your Honor.

20 THE COURT: Mr. Denny.

21 MR. DENNY: Yes, may I have just a moment, your Honor.

22  
23 CROSS-EXAMINATION (Continued)

24 BY MR. DENNY:

25 Q Sergeant Whitely, I'm kind of interested in your  
26 rationale for determining the apparent age of that bullet  
27 hole.

28 Forgetting the ricochet or carom shot, if such it was,

1 let's take the hole itself.

2 You say you expected to find splinters on the  
3 floor beneath it if it were fresh?

4 A Yes, or -- I can't use just the word "splinters."  
5 You can use debris, also.

6 Q Do you want to bring that microphone around where  
7 -- you are getting kind of an echo.

8 What sort of debris?

9 A It could be dust, plaster, caused by the impact  
10 of the bullet hitting.

11 Q Well, it wouldn't create plaster going into  
12 wood, would it?

13 A You could have plaster -- it is usually used to  
14 put the tiles on top of sinks.

15 Q Well, did it appear to you that the floor had been  
16 perhaps recently swept or cleaned around the area shortly  
17 before or within a period of a few days before you came in  
18 and made your investigation?

19 A Yes.

20 Q So that if it appeared that the floor had been  
21 cleaned or swept, you wouldn't expect to find debris from  
22 that hole anyway, would you?

23 A That's correct.

24 Q And you didn't?

25 A That's correct.

26 Q Well, as a homicide investigator, there are, are  
27 there not, other means of attempting to determine whether a  
28 bullet hole is fresh or old simply besides finding splinters

1 on the floor?

2 A I don't know what the criminalist would do to  
3 determine that.

4 Q I'm not talking about a criminalist, sir. I'm  
5 talking about a good homicide investigator.

6 A No, I don't think that I would be capable of  
7 telling when a bullet traveled through a wall.

8 Q But you did form the opinion and put it down in  
9 your report, at least, from all of your observations -- and  
10 you were there to observe, were you not?

11 A Yes.

12 Q And from those observations it appeared to you  
13 that the bullet hole was not of recent origin?

14 A Yes.

15 Q All right, sir.

16 Now, if we may go back --

17 Your Honor, I would request to reopen direct  
18 since the People reopened -- I mean, reopen cross for one  
19 item since the People did reopen their direct for this.

20 THE COURT: You may.

21 Q BY MR. DENNY: When you took Gary Hinman, the body,  
22 down to the Coroner's Office, you deposited the body with the  
23 Coroner and got a receipt, is that correct? Or your partner  
24 did, Deputy Guenther?

25 A I didn't take the body to the Coroner's Office.

26 Q Well, you were present.

27 A The body was removed from the house. I was there,  
28 yes.

1 Q All right. And were you present at the time of  
2 the autopsy?

3 A Yes, I was.

4 Q All right.

5 Well, may I approach the witness, your Honor?

6 THE COURT: Yes, you may.

7 Q BY MR. DENNY: You recognize a copy of the  
8 Sheriff's Homicide Manual that was made up in this case?

9 A Yes.

6 fls.

6-1

1 Q Showing you Page 2 thereof, Medical Examiner-  
2 Coroner's Inventory of Personal Effects, dated July 31, '69,  
3 do you recognize that?

4 A Yes, I do.

5 Q Do you recognize the signature of your partner,  
6 C. Gunther?

7 A Yes.

8 Q And that was made -- that particular document was  
9 made part of the regular homicide manual; is that correct?

10 MR. MANZELLA: Not relevant, your Honor.

11 THE COURT: Sustained.

12 Q BY MR. DENNY: And to your knowledge, is it a  
13 fact that no personal effects of Mr. Hinman were left with the  
14 Coroner?

15 A I can't say. I didn't sign this. Deputy  
16 Gunther handled that.

17 Q Well, to your knowledge, Sergeant Whiteley, did  
18 you and/or your partner, Deputy Gunther, retain all of the  
19 personal effects, the clothing and personal effects found on  
20 the body of Gary Hinman?

21 A The way you ask it, Mr. Denny, no. I can't say  
22 that.

23 Q Well, what is it that you can't say?

24 A Well, I did take his wallet at the house, but his  
25 clothes stayed on him until he was brought downtown.

26 Q Well, did you remove his clothes for purposes  
27 of investigation?

28 MR. MANZELLA: Objection. That's vague and ambiguous,

6-2

1 your Honor.

2 THE COURT: Sustained.

3 Q BY MR. DENNY: Did you remove his clothes, or  
4 were his clothes removed from his body in your presence?

5 A Yes, they were.

6 Q What happened to the clothes?

7 A I don't know whether we had booked them into the  
8 property custodian, or whether they're still with the Coroner's  
9 property custodian.

10 Q Well, again, if the Coroner's property or inventory  
11 of personal effects showed that none were received, would that  
12 indicate to you that you would have them?

13 A No. That's not what the -- the purpose of that.  
14 That's for valuables.

15 Q Well, is there any way for you to determine,  
16 Sergeant Whiteley, over the noon recess, where those personal  
17 effects are, whether they're with the Sheriff's department  
18 property custodian or the -- or with the Coroner's custodian?

19 MR. MANZELLA: Not relevant, your Honor.

20 THE COURT: Sustained.

21 MR. DENNY: Well, your Honor, may I be heard at the  
22 bench for this? I would like to make an offer of proof.

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

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

27 MR. DENNY: Your Honor, I want to be able to show -- to  
28 get the clothes, and get what was inventoried in the clothes,

1 because it is my assumption -- and I'm only making the  
2 assumption, but we don't know yet -- that there were other  
3 personal effects in the pants of Gary Hinman, including  
4 change.

5 And if there were change in the pants, it is my  
6 position that it further goes to impeach the credibility  
7 of Ella Jo Bailey, who said that they had gotten twenty-seven  
8 dollars and --

9 MR. KAY: Sixty-four cents?

10 MR. DENNY: -- sixty-four cents in change from Gary  
11 Hinman.

12 MR. KAY: She didn't say that.

13 MR. MANZELLA: She said that's what she counted in the  
14 purse.

15 MR. DENNY: All right. And it is therefore the  
16 inference that that's what they got from Gary Hinman.

17 MR. KAY: She didn't know where they got it from,  
18 though.

19 THE COURT: The Court would make those things available  
20 to you, if you wish to inspect them.

21 However, it appears to me to be immaterial.

22 Go on with your cross examination.

23 MR. DENNY: Well, when you say the Court would make it  
24 available to me, can you make it available through Sergeant  
25 Whiteley? He's the chief investigating officer, and he has  
26 the ability to get those.

27 MR. MANZELLA: That's fine. But as far as testimony,  
28 it's irrelevant.

6-4  
1 As far as discovery goes, fine, you can look at the  
2 clothes.

3 THE COURT: You shouldn't conduct your discovery on the  
4 stand under cross examination.

5 But the Court will -- if those things are available  
6 in the Coroner's Office, I'm sure that you could look at them.

7 MR. DENNY: Or in the Sheriff's property.

8 THE COURT: Or in the Sheriff's property.

9 MR. DENNY: I just want to find out where. I have been  
10 trying for over a week, your Honor.

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

13 THE COURT: Go on with your next question on cross, if  
14 you would.

15 MR. DENNY: Well, just one further question.  
6a fol  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Ga-1

1 Q Did you make an inventory of the personal effects of  
2 the body of Gary Hinman?

3 A (Pause.) No.

4 Q To your knowledge, did your partner, Charlie  
5 Gunther?

6 A I don't know.

7 Q All right. Now, Sergeant Whiteley, going to these  
8 pictures -- and specifically pictures A and D in Exhibit 90,  
9 the picture of the Barker Ranch -- A is at the top and D is at  
10 the bottom, I think.

11 A Yes.

12 Q Now, those pictures appear to show a rather large  
13 bus parked in the ranch yard; is that correct?

14 A Yes.

15 Q And that bus was there the first time you got  
16 there?

17 A Yes.

18 Q And in the course of your investigation, you  
19 discovered that that bus had been brought up by Mr. Manson and  
20 his group?

21 MR. MANZELLA: Objection. Calls for hearsay.

22 THE COURT: Sustained.

23 Q BY MR. DENNY: Well, did that bus appear to have  
24 been there for just a short period of time, or a long period of  
25 time, or could you tell?

26 A It appeared to have been there quite a while.

27 Q All right. Now, then, the road, then, from Mingo  
28 Pass around -- the road that you say is about 100 miles longer

6a-2

1 than this Ballarat-Goler Wash to Barker's Ranch, that's at  
2 least passable for a bus to get up, isn't it?

3 A Yes, to get in. But it would never get out.

4 Q All right. Now, sir, I would like to go to your  
5 efforts to locate Donald Shea or Shorty Shea. You sent out a  
6 lot of teletypes, you say; is that correct?

7 A Yes, sir.

8 Q And you sent teletypes to the CII for an arrest  
9 record?

10 A Yes, sir.

11 Q The CII is what?

12 A California Identification and Investigation Bureau.

13 Q All right. Now, you weren't seeking only arrests  
14 after August of 1969, were you?

15 A I asked for everything.

7 fol

1 Q All right. When you sent for the FBI record of  
2 arrests, you asked for everything; is that right?

3 A Yes, sir.

4 Q All right. And you got returns from CII.

5 Did you get a return from the FBI?

6 A Yes, sir.

7 Q Were those included in the homicide manual?

8 A I think so.

9 Q By the way, you did make up, as is the normal course  
10 of events here, a homicide manual on each of these murders, is  
11 that right?

12 MR. MANZELLA: Objection, not relevant.

13 MR. DENNY: I would like to show the relevancy, your  
14 Honor. It is a foundational question.

15 THE COURT: All right, overruled.

16 THE WITNESS: Yes, somewhat.

17 Q BY MR. DENNY: I beg your pardon.

18 THE WITNESS: I said somewhat. This is a -- uh, a  
19 strange case, which is not normal with the homicide bureau.  
20 Therefore, much of the information in one book pertains to  
21 the second Shea book.

22 Q BY MR. DENNY: All right, sir, but inasfar as your  
23 investigation of this alleged Shea murder, those things which  
24 were not included in the homicide manual were included in the  
25 Sheriff's homicide -- I'm sorry, which were not included in  
26 the Hinman homicide manual were included in the Shea homicide  
27 manual; weren't they?

28 MR. MANZELLA: Objection, irrelevant.

1 THE COURT: Sustained.

2 MR. DENNY: Again, I would like to make this foundational,  
3 your Honor, for my next question.

4 THE COURT: All right, I'll overrule it. You may answer  
5 it.

6 THE WITNESS: I forgot the question.

7 MR. DENNY: Miss Briandi, could you read it back?

8 (Whereupon, the question was read by the reporter  
9 as follows:

10 "Q All right, sir, but inasfar as  
11 your investigation of this alleged Shea murder,  
12 those things which were not included in the  
13 homicide manual were included in the Sheriff's  
14 homicide -- I'm sorry, which were not included in  
15 the Hinman homicide manual --")

16 MR. DENNY: Miss Briandi, some of the jurors can't hear  
17 you.

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

20 "Q All right, sir, but inasfar as your  
21 investigation of this alleged Shea murder, those  
22 things which were not included in the homicide  
23 manual were included in the Sheriff's homicide --  
24 I'm sorry, which were not included in the Hinman  
25 homicide manual were included in the Shea homicide  
26 manual; weren't they?")

27 THE WITNESS: I can say I guess so.

28 Q BY MR. DENNY: All right. So that if you sent out

1 telatypes to various agencies and you received responses from  
2 those agencies in the ordinary course of events, they should  
3 have been placed in the homicide manual, one or the other, is  
4 that right?

5 MR. MANZELLA: Objection, not relevant.

6 MR. DENNY: Well --

7 THE COURT: Sustained.

8 MR. DENNY: Your Honor, again -- may I make an offer of  
9 proof at this time, your Honor?

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

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

14 MR. DENNY: Your Honor, I intend to show that all the  
15 testimony that he gave concerning all the places that he  
16 contacted, a portion of those places, it is irrelevant as to  
17 whether or not he contacted them and he's trying to blow up,  
18 in effect, the force of his testimony because he did not  
19 receive answers back from them. Some of them he received  
20 answers back from them and those answers appear --

21 THE COURT: I'll sustain the objection. Why don't you  
22 just ask him that? Why don't you ask him in what form and  
23 whether he has those answers.

24 MR. DENNY: Well, your Honor --

25 THE COURT: I don't see the relevancy of getting into  
26 the question of what's composed -- of what composes the hom-  
27 icide book.

28 MR. DENNY: Because, your Honor, if, in fact, it is the

1 normal procedure to include the responses, then, for some  
2 reason he did not include them in this case. Either it is  
3 abnormal --

4 THE COURT: I would sustain the objection.

5 MR. KAY: Your Honor, regarding that in-chambers-hearing  
6 this morning, you remember your Honor said you were going to  
7 look at the transcripts about Sergeant Christansen,

8 I would direct your attention to Page 4769 and  
9 4770.

10 THE COURT: Incidentally, looking at those negatives,  
11 one can run his hand over the negative and can feel the ink  
12 where the marking was. So it looks to me as though the  
13 negatives were marked after they were returned from the  
14 laboratory. That's the way it appears to me.

15 MR. KAY: He says he doesn't know.

16 THE COURT: I don't think it takes expertise to know  
17 that.

18 MR. KAY: Here he says that Sergeant Warner did the  
19 marking.

20 "I'm not sure of the process but it was  
21 done at the time the pictures were taken."

22 He doesn't know.

23 THE COURT: It does say he's not sure.  
24  
25  
26  
27  
28

7a-1

1 MR. DENNY: Well, there are a couple of areas of  
2 cross-examination on that. That is not the only one, your  
3 Honor.

4 THE COURT: Well, the Court is not going to order --

5 MR. DENNY: Well, your Honor, I --

6 THE COURT: -- an expert to determine --

7 MR. DENNY: Your Honor, he's hired by the District  
8 Attorney's Office. It is not going to cost a cent to do it  
9 and I think the defendant certainly has a right to present  
10 scientific evidence. The Court can run its fingers over it  
11 to its heart's content and the People can bring in bullets  
12 here -- the People bring in supposed scientific experts --  
13 there is one qualified expert that has testified thus far,  
14 as far as I'm concerned, and that's Larry Sloan.

15 THE COURT: The Court believes it is a minor consequence  
16 and not probative, and let's proceed. And the Court sustains  
17 the objection.

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

21 Q BY MR. DENNY: All right, Sergeant --

22 THE COURT: Concerning these agencies you contacted,  
23 Sergeant, concerning these agencies, did you keep any record  
24 of replies?

25 THE WITNESS: A master record, no.

26 THE COURT: Did you receive replies from all of them?  
27 In other words, a letter, a telegram or something of that  
28 nature?

7a-2

1 THE WITNESS: I -- most of them I received telephone  
2 calls from.

3 THE COURT: Did you keep any record of the telephone  
4 calls?

5 THE WITNESS: As to the specific dates, no.

6 THE COURT: Go ahead, Mr. Denny.

7 Q BY MR. DENNY: Excuse me, Sergeant Whiteley, if  
8 I seem a little dense here. You sent out teletypes to these  
9 various agencies, is that right?

10 A Not all of those agencies that I named, no.

11 Q All right. Let's take the agencies that you  
12 named.

13 To whom did you send teletypes; CII, right?

14 A At one time I did. I am in contact with CII  
15 by telephone almost daily and I might have made the request  
16 telephonic, I can't remember.

17 Q Well, on October 23, 1969, at 12:21 Pacific  
18 Daylight Time, you sent a telegram to CII for information  
19 on Donald Jerome Shea, Caucasian, date of birth 9-18-33,  
20 place of birth, Boston, Mass., et cetera, didn't you?

21 A If you have one there, yes, I must have.

22 Q All right. And on -- and they responded to you  
23 by like teletype, did they not, showing what his record was?

24 A Yes, I have a copy of his CII rap sheet.

25 MR. DENNY: May I approach the witness a moment, your  
26 Honor?

27 THE COURT: Yes, you may.

28 Q BY MR. DENNY: Is that a copy of the record you

1 received from CII in response to your October 23 teletype?

2 A Yes. I didn't send this, if you notice.

3 Q I understand that. And that response came back  
4 when?

5 A October 23, 1969.

6 Q All right. Sent a request to DMV on October 23,  
7 1969?

8 A I didn't send it. However, the sergeant was  
9 working with me at the time.

10 Q Sergeant Kiene --

11 A Kienast.

12 Q Do you want to spell that for the reporter and the  
13 jury?

14 A K-i-e-n-a-s-t, Kienast.

15 Q Kienast, all right.

16 And the DMV reply came back when?

17 A October 27th, 1969.

18 Q All right. And you sent a teletype to the FBI --  
19 or, again, Sergeant Kienast did?

20 A Yes.

21 Q October 23, 1969?

22 A Yes.

23 Q And did you get any response from them, do you know?

24 A Yes.

25 Q By what means?

26 A I believe I had the FBI sheet on Mr. Shea.

27 Q That's known in police circles as a rap sheet?

28 A That's right.

1 Q All right. Similar to the one you'd get back from  
2 CII?

3 A Yes.

4 Q All right. And, again, October 23, 1969, Sergeant  
5 Kienast sent a teletype where?

6 A This is to the Department of Motor Vehicles,  
7 Division of Driver's Licenses.

8 Q All right. Do you know if the response was gotten  
9 to that teletype?

10 A Yes.

11 Q And on October 27 a teletype was sent by  
12 Sergeant Kienast where?

13 A This is to the Department of Motor Vehicles,  
14 Auto Registration.

15 Q All right. And was there a response gotten to that?

16 A Yes.

17 Q And on October 27, another teletype sent by  
18 Sergeant Kienast where?

19 A Las Vegas Police Department.  
20  
21  
22  
23  
24  
25  
26  
27  
28

8 fls.

8-1  
HR

1 Q And on that date, October 27, 1969, the only  
2 information that you had about Shorty Shea's wife was that  
3 she was a topless dancer known as Niki; is that correct?

4 A That's correct.

5 Q So as of at least October 27th, 1969, she had not  
6 contacted you in any way; is that correct?

7 A That's correct.

8 Q All right. On October 27, 1969 another teletype  
9 sent where by Sergeant Kienast?

10 A This teletype -- the Division of Driver's License,  
11 Department of Motor Vehicles.

12 Q And there was a response to that?

13 A Yes.

14 Q On November the 7th, 1969, a teletype sent by  
15 apparently Whiteley or Guenther.

16 A Yes, I sent that teletype.

17 Q To the Vallejo Police Department?

18 A Yes.

19 Q And check the salt mines?

20 A Yes.

21 Q For work in one of the salt mines? Is that  
22 correct?

23 A Yes.

24 Q By the way, did you send anything to the Fairfield  
25 Police Department?

26 A When are you talking about? In November?

27 Q At any time.

28 A Yes. I don't know whether it was sent or it was a

8-2

1 telephonic communication.

2 Q All right. And did you get a response to the  
3 teletype to the Vallejo Police Department?

4 A Yes, I did.

5 Q And was that telephonically or by teletype?

6 A I can't recall.

7 Q And on November 10, 1969, what teletype was that?

8 A That's a reply from the Napa Sheriffs.

9 Q That is, is the Napa Sheriff the agency that you  
10 say you got in contact with in connection with the Fairfield  
11 area? Or did you specifically get in touch with someone in  
12 the Fairfield Police Department?

13 A I can't recall. But I know I was checking on an  
14 address in Fairfield.

15 Q Was that in response to information from Leslie  
16 Salt, that at one time he had an address given in Fairfield?

17 A Yes.

18 Q Is that --

19 A Yes. I can't remember whether it came from the  
20 Leslie Salt Company or if it was from some other source. But  
21 I know I had an address in Fairfield.

22 Q Now, you checked on license registrations, as far  
23 as business licenses; is that correct?

24 A Yes.

25 Q And where did you check for business licenses?

26 A Los Angeles County. And this (indicating) is a  
27 reply.

28 Q And when you say "this," you are pointing to a

8-3

1 very poorly photographed document, in my records, Page 17 of  
2 the homicide manual; is that correct?

3 A Yes.

4 Q Which shows him working -- or, applying for work  
5 at the Cab-Inn; is that correct?

6 A That's correct.

7 Q And is that the only reply that you got?

8 A On license bureaus?

9 Q Yes.

10 A Yes.

11 Q And when did you make that request? Approxi-  
12 mately.

13 A Approximately December, 1969.

14 Q And did you make any inquiry of any other  
15 licensing bureaus, other than that, in Los Angeles County?

16 A No.

17 Q Now, this is Page 44 and 45 of the manual. Is  
18 this the response from the FBI?

19 A Yes.

20 Q Showing the single page rap sheet; is that right?

21 A Yes.

22 (Indicating) That's a reply, also.

23 Q Page 46, showing the driver's license?

24 A Yes.

25 Q Is that from the FBI?

26 A No, that came from the Department of Motor  
27 Vehicles, License Division.

28 (Pause in the proceedings.)

1 THE WITNESS: Are you looking for replies? Because you  
2 passed some that you didn't --

3 Q BY MR. DENNY: Did I?

4 A Yes.

5 Q Well, let's go back, then.

6 A Dental charts.

7 (Indicating) There.

8 Q Well, from the Veterans Administration at  
9 Prescott, Arizona?

10 A Yes.

11 Q Pages 26 and 27 of the homicide manual; is that  
12 correct?

13 A Yes.

14 Q Indicating dental work done on September of 1958;  
15 is that correct?

16 A Yes.

17 Q And this was in response to a letter or a phone call  
18 or a teletype or what to the Arizona hospital authorities?

19 A I can't recall. I think it was two of them. I  
20 sent one letter, and also I spoke with them at length on the  
21 phone, numerous times.  
22  
23  
24  
25  
26  
27  
28

8a fol

8a-1  
KH-1

1 Q And do you recall when you made the request for  
2 information?

3 A No.

4 Q Was it -- was the initial request for informa-  
5 tion made at about the same time you were sending out all  
6 these other teletypes, and seeking information from all these  
7 other sources? That is, late October and early November of  
8 1970?

9 A Hmmm -- and January and February. It was a  
10 continuing thing.

11 Q Other than those dental charts, we haven't  
12 passed any other --

13 A No.

14 Q -- teletypes or responses; is that right?

15 A No.

16 Q On page 62, there is a request to the Sheriff of  
17 Las Vegas for certain information; is that right?

18 A Yes.

19 Q Simply to request a certified copy of the marriage  
20 license of Donald Shea and Magdalene Velma Stokes aka  
21 Fuery; is that right?

22 A Yes.

23 Q All right. And in response to that, you did get  
24 a marriage license, a certified copy; is that right?

25 A Yes.

26 Q And then on October 29th, 1970, according to  
27 page 63 of the manual, a request was sent to Medford police  
28 for a birth certificate of Donald Jerome Shea; is that right?

8a-2

- 1 A Yes.
- 2 Q And you did get that; is that right?
- 3 A I believe so.
- 4 Q And then on page 64, there's a All Points  
5 Bulletin dated what?
- 6 A 10-19-70.
- 7 Q And this is just general information, looking for  
8 Donald Jerome Shea, a missing person; is that right?
- 9 A Yes.
- 10 Q Now, an All Points Bulletin, would you describe  
11 what that is to the jury, please?
- 12 A It's a bulletin that's sent out to the major  
13 police departments throughout -- well, let's see. All  
14 points would take California, Arizona, Nevada. I don't know  
15 the exact boundary lines. There's the -- the country's divided,  
16 I believe, into eight parts, and an All Points Area I or  
17 an Area II and so forth are -- now, I don't know how far  
18 this went out of our area.
- 19 Q When you say "out of our area," what do you refer  
20 to? This California-Arizona-Nevada area?
- 21 A Yes, that's right.
- 22 Q All right. But this goes just to police  
23 agencies; is that correct?
- 24 A Yes.
- 25 Q Police and sheriffs? Does it go to sheriffs' --
- 26 A Yes.
- 27 Q -- departments?
- 28 A Yes, it goes to police departments, sheriff's

1 offices, coroner's offices.

2 Q It does go to coroner's offices?

3 A Yes. Many times, the coroner is the sheriff.  
4 That (indicating) is a reply from one of my  
5 requests.

6 Q On page 71, that's a discharge certificate;  
7 is that correct?

8 A Yes.

9 Q Showing date of discharge, and blood type,  
10 et cetera?

11 A Yes.

12 MR. KAY: Excuse me. That's not clear. Discharge  
13 from what?

14 MR. DENNY: Air Force.

15 Q Is that correct?

16 A Yes.

17 Q All right. Now, having gone over all of the  
18 material in the homicide manual for the alleged murder of  
19 Shorty Shea, were there any other teletypes, other than those  
20 that we have gone over, that either you or Sergeant Kienast  
21 or Deputy Guenther sent out, that do not appear in the  
22 manual?

23 A Yes --

24 MR. MANZELLA: Objection. The way the question's  
25 worded, it assumes a fact not in evidence: That they did  
26 go over all the material in the homicide manual.

27 I have no objection to the question, other than  
28 Mr. Denny's statements that they covered all the material in

1 the homicide manual.

2 THE COURT: Overruled. The Court will permit the  
3 answer to remain in the record.

4 Q BY MR. DENNY: Well, there were some others?  
5 To whom did they go out?

6 A Oh, I know that the nationwide teletypes aren't  
7 in the book. There's many others, I am sure, that aren't  
8 in the book, that -- that were made.

9 Q Well, do you know where they are?

10 MR. MANZELLA: Objection, your Honor. That's vague  
11 and ambiguous. Where what is?

12 THE COURT: Sustained.

13 Q BY MR. DENNY: Where the teletypes -- where  
14 copies of the teletypes are, that somehow did not get put  
15 in the book?

16 A I know where some of them are, yes. I don't  
17 know where all of them are. I imagine if -- I don't know  
18 how long they keep teletype records, of all the teletypes  
19 that they send out every day.

20 But I imagine that they would have them all,  
21 if they kept them an indefinite period of time.

22 Q Well, isn't that one of the reasons why you  
23 take copies and put them in the homicide book?

24 A No.

25 Q All right.

26 A Absolutely not. That's only a sampling.

27 Q A sampling?

28 A If I received -- for instance, can I explain?

8b fls.

1 Q Well, I think you'll have a chance on redirect,  
2 perhaps.

3 Now, Sergeant Whiteley, you said you checked,  
4 among other things, for passports. Did you do that by  
5 phone?

6 A Yes, sir. There's no way to send a teletype  
7 to them.

9 fls.

9-1

1 Q And where did you check for the passport?

2 A That was in Washington, D. C.

3 Q When?

4 A First part of 1970.

5 Then, again, the latter part of 1970.

6 Q All right. Social Security, did you check by  
7 phone?

8 A Oh, yes.

9 Q Where?

10 THE COURT: We'll recess now, ladies and gentlemen.  
11 We'll recess until 1:30.

12 A couple of you have asked to terminate early  
13 today, and so I will try to terminate about 4:00 o'clock in  
14 response to that request.

15 We'll recess now until 1:30, then.

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

21 See you, then.

22 (Whereupon, at 12:04 the noon recess was taken.)

23

24

25

26

27

28

1 LOS ANGELES, CALIFORNIA, MONDAY, JANUARY 31, 1972, 1:34 P. M.

2  
3 THE COURT: The defendant is present with his counsel.  
4 All the jurors are present, the record may show.

5 We are ready to proceed.

6 MR. DENNY: Ready except for a witness, your Honor.

7 THE COURT: Do the People know where Sergeant Whiteley  
8 is?

9 MR. KAY: I understand from Mr. Kuczera that he hasn't  
10 arrived yet.

11 THE COURT: He will probably be here at 2:00 o'clock.

12 MR. KAY: A creature of habit.

13 THE COURT: Do you have another witness?

14 MR. KAY: A lengthy one, yes.

15 THE COURT: All right.

16 MR. KAY: Do you want us --

17 THE COURT: Let's proceed with that witness, then,  
18 rather than waste any time.

19 MR. DENNY: Well, your Honor, I wonder if, in view of  
20 this turn of events, at least if Sergeant Whiteley comes in,  
21 we may conclude his cross examination and interrupt the  
22 examination of this particular witness, as soon as he arrives.

23 I would like to be able to do that.

24 THE COURT: Very well. You may do that.

25 THE CLERK: Would you raise your right hand, please, to  
26 be sworn?

27 Do you solemnly swear that the testimony you are  
28 about to give in the cause now pending before this court, shall

1 be the truth, the whole truth, and nothing but the truth, so  
2 help you God?

3 THE WITNESS: Yes, I do.

4  
5 RUBY PEARL,  
6 called as a witness on behalf of the People, having been first  
7 duly sworn, was examined and testified as follows:

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

9 THE BAILIFF: State and spell your full name, please.

10 THE WITNESS: Ruby, R-u-b-y, Pearl, P-e-a-r-l,

11

12 DIRECT EXAMINATION

13 BY MR. MANZELLA:

14 Q Mrs. Pearl, do you know a man by the name of George  
15 Spahn?

16 A Yes.

17 Q And how long, say, as of 1969, how long had you  
18 known Mr. Spahn?

19 A Oh, twenty years.

20 Q And how old is Mr. Spahn now?

21 A He's 83.

22 Q Does he have any infirmity?

23 A Yes. He's blind.

24 Q And as of 1969, how long had he been sightless?

25 A Oh, three years.

26 Q And did you have some business connection with  
27 Mr. Spahn?

28 A Yes.

1 Q And what was that connection?

2 A I run the stable and sort of looked after the ranch.

3 Q Is that the Spahn Movie Ranch in Chatsworth,  
4 California?

5 A Yes.

6 Q Would you describe your position with -- at Spahn  
7 Ranch as sort of a forewoman?

8 A Yes.

9 Q Now, how long were you at the ranch in that  
10 position?

11 A I was there sixteen or seventeen years.

12 Q Now, did you know a man by the name of Donald  
13 Shorty Shea?

14 A Yes.

15 Q And as of 1969, how long had you known him?

16 A I had known him at least ten years.

17 Q And how did you meet him?

18 A I met him at the ranch. He came there --

19 Q Did he come to work at the ranch?

20 A Yes.

21 Q And how would you characterize his duties at the  
22 ranch? What were -- in what position was he employed at the  
23 ranch?

24 MR. DENNY: I'll object to that as ambiguous as to time.

25 Q BY MR. MANZELLA: When he came to work at the  
26 ranch?

27 MR. DENNY: I'll object to that as assuming a fact not in  
28 evidence.

1 Q BY MR. MANZELLA: How was he employed --

2 THE COURT: Sustained.

3 Q BY MR. MANZELLA: Mrs. Pearl, did Donald Shea come  
4 to work at the ranch?

5 A Yes.

6 Q And you just told us, that's how you met him; is  
7 that correct?

8 A Yes.

11 fol

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

11-1

1 Q Now, what was Mr. Shea's job when he came to  
2 work at the ranch?

3 A He groomed the horses and saddled them and get  
4 them ready for the customers and for the movies.

5 Q Did you have anybody else employed in that  
6 capacity at the Spahn Ranch?

7 A Yes.

8 Q Who was that?

9 Could you name some of the people?

10 A Yes.

11 MR. DENNY: Again, just a moment, is this when he  
12 first came to work? Otherwise, the question is ambiguous  
13 as to time.

14 THE COURT: Overruled, you may answer.

15 THE WITNESS: Yes, Larry Craven and Randy Starr,  
16 off and on.

17 Q BY MR. MANZELLA: Do you know a man by the name  
18 of Johnny Swartz?

19 A Oh, yes.

20 Q How was he employed at the ranch?

21 A He was also a wrangler.

22 MR. DENNY: This, again, is ambiguous as to time.  
23 We're talking about ten years now.

24 THE COURT: The answer is stricken and the Court will  
25 sustain the objection.

26 Q BY MR. MANZELLA: And then, in 1969, had Mr.  
27 Swartz been employed at Spahn Ranch for some time?

28 A Yes.

11-2

- 1 Q And how was he employed at the ranch?
- 2 A He was what we called a wrangler. Helped with
- 3 the horses and cleaning of the barn and so forth.
- 4 Q And do you know a man by the name of Juan Flynn?
- 5 A Yes.
- 6 Q And was he employed at the ranch?
- 7 A Yes.
- 8 Q All right, do you recall the year that Donald
- 9 Shea came to work at Spahn Ranch?
- 10 A No, I don't recall the exact year.
- 11 Q Do you recall the year 1956?
- 12 A Yes, it was in the vicinity.
- 13 Q Of 1956?
- 14 A Yes.
- 15 Q Now, you said that -- strike that.
- 16 Did you know Donald Shea by some nickname?
- 17 A Yes.
- 18 Q What was the nickname?
- 19 A Shorty.
- 20 Q Now, for how long did Shorty work at the ranch,
- 21 over what period of years?
- 22 A Well, ten years, I know.
- 23 Q Until sometime around 1966?
- 24 A Yes.
- 25 Q Would you tell us, was Mr. Shea -- was Shorty
- 26 compensated for his work at the ranch in any way?
- 27 A Well, no, we didn't pay regular wages.
- 28 Q Was there any other compensation which Shorty

11-3

1 received for his work at the ranch?

2 A Yes, yes.

3 Q What was that?

4 A Room and board and spending money and necessities,  
5 clothing.

6 Q And was that the arrangement that you had with  
7 the other wranglers or ranch hands that you mentioned?

8 A Yes.

9 Q Now, during the period of time that you acted  
10 as forewoman of Spahn Ranch, did you live on the ranch?

11 A No.

12 Q Where did you live?

13 A I lived about three miles away on DeSoto Street.

14 Q And is that in Chatsworth or is it in some other  
15 town?

16 A It is in Chatsworth.

17 Q And George Spahn, did he live on the ranch?

18 A Yes.

19 Q Where did he live?

20 A He lived in what we called the ranch house at  
21 the end of the boardwalk.

22 Q Do you know how big Spahn Ranch was in 1969?

23 A Yes.

24 Q How big?

25 A 27-1/2 acres.

26 Q Now, during the ten years that Shorty worked at  
27 Spahn Ranch, did you get to know him?

28 A Yes.

11-4

1 MR. DENNY: Just a moment, I'll object to that as  
2 assuming facts not in evidence that he worked all during  
3 ten years. The phraseology of the question.

4 THE COURT: Overruled. The answer may remain in the  
5 record.

6 Q BY MR. MANZELLA: To clarify, Shorty did not  
7 work every day at the Spahn Ranch during those ten years,  
8 is that correct?

9 A No, sir.

10 Q Now, during the ten-year period that he worked  
11 at Spahn Ranch, did you get to know Shorty?

12 A Yes.

13 Q And were you aware of the relationship between  
14 Shorty and George Spahn?

15 A Yes.

16 Q Would you tell us what that relationship was?

17 MR. DENNY: Object to that as calling for opinion and  
18 conclusion.

19 THE COURT: Overruled. You may answer.

20 A Yes. Well, Shorty was one of the boys that was  
21 welcome at any time, make himself at home at any time and  
22 the place was always open for him.

23 Q BY MR. MANZELLA: Did you consider yourself and  
24 George Spahn a family?

25 A Yes, more or less.

26 Q Did you consider Shorty a part of that family?

27 A Yes.

28 Q Now, during the ten years that Shorty was working

11-5

1 at Spahn Ranch, did he from time to time leave the ranch to  
2 take other work?

3 A Yes.

4 Q And did the same thing apply after -- strike that.

5 Now, after 1966, did you continue to see Shorty  
6 from time to time?

7 A Yes.

8 Q And where did you see him?

9 Did he come to visit you?

10 A At various places, yes. I saw him at my home.  
11 We worked together on outside jobs. We worked in Frontier  
12 Circus and personal appearances.

13 Q Did he also come and visit you at Spahn Ranch?

14 A Yes.

15 Q Now, do you know Mrs. Dawn Quant?

16 A Yes.

17 Q What is your relationship with her?

18 A Very dear friends.

19 Q Now, when -- strike that.

20 During the period of time that you knew Shorty,  
21 say, from 1956 to 1969, did Shorty ever tell you when he was  
22 going out of town?

23 A Yes.

24 Q Now, did you know that Shorty had worked at the  
25 Cab Inn?

26 A Yes.

27 Q Did you know what his position was there?

28 A Yes.

11-6

1 MR. DENNY: Just a minute, I'll object to that as  
2 calling for hearsay.

3 THE COURT: Well, the objection is overruled. The  
4 answer may remain in the record.

5 MR. DENNY: There is no answer.

6 THE COURT: Would you read the answer.

7 MR. MANZELLA: Well, I haven't asked the question yet,  
8 I think is what Mr. Denny means. I haven't asked the  
9 question yet.

10 THE COURT: I heard an answer.

11 Would you read the question and answer.

12 (Whereupon, the record was read by the  
13 reporter as follows:

14 "Q Did you know what his position was there?

15 "A Yes.")

12 fls.

12-1

1 THE COURT: Ask your next question.

2 Q BY MR. MANZELLA: Now, in 1968, were you aware  
3 that he had gone some place to work with Lance Victor?

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

6 THE COURT: Overruled.

7 THE WITNESS: Yes.

8 Q BY MR. MANZELLA: Now, Mrs. Pearl -- strike that.  
9 Over the period of years that you knew Shorty --  
10 1956 to 1969 -- what was the longest period of time that you  
11 were out of contact with Shorty?

12 A In what period, again?

13 Q 1956 to 1969, --

14 A Oh --

15 Q -- tell us about what was the longest period  
16 that you were out of contact with Shorty.

17 A Oh, six or seven months.

18 Q And was that when he made a trip some place?

19 A Yes.

20 Q And where was that?

21 A To his home in Boston.

22 Q Now, other than that, did you see Shorty  
23 periodically when he was not working at the ranch?

24 A Yes.

25 Q And how often would you see him?

26 A Every weekend, almost.

27 Q And this was at Spahn Ranch?

28 A Yes.

12-2

1 Q Now, would you tell us, what was Spahn Ranch  
2 being used for? What business was being conducted at  
3 Spahn Ranch in 1969?

4 A Mainly little parts of western pictures were  
5 being filmed there, plus we rented stable horses to the  
6 public.

7 Q And for how long had that been the business of  
8 Spahn Ranch?

9 A Well, ever since George opened the ranch. It  
10 was -- which was 20 years ago.

11 Q After Shorty came to work at the ranch in 1956  
12 or thereabouts, did he help in making the facilities of the  
13 ranch available for filming?

14 A Yes.

15 Q And did he help handle the horses that you  
16 supplied to movie companies for filming?

17 A Yes.

18 Q Now, do you know a man by the name of Charles  
19 Manson?

20 A Yes.

21 Q And directing your attention to the defendant  
22 in this case, Mr. Bruce Davis, do you know him?

23 A Yes.

24 Q Now, sometime in -- directing your attention to  
25 the year 1969, sometime in 1969 did Charles Manson and others  
26 come to live at Spahn Ranch?

27 A Yes.

28 Q And when was that, if you recall? When in 1969?

1 A It was in the summer, spring.

2 Q Now, sometime after -- well, strike that.

3 About how many people came to -- with Charles  
4 Manson to live at Spahn Ranch?

5 A Well, ten or fifteen.

6 Q Sometime thereafter, did you see this defendant,  
7 Bruce Davis, living at Spahn Ranch?

8 A Yes.

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

10 THE COURT: Yes, you may.

11 (Pause in the proceedings while Mr. Manzella  
12 leafed through the exhibits.)

13 Q BY MR. MANZELLA: Mrs. Pearl, directing your  
14 attention to the photograph which has been marked People's  
15 49 for identification, do you recognize who is shown in  
16 that photograph?

17 A Yes.

18 Q And who is that?

19 A Charles Manson.

20 (Pause in the proceedings while a discussion  
21 off the record ensued at the witness stand between  
22 Mr. Kay and Mr. Manzella.)

23 Q BY MR. MANZELLA: Directing your attention to  
24 the photograph which has been marked People's 51, do you  
25 recognize who is shown in that photograph?

26 A Yes.

27 Q And who is that?

28 A Gypsy.

1 Q Directing your attention to the photograph which  
2 is marked People's 52 for identification, do you recognize --  
3 strike that.

4 People's 52, do you recognize who is shown in  
5 that photograph?

6 A Yes.

7 Q And who is that?

8 A Lynn Fromme.

9 Q And did she come to live at the ranch at or  
10 about the time Mr. Manson came to live at the ranch?

11 A Yes.

12 Q And directing your attention to Gypsy, the  
13 girl you've identified previously, in People's 51, did she  
14 come to live at the ranch at or about the time Mr. Manson  
15 came to live at the ranch?

16 A Yes.

17 Q Directing your attention to the photograph  
18 marked People's 70, do you recognize who is shown in that  
19 photograph?

20 A Yes. Patty.

21 Q And did this person come to live at the ranch  
22 at or about the time that Mr. Manson came to live at the  
23 ranch?

24 A Yes.

25 Q And this is in the late spring or early summer  
26 of 1969?

27 A Yes.

28 Q And directing your attention to the photograph

1 marked People's 73, do you recognize who is shown in that  
2 photograph?

3 A Yes.

4 Q And who is that?

5 A Danny DeCarlo.

6 Q And was he living at the ranch in the summer of  
7 1969?

8 A Yes.

9 Q Directing your attention to the photograph which  
10 is marked People's 77-A, do you recognize who is shown in  
11 that photograph?

12 A Yes, I recognize her.

13 Q Can you recall the name of that person?

14 A I thought I called her Patty also.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

12a fls.

12a-1

1 Q Do you recognize this person as someone who came  
2 to live at the ranch at or about the time Mr. Manson came to  
3 live at the ranch?

4 A Yes.

5 Q Directing your attention to the photograph which  
6 is marked People's 77-B, do you recognize who is shown in that  
7 photograph?

8 A Yes, I've seen him there, but I don't know his  
9 name.

10 Q Was that a person -- a person who was living at the  
11 ranch in the summer of 1969?

12 A Yes.

13 Q Directing your attention to the photograph marked  
14 People's 77-C, do you recognize who is shown in that photo-  
15 graph?

16 A Yes.

17 Q And who is that?

18 A Sadie Atkins.

19 Q And did she come to live at the ranch at or about  
20 the time that Mr. Manson came to live at the ranch?

21 A Yes.

22 Q Directing your attention to the photograph which  
23 is 77-D, do you recognize who is shown in that photograph?

24 A Yes.

25 Q And who is that?

26 A Robert Beausoleil.

27 Q And did you see him at Spahn Ranch in the summer  
28 of 1969?

12a-2

1 A Yes.

2 Q And directing your attention to the photograph  
3 marked 77-E, do you recognize who is shown in that photograph?

4 A Yes.

5 Q And who is that?

6 A Bill Vance.

7 Q And was he living at the ranch in the summer of  
8 1969?

9 A Yes.

10 Q Directing your attention to the photograph which is  
11 77-F, do you recognize who is shown in that photograph?

12 A Yes.

13 Q Who is that?

14 A Juan Flynn.

15 Q And was Juan Flynn living at the ranch in the summer  
16 of 1969?

17 A Yes.

18 Q And you've already -- strike that.

19 Is that the same Juan Flynn about which you've  
20 testified earlier?

21 A Yes.

22 Q Directing your attention to the photograph which is  
23 People's 77-G, do you recognize who is shown in that photo-  
24 graph?

25 A Yes.

26 Q And who is that?

27 A Linda Kasabian.

28 Q That's your best recollection, that this is Linda

12a-3

1 Kasabian?

2 A Well, she's very familiar. I can't say for sure  
3 if it's Linda --

4 Q All right.

5 A --, or --

6 Q Is that one of the girls?

7 A It's one of the girls, um-hmm.

8 Q That came to live at the ranch at or about the time  
9 that Mr. Manson did?

10 A Yes.

11 Q All right. And directing your attention to  
12 People's 77-H, do you recognize who is shown in that photo-  
13 graph?

14 A That is Linda.

15 Q And did she come -- was she living at the ranch  
16 during the summer of 1969?

17 A Yes.

18 Q Directing your attention to 77-I, do you recognize  
19 who is shown in that photograph?

20 A Yes.

21 Q And do you know that person's name?

22 A Yes. Sherry.

23 Q And was she living at the ranch in the summer of  
24 1969?

25 A Yes.

26 Q Directing your attention to 77-J, do you recognize  
27 who is shown in that photograph?

28 A Yes.

12a-4

1 Q And who is that?

2 A Brenda.

3 Q And is that Brenda McCann?

4 A McCann.

5 Q And did she come to live at the ranch at or about

6 the time that Mr. Manson did?

7 A Yes.

8 Q Directing your attention to 77-K, do you recognize

9 who is shown in that photograph?

10 A Yes.

11 Q And who is that?

12 A Steve Grogan.

13 Q And did he come to live at the ranch at or about

14 the time Mr. Manson did?

15 A Yes.

16 Q Directing your attention to 77-L, do you recognize

17 who is shown in that photograph?

18 A Yes.

19 Q And who is that?

20 A Ruth Morehouse.

21 Q Did she come to live -- strike that.

22 Was she living at the ranch in the summer of 1969?

23 A Yes.

24 Q Directing your attention to 77-M, do you recognize

25 who is shown in that photograph?

26 A Yes.

27 Q And who is that?

28 A Paul Watkins.

12a-5

1 Q And when was the last time that you had seen him  
2 at Spahn Ranch, as of the summer of 1969?

3 A Well --

4 Q Had you seen him sometime prior to that, --

5 A Oh, yes.

6 Q -- during 1969?

7 A Oh, yes, I saw him.

8 Q Do you recall whether or not Paul Watkins was  
9 living at Spahn Ranch in the summer of 1969?

10 A I don't know if he was living there. I saw him  
11 frequently,

12 Q Prior to that summer?

13 A Yes.

14 Q Directing your attention to People's 77-N,  
15 do you recognize who is shown in that photograph?

16 A Yes.

17 Q Do you know that person's name?

18 A Yes.

19 Q Who is that?

20 A Sue -- Sue -- Sue Bartell.

12b fol

21

22

23

24

25

26

27

28

12b-1

1 Q Was -- was that person living at the ranch in  
2 the summer of 1969?

3 A Yes.

4 Q Directing your attention to 77-O, do you recog-  
5 nize who is shown in that photograph?

6 A Yes.

7 Q And who is that?

8 A I only know him as Verne.

9 Q And was that person living at the Spahn Ranch in  
10 the summer of 1969?

11 A Yes.

12 Q All right. Directing your attention to 77-P,  
13 do you recognize who is shown in that photograph?

14 A Yes.

15 Q And this is Mr. Davis; right?

16 A Bruce Davis.

17 Q Directing your attention to 77-Q, do you recog-  
18 nize who is shown in that photograph?

19 A He doesn't look too familiar there.

20 I can't place his name. I don't remember his  
21 name.

22 Q Do you recognize the person?

23 A Yes, I've seen him once or twice.

24 Q Directing your attention to 77-R, do you recognize  
25 who is shown in that photograph?

26 A Yes.

27 Q And who is that?

28 A Larry Jones.

12b-2

1 Q And was he living at the ranch in the summer of  
2 1969?

3 A Yes.

4 Q Was he also employed at the ranch?

5 A Yes.

6 Q And what were his -- in what -- strike that.

7 In what capacity was he employed at the ranch?

8 A He helped with the stable and the horses.

9 Q Directing your attention to 77-S, do you recognize  
10 who is shown in that photograph?

11 A Yes.

12 Q And who is that?

13 A Patricia Krenwinkel.

14 Q Directing your attention to 77-T, do you recognize  
15 who is shown in that photograph?

16 A Yes.

17 Q Who is that?

18 A Sandra Good.

19 Q And did she and Patricia Krenwinkel come to live  
20 at the ranch at or about the time that Mr. Manson did?

21 A Yes.

22 Q Directing your attention to 77-U, do you recognize  
23 who is shown in that photograph?

24 A Yes. Uh -- Ella.

25 Q Is that Ella Bailey?

26 A Yes.

27 Q And do you -- did she come to live at the ranch  
28 at or about the time that Mr. Manson did?

1 A Yes.

2 Q Now, sometime during the summer of 1969, did  
3 Ella Bailey leave Spahn Ranch?

4 A Yes.

5 Q Do you recall the approximate time that she  
6 left Spahn Ranch?

7 A She left before the raid.

8 Q Before the August 16th raid?

9 A Yes.

10 Q Was it -- strike that.

11 Do you know what period of time -- do you have any  
12 idea as to what period of time before the raid she had left?

13 A Oh, a month or two before.

14 Q All right. That's your best recollection now?

15 A That's about it.

16 Q All right. Directing your attention to People's  
17 77-V, do you recognize who is shown in that photograph?

18 A Yes.

19 Q And who is that?

20 A Cathy.

21 Q And is that a person who came to live at the ranch  
22 at or about the time that Mr. Manson did?

23 A Yes.

24 Q Directing your attention to 77-W, do you recognize  
25 who is shown in that photograph?

26 A Yes.

27 Q And who is that?

28 A Mary Brunner.

1 Q And did she come to live at the ranch at or about  
2 the time that Mr. Manson did?

3 A Yes.

4 Q Directing your attention to People's 77-X, do  
5 you recognize the person who is shown in that photograph?

6 A Yes.

7 Q Who is that?

8 A Leslie.

9 Q And did she come to live at the ranch at or about  
10 the time that Mr. Manson did?

11 A Yes.

12 Q Directing your attention to 77-AA, do you recog-  
13 nize who is shown in that photograph?

14 A No, I don't know his name.

15 Q Do you recognize the person?

16 A Yes.

17 Q And was that a person who came to live at the  
18 ranch at or about the time that Mr. Manson did?

19 A Yes.

20 Q Directing your attention to 77-Z, do you recognize  
21 who is shown in that photograph?

22 A Yes.

23 Q And who is that?

24 A We called her Snake. I can't remember her name--

25 Q Dianne?

26 A Dianne, yes.

27 Q And did she come to live at the ranch at or about  
28 the time that Mr. Manson did?

1 A Yes.

2 Q And directing your attention to 77-Y, do you  
3 recognize who is shown in that photograph?

4 A Yes.

5 Q And who is that?

6 A That's Beau.

7 Q And did she come to live at the ranch at or  
8 about the time that Mr. Manson did?

9 A Yes.

10 (Proceedings had on an unrelated matter.)

11 THE COURT: Mr. Manzella and Mr. Kay, do you know  
12 where Sergeant Whiteley is now?

13 MR. KAY: Yes. He came into the courtroom and said he  
14 was under the misapprehension that it was 1:45 that he was  
15 supposed to be here.

16 THE COURT: Can you get him in here before we send a  
17 warrant out for him?

18 MR. KAY: He will be here.

19 THE COURT: You may step down, Miss Pearl.

20 We'll call you again.

13 fls.

21

22

23

24

25

26

27

28

13-1

1 THE COURT: Sergeant, you forgot we called this at  
2 1:30?

3 THE WITNESS: No, sir, I thought it was 1:45.

4 THE COURT: Before you leave the courtroom from now on,  
5 get directions from Mr. Kay or somebody when you're supposed  
6 to be back. Ask somebody.

7 Okay, go ahead.

8 We were ready to send a warrant out for you.

9 Cross-examination.

10 MR. DENNY: Yes, your Honor.

11  
12 PAUL J. WHITELEY,  
13 having been previously duly sworn, resumed the stand and  
14 testified further as follows:

15  
16 CROSS-EXAMINATION (Continued)

17 BY MR. DENNY:

18 Q Sergeant Whiteley, we had gotten to the point  
19 where you had contacted Social Security. When was this that  
20 you did that?

21 A The first time was about February or March of  
22 1970.

23 Q And you have done so since?

24 A Yes.

25 Q By what means did you do so the first time?  
26 Teletype, letter?

27 A You can't send a teletype to them.

28 Q Phone?

1           A     It was done by telephone for about three times  
2 and eventually I met with the representative.

3           Q     Where?

4           A     Where?

5           Q     Yes.

6           A     Did I meet with the representative?

7           Q     Yes.

8           A     At my office.

9           Q     Here in Los Angeles?

10          A     Yes.

11          Q     When was that?

12          A     I believe it was in June of '70. It was sometime  
13 in the summer.

14          Q     Did you make any sort of report on the outcome of  
15 that meeting?

16          MR. MANZELLA: Not relevant, your Honor.

17          (Whereupon, unrelated matters were called and  
18 heard before the Court.)

19          MR. DENNY: There was a pending question and objection,  
20 your Honor. May the question and objection be read?

21          THE COURT: Please, Mrs. Briandi.

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

24                "Q     Did you make any sort of report on the  
25 outcome of that meeting?

26                "MR. MANZELLA: Not relevant, your Honor.")

27          MR. DENNY: Meeting between himself, your Honor, and  
28 the Social Security representative.

1 THE COURT: Overruled. You may answer.

2 A No, I didn't.

3 Q BY MR. DENNY: Have you spoken with anyone since  
4 from Social Security?

5 A Yes, I have.

6 Q When?

7 A Approximately October of last year.

8 Q October of '71?

9 A Yes.

10 Q Make any report or memorandum of that meeting?

11 MR. MANZELLA: Objection, not relevant.

12 THE COURT: Sustained.

13 Q BY MR. DENNY: Well, let me ask you this,  
14 Sergeant Whiteley: Did you make any reports or any memoranda  
15 of any meetings that you have had with any of these people  
16 that you say you contacted, that is official agencies other  
17 than those that appear in the homicide manual?

18 MR. MANZELLA: Objection, not relevant.

19 THE COURT: Sustained.

20 Q BY MR. DENNY: Well, sir, is there anything  
21 other than just your recollection, any documentary evidence  
22 that you have made these contacts?

23 MR. MANZELLA: Objection, not relevant.

24 Q BY MR. DENNY: In existence?

25 MR. MANZELLA: Objection, not relevant.

26 THE COURT: Overruled.

27 A No.

28 Q BY MR. DENNY: All right, sir.

1 That goes for the Post Office, too?

2 A That's correct.

3 Q National missing persons?

4 A That's correct.

5 Uh, wait a minute, national missing persons?

6 Q You said something about communicating with  
7 national missing persons, my notes reflect.

8 A I sent a teletype nationwide to missing persons  
9 details.

10 Q All right. No response?

11 A Yes, I had some responses.

12 Q Negative as far as finding anything?

13 A That's correct.

14 Q All right.

15 And going again to the fact that there's nothing  
16 other than your recollection as far as when you contacted  
17 whom -- Department of Public Social Services falls in that  
18 category, also?

19 A That's correct.

20 Q Utility companies locally?

21 A That's correct.

22 Q Other than the return from the VA Hospital  
23 showing the dental charts and the discharge, nothing from  
24 VA, no other written memoranda?

25 A Uh, yes, I did, with the Veterans Administration.

26 Q What did you get from them?

27 A The complete file.

28 Q That show his medical history?

1 A Yes.

2 Q Reason for discharge?

3 A Yes.

4 Q Is that available?

5 A No.

6 Q That's been returned?

7 A Yes.

8 Q That had previously been subpoenaed for the  
9 Grand Jury hearing, though?

10 MR. MANZELLA: Objection, not relevant.

11 THE COURT: The objection is sustained.

12 Mr. Denny, let's move it along, please.

13 Q BY MR. DENNY: Registrar of Voters?

14 MR. MANZELLA: The question is vague and ambiguous,  
15 I don't understand.

16 Q BY MR. DENNY: Did any record of any kind of  
17 your contacts with the Registrar of Voters?

18 13a fls.

18 A No.

19

20

21

22

23

24

25

26

27

28

13a-1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Q Now, you said also that you contacted every known friend, is that right?

A That's correct.

Q Among those known friends that you contacted were such people as George Spahn, Ruby Pearl, Randy Starr; is that correct?

A Yes.

Q And did you contact them on December 14th, 1969, among other times?

A I could have. I was out at Spahn's Ranch roughly at that time.

Q Would it refresh your recollection to see a report you wrote on that date or pertaining to that date as to whether or not you saw them on that date to inquire about Mr. Shea?

A It might.

Q I show you Page 50 of the homicide manual. Does that refresh your recollection?

A Yes.

Q And you did see them, then, on that date and interview them?

A Yes.

Q Together?

A No.

Q Separately?

A Yes.

Q And you also contacted his wife?

A Yes.

Which wife are you speaking of?

13a-2

1 Q How many did you contact?

2 A Three.

3 Q Three wives.

4 Well, since we've only heard of two here, tell us  
5 about the third.

6 MR. MANZELLA: Objection, the question is vague and  
7 ambiguous.

8 Q BY MR. DENNY: The third wife --

9 THE COURT: The objection is sustained.

10 MR. MANZELLA: The question is still vague and  
11 ambiguous.

12 Q BY MR. DENNY: Well, who did you contact as the  
13 third or another wife of Shorty Shea that we don't know about  
14 besides Magdalene Shea and Sandra Harmon?

15 A I can't recall her name offhand. It's --

16 Q Phyllis?

17 A That's it, Phyllis.

18 Q And where did you contact Phyllis?

19 A That was done through the Sonoma County Bureau of  
20 Public Social Services.

21 Q When did you contact Phyllis?

22 A I can't recall.

23 Q Well, do you recall whether it was in 1969 or --

24 A No, it was not in 1969.

25 Q Was it after her name had been mentioned in the  
26 Manson trial?

27 A No, no, it was way before that.

28 Q Way before that.

1 Do you have any recollection, did you make any --  
2 strike that question.

3 Did you make any written memorandum of that  
4 contact or interview?

5 MR. MANZELLA: Objection, not relevant.

6 THE COURT: Sustained.

7 Q BY MR. DENNY: Well, is there anything that would  
8 refresh your recollection as to when you saw her?

9 A No.

10 Q Did you determine, by the way, that she had a child  
11 by Shorty Shea?

12 MR. MANZELLA: Objection, calls for hearsay.

13 THE COURT: Sustained.

14 MR. DENNY: Well, I would like to be heard on that,  
15 your Honor, because all of this calls for hearsay. All of  
16 this that he has done as far as contacting people.

17 THE COURT: The objection is sustained.

18 Q BY MR. DENNY: All right. Let's talk about wife  
19 number -- I suppose -- three, Magdalene Shea. When did you  
20 contact her or am I assuming facts not in evidence? Did she  
21 contact you?

22 A No, I contacted her.

23 Q When?

24 A The latter part of 1969, I believe it was in  
25 November.

26 Q How did you contact her?

27 A By telephone.

28 UH, I might be wrong on that. Either by telephone

1 or by sending a car out to the house.

2 Q Sending someone else out there to get her to bring  
3 her in?

4 A No one brought her in. She came in on her own.

5 Q Well, I mean --

6 A But I did send someone out to the house.

7 Q And to your knowledge was this after November 5th,  
8 at least, 1969?

9 A I can't recall what the date was. I know it was  
10 the latter part of, I believe, 1969.

14 fol

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

14-1

1 Q Well, is it a fact that as late, at least, as  
2 October of -- October 27 of 1969, you didn't even know how to  
3 get in touch with her, or you didn't know her last name?

4 Strike that.

5 You didn't even know her last name?

6 A I told you, I can't recall when I first contacted  
7 her. Therefore, I couldn't tell you what happened on  
8 October 27th.

9 If I could see my -- my homicide murder book,  
10 I could tell you roughly when I first contacted her.

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

12 THE COURT: Yes, you may.

13 Q BY MR. DENNY: Sergeant Whiteley, let me direct  
14 your attention to Page 2 of my copy of the homicide manual,  
15 a memorandum dated November 4, 1969, to Sergeant Kienast.

16 Does that refresh your recollection, at least,  
17 as to when you didn't know how to get in touch with Mrs. Shea?

18 A No, not really. I didn't write this report, nor  
19 is it to me. There's another report in here, though, that I  
20 can tell you --

21 Q Well, who -- who are --

22 A -- more closely about the date.

23 Q Who are Bill and Joe?

24 A They worked the night car at Malibu.

25 Q What are their last names?

26 A I don't know.

27 Q Well, looking at this, is it your recollection  
28 that as of November 4, 1969, you did not know the first name

14-2

1 and the whereabouts of Mrs. Shea?

2 A I can't really answer that without looking at the  
3 other report.

4 Q All right. Do you want to look at the other  
5 report?

6 (Pause in the proceedings while the witness  
7 perused the documents.)

8 THE WITNESS: All right. What was it you were asking?

9 Q BY MR. DENNY: When was it that you first became  
10 aware of the first name and the whereabouts of Shorty Shea's  
11 wife?

12 A Between the latter part of November and the first  
13 part of December.

14 Q And how did you become aware of that?

15 A Of her whereabouts?

16 Q Of her name, first, sir.

17 A Her name, I believe I got from the marriage  
18 records in Las Vegas.

19 Q Well --

20 A And also from employees of the Cab-Inn.

21 Q How about her whereabouts?

22 MR. MANZELLA: Objection. Not relevant, your Honor.

23 THE COURT: Sustained.

24 MR. DENNY: Well, your Honor, this is relevant to  
25 her testimony, as well as to his attempts to contact people  
26 who knew Shorty.

27 THE COURT: Very well. The Court will overrule the  
28 objection.

14-3

1 You may answer.

2 THE WITNESS: How did I find her whereabouts?

3 Q BY MR. DENNY: Yes.

4 A She had been arrested --

5 MR. MANZELLA: Objection, your Honor, --

6 THE WITNESS: -- on a charge --

7 MR. MANZELLA: -- and ask that --

8 Excuse me, Sergeant Whiteley. Let me interrupt  
9 you. I object, your Honor. It calls for hearsay, and it's  
10 not relevant, and I ask that the answer be stricken.

11 MR. DENNY: Your Honor, this is --

12 THE COURT: Very well. The answer is stricken.

13 MR. DENNY: May we approach the bench, your Honor, for  
14 further discussion on the subject?

15 THE COURT: No, you may not.

16 Q BY MR. DENNY: Well, Sergeant Whiteley, isn't it a  
17 fact that the only way you finally got a hold of Magdalene  
18 Shea at all was by information from the Los Angeles Police  
19 Department, that she was in custody at that time, or had been  
20 arrested?

21 MR. MANZELLA: Objection, your Honor. That's  
22 argumentative.

23 THE COURT: Sustained.

24 MR. DENNY: Well, your Honor, I would like to be heard  
25 for an offer of proof --

26 THE COURT: All right.

27 MR. DENNY: -- at the bench, relative to her testimony.

28 THE COURT: You may.

14-4

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

4 MR. DENNY: Your Honor, when she was on the stand and I  
5 was permitted to cross examine her as to these various arrests  
6 and as to the reports that she had supposedly made to L.A.P.D.,  
7 and then to the Sheriff's department, it was my contention at  
8 that time that she had not gotten in touch with them; that they  
9 had gotten in touch with her, following her arrest;

10 And that in exchange for her giving information and  
11 signing a missing persons report, the arrest for burglary was  
12 put over, so that the witness would be out of town at the time  
13 of the preliminary -- and was finally dropped, because this is  
14 exactly what did happen.

14a fol

15

16

17

18

19

20

21

22

23

24

25

26

27

28

14a-1

1 MR. KAY: You know that that's not true, because  
2 you've seen our files.

3 MR. DENNY: I've seen your files, and I don't stipu-  
4 late that that's not true at all. I -- I can still quite  
5 well envisage the fact that this would not be reflected in  
6 any report.

7 THE COURT: Well, what do you intend to prove by  
8 Sergeant Whiteley?

9 MR. DENNY: I intend to support the inferences that  
10 I have established by her own testimony, and to contradict  
11 her testimony, her testimony being that she contacted LAPD,  
12 and then she contacted the Sheriff's Department.

13 THE COURT: Does it necessarily follow that her contact  
14 was with Sergeant Whiteley? Was or was not with Sergeant  
15 Whiteley, the initial contact?

16 MR. DENNY: No, except for the fact that Sergeant  
17 Whiteley -- his testimony here, obviously, shows by the  
18 answer that the Court just struck, and by the follow-up that  
19 would come from that, that the Sheriff's Department first  
20 became aware of her location --

21 THE COURT: I think you are wasting too much time on  
22 this question.

23 You may ask him where he saw her and when,  
24 and --

25 MR. DENNY: Well, your Honor --

26 MR. KAY: He has already answered that. He said he  
27 saw her in his office for the first time.

28 MR. DENNY: I don't believe he did. But it's relevant

14a-2

1 to her -- to her credibility, your Honor. This is -- if I  
2 have to make him my witness, I'll make him my witness for  
3 this, if I may.

4 THE COURT: All right. You may do that.

5 MR. MANZELLA: Well, your Honor, we would ask that  
6 if Mr. Denny makes Sergeant Whiteley his own witness, that  
7 he does it on his defense.

8 MR. DENNY: Well, your Honor, I think we can --

9 MR. MANZELLA: No, I don't think we can. If you are  
10 asking the Court to put this on in your defense, Sergeant  
11 Whiteley is available. He can come here to testify during  
12 the course of your defense.

13 But we would object to Mr. Denny presenting his  
14 defense during our case.

15 MR. DENNY: Well, your Honor, it's very relevant and  
16 apropos right now to the efforts that he made, and the timing  
17 of his efforts; and I think certainly --

18 THE COURT: The Court will permit you to put on that  
19 evidence, if you believe those inferences exist. And if you  
20 wish to argue them, you can.

21 MR. MANZELLA: Your Honor, the People have two things to  
22 say: First of all, we are asking that Mr. Denny's defense  
23 be limited to his defense, and that he not be allowed to put  
24 on his defense during the course of our case, which I think  
25 is a fair request to make.

26 Secondly, Mr. Denny asked Sergeant Whiteley this  
27 question: "When did you finally get ahold of Magdalene Shea?"

28 And he put a couple of other words in there that

14a-3

1 I can't remember now --

2 MR. DENNY: Well, I'll withdraw that question, if I  
3 asked that.

4 MR. MANZELLA: That makes the question argumentative,  
5 because --

6 MR. DENNY: I've withdrawn the question.

7 MR. MANZELLA: Because it's asking Whiteley for a  
8 conclusion; it's asking Whiteley to say -- to answer the  
9 question: "When did Magdalene Shea attempt to get ahold of  
10 you?"

11 Not, "When did you contact Magdalene Shea?"

12 I mean, Magdalene Shea could have made a report  
13 and Whiteley never saw it until he attempted to contact her.

14 So, the way Mr. Denny asked the question, it was  
15 argumentative.

16 THE COURT: I didn't recall your objecting on that  
17 ground.

18 MR. KAY: He did, and you sustained it on that ground.

19 MR. MANZELLA: I did, on that, and on hearsay.

20 THE COURT: All right.

21 MR. MANZELLA: And not only that, but I'm asking that  
22 Mr. Denny's defense go over until his defense, and that he  
23 not be --

24 THE COURT: Well, the Court will agree with you.

25 You can put it on, if you feel as though you  
26 wish to --

27 MR. DENNY: At the end of the case?

28 MR. KAY: Yeah, in his defense.

1 MR. DENNY: Or can I put it on now?

2 THE COURT: In your defense.

3 MR. MANZELLA: Sergeant Whiteley's available every day  
4 to testify. There's no problem.

14b fls.

5 THE COURT: All right. Let's proceed.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

14b-1

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

Q BY MR. DENNY: Sergeant Whiteley, in your attempts to contact all the friends of Shorty, you contacted them both singly and by pairs or threesomes or whenever at a time; is that right?

A I don't quite understand what you mean.

Q Well, you'd go to a friend and talk to him; and if two friends happened to be there, you'd talk to them together; if three friends happened to be at the place, you'd talk to them together; is that right?

MR. MANZELLA: That's a compound question, your Honor.

MR. DENNY: I'll take them one at a time.

THE COURT: Overruled. You may answer.

THE WITNESS: That happened on one occasion.

Q BY MR. DENNY: What happened on one occasion?

A Where two of them were together when I contacted them.

Q In other words, routinely, then, you spoke to each of these friends whom you contacted, separately and apart; is that right?

A Yes, at one time or another.

Q All right. And then you'd make up a report on the results of that contact, normally?

MR. MANZELLA: Not relevant, your Honor.

THE COURT: Sustained.

MR. DENNY: All right. I have no further questions at this time, your Honor.

14b-2

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

7 About ten minutes.

8 (Whereupon, the following proceedings were had  
9 as the members of the jury were exiting the courtroom.)

10 THE COURT: Let's see. Anything further of Sergeant  
11 Whiteley?

12 MR. KAY: Redirect.

13 MR. MANZELLA: Four questions, your Honor.

14 THE COURT: Oh. Four questions?

15 (Whereupon, after the members of the jury had  
16 exited the courtroom, a discussion was had off the record  
17 among Court and counsel.)

18 MR. KAY: Your Honor, while we are still on the record --  
19 Paul, can you shut the door after the jury?

20 -- I talked with Sergeant Chick Gutierrez, who was  
21 one of our investigators on the Tate-LaBianca case. I talked  
22 with him over lunch, and he said that Mr. Springer was inter-  
23 viewed at the Venice Police Department by an Officer Dion,  
24 D-i-o-n.

25 And he said, to his knowledge, that no report was  
26 made on it. However, the way that they got in contact is that  
27 Gutierrez happened to be talking to Dion while Springer was in  
28 the police station, and Gutierrez was saying that he understood

1 that there was some motorcycle gangs maybe connected with the  
2 Manson Family, and he wondered if Dion knew any of them.

3 And Dion said, "Well, I happen to have one of them  
4 right here. Why don't you talk to him?"

5 And at that point, Springer was taken down to the  
6 Los Angeles Police building, where Gutierrez and some others  
7 talked to him.

8 Now, Sergeant Gutierrez said that there was a  
9 tape taken of the conversation that they then had with him at  
10 the police building;

11 And that that tape, the last he saw of it, it was  
12 put in the discovery materials of the Tate-LaBianca case.  
13 And he says the tape hasn't been returned to him, so it should  
14 be somewhere in the archives of the Tate-LaBianca case.

15 But they took a tape of that conversation they  
16 had with Springer in the police building.

17 THE COURT: Sergeant Whiteley, do you have any knowledge  
18 of that tape?

19 THE WITNESS: No, sir.

20 MR. KAY: No. This is the Los Angeles Police  
21 Department; nothing to do with Sergeant Whiteley.

22 THE COURT: Well, I understand that. But I assume  
23 that its -- that somehow or other, it had gotten to the  
24 D. A.'s Office.

14c-1

1 MR. KAY: No, to the discovery in the Tate-La Bianca  
2 case. In other words, it was deposited in Department 104,  
3 just like such things have been deposited here.

4 THE COURT: Oh, not to your office?

5 MR. KAY: No. I understand that it was just deposited  
6 there as part of discovery, and Sergeant Gutierrez says that's  
7 the last time he saw it. And he saw it -- oh, you know --  
8 a couple of years ago.

9 THE COURT: He knew --

10 MR. KAY: I've never heard the tape, because we didn't  
11 call Mr. Springer as a witness.

12 THE COURT: I wonder if Mr. Bugliosi of your office  
13 would --

14 MR. KAY: He is no longer here. He is on leave of  
15 absence until November.

16 THE COURT: Yes.

17 MR. KAY: Or something like that.

18 THE COURT: Would he recall that, do you imagine, or --

19 MR. MANZELLA: Your Honor, the clerk might recall it.

20 THE COURT: The clerk?

21 MR. MANZELLA: Yeah. All those exhibits were deposited  
22 with the clerk, the way I did at the beginning of this case.  
23 So the clerk's office probably still has it.

24 MR. KAY: Yes. That's the last Sergeant Gutierrez had  
25 it. He said there was a tape, but he doubts very seriously  
26 whether the officers in Venice actually questioned Springer  
27 about the Manson Family.

28 THE COURT: Could Gutierrez -- did Gutierrez himself

14c-2

1 bring the tape over to court?

2 MR. KAY: He didn't say that. He said he knows, of  
3 his own knowledge, that it was deposited in Department 104.

4 Now, whether he brought it over or Sartuche --  
5 they had seven detectives on that, and I don't know who did  
6 it, but -- but this is --

7 THE COURT: All right.

8 MR. KAY: -- my knowledge on the subject. Mr. Denny  
9 might check with the Tate-La Bianca file. Maybe he could  
10 find something.

11 MR. DENNY: Checking with the Tate-La Bianca exhibits,  
12 your Honor, is like wading into the --

13 THE COURT: A gargantuan task, yes.

14 MR. DENNY: Yes.

15 THE COURT: However, the clerk may have a record of it  
16 and could possibly pick it up for you.

17 You might check to see whether or not the clerk's  
18 office has it, if that's what you want.

19 MR. DENNY: That's what I want. I have faint hopes  
20 of finding it, but I will try, your Honor.

21 (Mid-afternoon recess.)

15 fls.

1 THE COURT: All right, the record will show that all the  
2 jurors are back in the box. The defendant is present. All  
3 counsel are present.

4 You had, as you said, I think, Mr. Manzella, four  
5 questions on direct -- redirect.

6 MR. MANZELLA: Yes.

7  
8 REDIRECT EXAMINATION

9 BY MR. MANZELLA:

10 Q Sergeant Whiteley, as a result of your contact with  
11 a woman named Phyllis that you referred to on cross examina-  
12 tion, were you successful in locating Donald Shea or his  
13 whereabouts?

14 A No.

15 Q Now, did your inquiries, the ones that you  
16 testified to on direct examination, did your inquiries include  
17 a history, a description of Donald Shea?

18 MR. DENNY: Just a moment, I'll object to that as  
19 ambiguous. What inquiries?

20 THE COURT: Sustained.

21 Q BY MR. MANZELLA: The inquiries that you sent to  
22 the various agencies about which you testified on direct.  
23 Did they include history such as date of birth, place of  
24 birth and description, physical description of Donald Shea?

25 A Yes.

26 Q Now, you began your inquiries of what month of  
27 what year?

28 A It started approximately October, 1969.

1 Q Did the inquiries continue over some period of  
2 time?

3 A Yes, they did.

4 Q And when did you stop initiating inquiries with  
5 regard to the whereabouts of Donald Jerome Shea?

6 A November of 1971.

7 MR. MANZELLA: I said four questions, did I not, your  
8 Honor? I'll stop there. Thank you. No further questions.

9 THE COURT: You count well.

10 MR. DENNY: I've got some questions, but I'm not going  
11 to number them.

12 THE COURT: You're not going to say the number?

13 MR. DENNY: No, but they're not many.

14  
15 RECROSS EXAMINATION

16 BY MR. DENNY:

17 Q Sergeant Whiteley, you say that your inquiries  
18 commenced on October of '69 and terminated November of '71  
19 concerning Mr. Shea, is that correct?

20 A That's correct.

21 Q But the inquiries that terminated on November '71  
22 were not necessarily to all of the same agencies that you sent  
23 initial inquiries to in October or November of 1969, is that  
24 correct?

25 A I don't know whether I quite understand you. I  
26 have not sent out an inquiry since November of '71.

27 Q What I am saying is, though, you went down quite a  
28 list here and we don't need to review all of it, but quite a

1 list of licensing organizations, passport, Social Security,  
2 Workmen's Comp, post office, D.P.S.S., utility companies,  
3 VA, et cetera, to which you sent inquiries initially in the  
4 course of your investigation, around October, November, December,  
5 1969; is that correct?

6 A That's correct.

7 Q All right. Now, thereafter, you did not send to  
8 all of those same agencies requests for information in November  
9 of 1971, did you?

10 A No, I did not.

11 Q And indeed, there were only a few of them between --  
12 strike that -- between October, November, December, '69, and  
13 November of '71 that you reapplied to for information, isn't  
14 that correct?

15 A A few of them, yes.

16 MR. DENNY: All right, no further questions.

17 MR. MANZELLA: No questions.

18 May Sergeant Whiteley be excused?

19 THE COURT: Yes, Sergeant Whiteley, you are excused.

20 MR. DENNY: I assume for recall.

21 THE COURT: Oh, yes, subject to recall, should we need  
22 you. And we'll let you know.

23 MR. MANZELLA: People recall Miss Ruby Pearl, your Honor.

24 People recall Mrs. Ruby Pearl.

25 THE BAILIFF: State your name again for the record.

26 THE WITNESS: My name is Ruby Pearl.

27  
28 RUBY PEARL,

1 recalled as a witness by and on behalf of the People, having  
2 been previously duly sworn, resumed the stand and testified  
3 further as follows:  
4

5 DIRECT EXAMINATION  
6 (Continued)

7 BY MR. MANZELLA:

8 Q Mrs. Pearl, directing your attention to that  
9 group of people that you identified in the photographs earlier.

10 Did you know that group of people when they were  
11 living on Spahn Ranch by some term or some name?

12 A Yes.

13 Q What was that term?

14 A The Family, they called themselves.

15 Q And had -- was Charles Manson and most of those --  
16 most of the members of the Family, had they been on Spahn Ranch  
17 during the year 1968 for a period of time?

18 A Yes.

19 Q Do you know where Charles Manson and the members  
20 of the Family, where they lived while they were on Spahn Ranch?

21 A Yes.

22 Q Where was that?

23 MR. DENNY: Again, that's ambiguous as to time. Are  
24 we talking now about '68 or '69.

25 Q BY MR. MANZELLA: In 1969.

26 A Yes, they lived down below the ranch house.

27 Q And about how far is the ranch house from the main  
28 buildings at Spahn Ranch, the boardwalk?

A Oh, not quite a half a mile.

1 Q Is it down the road?

2 A Yes, it is down -- continuing on directly in the  
3 direction of Santa Susanna Pass, towards Santa Susanna.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

15a-1 q

1 Q And this is a dirt road on the ranch that sort  
2 of parallels Santa Susanna Pass Road?

3 A Yes.

4 Q Now, directing your attention to June of 1969.  
5 Did you see Shorty in June of 1969?

6 A Yes.

7 Q Where did you see him?

8 A Several places at my home and at the ranch.

9 Q And in June of 1969 did you see Shorty at your  
10 house?

11 A Yes.

12 Q Did he come to your house alone or did he come  
13 with someone else?

14 A He came with someone else.

15 Q And who was that other person?

16 A Lance Victor.

17 Q And while Shorty was visiting you at your house,  
18 in June of 1969 -- now, this is your home in Chatsworth, is  
19 that correct?

20 A Yes.

21 Q While Shorty was visiting you at your house  
22 in June of 1969, did he ask you for anything?

23 A Yes.

24 Q And what was that?

25 A He asked me if I'd go through my negatives and  
26 let him pick out some for his --

27 MR. DENNY: Just a moment. Just a moment. I move  
28 the answer be stricken for the purpose of an objection. The

15a-2

1 objection is hearsay.

2 MR. MANZELLA: The People are offering it on Shea's  
3 state of mind, if it does so show.

4 MR. DENNY: Well, I would like to be heard on that.

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

7 However, it is admitted -- since the People  
8 offer it for that limited purpose, it is offered for the  
9 same limited purpose, his state of mind towards the movies.

10 Q BY MR. MANZELLA: Mrs. Pearl, would you tell  
11 us -- I don't think you finished your answer -- what Shorty  
12 asked for.

13 A The negatives.

14 Q Did he talk to you about the negatives?

15 A Yes.

16 Q What did he say about them?

17 MR. DENNY: Again, objection on the grounds of hearsay.

18 MR. MANZELLA: It is offered for that purpose previously  
19 stated.

20 MR. DENNY: I don't know how a state of mind as to  
21 negatives is relevant.

22 THE COURT: Sustained.

23 Q BY MR. MANZELLA: And did you give him some  
24 negatives?

25 A Yes.

26 Q What were the negatives of?

27 A Movie picture shots with himself and I in and  
28 with the horses that they worked with.

15a-3

1 Q That who worked with?

2 A That Shorty worked with.

3 Q In what?

4 A In the stunt work.

5 Q Now, when you gave Shorty the negatives --  
6 strike that.

7 Did you give him the negatives?

8 A Yes.

9 Q On that occasion, when he was at your house in  
10 June of 1969?

11 A Yes.

12 Q And when you gave him those negatives, did you  
13 tell him anything about the negatives or with regard to the  
14 negatives?

15 A Yes.

16 Q What did you tell him?

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

18 THE COURT: Sustained.

19 Q BY MR. MANZELLA: All right. On that occasion,  
20 June of 1969, while Shorty was at your house with Lance  
21 Victor, did he talk to you about a movie?

22 A Yes.

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

24 MR. MANZELLA: People offer it -- well, that doesn't --  
25 well, the People are offering it on Shea's state of mind,  
26 your Honor.

27 THE COURT: The objection is late. I'll let the  
28 answer remain in the record. Overruled.

15a-4

1 Q BY MR. MANZELLA: And what did Shorty tell you  
2 about this movie?

3 MR. DENNY: Object, hearsay.

4 THE COURT: Sustained.

5 MR. MANZELLA: People are offering it on his state of  
6 mind, your Honor.

7 THE COURT: Sustained. It is vague and indefinite, too.

8 Q BY MR. MANZELLA: All right, Mrs. Pearl, in June  
9 of 1969, while Shorty was at your house with Lance Victor,  
10 did he talk to you about a part that he was about to have in  
11 an upcoming movie?

12 A Yes.

13 Q What did he tell you about that?

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

15 MR. MANZELLA: People are offering it on Shea's state of  
16 mind, your Honor.

17 THE COURT: All right, the objection is overruled, and  
18 it is received for that limited purpose heretofore stated,  
19 Mr. Shea's state of mind toward movie work.

20 A Yes, he said he had a part in the Bob Bickston  
21 movie.

22 Q BY MR. MANZELLA: And from the time -- during the  
23 time that you knew Shorty, from 1956 until this time, this  
24 particular date, in June of 1969, had you had the opportunity  
25 to observe Shorty's demeanor and behavior?

26 A Yes.

27 Q And on this occasion, when he told you about the  
28 part that he had coming up in Bob Bickston's movie, did you

15a-5

1 have the opportunity to observe his demeanor and his behavior  
2 when he was telling you about his part?

3 A Yes.

4 Q All right, how would you describe his demeanor  
5 and behavior about the part he had coming up in the Bob  
6 Bickston movie?

7 MR. DENNY: Objection, calls for opinion and conclusion.

8 THE COURT: Overruled, you may answer.

9 A Yes, he was real excited. He had been waiting  
10 for a long time for these parts to come up.

11 MR. DENNY: Move the last part --

12 THE COURT: Yes, "he was really excited" may remain in.  
13 The latter part is stricken.

15b fls.

15b-1

1 Q BY MR. MANZELLA: Was that the first time that you  
2 had talked to Shorty about movie work?

3 A No.

4 Q Had you talked to Shorty about it on prior  
5 occasions?

6 A Yes.

7 Q What did he tell you, if anything, about his  
8 attitude toward movie work?

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

10 MR. MANZELLA: It is offered on Shea's state of mind.

11 THE COURT: It is received for that purpose. The objec-  
12 tion is overruled. Received for the same limited purpose  
13 heretofore stated to you, ladies and gentlemen.

14 You may answer.

15 A All right. He said he was anticipating these  
16 parts. He needed the money.

17 Q BY MR. MANZELLA: Now, when Shorty asked you for  
18 the negatives, did he tell you why he wanted the negatives?

19 MR. DENNY: I'll object to that as calling for hearsay.  
20 Already ruled on.

21 MR. MANZELLA: That's a different question. People are  
22 offering it on Shea's state of mind, your Honor, with regard  
23 to movie work.

24 MR. DENNY: Again, objection.

25 THE COURT: Well, overruled.

26 A Yes, he said he wanted them for publicity.

27 THE COURT: Well, that's stricken, ladies and gentlemen.  
28 The objection -- the Court will sustain the objection. I'll

1 strike the answer.

2 Q BY MR. MANZELLA: All right, now, Mrs. Pearl, after  
3 you gave Shorty the negatives, did he promise you anything  
4 with regard to those negatives?

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

6 MR. MANZELLA: It is offered on Shea's state of mind.

7 THE COURT: The objection is overruled. It is received  
8 to show Shea's state of mind to explain his conduct and for  
9 that limited purpose only.

10 A Yes.

11 Q BY MR. MANZELLA: And what did he promise you?

12 A That he'd return them right away.

13 Q Now, did you ever -- strike that.

14 Did Shorty ever return those negatives?

15 A No.

16 Q Now, do you know a girl by the name of Magdalene  
17 Niki Shea?

18 A Yes.

19 Q When and where did you meet her?

20 A I met her on the ranch.

21 Q And in what month of what year was this?

22 A This was, uh, in early August.

23 Q Of '69?

24 A Yes.

25 Q Was it before the August 16th raid?

26 A Yes.

27 Q Now, at some time in 1969, did Shorty leave any  
28 matched set of revolvers with you?

1 A Yes.

2 Q When was this in 1969?

3 A Well, I don't know exactly when.

4 Q Do you recall it in relation to anything that  
5 Shorty did? Where he was going?

6 A Yes, he was going to go to Las Vegas.

7 Q And did he leave these with you before he said he  
8 went to Las Vegas?

9 A Yes.

10 Q What did he tell you when he left the revolvers  
11 with you, if anything?

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

13 MR. MANZELLA: Offered on Shea's state of mind with  
14 regard to the revolvers.

15 THE COURT: The Court overrules the objection and it is  
16 received for the same limited purpose, ladies and gentlemen.

17 A He said "Take very good care of them. Don't let  
18 anyone have them."

19 Q BY MR. MANZELLA: And he told you he was going to  
20 Las Vegas?

21 A Yes.

16 fls.

22

23

24

25

26

27

28

10-1

1 Q Do you recall what month this was in 1969?

2 A Must have been July.

3 Q Is that your best recollection?

4 A Somewhere around June or July; I can't remember.

5 Q In relationship to when you gave Shorty the  
6 negatives, could you recall --

7 A About the same time.

8 Q About the same time?

9 A Yes.

10 Q Now, where were you when Shorty gave you the guns  
11 to keep for him, when he was in Las Vegas?

12 A At the -- I was at the ranch.

13 Q Spahn Ranch?

14 A Yes.

15 Q Did he ever pick up the guns?

16 A No -- Oh, this time, did he?

17 Q When he returned from Las Vegas, did he come to the  
18 ranch and pick the guns up?

19 A Yes.

20 Q Now, had you seen those guns in Shorty's possession  
21 before, on prior occasions?

22 A Yes.

23 Q And had Shorty ever talked to you about the guns?

24 A Yes.

25 Q What had he told you about the guns?

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

27 MR. MANZELLA: It's offered on Shea's state of mind with  
28 regard to the revolvers.

16-2

1 MR. DENNY: Also calling for -- Object to it as being  
2 ambiguous as to time, place, persons present.

3 THE COURT: Overruled.

4 MR. DENNY: One or more conversations?

5 THE COURT: Overruled.

6 It's received, ladies and gentlemen, for the same  
7 limited purpose.

8 THE WITNESS: What was the question again?

9 Q BY MR. MANZELLA: What did Shorty tell you about  
10 the revolvers?

11 A Oh, they were his pride and joy, and --

12 MR. DENNY: I'll object to that as -- move that that be  
13 stricken as not responsive to the question.

14 THE COURT: Did he say that?

15 THE WITNESS: He said they fit him; they were personal,  
16 part of him.

17 THE COURT: All right. The --

18 THE WITNESS: He felt naked without them.

19 THE COURT: All that's stricken, and including the first  
20 response, that they were his pride and joy.

21 MR. MANZELLA: Your Honor, can the latter remain, though?  
22 Mrs. Pearl's testified that's what he said.

23 THE COURT: You may put your question again.

24 Q BY MR. MANZELLA: All right, Mrs. Pearl, tell us  
25 again what Shorty said about the revolvers?

26 A Well, he was always saying how they fit him; they  
27 were a part of him; they were his personal possessions; he felt  
28 odd without them.

16-3

1 Q All right. Now, you stated that during the summer  
2 of 1969, the Family lived at the ranch house.

3 Did the Family at any time begin living in the  
4 buildings on the boardwalk?

5 A Yes.

6 Q And when was that, in relation to --

7 A Well, before the raid, they were living on the  
8 boardwalk.

9 Q Did they begin living on the boardwalk when they  
10 came to the ranch in 1969? In the spring of 1969?

11 A No.

12 Q Did they all of a sudden just move up to and  
13 begin living at the boardwalk?

14 A Well, they just sort of gradually moved up. It  
15 was handier.

16 Q Now, did the Family eventually, in the summer of  
17 1969, live in all the buildings on the boardwalk?

18 A Yes.

19 Q Did you ever see any dune buggies on Spahn Ranch  
20 during that summer of 1969?

21 A Yes.

22 Q And how many did you see, if you recall?

23 A Oh, four or five.

24 Q And what did you see being done with the dune  
25 buggies?

26 A They were building some parts on them, fixing them  
27 up.

28 Q Who was?

16-4

1 A Members of the Family.  
2 Q Anybody in particular?  
3 A Yes.  
4 Q Who?  
5 A Well -- (pause) -- Tex Watson and Bruce Davis.  
6 Q And what was Bruce doing on the dune buggies?  
7 A He was kind of a welder.  
8 Q And where did -- where did Mr. Davis do this work?  
9 A In the shop, in back of the storeroom.  
10 Q And this is behind the boardwalk?  
11 A Yes.  
12 Q Was -- strike that.  
13 Were there any -- strike that.  
14 Did Mr. Davis make any preparations to build up that  
15 area behind the boardwalk, so that he could weld on the dune  
16 buggies?  
17 MR. DENNY: I'll object to that as leading and suggestive.  
18 THE COURT: Sustained.  
19 Q BY MR. MANZELLA: What did you see Mr. Davis doing  
20 in that area?  
21 A Just making holes and putting burrs and bolts in.

16a fol

16a-1

1 Q And did you ever see Mr. Davis stringing any wire  
2 to that location?

3 MR. DENNY: Object to that as --

4 THE WITNESS: Well, he --

5 MR. DENNY: -- as leading and suggestive.

6 THE COURT: Overruled.

7 THE WITNESS: Well, his electric drills and welding  
8 irons.

9 Q BY MR. MANZELLA: Were there any lights set up  
10 back there?

11 A There was an electric wire that run into the  
12 buildings.

13 Q From where?

14 A Well, they had to put a long cord to the last of  
15 the plug-ins.

16 Q And where were the plug-ins?

17 A Well, they were always burning out, so I don't  
18 know where the last plug-ins were.

19 In the saloon, I guess.

20 Q Out through the back area behind the boardwalk?

21 A Yes.

22 Q And is that where Mr. Davis worked on the dune  
23 buggies?

24 A Yes.

25 Q Did you ever see Mr. Davis driving the dune  
26 buggies?

27 A Yes.

28 Q And where did he drive the dune buggies?

1 A Oh, down below on the little dirt road, or across  
2 the street.

3 Q And how did he drive it?

4 A Well, they always went fast.

5 Q And do you know a man by the name of Frank Retz?

6 A Yes.

7 Q And did you know a woman by the name of Mary Kelly?

8 A Yes.

9 Q Her property adjoined the Spahn Ranch?

10 A Yes.

11 Q Did you ever see Mr. Davis driving on that property?

12 A I just seen him heading down the road. He had to  
13 get on the property, though.

14 Q Now, did you ever have bridle paths on Spahn  
15 Ranch? Horse paths --

16 A Yes.

17 Q -- where the customers could ride their horses?

18 A Yes.

19 Q Did the -- did Mr. Davis and -- strike that.

20 Did you see other members of the Family riding the  
21 -- driving the dune buggies on and around Spahn Ranch?

22 A Yes.

23 Q Now, did Mr. Davis and these other members of the  
24 Family drive the dune buggies on and across the bridle paths?

25 A Oh, yes.

26 MR. DENNY: Just a moment. Just a moment. I'll object  
27 to that as a compound question, "Mr. Davis and the other  
28 members," and move that the answer be stricken.

1 THE COURT: All right. Sustained.

2 Q BY MR. MANZELLA: Now, during -- when you saw  
3 Mr. Davis driving the dune buggies on and around Spahn Ranch,  
4 did you see him driving on and across the bridle paths?

5 A Yes.

6 Q And did you see other members of the Family  
7 doing the same thing?

8 A Yes.

9 Q Now, did this frighten the horses?

10 A Yes.

11 Q Did you get complaints from the tourists about  
12 this?

13 A Yes.

14 Q And did this activity, the complaints from the  
15 tourists, become a topic of conversation on the ranch between  
16 you and George Spahn and the cowboys?

17 A Yes.

18 Q Now, were you ever present at the conversations  
19 between Frank Retz and George Spahn?

20 A Yes.

21 Q And in particular, were you present at a conversa-  
22 tion sometime after the August 16 raid between Frank Retz  
23 and George Spahn?

24 A Yes.

25 Q And in particular, were you present at a conversa-  
26 tion between those two men on the Spahn Ranch, in which the  
27 name Shorty was mentioned? In which Shorty's name was  
28 mentioned?

1 A Yes.

2 Q All right. Would you tell us where this conversa-  
3 tion occurred?

4 A In the yard, right in the open space, right in  
5 front of the boardwalk.

6 Q And who was present?

7 A Mr. Retz, I and George and Lynn.

8 Q Lynn Fromme?

9 A Yes.

10 Q Was her nickname -- strike that.

11 Did you also know her by some nickname?

12 A Yes.

13 Q What was that?

14 A Squeaky.

15 Q Now, would you tell us, what did Mr. Retz say  
16 and what did George Spahn say?

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

18 THE COURT: Sustained, without further foundation.

19 Q BY MR. MANZELLA: All right. Was this sometime  
20 after the August 16th raid?

21 A Yes.

22 Q And do you recall how many days after the August  
23 16th raid it was? If you recall?

24 A Just a few.

25 Q And can you tell us approximately what part of  
26 the day the conversation occurred?

27 A Almost noon.

28 Q And you've told us the people who were present?

1 A Yes.

2 Q Besides you, George Spahn, Frank Retz and  
3 Squeaky, do you recall anyone else being in the immediate  
4 vicinity of the conversation?

5 A No, I don't recall.

6 Q Would you tell us what Frank Retz said and what  
7 George Spahn said?

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

9 16b fls. THE COURT: The People are offering this --  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

16b-1

1 MR. MANZELLA: I can make an offer of proof at the  
2 bench.

3 THE COURT: The People are offering this not to  
4 establish the truth of what was said in the course of the  
5 conversation, but to determine, if the jury so decides,  
6 whether or not the conversation was had?

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

8 MR. DENNY: Well, your Honor, may we approach the bench  
9 on that? I would like to -- I would like to --

10 THE COURT: No, you may not.

11 MR. DENNY: -- argue --

12 THE COURT: This is admitted solely for the purpose of  
13 establishing that the conversation was -- that it did take  
14 place; that it did or did not take place, depending on your  
15 view of the evidence.

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

17 THE COURT: Excuse me.

18 MR. DENNY: I'm sorry, your Honor. I didn't mean to  
19 interrupt.

20 THE COURT: (Continuing) -- but not for the truth of  
21 what's uttered.

22 MR. DENNY: Well, I'll object that it's irrelevant and  
23 immaterial.

24 THE COURT: The objection is overruled.

25 Q BY MR. MANZELLA: All right, Mrs. Pearl. Would  
26 you tell us what George Spahn said, what Frank Retz said,  
27 and what George Spahn said in reply, if anything?

28 A Yes. Mr. Retz said he wanted a watchman for the

1 place, and George said he had a man in mind.

2 Q Did Mr. Retz say any more about why he wanted a  
3 watchman?

4 MR. DENNY: I'll object to this as leading and suggestive,  
5 your Honor.

6 THE COURT: Sustained.

7 Q BY MR. MANZELLA: Did Frank Retz say anything more  
8 about needing a watchman, or wanting a watchman?

9 MR. DENNY: The same objection. That's the same  
10 question.

11 THE COURT: Overruled.

12 THE WITNESS: Yes. He says, "Can you give me this man?"

13 And George says, "Yes." He agreed to accept --

14 Q And what did George say?

15 A He -- he would send him down.

16 Q And when Frank asked for a -- said that he wanted  
17 to get a watchman, what did George say?

18 A He said he had the -- a man in mind.

19 Q Did he mention anybody by name?

20 A Yes.

21 Q Who?

22 A Shorty.

23 Q Now, during that conversation, did Frank Retz  
24 talk about the Family?

25 A Yes.

26 Q And what did he say?

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

28 MR. MANZELLA: It's offered for the same purpose, your

16b-3

1 Honor.

2 MR. DENNY: Your Honor, I'm not sure what the "the same  
3 purpose" is.

4 MR. MANZELLA: To show that the conversation took place;  
5 not for the truth of what was said in the conversation, but the  
6 fact that this conversation did in fact take place.

7 And it's offered for motive, your Honor.

8 THE COURT: That it took place, with those persons  
9 present who were named by the witness?

10 MR. KAY: Yes, your Honor.

11 MR. MANZELLA: Yes, your Honor.

12 THE COURT: If the jury so wishes to take it --

13 MR. DENNY: Well, again, your Honor, I would like to  
14 object to the conspiracy item, and I would like to place it on  
15 the record, what my objection is.

16 THE COURT: All right. You may.

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

20 MR. DENNY: Your Honor --

21 THE COURT: I'll hear from the People first.

22 This is the same type of thing that --

23 MR. KAY: This is the same thing that Mr. Retz testified  
24 to already. Mrs. Pearl was also present at the conversation,  
25 and she --

26 MR. MANZELLA: One of them.

27 MR. KAY: Yes. And Mr. Denny made an objection then on  
28 the same grounds he's making now, which the Court overruled.

16b-4 1 MR. MANZELLA: We are offering it to show that the  
2 conversation did in fact take place; that there was  
3 dissatisfaction with the Manson Family on the ranch; that  
4 Retz did make plans -- or, was in the process of making  
5 plans to hire Shea -- or at least, that it was talked about.

6 In other words, we are not offering it for the  
7 truth of the matter, that he intended to hire Shea or what-  
8 ever, but that the conversation took place.

9 In other words, that for all intents and purposes--

10 THE COURT: In the presence of Squeaky?

11 MR. MANZELLA: Right. That for all intents and purposes,  
12 there was dissatisfaction with the Manson Family, and that Shea  
13 was going to be hired to get rid of the Manson Family.

14 That's why we are offering it.

15 The fact that Squeaky was present to me is -- is not  
16 that significant, except if it enables us to get it in.

17 There was no secret on the ranch that Shea was  
18 going to be hired to try to get rid of the Family.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

16c fol

16c-1

1 THE COURT: Well, the whole purpose from which you --

2 MR. MANZELLA: But this is the purpose --

3 THE COURT: -- for which you offer it, to show that  
4 there was an associate of Manson's, --

5 MR. KAY: Sure.

6 THE COURT: -- who could have carried it back to him?

7 MR. MANZELLA: Yes. Yes, your Honor.

8 MR. DENNY: Well, your Honor, here again, though, Mr.  
9 Manzella has just said what I argued to this court about a  
10 week ago, and that is: It's irrelevant that Squeaky was  
11 present at this thing, because it was common knowledge around  
12 the ranch.

13 MR. KAY: How did it get to be common knowledge?

14 THE COURT: This has been argued before. You argued it  
15 before when the conversation was offered with Mr. Retz,

16 But go ahead. You can put it on the record.

17 MR. DENNY: Well, I do object again, that they're  
18 attempting to get in hearsay, only on the basis, apparently,  
19 that a Manson Family member was present, supposedly, because  
20 he's part of the conspiracy.

21 And they haven't alleged a conspiracy. But  
22 they're attempting, again, by inference on inference on  
23 inference, by use of, now, apparently just a sort of  
24 association -- that is, that Squeaky was associating with  
25 Manson -- to get in hearsay which in no other way could be  
26 admissible.

27 And I -- I object strongly to the procedure. It  
28 is nothing but hearsay, and they could get in what is common

16c-2

1 knowledge around the ranch -- if, indeed, it was common  
2 knowledge, that Shorty was going to be hired, or that Frank  
3 Retz was going to be hired.

4 If this is their -- if this is the common  
5 knowledge. But to get in all the other testimony about what  
6 Retz said under the circumstances, and what Retz said about  
7 Manson, and what Retz said about the Manson Family driving  
8 over his property is inadmissible, and it's just attempting  
9 to get that in through an associate of Manson's, on the  
10 basis of apparently guilt by association -- or communication  
11 by association.

12 And I submit that you cannot get that in; it's  
13 not proper to do so that way, any more than if they attempted  
14 to get it in -- if any other person were present -- little  
15 Larry Jones or whatever, whom all these witnesses have said  
16 was part of the Manson Family, or a bunch of other people,  
17 who have been shown in the pictures, simply because a person  
18 who is a member of the Manson Family was there does not make  
19 it admissible against this defendant, on this charge.

20 MR. KAY: I might say that Barbara Hoyt will testify  
21 that Squeaky had a particular job in the Family, and that  
22 was to channel to Manson all information from George Spahn.  
23 Whatever George Spahn was doing, she was to report to Manson.  
24 That was her job in the Family.

25 MR. DENNY: Well --

26 MR. KAY: And Barbara Hoyt will testify to this.

27 MR. DENNY: Barbara Hoyt will testify to anything,

28 as far as that goes.

1 MR. KAY: Oh, Mr. Denny, you --

2 MR. DENNY: You're doggone right. And I don't mind  
3 having that in the record.

4 THE COURT: The objection's overruled. Let's proceed.

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

8 MR. MANZELLA: Your Honor, could I have the last  
9 question read back?

10 MR. KAY: I think Mrs. Briandi took it down.

11 THE COURT: That always happens.

12 THE REPORTER: No, I have it.

13 THE COURT: Oh, you have it, Mr. Williams?

14 THE REPORTER: Yes.

15 (Pause in the proceedings while the reporter  
16 perused his notes.)

17 MR. DENNY: I think it's simply: What did Frank Retz  
18 say?

19 THE REPORTER: I'll read the last question and the one  
20 preceding it.

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

23 "Q Now, during that conversation, did Frank  
24 Retz talk about the Family?

25 "A Yes.

26 "Q And what did he say?")

27 THE COURT: Again, ladies and gentlemen, it's admitted  
28 for that purpose, of establishing -- if it does in your minds

1 establish -- whether the conversations took place; not for  
2 the truth of the matter.

3 Go ahead.

4 THE WITNESS: Yes. He said Frank Retz said he  
16d fls. 5 wanted the Family kept off his property.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

16d-1

1 Q BY MR. MANZELLA: Now, when George said that he had  
2 a man for Shorty, did Retz say anything in reply to that?

3 A Yes. He said, "Send him over."

4 Q Now, sometime thereafter, did you have a conversa-  
5 tion with Shorty, with regard to that job offer?

6 A Yes.

7 Q And what did Shorty say and what did you say about  
8 the job?

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

10 MR. MANZELLA: We are offering it on Shea's state of mind,  
11 your Honor.

12 THE COURT: All right. It's received -- the objection  
13 is overruled. It's received for that limited purpose.

14 MR. DENNY: Also, ambiguous as to time.

15 THE COURT: It is ambiguous, in that respect. The  
16 objection is sustained on that ground.

17 Q BY MR. MANZELLA: All right.

18 Mrs. Pearl, can you tell us about how long after  
19 the conversation between Spahn and Retz did your conversation  
20 with Shorty take place?

21 A Could have been very shortly after. The next day.

22 Q All right. And who was present? Just you and  
23 Shorty?

24 A George Spahn.

25 Q What did Shorty say about the job?

26 A That he would be glad to take it.

27 Q And did he ask to borrow any money from you at  
28 that time?

16d-2

1 A Yes.

2 Q And what was said about that, if anything, by  
3 Shorty?

4 A Well, he said he needed some money to get his guns  
5 out.

6 Q To get his guns out of hock?

7 A Yes. And I mentioned, "Well, wait until you get a  
8 job from Frank, and you'll get some money."

17 fol

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

17-1

1 Q Did Shorty say anything about the Family during  
2 that conversation?

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

4 THE COURT: Overruled. You may answer.

5 THE WITNESS: Yes, he said he didn't think he'd have any  
6 trouble with him.

7 Q BY MR. MANZELLA: All right, Mrs. Pearl, when was  
8 the last time you saw Shorty Shea?

9 A Late one evening when I was going home.

10 Q How long after the August raid was this?

11 A Oh, a couple of weeks.

12 Q That was the last time that you saw Shorty Shea?

13 A Yes.

14 Q And I take it that was the last time you've heard  
15 from him, is that right?

16 A Yes.

17 MR. DENNY: I'm sorry. May I have the last two  
18 questions and answers re-read?

19 THE COURT: Miss Briandi.

20 (Whereupon, the record was read by the reporter  
21 as follows:

22 "Q All right, Mrs. Pearl, when was the  
23 last time you saw Shorty Shea?

24 "A Late one evening when I was going home.

25 "Q How long after the August raid was  
26 this?

27 "A Oh, a couple of weeks.")

28 MR. DENNY: Was there something about a couple of weeks?

1 MR. KAY: She said it was a couple of weeks after the  
2 raid.

3 (Whereupon, the record was read by the  
4 reporter as follows:

5 "Q How long after the August 16th raid was  
6 this?

7 "A Oh, a couple of weeks.")

8 Q BY MR. MANZELLA: All right. Now, Mrs. Pearl,  
9 I would like to direct your attention back to August 15th,  
10 1969, the day before the raid.

11 During the summer of 1969, were you going out  
12 to Spahn Ranch every day?

13 A Yes.

14 Q And approximately what hours would you work at  
15 Spahn Ranch, did you work at Spahn Ranch during the summer  
16 of 1969?

17 A Well, I was there any time I got there in the  
18 morning, from 9:00 to 10:00 and --

19 Q How late did you stay at Spahn Ranch?

20 A Oh, sometimes 10:00 or 11:00 or 12:00.

21 Q At night?

22 A Yes.

23 Q During the many years that you knew George Spahn  
24 and that you worked as forewoman at Spahn Ranch, were you  
25 out at the ranch almost every day?

26 A Every day.

27 Q And were those the hours you just told us about?  
28 Were those pretty much your regular working hours?

1 A Yes.

2 Q Now, were you at the ranch the day before the raid,  
3 which would have been August 15, 1969?

4 A Yes.

5 Q And did you see Mr. Manson and most of the other  
6 members of the Family there on that day?

7 A Oh, yes.

8 Q Now, did you go to Spahn Ranch to work on the day  
9 of the raid, which was August 16, 1969?

10 A Yes.

11 Q Now, did you see Mr. Manson and the other members  
12 of the Family there?

13 A No.

14 Q Did you see the cowboys there?

15 A No.

16 Q Who was there?

17 A No, one.

18 Q Was it George?

19 A George -- Mr. Spahn was the only one there.

20 Q Now, sometime thereafter, did you see Shorty?

21 A Yes.

22 Q At the ranch?

23 A Yes.

24 Q When?

25 A Same day --

26 Q About when?

27 A -- practically.

28 Oh, around noon.

1 Q Now, sometime after Shorty came to the ranch, did  
2 you see Bruce Davis?

3 A Yes.

4 Q Did he come to the ranch?

5 A Yes.

6 Q Approximately how long after Shorty arrived at  
7 the ranch did Bruce come to the ranch?

8 A Well, I guess about the same time. Could have been  
9 any time that day or the next day.

10 Q It was in a day or two, in any event?

11 A Yes, uh-huh.

12 Q Now, did Shorty begin to live at the ranch after he  
13 arrived that day?

14 A Yes.

15 Q Now, sometime after Bruce Davis came to the ranch,  
16 did Manson and the other members of the Family come back to the  
17 ranch?

18 A Yes, they did.

19 Q Now, by the way, during this period of time, did  
20 Bob Bickston contact you; August of 1969?

21 A Yes, he had contacted --

22 MR. DENNY: Just a moment, I'll object to everything  
23 other than "Yes," and move that be stricken.

24 THE WITNESS: All right.

25 THE COURT: Whatever there was after "Yes" is stricken.  
26 The "Yes" remains.

27 Q BY MR. MANZELLA: And, again, during this period  
28 of time, the latter half of August, 1969, did Shorty again

1 talk to you about the Bickston movie?

2 A Yes.

3 Q And briefly tell us what he said about it.

4 Your Honor, this is offered, again, for Shea's  
5 state of mind with regard to that movie.

6 MR. DENNY: I'll still object as hearsay.

7 THE COURT: The objection is overruled and it is received  
8 for that limited purpose.

9 THE WITNESS: Yes, he said he had a fight with Bob  
10 Bickston.

11 Q BY MR. MANZELLA: Was he still waiting for it?

12 A Yes.

13 Q Now, after the August 16th raid, when Shorty came  
14 to the -- came to the ranch, did you see Shorty -- did Shorty  
15 go any place with you and George Spahn and Dawn Quant?

16 A Yes.

17 Q Where was that?

18 A We went out to dinner every night.

19 Q And Shorty went with you?

20 A Sometimes.

21

22

23

24

25

26

27

28

17a fol

17a-1

1 Q Now, directing your attention to this date,  
2 to approximately, as you said, two weeks after the raid,  
3 when you last saw Shorty, approximately what time of day was  
4 it when you last saw him?

5 A It was evening, late at night.

6 Q And where was he when you last saw him?

7 A He was out in the parking area of the ranch,  
8 where I park my car.

9 Q And what were you doing out in the parking area?

10 A Well, I was just, uh -- I finished up my last  
11 checking and was going to go home.

12 Q And was this the parking area which was in front  
13 of the boardwalk, the main buildings there?

14 A Yes, that whole area there is a parking area.

15 Q That was for primarily the tourists?

16 A Yes.

17 Q All right. And did you have a conversation with  
18 Shorty on that occasion when you last saw him?

19 A Yes.

20 Q Where were you when you talked to him?

21 A I was already in my car.

22 Q Seated in your car?

23 A Yes.

24 Q And did Shorty come over to your car?

25 A Yes.

26 Q Where was Shorty -- strike that.

27 Did you see Shorty's car on the ranch?

28 A Yes.

17a-2

1 Q After he came after the August 16th raid?

2 A Yes.

3 Q And on this occasion when he came over to your  
4 car this late in the evening, two weeks after the Spahn Ranch  
5 raid, did you see the car parked anywhere in the vicinity?

6 A Yes.

7 Q Where was it parked?

8 A He always parked his car in front of George's  
9 house.

10 Q Is that where it was parked on this occasion?

11 MR. DENNY: Just a moment, I'll object.

12 Q BY MR. MANZELLA: Was that where it was parked on  
13 this occasion?

14 A Yes.

15 Q Now, when Shorty came over to your car and talked  
16 to you, was anyone else present besides you and Shorty?

17 A No.

18 Q What did Shorty say to you?

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

20 MR. MANZELLA: We're offering it on Shea's state of mind,  
21 your Honor.

22 THE COURT: The objection is overruled. It is received  
23 for the same purpose, ladies and gentlemen, for that same  
24 limited purpose.

25 You may answer.

26 A He said, "Pearl, can I stay somewhere over at  
27 your house tonight? It is kind of weird here."

28 And --

17a-3

1 Q BY MR. MANZELLA: And what did you say?

2 A Well, I said, "I haven't got any place but the

3 shed."

4 Q Was this shed fixed up in some way?

5 A Yes, it was like a little apartment.

6 Q What did Shorty say to that, if anything?

7 A Well, he said, "It is kind of cold there."

8 And I said, "Why don't you go over to the Fountain

9 of the World?"

10 Q And what's the Fountain of the World?

11 A That's a religious place where they take in

12 people that don't have any place to go.

13 Q Is that near Spahn Ranch?

14 A Yes.

15 Q Approximately how far away is it?

16 A It is only a few miles down the Simi Valley Road.

17 Q When you suggested Fountain of the World, what did

18 Shorty say to that, if anything?

19 A Oh, he said he'd been there before. And he

20 guessed he'd stay at the ranch. He'd sleep in his car again.

21 Q Now, you've already told us that you had the

22 opportunity to observe Shorty's demeanor and behavior during

23 the years that you knew him.

24 Did you have the opportunity to observe his

25 demeanor and behavior on this occasion when he talked to you?

26 A Yes.

27 Q Would you tell us what was his demeanor and what

28 was his behavior while he was talking to you?

17a-4

1 A He was very serious and he kept looking around,  
2 and he said, "It gives me the creeps to stay here."

3 Q Had you ever seen him like that before?

4 A No.

5 Q Now, at that time, while you were talking to  
6 Shorty, Mrs. Pearl, with -- was your -- strike that.

7 At the time you were talking to Shorty, had you  
8 turned your engine on, the engine to your car?

9 A Oh, yes, it was idling.

10 Q Your car was idling at that time?

11 A Yes.

12 Q Now, about the time your conversation with Shorty  
13 ended, he said he guessed he'd stay at the ranch; did anything  
14 happen?

15 A Yes.

16 Q What happened?

17 A Well, he turned and walked away towards the  
18 boardwalk. And I started slowly to pull off. And I saw a  
19 car come in real fast, into the driveway and park over there  
20 by the side of the road, towards the Simi Valley Road.

21 Q In the parking lot?

22 A Yes, just on the edge.

23 And all of these boys got out real quick and  
24 started over towards the boardwalk.

25 Q And who were the boys that got out?

26 A The Manson boys.

27 Q How many of them were there that got out?

28 A Four.

17a-5

1 Q Who were they?

2 A Well, there was Charles Manson, Bruce Davis,  
3 Steve Grogan and Tex Watson.

4 Q Now, when they pulled in, did they pull in near  
5 you?

6 A Yes, they had to go almost in front of me.

17b fls.

17b-1

1 Q In their car?

2 A Yes.

3 Q And when they got out of their car, where did they  
4 go, if anywhere?

5 A They rushed towards the boardwalk.

6 Q Who, if anyone, was at that portion of the  
7 boardwalk?

8 A Well, that's where Shorty had just went.

9 Q Now, the car that the four men got out of, did that  
10 car pull in fast or slow?

11 A Fast.

12 Q Now, when those four men got out and rushed towards  
13 Shorty, did anyone remain behind in the car if you know?

14 MR. DENNY: I'll object to that as assuming facts not in  
15 evidence that they rushed towards Shorty.

16 MR. MANZELLA: She testified to that.

17 MR. DENNY: That they rushed toward the boardwalk, not  
18 Shorty.

19 MR. MANZELLA: Oh, I'm sorry. That's right.

20 Q When they rushed toward the boardwalk where Shorty  
21 was, did anyone remain behind in the car?

22 A Well, I kept searching back and forth and looking  
23 back and forth at the car to see if anybody else was coming  
24 out and I thought I saw shadows in the car, but I couldn't  
25 identify them.

26 Q All right. At the time that you saw it, what you  
27 thought were shadows in the car, did you have any idea who the  
28 shadow might be?

1 A Yes.

2 Q Who?

3 MR. DENNY: I'll object to that as it certainly calls  
4 for speculation.

5 THE COURT: It certainly does. Sustained.

6 Q BY MR. MANZELLA: Now, what did Manson, Davis,  
7 Grogan and Watson do, after they -- when they rushed toward the  
8 boardwalk, where Shorty was?

9 A Oh, the last I could see them, they was just  
10 fanning out.

11 Q What do you mean by "fanning out"?

12 A Just spreading out around --

13 Q Around what?

14 A Around the spot where Shorty went.

15 Q Did you see Shorty at that time, there, at that  
16 spot?

17 A That's where he walked right over to that spot.

18 Q Was there anyone else in the vicinity?

19 A No.

20 Q Other than you and Shorty and Manson, Davis,  
21 Grogan and Watson, and perhaps somebody else in the car, was  
22 there anyone else in that whole area?

23 A No.

24 MR. DENNY: I'll --

25 Q BY MR. MANZELLA: That you could see?

26 MR. DENNY: I'll object to that as assuming facts not in  
27 evidence, "Perhaps someone else in the car," there's no evidence  
28 of that.

1 MR. MANZELLA: There certainly is evidence of that.

2 THE COURT: Overruled.

3 MR. DENNY: Your Honor, she testified only she saw a  
4 shadow. She didn't testify she saw anyone in the car. It  
5 assumes facts not in evidence.

6 THE COURT: Overruled. You may answer.

7 THE WITNESS: No, there was no one on the place.

8 Q BY MR. MANZELLA: All right.

9 Did you drive away?

10 A Yes, I was slowly pulling out anyway, so I just  
11 kept going.

12 Q All right. And eventually you lost sight of  
13 Shorty and these four men?

14 A Yes.

15 Q And how far were they from Shorty at the time you  
16 lost sight of them?

17 A Well, they were already up to within a few feet of  
18 the boardwalk.

19 Q Where was Shorty in relation to the boardwalk?

20 A He was walking along the edge of the boardwalk,  
21 towards the house at that time.

22 Q How far were they from Shorty at that time?

23 A Well, the last I could judge, it was three or four  
24 feet.

25 Q Now, did you go home that night?

26 A Yes,

27 Q All right. Did you return to Spahn Ranch the next  
28 day?

1 A Yes.

2 Q Did you see Shorty?

3 A No.

4 Q Did you ever see him again?

5 A No.

6 Q Did you ever hear from him again?

7 A No.

8 Q Was Shorty's car on the ranch when you returned the  
9 next day?

10 A No, it wasn't.

11 Q Did you ever see Shorty's car again?

12 A No.

13 Q Now, on the following day did you see Charles Manson  
14 at the ranch?

15 A Yes, I saw them again.

16 Q Did you see Bruce Davis?

17 A Yes.

18 Q Steve Grogan and Tex Watson?

19 A Yes.

20 Q Now, did Shorty ever tell you that -- well, strike  
21 that.

22 Well, shortly after that, did Manson and most of the  
23 other members of the Family move from Spahn Ranch?

24 A Yes.

25

26

27

28

18 fol

18-1

1 MR. DENNY: Object -- just a moment. Object to that as  
2 ambiguous, as to what is meant by "shortly."

3 THE COURT: Sustained.

4 MR. DENNY: Move that the answer be stricken.

5 THE COURT: The motion is granted. The answer is  
6 stricken.

7 Q BY MR. MANZELLA: All right. Sometime shortly  
8 after that, did Manson and the other members of the Manson  
9 Family move from the Spahn Ranch?

10 A Yes.

11 Q About how long thereafter?

12 A Within a day or so.

13 Q Okay. And did Manson and the Family ever return  
14 to the Spahn Ranch to live?

15 A No.

16 Q Now, did Shorty ever tell you, up until the last  
17 time you saw him, did he ever tell you he was leaving Los  
18 Angeles or the State of California permanently?

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

20 THE COURT: Overruled.

21 MR. MANZELLA: It's offered on Shee's state of mind.

22 THE COURT: It's admitted to show, if it does in your  
23 opinion show, --

24 THE WITNESS: The answer is: No.

25 THE COURT: -- his state of mind.

26 THE WITNESS: No.

27 Q BY MR. MANZELLA: Did he ever tell you that he  
28 was leaving his family and his friends permanently?

18-2

1 A No.

2 MR. MANZELLA: Your Honor, I have here a series of  
3 photographs which have previously been marked People's 80-A  
4 through -H.

5 I don't know if it's been marked at this proceed-  
6 ing or not.

7 THE COURT: Yes. They have previously been marked  
8 for identification.

9 MR. MANZELLA: Your Honor, I have here a photograph.  
10 I would like to add this photograph to that group of photographs  
11 and have it marked People's 80-I for identification.

80-I id.

12 THE COURT: All right. So ordered.

13 80-I.

14 Q BY MR. MANZELLA: All right.

15 Mrs. Pearl, at the time that you saw the shadow  
16 in the car, after the four men got out, did you think that  
17 that shadow was a shadow of a person?

18 MR. DENNY: I will object to that again as calling for  
19 speculation and a conclusion.

20 THE COURT: Overruled.

21 THE WITNESS: Yes, I could -- I could imagine who it  
22 was.

23 Q BY MR. MANZELLA: And at the time, did you think  
24 that it was someone you knew?

25 A Yes.

26 Q And who did you think it was?

27 MR. DENNY: I'll object to that again as calling for  
28 speculation and conclusion.

18-3

1 THE COURT: Sustained.

2 MR.MANZELLA: All right. Fine.

3 Q All right. Now, Mrs. Pearl, directing your  
4 attention to the photograph which has been marked People's  
5 80-I for identification, do you recognize what is shown in  
6 that photograph?

7 A Yes.

8 Q And what is shown in that photograph?

9 A That's the front parking lot of the Spahn Movie  
10 Ranch.

11 Q And in particular, what is shown in the photograph?  
12 What are some of the structures and the -- is there what  
13 appears to be a pole in the photograph?

14 A Yes. In the center of the parking lot is the  
15 telephone pole; and towards the left is the corral with the  
16 hay stack and the trucks -- and the driveway is right in  
17 between (indicating), between the corral and the edge of the  
18 parking lot.

19 Q And the portion of the boardwalk is shown in that  
20 photograph?

21 A Yes, the storeroom building.

22 Q And the office building?

23 A Yes, the office building also.

24 Q Does the area in which you last saw Shorty --  
25 does that show in the photograph, People's 80-I?

26 A Yes.

27 Q All right. Would you mark with an X the area --  
28 or, the location where Shorty was when you last saw him?

18-4

1 A (Witness complies.)

2 This is kind of thick.

3 THE COURT: You've marked an "X"? On the right side  
4 of the -- right in the middle of the photograph?

5 MR. DENNY: I'm sorry, your Honor. The jury can't  
6 hear the Court, and I'm not sure I heard the Court.

7 THE COURT: The record will show she has marked an  
8 X on the right middle of the photograph.

9 Q BY MR. MANZELLA: And would you mark, using four  
10 circles, the location of the four members of the Manson  
11 Family, when you saw -- when you last saw them?

12 A Well, when they got out of the car --

13 Q No. Now, just listen to what I am saying. Just  
14 the four circles, when you last saw them.

15 A Last saw them?

16 Q In other words, after they had gotten out of the  
17 car and had gone toward the spot on the boardwalk where Shorty  
18 was.

18a fls.

19 A (Witness drawing on diagram.) There.  
20  
21  
22  
23  
24  
25  
26  
27  
28

18a-1

1 MR. MANZELLA: All right. May the record reflect she has  
2 complied, your Honor? She has marked four circles on the  
3 diagram.

4 THE COURT: All right. Yes, the record may so show.

5 MR. MANZELLA: Thank you.

6 Q Mrs. Pearl, can you make them any heavier?

7 A (Witness complies.)

8 Q All right. Mrs. Pearl, I have drawn little lines  
9 in black ink around the X's and circles that you made in red  
10 ink.

11 A Yes.

12 Q All right. Now, Mrs. Pearl, can you show us where  
13 your car was at the time -- strike that.

14 (Continuing) -- where you were, again using --  
15 say, your initials, R. P., for Ruby Pearl -- where you were  
16 when you first saw the men getting out of the car?

17 A I was right in front of the hay stack, right close  
18 to it.

19 Q All right. Would you mark that with an X, please?

20 A (Witness complies.)

21 Q All right. You've already marked it with an X?

22 A Yes.

23 Q All right. Now, how about putting a line from  
24 that and -- say, up into the sky here, and your initials,  
25 R. P., so that we know that that is you?

26 A (Witness complies.)

27 Q All right. And if it's all right with you,  
28 Mrs. Pearl, I will put a --

1 A Circle.

2 Q -- circle around that X. Okay?

3 Now, if you would, using the black pen again,  
4 would you draw a line where the -- a short line -- where the  
5 car was parked, just before the four men got out of it and  
6 went towards the spot where Shorty was?

7 A (Witness drawing on diagram.) Right there.

8 Q All right. Okay. Now, you've drawn that line?

9 A Yes.

10 Q All right. Why don't you write in black ink along  
11 the line --

12 A "Car"?

13 Q -- "Car"? Or print it.

14 A (Witness complies.)

15 Q Well, that's okay. Fine.

16 And how about an arrow from that line, to the --  
17 to where the circles were, showing the direction in which  
18 Manson, Davis and Grogan and Watson were going, when they got  
19 out of the car?

20 A (Witness complies.)

21 Q All right. Now, Mrs. Pearl, are there any lights  
22 in that -- well, strike that. Let me -- if I may, I would  
23 like to offer this into evidence at this time, your Honor.

24 MR. DENNY: May I see it, as it's marked, before?

25 MR. MANZELLA: And show it to the jury, if I may.

26 (Pause in the proceedings while the exhibit was  
27 handed to Mr. Denny, who perused it.)

28 THE COURT: All right. It's received in evidence.

1 MR. DENNY: No objection.

2 MR. MANZELLA: All right. Your Honor, at this time,  
3 I have a few more questions on this area. May I pass this to  
4 members of the jury, this photograph?

5 THE COURT: Yes, you may.

6 MR. MANZELLA: I am handing it to Mrs. Sandberg,  
7 People's 80-I.

8 Q Now, Mrs. Pearl, were there any artificial lights  
9 on in the parking lot on that occasion?

10 A No, there were no lights.

11 Q And I take it there were no lights in the -- that  
12 were used at night in that area?

13 A No.

14 Q Now, had you ever seen Manson, Davis, Grogan and  
15 Watson before at night?

16 A Oh, yes.

17 Q On one occasion or on many occasions?

18 A Oh, many.

19 Q Under what circumstances did you see them?

20 A Oh, when I walked by there all the time, I'd  
21 meet them, coming and going.

22 Q Did you often work at night?

23 A Yes.

24 Q Outside?

25 A Yes.

19-1

1 Q Now, do you recall what the natural lighting  
2 conditions were on that occasion, that is, was there moonlight?

3 A Yes, it was real light. It was real light.

4 Q Do you recall from which direction the moonlight  
5 was coming?

6 A Yes, it was coming from the mountain, in the  
7 back. And it lit right in the parking lot and it was real  
8 light.

9 Q Was the light, in other words, in the faces of  
10 these men as they walked towards the spot where Shorty was?

11 A Yes, I would say.

12 Q Now, after you returned to the ranch the next day,  
13 then, and you didn't see Shorty and you didn't see his car,  
14 did you sometime thereafter begin making inquiries of people  
15 that you knew that knew Shorty?

16 A Yes.

17 Q As a result of those inquiries, were you successful  
18 in lo- --

19 A No.

20 Q -- locating Shorty or his whereabouts?

21 A No, no.

22 Q Now, Mrs. Pearl, I just have a few more questions.  
23 Directing your attention to the photograph which  
24 is marked People's 80-G.

25 Do you recognize what is shown in that photograph?

26 A Yes.

27 Q All right. Do you see George Spahn's house in  
28 that photograph?

19-2

1 A Yes.

2 Q Would you mark it with -- using the red pen,  
3 would you write the word "Spahn" right across the face of the  
4 photograph, on that portion of the photograph which shows his  
5 house?

6 A (Witness complied.)

7 Q Okay.

8 A That's the whole house.

9 Q All right. Perhaps you could put a circle around  
10 it so you know what structures are the house.

11 No, around the whole house.

12 A Oh, around the whole house?

13 Q Yes.

14 A (Witness complied.)

15 Q Okay.

16 Now, directing your attention to People's 80-A.

17 Do you recognize what that shows in that photograph?

18 A Yes.

19 Q Now, does that show the entranceway, one of the  
20 entranceways from Santa Susanna Road from the parking lot into  
21 Spahn Ranch?

22 A Yes.

23 Q And does that show the entrance that the car  
24 would be -- that the car took on the last night you saw  
25 Shorty?

26 A Yes.

27 Q All right. Would you draw an arrow showing the  
28 way the car came into the parking lot?

19-3

1 A (Witness complied.)

2 Q And put a little point on that arrow so we know  
3 which way it is going.

4 A (Witness complies.)

5 Q Okay,

6 How about writing the word "Car" somewhere down  
7 here so we know what that arrow is.

8 A Uh-huh.

9 (Witness complies.)

10 Q BY MR. MANZELLA: All right. Directing your  
11 attention to People's 80-C for -- 80-C, that photograph.

12 Do you recognize what is depicted in that photo-  
13 graph?

14 A Yes.

15 Q Mrs. Pearl, before I go into that, why don't you  
16 put your initials "RP" by the word "Car" so we know you made  
17 that designation.

18 People's 80-C, is that a slightly different view  
19 of the -- thank you -- of the same area of the parking lot  
20 that is shown in 80-I?

21 A Yes, it is the same edge here as this (indicating).  
22 This edge continues here (indicating), and here (indicating),  
23 also.

24 THE COURT: State --

25 Q BY MR. MANZELLA: It is a slightly different view  
26 than the one shown in People's 80-I?

27 A Yes.

28 Q The one in this photograph 80-C --

1 A It continues from this (indicating) to there  
2 (indicating) and there (indicating).

3 Q When you refer to "this continues," you're  
4 referring to the grassy portion?

5 A The edge.

6 Q The edge of the parking lot?

7 A Yes.

8 Q All right.

9 Directing your attention to People's 80-F,  
10 in particular that area which is shown in a circle in 80-F,  
11 which appears to be some sort of trailer; do you recognize  
12 that?

13 A Yes.

14 Q What was that?

15 A That was first Randy Starr's trailer.

16 Q And what was it -- what was it later?

17 A And then, the Manson girls lived in it after  
18 that.

19 Q Mrs. Pearl, can you tell us whether or not  
20 in the night, the last night that you saw Shorty, whether or  
21 not the moon was full?

22 A Yes, I believe it was. It was --

23 Q And on what do you base that; the amount of  
24 brightness?

25 A The brightness.

19a fls.

19a-1

1 MR. DENNY: Well, just a moment, I'll object to that.  
2 It was a leading and suggestive, the way the question was  
3 phrased.

4 THE COURT: All right, sustained.

5 Q BY MR. MANZELLA: Was there anything in particular  
6 that makes you feel that the moon was full?

7 A Well, I could see such a wide range.

8 Q And you'd worked at night outside in that area  
9 on many occasions?

10 A Yes.

11 Q Okay.

12 Thank you, Mrs. Pearl. I have no further questions  
13 at this time, your Honor.

14 MR. DENNY: Your Honor, I would like to ask just a few  
15 questions before we break.

16 THE COURT: Well, it is five to 4:00.

17 All right, you may.

18 MR. DENNY: All right.

19

20 CROSS EXAMINATION

21 BY MR. DENNY:

22 Q Mrs. Pearl, the moon was bright out that night?

23 A It was light.

24 Q Bright light?

25 A Light.

26 MR. KAY: I'm going to object to Mr. Denny's antics.  
27 This is a court of law.

28 THE COURT: The objection is overruled.

19a-2

1 Q BY MR. DENNY: Ma'am, it was a full moon, is that  
2 correct?

3 A Yes.

4 Q It was a full moon last night and the night before  
5 last, is that correct?

6 A Yes, there was.

7 Q Was it as bright as the moon last night and the  
8 night before?

9 A Yes.

10 Q Were you down here last night and the night before?

11 A Yes, I was.

12 Q And it was a clear, crisp night last night and the  
13 night before?

14 MR. MANZELLA: Objection, it is not relevant what it was  
15 last night and the night before.

16 THE COURT: Sustained.

17 Q BY MR. DENNY: All right. So that on the night you  
18 last saw Shorty, the night that you say you saw all of this  
19 going on in the parking lot of Spahn Ranch, with the four guys  
20 running out of the car towards Shorty, that night was a bright,  
21 light night, bright moonlight night, is that correct?

22 A Yes.

23 Q Let me direct your attention to the testimony of  
24 the case of People versus Charles Manson, the same case  
25 number, Volume 42, which was taken on Monday, September 14,  
26 1971.

27 Were you asked the following question and did you  
28 give the following answer:

1 "Q I see. So, as we have this scene,  
2 you are looking at this area, and you are now  
3 telling us that you were too busy watching  
4 everybody, except Bill Vance; is that right?

5 "A Well, as I was following the front  
6 ones, there could have been another one coming  
7 along behind; but I was watching them.

8 "And it was dark. But I could see their  
9 outlines. I was keeping my eye on the front ones."

10 Do you remember so testifying?

11 A It was late at night. It was dark, late at night,  
12 but the moon is a different kind of light than the daylight.

13 Q It sure is. But you said it was dark.

14 A It was dark around a lot of places. I didn't --  
15 MR. MANZELLA: Objection.

16 THE WITNESS: -- say where it was dark and where it was  
17 light. There were many, many dark places there.

18 Q BY MR. DENNY: It was light all over that parking  
19 lot?

20 A The parking lot is a light color. The parking lot  
21 is a light color.

22 Q That's right, ma'am.

23 A No shadows in there.

24 Q That's right, ma'am. All those people coming across,  
25 they were coming across that light parking lot?

26 A Yes.

27 Q Right out in the open, right?

28 A (No response.)

1 Q But you testified there, just as far as those  
2 people coming across the parking lot, that it was dark, is  
3 that right?

4 A It was dark. You refer to night as being dark.

5 Q Except when there's a bright moonlit night, and  
6 then it is light, isn't it?

7 A You could see. It was light enough to see, but it  
8 still was dark. We refer to the ranch as after dark.

9 Q After dark, all right.

10 By the way, ma'am, you've gone over all of these  
11 pictures and recognized a great many of them.

12 You do recognize all of those people you had seen  
13 before?

14 A Oh, yes.

15 Q All right.

16 Do you recognize me?

17 A From how long ago?

18 Q When is the last time you saw me?

19 MR. KAY: That's irrelevant.

20 THE COURT: Sustained.

21 MR. DENNY: Your Honor, if the Court please, it is very  
22 relevant.

23 THE WITNESS: I haven't seen you that often to know when  
24 I last saw you last.

25 Q BY MR. DENNY: When did you last see me, ma'am?

26 MR. KAY: Objection, irrelevant.

27 THE COURT: Sustained.

28 Q BY MR. DENNY: Didn't you see me last weekend?

1 A No, I wasn't here last weekend.  
2 MR. MANZELLA: Objection.  
3 MR. KAY: Objection, irrelevant.  
4 Q BY MR. DENNY: But I was in your --  
5 THE COURT: The objection is sustained.

19b fol

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

19b-1

1 Q BY MR. DENNY: Ma'am, you recognized all of these  
2 people, how they moved, the body movements, et cetera?

3 A Uh-huh.

4 Q As they got out of the car and moved?

5 A Uh-huh.

6 Q Do you have any trouble with your eyes?

7 A No.

8 Q You have seen me as recently as last weekend,  
9 haven't you?

10 MR. MANZELLA: Objection, not relevant.

11 THE COURT: Sustained.

12 MR. DENNY: Goes to her ability to perceive and her  
13 ability to recognize --

14 THE COURT: The objection is sustained.

15 THE WITNESS: Shall I answer?

16 THE COURT: No, you needn't answer.

17 MR. DENNY: Your Honor, I would like to make an offer  
18 of proof at this time to the Court.

19 THE COURT: Ladies and gentlemen, we'll recess at this  
20 time.

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

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

27 You are excused until then. Good night.

28 (Whereupon, there were murmurs of "Good night,

19b-2

1 your Honor," heard throughout the members of the  
2 jury.)

3 THE COURT: Mrs. Pearl, you are excused until 9:30  
4 tomorrow morning.

5 THE WITNESS: All right, thank you.

6 (Whereupon, the jury retired from the courtroom,  
7 and the following proceedings were had:)

8 MR. KAY: Your Honor, I wonder if the record could  
9 reflect that during Mr. Denny's questioning of Mrs. Pearl  
10 that he threw both hands up in the air and appeared to jump  
11 off the ground.

12 Now, if this courtroom is going to be turned into  
13 a circus, I think the Judge --

14 THE COURT: Mr. Kay.

15 MR. KAY: -- should admonish Mr. Denny that he should  
16 not jump up and down.

17 THE COURT: The Court observed what he did and I didn't  
18 think he was improper. He was a little loud, but he's  
19 enthusiastic.

20 MR. KAY: Fine, if your Honor wants him to do that.

21 MR. DENNY: My feet never left the ground. My arms  
22 flew up, but quite appropriately so.

23 My offer of proof on the admissibility of this  
24 evidence is that I was in her trailer last weekend face to  
25 face, not two feet from her, speaking with her for over two  
26 hours. And if she cannot recognize me after this period of  
27 time, at that close proximity, under those circumstances,  
28 I think it is relevant and material as to her ability to

19b-3

1 recognize people in -- on a dark night.

2 THE COURT: Were you wearing horn-rim glasses and did  
3 you have that funny mustache on?

4 MR. DENNY: (Laughing)

5 I hope the record will reflect the facetiousness  
6 of those remarks. It is sometimes difficult.

7 THE COURT: What about it, Mr. Kay? If she is so inept  
8 at recognition, shouldn't that be made known to the jury?

9 MR. KAY: Who said she's so inept?

10 MR. DENNY: She did. She didn't recognize me.

11 MR. KAY: She didn't say that.

12 I think it is irrelevant whether he interviewed  
13 her for two hours -- she didn't have a trailer. She lived  
14 in Oregon.

15 MR. DENNY: That's where I was.

16 MR. KAY: You were in Oregon?

17 MR. DENNY: Yes, sir.

18 MR. KAY: Too bad you didn't stay there.

19 MR. DENNY: Well, I think your Honor that is kind of  
20 unprofessional, if we're talking about unprofessionalism.

21 THE COURT: Mr. Kay, I think it falls in that category  
22 as improper. Refrain yourself.

23 MR. KAY: It is kind of hard with Mr. Denny, your Honor.

24 THE COURT: Well, the Court believes that Mr. Denny  
25 is comporting himself in a proper manner and I'm not sure in  
26 making that kind of remark that you are.

27 Now, what about -- what I am directing your  
28 attention to, is his offer of proof. What do you have to say

1 about it?

2 MR. KAY: Well, I certainly didn't understand that that's  
3 what he was talking about. And I think it is irrelevant.  
4 I mean, whether he went up and interviewed her or not. I  
5 mean, she -- so she saw Mr. Denny in her trailer on one  
6 occasion. That doesn't mean she saw him walking around at  
7 night on a full moon-lit night --

8 THE COURT: The fact that she doesn't remember --

9 MR. KAY: -- on hundreds of occasions, two years later.

10 THE COURT: Go ahead.

11 MR. KAY: -- two years later. Of course, this is  
12 certainly two years after August of '69.

13 MR. DENNY: Well, your Honor, I certainly think that  
14 it goes to the weight of her testimony and her credibility.

15 If she can't recognize a person whom she's seen  
16 face to face for two hours, a week later, it does seem -- and  
17 in ideal lighting conditions -- it does seem to me that goes  
18 to the weight of her testimony as to whether she can recog-  
19 nize persons either on a dark night or on a moon-lit night.

19c fls.

19-c-1

1 MR. KAY: I think Mr. Denny wants to get in just the fact  
2 that he went up to Oregon just to talk to her.

3 MR. DENNY: No, I don't need to get that in at all. I  
4 don't have to get that in, just to get this across that I went  
5 to see her or not.

6 MR. KAY: I think Mr. Denny's question was ambiguous and  
7 I certainly didn't understand that that's what he was getting  
8 at with the question.

9 THE COURT: I don't know that the circumstances at all  
10 approximate the circumstances shown --

11 MR. DENNY: They're not supposed to, your Honor. They're  
12 not supposed to approximate it.

13 THE COURT: -- shown here concerning her testimony. She  
14 has seen people over a period of time, knew their names and  
15 had associated with them after all summer -- early spring and  
16 summer.

17 MR. DENNY: Your Honor, this would go to the weight of  
18 the testimony, not its admissibility.

19 Now, whether she has seen people all summer, seen  
20 them in the dark, in the light or whatever, and can recognize  
21 them, that is a question of her credibility. But it is also  
22 a question of her credibility as far as recognizing anybody as  
23 far as her eyesight, as far as her -- just her ability to look  
24 at somebody and say, "Yes, I've seen him before. I recognize  
25 him." And she's picked out all these pictures in so doing, as  
26 to whether or not she can do that.

27 Now, my offer of proof is, I'm sitting across from  
28 her for two hours, two hours plus, actually, two to three, to

1 five or six feet away, as she's wandering around the trailer  
2 with George Spahn, talking to her in this very same voice  
3 which, apparently, she also didn't recognize. And if those  
4 conditions -- which are more ideal, better conditions than the  
5 night -- she -- the night in question that we're talking  
6 about, if she can't recognize me now, under those conditions,  
7 it does go to her credibility as to whether she could recognize  
8 anybody else, even if she knew them better, under far less  
9 ideal lighting circumstances.

10 MR. KAY: Well, I think we're --

11 MR. DENNY: It goes to her ability to discern just what  
12 she bases her --

13 THE COURT: It goes to her ability to remember you?

14 MR. DENNY: No, as to her ability to recognize anyone.

15 THE COURT: Anyone?

16 MR. DENNY: And, again, the weight is up to the jury.  
17 But I think the admissibility is clear.

18 THE COURT: Well, I don't think it is particularly  
19 probative. However, I'll rule on it tomorrow. I'll hear from  
20 both of you tomorrow. 9:30.

21 MR. KAY: Good night, your Honor.

22 MR. MANZELLA: Good night, your Honor.

23 THE COURT: Good night, gentlemen.

24 (Whereupon, at 4:08 P. M., an adjournment was  
25 taken in this matter, to reconvene on the following morning at  
26 9:30 A. M., February 1, 1972.)  
27  
28