

## 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

236

REPORTERS' DAILY TRANSCRIPT

Thursday, February 3, 1972

VOLUME 36APPEARANCES:

For the People:

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

For Defendant Davis:

GEORGE V. DENNY, III

SWARTZ  
HOYT  
COPYMARY LOU BRIANDI, CSR  
ROGER K. WILLIAMS, CSR  
Official Court Reporters

# I N D E X

PEOPLE'S WITNESSES:      DIRECT    CROSS    REDIRECT    RECROSS

SWARTZ, John, Jr.	5411	5436 M	5439
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		5445 M	

HOYT, Barbara 5447 K 5541

DEFENDANT'S WITNESSES:

SWARTZ, John, Jr. 5425

E X H I B I T S

PEOPLE'S: FOR IDENTIFICATION IN EVIDENCE

82-B - a photograph 5448

105 - aerial photograph 5451

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1 LOS ANGELES, CALIFORNIA, THURSDAY, FEBRUARY 3, 1972 10:40 AM

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3  
4 THE COURT: In the case of People vs. Davis, good  
5 morning, ladies and gentlemen.

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

8 THE COURT: Good to see you all.

9 And all the jurors are present. The defendant  
10 is present with his counsel.

11 Mr. Manzella and Mr. Kay.

12 MR. KAY: Good morning, your Honor.

13 THE COURT: Good morning, gentlemen.

14 Are you ready to proceed?

15 MR. MANZELLA: Yes, your Honor.

16 Mr. Swartz.

17 THE COURT: I believe that you were cross-examining  
18 Mr. Swartz, Mr. Denny.

19 MR. DENNY: Yes, I was, your Honor.

20  
21 JOHN SWARTZ, JR.,  
22 called as a witness by and on behalf of the People, having  
23 been previously duly sworn, resumed the stand and testified  
24 further as follows:

25  
26 CROSS-EXAMINATION (Continued)

27 BY MR. DENNY:

28 Q Now, Mr. Swartz, at the time we recessed, at

1 least as far as the jury was concerned yesterday, I think  
2 you were at the point where you said when Mr. DeCarlo and  
3 Mr. Vance came in with the attache case containing Shorty's  
4 guns, that they had some conversation, is that right?

5 A Yes.

6 Q And Mr. Vance said something at that time?

7 A Yes, he did.

8 Q What was it that Mr. Vance said?

9 Do you want to spit your gum out, sir?

10 A I sure will.

11 They came in with the attache case containing  
12 the two pistols, and when they opened the attache case,  
13 Bill Vance said, "We've finally got Shorty's ego."

14 Q And did you see his face as he said this? What  
15 did his face appear to look like when he said that?

16 A Same as it looked every day.

17 (Laughter.)

18 THE COURT: Dirty, clean, funny --

19 Q BY MR. DENNY: A frown on his face or a smile  
20 or --

21 A I can't really remember.

22 Q You can't remember or --

23 A No.

24 Q Or was it a smirk on his face?

25 A I think it was kind of a smirk, more or less.

26 Q Kind of a smirk.

27 And he said, "Well, we finally got Shorty's  
28 ego," is that right?

1 A Yes, "We've," yes.

2 Q "We've"?

3 A "We've."

4 Q We've, w-e-'-v-e?

5 A "We've finally got Shorty's ego."

6 Q "We've finally got Shorty's ego."

7 Now, is it your recollection that there was some  
8 further conversation but you just don't remember specifically  
9 what was said?

10 A No, I don't.

11 Q Well, I've asked you two questions, in a way.

12 There was some further conversation between them,  
13 is that right?

14 A Quite possibly, yes.

15 Q Did you join in that conversation to your  
16 knowledge or recollection?

17 A No.

18 Q But the only portion of the conversation that  
19 you remember is this:

20 "Well, we've finally got Shorty's  
21 ego," is that right?

22 A That's right.

23 Q All right. And this, sir, was about how long  
24 after Mr. Manson and the rest of the members of the Manson  
25 Family had left Spahn Ranch?

26 A Hmm, a very short time in days.

27 Q Well, about three or four days, wasn't it?

28 A That's quite possible. I know it was an

1 extremely short time.

2 Q Well, let me direct your attention to your  
3 testimony at the trial of Mr. Manson on September 30, 1971,  
4 Volume 52, page 7974, starting at line 13:

5 "Q BY MR. MANZELLA: Approximately how  
6 long after Mr. Manson left the ranch did you see  
7 Mr. Vance and Danny DeCarlo at Spahn Ranch?

8 "A Three or four times."

9 A That's right.

10 Q All right.

11 Now, let's go back to this conversation that you  
12 said you had with Shorty that he was going to see Mr. Retz  
13 because Mr. Retz had offered him a job.

14 Do you remember that?

15 A Yes, I do.

16 Q And this conversation, again, was after August 16?

17 A Yes, it was.

18 Q You're sure of that?

19 A Uh-huh.

20 Q It is difficult for the reporter to take down  
21 "uh-huh."

22 A It is "Yes."

23 Q It is "Yes," all right.

24 All right, now, did you say in your direct  
25 examination, said "Mr. Spahn was trying to get him a job  
26 with Retz. He was going to see Retz that night"?

27 A Yes.

28 Q Now, sir, do you specifically recall that Shorty

1 told you in this conversation that you had with him that he  
2 was going to see Mr. Retz that night?

3 A Yes.

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1 Q Well, you were asked at the Grand Jury to relate  
2 the conversation, at the Grand Jury hearing on about December --  
3 well, you would have appeared about December 15th, I think.

4 You recall testifying there; is that right?

5 A Yes.

6 Q And you were asked to relate the conversation you  
7 had with Shorty; do you remember that?

8 A It's possible, yes.

9 Q All right. Referring to Page 914 -- let's take  
10 913, starting at Line 22.

11 "Now, using the raid -- that is, the date August  
12 16, 1969 -- as a frame of reference, when is the last time you  
13 saw Shorty alive?

14 "A It was a couple of weeks after that,  
15 I guess.

16 "Q Within a couple of weeks?

17 "A Yeah.

18 "Q I take it this is a rough approxi-  
19 mation; is that correct?

20 "A Yes, it is.

21 "Q And did you discuss with Shorty  
22 whether or not he was going to accept a job  
23 with Frank Retz?

24 "A Yes, I did. He told me that Frank  
25 had offered him a job.

26 "Q And what did he say about it?  
27 Concerning the job, that is.

28 "A Well, he said he wanted the job;



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1 "he was going to go see Frank about it.

2 "Q Did he tell you what kind of a job  
3 it was?

4 "A A night watchman's job.

5 "Q Did you know Frank Retz?

6 "A I was introduced to him two or  
7 three times. I knew him by sight."

8 And then it goes on and on and on; no further  
9 conversation.

10 Now, you didn't mention anything about Shorty  
11 saying "that night," did you?

12 A Not in that testimony, no.

13 Q All right. Now, between the time of the Grand  
14 Jury appearance and the time you testified in this trial,  
15 did somebody tell you that maybe it was relevant to the  
16 prosecution's case that Shorty's statement include that he was  
17 going to see Frank Retz at night?

18 A No.

19 Q Or you haven't heard from any of the prosecution  
20 witnesses that Shorty's supposed to have disappeared one night?

21 A No.

22 Q Well, you've talked to a number of the prosecution  
23 witnesses since the Grand Jury hearing, haven't you?

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

25 THE COURT: Sustained.

26 Q BY MR. DENNY: Have you talked to a number of the  
27 prosecution witnesses since the Grand Jury hearing?

28 A Yes, I have.

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1 Q And who among those witnesses have you talked to,  
2 since the Grand Jury hearing?

3 A I can't remember. Probably a lot of them.

4 Q Barbara Hoyt?

5 A No.

6 Q Juan Flynn?

7 A I've talked to Juan, but not concerning that  
8 subject, no.

9 Q Concerning other matters of the case?

10 A Concerning the case. We talked about it, but we  
11 didn't talk about what each other was going to testify to.

12 Q Paul Watkins?

13 A No.

14 Q Didn't you talk to him at all, since the Grand  
15 Jury hearing?

16 THE COURT: That would be immaterial, unless it's  
17 about the subject.

18 Let's see if we can move this on.

19 Q BY MR. DENNY: Well, sir, who have you talked to  
20 about the case, among the witnesses who have testified for the  
21 prosecution in this case, since the Grand Jury hearing?

22 A Well, I talked to Pearl before she left.

23 I don't get a chance to see these people very  
24 much.

25 Q Well, you talked to Pearl just this last appearance  
26 that she made down here?

27 A That's right.

28 Q All right. You and she were sitting there out in

2-4  
1 the hall talking quite a while, before she testified; is that  
2 right?

3 A No.

4 Q Well, for over a day you were waiting to testify?  
5 More than that, weren't you, sitting out in the hall?

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

7 THE WITNESS: I have been out there since last --

8 THE COURT: Sustained. You needn't answer that.

9 The answer's stricken.

10 Q BY MR. DENNY: Well, sir, you spent a good  
11 portion of that time chit-chatting with Pearl; is that right?

12 MR. MANZELLA: That doesn't appear to be relevant, your  
13 Honor.

14 THE COURT: You needn't answer that. Sustained.  
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1 Q BY MR. DENNY: Did you spend some of that time  
2 chit-chatting about the case, about Shorty?

3 MR. MANZELLA: Your Honor, I'm going to object. That's  
4 a compound question.

5 Talking about Shorty is not necessarily talking  
6 about the case, nor is it chit-chat, necessarily.

7 THE COURT: The objection is sustained.

8 You talked to her about -- did you talk to her  
9 about what you were going to testify to in this case?

10 THE WITNESS: No, your Honor.

11 Q BY MR. DENNY: Did you talk to her about what she  
12 was going to testify to in this case?

13 A She never said a word to me. We talked about old  
14 times --

15 Q Old times, including Shorty?

16 A -- up at the ranch.

17 That's right.

18 Q And Shorty's disappearance?

19 A If they possibly have come up.

20 Q And how Shorty was supposed to, according to her,  
21 have disappeared one night?

22 A I don't remember that part of the conversation,  
23 no.

24 Q But you are not saying it didn't occur, are you?

25 A I don't think it did occur.

26 Q All right, sir.

27 And then after that conversation, your testimony  
28 here includes the two words "see him that night"?

2a-2

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

2 THE COURT: Sustained.

3 Q BY MR. DENNY: Now, sir, do you remember what time  
4 of day this conversation that you had with Shorty took place?  
5 Was it in the morning, or the afternoon?

6 A No. The sun was up. That's all I can tell you.

7 Q By the way, did Shorty tell you that he was  
8 thinking about maybe going up to Vallejo, or up to the salt  
9 mines?

10 A No.

11 Q Did you hear anything like that, kind of a rumor  
12 around the ranch?

13 MR. MANZELLA: Objection. Calls for hearsay.

14 THE COURT: Sustained.

15 MR. DENNY: Not for the truth of the matter asserted,  
16 your Honor, but merely for the fact that it was stated.

17 MR. MANZELLA: Same objection.

18 THE COURT: Same ruling to the question as it's put.

19 THE WITNESS: No.

20 THE COURT: Well, the answer should be stricken, because  
21 the objection is sustained, but --

22 THE WITNESS: I'm sorry.

23 THE COURT: It's not your fault.

24 Go ahead.

25 We will tell you, you shouldn't answer, if there is  
26 an objection that is sustained.

27 (Pause in the proceedings.)

28 MR. DENNY: I'm sorry, your Honor. May I have just a

1 moment here?

2 THE COURT: You may.

3 (Further pause in the proceedings.)

4 Q BY MR. DENNY: By the way, did Shorty try to  
5 borrow money from you, around the time that you had this  
6 conversation with him?

7 A No, because he knew I didn't have any.

8 Q You didn't try to borrow any from him, either?

9 A No.

10 Q Because you knew he didn't have any?

11 A Absolutely.

12 Q In fact, Shorty was kind of in a perpetual state  
13 of being broke; is that right?

14 MR. MANZELLA: Objection. Calls for speculation on the  
15 part of the witness.

16 THE COURT: Sustained.

17 Q BY MR. DENNY: Well, of your own knowledge, sir,  
18 during the time around August of 1969, in your relationship  
19 with Shorty, did he indicate to you that he was broke?

20 A No. But I -- I just take that for granted. Every-  
21 body else was.

22 Q Now, these guns that you say Shorty had, you saw  
23 him with the guns a few times; is that right?

24 A Yes.

25 Q Three or four times, maybe?

26 A Yes.

27 Q Did he have a set of holsters to go with those guns;  
28 do you remember?

1 A I can't recall, no.

2 Q Well, did you ever see him packing those guns around  
3 on his hips (indicating)? Two guns, one on each hip, walking  
4 around with them (indicating)?

5 A I believe the only time I've ever seen the weapons  
6 was when he opened the case and showed them to me.

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1 Q So that -- and you knew him in 1968?

2 A Yes.

3 Q Well, you knew him since 1968; right?

4 A Yeah, off and on, yes.

5 Q Were you at the ranch in '68, the Spahn Ranch?

6 A I can't remember whether I was or not.

7 It's hard to say.

8 Q You kind of drifted in and out, just like Shorty;  
9 right?

10 A In and out.

11 Q In and out.

12 But at least, as far as you are concerned, those  
13 guns weren't so much a part of Shorty that he packed them  
14 around all the time (indicating) with him; is that right?  
15 On his hips?

16 MR. MANZELLA: Objection. The question calls for  
17 speculation and opinion.

18 THE COURT: Sustained.

19 Q BY MR. DENNY: Well, you can never ever recall  
20 having seen Shorty totin' those two guns in holsters; is  
21 that right?

22 MR. MANZELLA: Objection. Asked and answered.

23 THE COURT: Sustained. It seems to be outside the  
24 scope of direct.

25 MR. DENNY: Your Honor, I think we can move it to the  
26 point where I would like to be allowed to take this witness  
27 as my own for a couple of questions.

28 THE COURT: All right. You may.



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JOHN SWARTZ, JR.,

called as a witness by and on behalf of the defendant,  
having previously duly sworn, was examined and testified as  
follows:

## DIRECT EXAMINATION

BY MR. DENNY:

Q Now, Mr. Swartz, as far as this automobile is  
concerned, did you ever drive Shorty's car?

A No.

Q Did you ever see anybody else drive it?

A No.

Q Shorty was living out of his car; is that right?

A Yes.

Q And did you ever go over to his car, stand and  
chat with him while he was in the car, or around the car?

MR. MANZELLA: Objection. It's not relevant.

THE COURT: Sustained.

Q BY MR. DENNY: Well, did you ever see Shorty  
taking anything out of the car, out of the trunk of the car?

A He kept his clothes in the car, so he probably  
did.

I don't recollect right offhand, no.

3 fls.

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1 Q Well, do you recollect seeing anybody else  
2 standing around Shorty when he was taking things out of the  
3 trunk of the car?

4 A No.

5 Q Well, do you have any recollection at all of  
6 seeing Shorty taking things out of the trunk of his car?

7 A (Pause.) No.

8 Q Did you ever see those steamer trunks of his?

9 A Yes, I have.

10 Q Have you ever seen those out of the car?

11 A Yes.

12 Q Where, out of the car?

13 A For a short time he kept his clothes and his  
14 property inside one of the buildings, I believe.

15 Q Which building?

16 A That was the old western jailhouse.

17 Q All right, sir.

18 You take this pointer and --

19 First of all, it would be easier, I think, if  
20 you would identify in People's 29, which do you call the  
21 jailhouse?

22 A Right here (indicating).

23 Q The building right in the middle, actually,  
24 of the buildings of the boardwalk?

25 A Right next door to the saloon.

26 THE COURT: You can stand up, now, Mr. Swartz, and  
27 let Mr. Denny hold that microphone and point to it again.

28 Q BY MR. DENNY: Do you want to point that out so

1 all the jurors can see that?

2 A Approximately right here, right next to the  
3 western saloon.

4 Q All right. If you will stay here just a moment,  
5 I would like to see if we can identify it a little more  
6 specifically in the 80 series here.

7 Showing you 80-D.

8 A Right there (indicating).

9 Q You've indicated the building next to the saloon.  
10 And if you would, sir -- well, perhaps I can do  
11 it for you. I'm circling that building in red. This is  
12 the proper building, is that right?

13 A That's right.

14 Q All right. And I'll put your initials there.  
15 You are John A. Swartz, Jr.?

16 A John H.

17 Q H. JHS, Jr., all right?

18 A All right.

19 Q All right, you can retake the stand, if you  
20 like.

21 (Whereupon, Mr. Denny walked in front of the  
22 jury displaying the exhibit.)

23 Q BY MR. DENNY: And that building, the old  
24 jailhouse, that was open to anybody that wanted to go in  
25 there, wasn't it? You could go in there if you wanted?

26 A I think it had a lock on it, if I am not  
27 mistaken.

28 Q Have you ever been in there?

1 A I have when he was there, yes.

2 You know what I can't remember, whether it was  
3 the time we got out of jail or before that, the time before  
4 this all happened. He kept his property in there.

5 Q Well, are you aware, sir, that he didn't get  
6 those trunks until he was in Las Vegas in July?

7 A No.

8 Q Well, would that refresh your recollection that  
9 it happened after he got back to the ranch on August 16 or  
10 17?

11 A It wouldn't.

12 MR. MANZELLA: Objection, it assumes a fact not in  
13 evidence that he wasn't back to the ranch until after the  
14 raid.

15 THE COURT: Sustained.

16 Q BY MR. DENNY: Well, you remember him specifically,  
17 sir, as having been living out of his car after the raid?  
18 Right?

19 A Yes.

20 Q And sometime during that period of time he put  
21 those trunks in the jail, right?

22 A I remember seeing his property in there, but just  
23 like I said, I don't remember whether it was this period of  
24 time or another period of time. I can't remember.

25 Q All right, sir.

26 A I don't think it was.

27 Q Beg pardon?

28 A I don't think it was this period of time.

1 Q But you remember the trunks being in there?

2 A Yes.

3 Q All right.

4 I have no further questions.

5 THE COURT: Redirect or cross?

6 MR. MANZELLA: Thank you.

7 I just wanted to get the trunk out of the exhibit  
8 room;

9 (Whereupon, Mr. Manzella exited the courtroom,  
10 returning shortly, and the following proceedings were had:)

11 REDIRECT EXAMINATION

12 BY MR. MANZELLA:

13 Q Mr. Swartz --

14 MR. DENNY: Oh, I do have one more thing, your Honor,  
15 if I may.

16 And actually, this is by way of cross examination  
17 rather than as my own witness, if I may go back to that,  
18 your Honor.

19 THE COURT: Very well.

20 MR. DENNY: I'm not sure under the new rules of  
21 evidence whether it makes much difference or not.

22 CROSS-EXAMINATION (Continued)

23 BY MR. DENNY:

24 Q Mr. Swartz, is it true that you left the ranch  
25 sometime after the end of August?

26 A Yes, I did.

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1 Q About when did you leave the ranch?

2 MR. MANZELLA: Objection, it doesn't appear to be  
3 relevant.

4 THE COURT: Sustained.

5 Q BY MR. DENNY: Well, you left the ranch  
6 because you were scared of Charlie Manson, isn't that right?

7 MR. MANZELLA: Objection, it doesn't appear to be  
8 relevant.

9 MR. DENNY: Bias and prejudice, your Honor.

10 THE COURT: Overruled. You may answer.

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11 THE WITNESS: No, I didn't.  
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1 Q BY MR. DENNY: Well, Charlie Manson threatened  
2 you, hadn't he?

3 MR. MANZELLA: Objection, it doesn't appear to be  
4 relevant.

5 MR. DENNY: Bias and prejudice.

6 MR. MANZELLA: How does it go to the bias and preju-  
7 dice?

8 MR. DENNY: Because Charlie Manson is a co-defendant.

9 THE COURT: The objection is sustained.

10 MR. DENNY: May I be heard at the bench? I would like  
11 to make an offer of proof.

12 THE COURT: No, you may not.

13 MR. DENNY: Well, I would like to make an offer of  
14 proof on the record, your Honor.

15 THE COURT: All right, you may.

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

19 MR. DENNY: Your Honor, I have a report here, apparently  
20 a police report dated 12-12-69. Subject interviewed:  
21 "John Harold Swartz, Jr."

22 MR. KAY: This doesn't appear to be a police report  
23 because the police officers always put who did the interview.

24 MR. DENNY: Well, unfortunately, the investigating  
25 officer making the interview was down below the line that I  
26 was able to reproduce.

27 THE COURT: All right, let's get on with it.

28 MR. DENNY: It shows on page 2 thereof: "At one time

1 "Charlie and Swartz was arguing and Charlie told  
2 you, 'I can kill you any time. I can come into  
3 your sleeping quarters any time.' Swartz became  
4 alarmed and left the ranch thereafter."

5 Now, I submit this shows --

6 THE COURT: This is attributed to Swartz, by the  
7 report?

8 MR. DENNY: Yes, yes. This is in the page 60 and 61  
9 of the homicide manual.

10 THE COURT: And you think that you should be able to  
11 show that in order to establish that he is biased against  
12 Davis?

13 MR. DENNY: That he is biased against Davis, and you  
14 can show the bias of a witness against a co-defendant because  
15 he's testified similarly against Manson. And -- and I'll  
16 cite to the Court the case of People vs. Vandenberg, all one  
17 word, 84 Cal. App. 2d 33. You can show the bias of the  
18 witness against one other than the defendant if he affects  
19 the defendant, and, obviously, his testimony here affects  
20 the defendant.

21 MR. MANZELLA: If the bias affects the defendant, not  
22 if his testimony affects the defendant.

23 MR. DENNY: Well, the bias affects the defendant.

24 THE COURT: All right, the Court will permit it.

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

28 Q BY MR. DENNY: Mr. Swartz, Charlie had threatened



1 you, had he not?

2 A Yes, he did.

3 Q And because he threatened you, you were scared  
4 of him, is that right?

5 A Absolutely not.

6 Q Because you were scared of him, you took off,  
7 isn't that right?

8 A No.

9 Q Were you interviewed by some police officers in  
10 connection with this case on December 12th, 1969?

11 A Yes, possibly.

12 Q Possibly?

13 Do you specifically remember that date, sir?

14 A Not that specific date, no.

15 Q But you do remember being interviewed about  
16 that time, is that right?

17 A I've been interviewed so much, I can't remember  
18 one day from another.

19 Q You sure have, haven't you, by police officers  
20 and --

21 MR. MANZELLA: Objection, it is argumentative.

22 THE COURT: Yes, Mr. Denny's remark is stricken.

23 Q BY MR. DENNY: Let me put it this way: You've  
24 been interviewed a number of times by police officers --

25 THE COURT: That's immaterial, Mr. Denny. Will you  
26 get to the point.

27 Q BY MR. DENNY: All right, sir, December 12, 1969,  
28 at 1400 hours, did you make a statement to officers of the

1 Los Angeles Police Department or the Sheriff's Department  
2 as follows:

3 "At one time Charlie and you were  
4 arguing and Charlie told him --" that is told you  
5 "-- 'I could kill you any time. I could come into  
6 your sleeping quarters any time.' You became  
7 alarmed and left the ranch shortly thereafter."

8 Is that what you told the officers?

9 A Well, I don't remember ever arguing with Charlie.

10 Q So it wasn't an argument?

11 A No, it wasn't.

12 Q There was just a little discussion and Charlie  
13 told you this, that I have just read; is that right? In  
14 sum and substance?

15 A There was a discussion. He told me that and I  
16 thought he was joking.

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1 Q But you became alarmed, is that right?

2 A No, I just thought he was joking. I just thought he  
3 was bull-conning me.

4 Q I'm sorry?

5 A I thought he was kidding me.

6 Q What was the first thing you said?

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

8 THE COURT: He said bull-conning him.

9 THE WITNESS: It is just an expression.

10 Q BY MR. DENNY: All right. And did you tell the  
11 officers that you became alarmed and left the ranch shortly  
12 thereafter?

13 A Well, at first I thought he was kidding me, and  
14 then --

15 Q Sir, did you tell the officers that you became  
16 alarmed and left the ranch shortly after this conversation?

17 MR. KAY: Your Honor, I am going to object to Mr. Denny  
18 interrupting the witness. I think he was answering the  
19 question.

20 MR. DENNY: He was not answering the question. It was  
21 not responsive.

22 THE COURT: All right, gentlemen, just a minute.

23 That can be answered yes or no.

24 Did you tell the officers that?

25 THE WITNESS: Yes.

26 Q BY MR. DENNY: All right. And it is a fact that  
27 you were, shall we say, a little bit unhappy with Charlie  
28 Manson? You didn't like him very much, is that right?

3b-2

1 A No, we got along extremely well, yes.

2 Q Extremely well.

3 All right, sir.

4 Q I try to get along with everybody.

5 Q All right, sir.

6 You didn't want to see him get off the ranch,  
7 then?

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

9 MR. DENNY: Biased and prejudiced again.

10 THE COURT: Overruled. You may answer.

11 THE WITNESS: Repeat the question, please.

12 Q , BY MR. DENNY: You didn't want to see him get  
13 booted off the ranch, then, Spahn Ranch, did you?

14 A I couldn't see any reason for that many people  
15 being there.

16 Q And you wanted to get him the heck off there,  
17 didn't you?

18 A Well, it wouldn't hurt my feelings any, no.

19 MR. DENNY: All right, no further questions.

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## REDIRECT EXAMINATION

22

BY MR. MANZELLA:

23

24 Q Mr. Swartz, were you so angry at Charles Manson  
25 that you might give testimony against Bruce Davis that would  
26 convict him of first degree murder?

27

A No.

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Q When interviewed by the police, Sheriffs or  
prosecutors, did any of those people tell you what to testify

3b-3

1 to at this trial?

2 A No.

3 Q Now, are you sure that the date of the conversa-  
4 tion with Shorty was August 21st, the conversation with regard  
5 to the Retz job offer?

6 A Well, I got to thinking about that last night  
7 quite a bit. And I don't think that the conversation with  
8 Shorty took place exactly three days after we got out of jail.  
9 I think it was longer than that.

10 Q Now, you testified at the Grand Jury, the  
11 testimony Mr. Denny read, that it was a couple of weeks after  
12 the raid.

13 A Well, this is what I was thinking about last night.

14 Q Well, how long after the raid? About how long  
15 after the raid did the conversation with Shorty about the job  
16 offer with Frank Retz -- about how long after the raid did that  
17 conversation take place?

18 A Well, I could remember approximately ten days.

19 Q Now, directing your attention to the two trunks  
20 which are over there. I think they're People's 65-G and  
21 65-F.

22 Do you recognize those trunks?

23 A Yes.

24 Q Where did you see those trunks?

25 A At one time Shorty had his belongings in the  
26 building I indicated on that picture and that's where I seen  
27 the trunks.

28 Q In the jailhouse?

1 A Yes.

2 Q Do you know how long they were in there?

3 A No, I don't.

4 Q You just saw them once?

5 A Yes.

6 Q Do you recall when that was?

7 A No, I don't.

8 Q Do you know whether it was before or after the  
9 raid?

10 A No.

11 Q All right. To get it clear, then, you're saying  
12 then the best recollection of the date of the conversation with  
13 Shorty about the Retz job offer was about ten days after the  
14 raid?

15 MR. DENNY: Asked and answered.

16 THE COURT: Sustained.

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1 MR. MANZELLA: All right. Thank you. I have no further  
2 questions.

3 MR. DENNY: Well, I do.

5 RECROSS EXAMINATION

6 BY MR. DENNY:

7 Q Mr. Swartz, --

8 MR. MANZELLA: Oh, I have one further question.

10 FURTHER REDIRECT EXAMINATION

11 BY MR. MANZELLA:

12 Q And you testified at the Grand Jury that your  
13 best recollection at that time was that the conversation took  
14 place about a couple of weeks after the raid?

15 MR. DENNY: Asked and answered.

16 MR. MANZELLA: No, it hasn't been asked and answered.

17 MR. DENNY: Yes.

18 THE COURT: It has.

19 MR. MANZELLA: It has by Mr. Denny, but not by me.

20 MR. DENNY: Yes, by you.

21 THE COURT: I think it was one of the first questions  
22 you asked.

23 MR. MANZELLA: I referred to the testimony, your Honor.  
24 I didn't ask him if this is what he testified to at the Grand  
25 Jury.

26 MR. DENNY: That speaks for itself.

27 THE COURT: You may repeat your question.

28 Q BY MR. MANZELLA: All right. Mr. Swartz, you

4-2  
1 testified at the Grand Jury that the -- your best recollection  
2 at that time was that the conversation with Shorty about the  
3 job offer took place a couple of weeks after the raid; isn't  
4 that right?

5 MR. DENNY: I'll object.

6 THE COURT: Asked and answered.

7 MR. DENNY: The testimony speaks for itself.

8 MR. MANZELLA: Your Honor, it hasn't been asked and  
9 answered that that is the testimony yet. That's what I am  
10 trying to --

11 MR. DENNY: That's what I read.

12 MR. MANZELLA: Well, the fact that you read it doesn't  
13 establish that you were reading the Grand Jury transcript.

14 THE COURT: The Court sustains the objection.

15 MR. MANZELLA: Well, can we stipulate that what you read  
16 was testimony from the Grand Jury?

17 MR. DENNY: I'll so stipulate.

18 MR. MANZELLA: So stipulated.

19 No further questions.

20  
21 RECROSS EXAMINATION

22 BY MR. DENNY:

23 Q Now, Mr. Swartz, after you left here last night,  
24 your testimony bothered you; is that what you are telling us?

25 A Well, it didn't really bother me, but I got to  
26 thinking about it.

27 Q What caused you to get to thinkin' about that  
28 conversation with Shorty and the period of time? What caused



4-3

1 that, huh?

2 A Nothing caused it. It was just something I thought  
3 about.

4 Q Well, you thought about what you were going to  
5 testify to before you came in here and testified under oath,  
6 before this jury, didn't you?

7 A Yes. But something that happened almost three  
8 years ago, it's sometimes hard to put together.

9 Q Well, you testified in some prior proceedings,  
10 didn't you? In the Manson trial, you testified to the same  
11 conversation, didn't you?

12 A I believe so, yes.

13 Q And the Grogan trial, you testified to the same  
14 conversation?

15 A That's right.

16 Q Just last August?

17 A That's right.

18 Q So you've -- you've had your memory refreshed  
19 again and again --

20 MR. MANZELLA: Objection --

21 Q BY MR. DENNY: -- in the --

22 MR. MANZELLA: Oh. Pardon me.

23 Q BY MR. DENNY: -- last six months or so?

24 MR. MANZELLA: That's argumentative.

25 Q BY MR. DENNY: Haven't you?

26 THE COURT: Overruled. You may answer.

27 THE WITNESS: (Pause) Well, I try to refresh my own  
28 memory. But there's things that I can't remember at certain  
29 times, that I do remember when I think about it.

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1 Q BY MR. DENNY: You can't remember them so well  
2 when you are under oath --

3 MR. MANZELLA: Object.

4 MR. DENNY: -- before a jury?

5 MR. MANZELLA: Objection. That's argumentative.

6 THE COURT: Sustained.

7 Q BY MR. DENNY: Well, sir, was there any particu-  
8 lar thing last night, as you were ruminating about it, that  
9 caused you to remember that it was ten days from the time of  
10 the raid, now, instead of three days after you got out of  
11 jail, as you testified under oath before the jury yesterday?

12 MR. MANZELLA: Objection. It's argumentative and  
13 assumes a fact not in evidence, and it's a mischaracterization  
14 of his testimony.

15 THE COURT: Sustained.

16 Q BY MR. DENNY: Well, yesterday you did testify  
17 that you were jailed on the 16th; you got out on the 18th,  
18 and it was three days after that; is that right?

19 A I said "approximately three days."

20 Q All right. And we talked about it, and that  
21 would be the 21st of August; do you remember that?

22 MR. MANZELLA: Objection. That's a mischaracterization  
23 of his testimony.

24 THE COURT: The record speaks for itself. Sustained.

25 Q BY MR. DENNY: All right. Now, could you tell  
26 us and tell the jury here what it was last night, as you  
27 were thinking about it, that made you think -- "Oh, I was  
28 wrong there, in front of that jury, this afternoon. It's

4a-2

1       ten days, and not three days."

2               MR. MANZELLA: The question has been asked and answered  
3 and assumes a fact not in evidence.

4               THE COURT: Sustained.

5               Q       BY MR. DENNY: Well, would you tell the jury  
6 what it was that made you think about -- think it was ten  
7 days after the raid?

8               A       Well, the conversation I had with Charles Manson  
9 occurred in the latter part of August. And if I -- well,  
10 I know what the truth is, and I've already told you.

11               I don't know how to explain it.

12               Q       Well, you try to explain it to this jury, what  
13 it was that made you think last night that it was ten days  
14 after the raid, and not five days after the raid, as you  
15 testified to them under oath yesterday.

16               Will you tell the jury that?

17               MR. MANZELLA: Objection. It's argumentative. The  
18 question has been asked and answered.

19               THE COURT: Sustained.

20               Was there anything at all that prompted you to  
21 change your estimate of time ?

22               THE WITNESS: If ten --

23               THE COURT: Did anyone speak to you, or did you read  
24 something, or was it just something you thought of?

25               THE WITNESS: No, sir. But if ten days would have  
26 passed -- I'm trying to figure out how to explain this.

27               I -- I recollect, in the back of my mind, that  
28 it was an extremely short time after I had the conversation

1 with Shorty that I had missed him; and that I met Charlie on  
2 the boardwalk and asked him what I did ask him.

3 It was an extremely short period of time, because--  
4 I think I was -- I was wondering if he got the job or not,  
5 and I -- I never seen him.

6 I was wondering if he did get the job.

7 Q BY MR. DENNY: Is that your explanation to the  
8 jury?

9 MR. MANZELLA: Objection. That's asked and answered.

10 THE COURT: Sustained.

11 Q BY MR. DENNY: Well, is that the full reasoning  
12 that you went through, last night, to reach the conclusion  
13 that it was ten days after the raid, instead of five?

14 Have you told us everything? Have you told the  
15 jury everything now about your reasoning?

16 MR. MANZELLA: This is argumentative, your Honor.

17 THE COURT: Sustained.

18 MR. DENNY: I don't think it's argumentative, your  
19 Honor, to ask him if he's completed all of what his reason-  
20 ing was.

21 THE COURT: All right. You may answer Mr. Denny's  
22 last question.

23 THE WITNESS: Because it was also, again, a short  
24 period of time before -- after -- after I had the conversation  
25 with Charlie that he left the ranch.

26 Q BY MR. DENNY: When did he leave the ranch?  
27 Do you know what day he left the ranch?

28 A He -- you don't have to yell. I can hear you.  
It was in the end of August.

4b-1

1 Q When?  
2 A In the latter part of August -- I don't --  
3 Q When?  
4 A -- know what day it was.  
5 Q You don't have any recollection of the day when  
6 Charlie Manson left, do you?

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

8 THE COURT: Sustained.

9 MR. DENNY: All right. I have no further questions of  
10 this witness.

11 THE COURT: Anything further?

12 MR. MANZELLA: Yes. I have a question, your Honor.

13 (Pause in the proceedings.)

14 MR. MANZELLA: Oh, right.

15

16

REDIRECT EXAMINATION

17 BY MR. MANZELLA:

18 Q Mr. Swartz, you testified before the Grand Jury  
19 that it was a couple of weeks after the raid that you had the  
20 conversation with Shorty?

21 MR. DENNY: Asked and answered.

22 Q BY MR. MANZELLA: And did you testify -- you  
23 testified at the Grogan trial that it was ten days to two  
24 weeks after the raid that you had the conversation with  
25 Shorty; isn't that right?

26 MR. DENNY: Assuming facts not in evidence.

27 Q BY MR. MANZELLA: Isn't that correct, Mr. Swartz?

28 MR. DENNY: Assuming facts not in evidence.

4b-2

1 THE COURT: Overruled. You may answer.

2 THE WITNESS: Yes.

3 Q BY MR. MANZELLA: And you testified at the Manson  
4 trial, when I asked you the question, that it was about ten  
5 days to two weeks after the raid that you had the conversa-  
6 tion with Shorty; isn't that correct?

7 MR. DENNY: Assuming facts not in evidence.

8 THE WITNESS: Yes.

9 MR. MANZELLA: All right. No further questions.

10 THE COURT: The objection is overruled.

11 The answer may remain.

12 Any questions?

13 MR. DENNY: No, I have no questions of this witness,  
14 your Honor.

15 THE COURT: You may step down.

16 May this witness be excused?

17 MR. DENNY: Certainly.

18 MR. KAY: Yes, your Honor.

19 THE COURT: You are excused, Mr. Swartz.

20 MR. KAY: The People will call Barbara Hoyt.

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

25 THE WITNESS: Yes.

26  
27 BARBARA HOYT,  
28 called as a witness by and on behalf of the People, having

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

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

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

4 THE WITNESS: Barbara Hoyt. B-a-r-b-a-r-a, H-o-y-t.

5  
6 DIRECT EXAMINATION

7 BY MR. KAY:

8 Q Barbara, were you at one time a member of the  
9 Manson Family?

10 A Yes.

11 Q And when did you join the Family?

12 A April, 1969.

13 Q When in April, if you remember?

14 A First.

15 Q Where did you first meet the Family?

16 A Uh -- at a house on Gresham Street.

17 But I met two girls before then.

18 Q You met two Family girls before that?

19 A Yeah, the -- the same day.

20 Q And did they take you to the house on Gresham  
21 Street?

22 A Yes.

23 MR. KAY: All right. Your Honor, I have here a  
24 photograph.-- I believe it was 34-B in the Grogan trial. I'm  
25 trying to figure out what it was in this trial.

26 I think it was 82-B in the Manson trial.

27 May it remain as 82-B for this trial?

28 THE COURT: It's a photograph of what?

1 MR. KAY: A photograph of a house.

2 THE COURT: Oh, a house. All right. So ordered.

3 Q BY MR. KAY: Barbara, showing you 82-B, do you  
4 recognize this house?

5 A Yes.

6 Q And is that the house on Gresham Street?

7 A Yes.

8 (Pause in the proceedings while Mr. Kay exhibited  
9 the photograph to the members of the jury.)

10 Q BY MR. KAY: Now, did you start living there?

11 A Yes.

12 Q And who else was living there?

13 A A lot of other people.

14 Q Do you want to name them for us?

15 A Oh!

16 Q I know there's a lot, but as many as you can  
17 recollect.

18 A Uh -- Bill, Ella --

19 Q Now, Bill is Bill Vance?

20 A Yes.

21 Q Ella is Ella Jo Bailey?

22 A Yes.

23 Q Okay.

24 A Danny DeCarlo, Charlie --

25

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82-B

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1 Q Charlie Manson?

2 A Yes.

3 Q Okay.

4 A Squeaky.

5 Q Lynn Fromme?

6 A Yes. Susan Atkins. Katie.

7 Q Patricia Krenwinkel?

8 A Yes. Leslie.

9 Q Leslie Van Houten?

10 A Yes. Dave.

11 Q David Baker?

12 A Yeah, I think so. A lot of other people.

13 Q Tex, was he there?

14 MR. DENNY: I'll object to that as leading and sugges-  
15 tive.

16 THE COURT: Overruled.

17 A TJ was there.

18 Q BY MR. KAY: Was he there?

19 A Yes, I think he was.

20 TJ was there.

21 Oh, a whole lot of people.

22 Q All right. Now, sometime after living at the  
23 Gresham Street house, did the Family go to Spahn Ranch?

24 A Yes.

25 Q All right. And approximately when did the  
26 Family go to the Spahn Ranch?

27 A Well, first we went to this Malibu house, and  
28 then we went to Spahn's Ranch.

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Q All right.

A By the time we were at Spahn's Ranch, it was about -- I think about -- oh, the beginning of the middle of April.

Q The beginning of the middle of April? Okay.

Do you know the defendant, Bruce Davis?

A Yes.

Q All right. And was he also a member of the Manson Family?

A Yes.

Q And did you see him out on Spahn's Ranch?

A Which time?

Q Well, when you first moved there?

A No.

Q When did you first see him out on Spahn's Ranch?

A It was in May. The end of May.

Q Now, where did you and the other members of the Family live, while you were on Spahn's Ranch?

A All over.

Q Well, can you name some of the places?

A Oh, the front of the ranch, the backhouse, the outlaw shacks; we had camps by the creek, and across the road, where we were before we moved into Spahn's Ranch.

Just all over.

MR. KAY: Your Honor, I have here an aerial photograph. May it be marked People's next in order?

THE COURT: It's a new one yet, unmarked?

MR. KAY: Yes.

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1 THE COURT: All right. It will be 105 for identifi-  
2 cation.

105 id.

3 (Pause in the proceedings while Mr. Kay  
4 exhibited the photograph to Mr. Denny.)

5 Q BY MR. KAY: Barbara, could you step down here  
6 a moment, please?

7 Now, showing you this aerial photograph, People's  
8 105 -- maybe you can step to the side, so Mrs. Sandberg can  
9 see; she's up at the end there and unfortunately is often  
10 blocked out.

11 Do you recognize what is depicted in this aerial  
12 photograph?

13 A Yes.

14 Q And what is depicted in this photograph?

15 MR. DENNY: May we have the witness use the microphone,  
16 your Honor?

17 THE WITNESS: The back part of Spahn's Ranch.

18 Q And is the back house and the outlaw shacks  
19 shown or partially shown in this picture?

20 A The outlaw shacks are over here (indicating),  
21 and the back house is back here.

22 Most of it's under the trees, though.

23 JUROR OBRADOVICH: We can't hear.

24 THE WITNESS: Most of it's under the trees. The back  
25 house is right there (indicating).

26 Q BY MR. KAY: So the back house -- let's see.

27 THE COURT: Here's a felt pen up here.

28 MR. KAY: Thank you.

1 THE COURT: Oh, do we have a black one?

2 Q BY MR. KAY: Barbara, if you could write with  
3 this red felt marking pen, "Back house," where the back  
4 house is?

5 A Oh! A shock.

6 Q I'm sorry.

7 And then if you'll put where the outlaw shacks  
8 are? Put a "O.S." On the outlaw shacks.

9 And then you'd better write out "back house,"  
10 because those initials would be the same as yours.

11 A (Witness complies.)

12 Q Okay. You can resume the stand, if you'd like.

13 (Pause in the proceedings while Mr. Kay  
14 exhibited the photograph to the members of the jury.)  
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1 Q Now, Barbara, did you stay with the Family  
2 continuously from April until August?

3 A No.

4 Q And how long were you away from the Family during  
5 that period of time?

6 A Uh -- through the first week in May; and then I  
7 came back at the end of May for about a week. And then I  
8 hitchhiked across the country, and then I wasn't back until  
9 about the middle of July.

10 Q Now, directing your attention to August 16th,  
11 1969, were you, as well as the other Family members, present  
12 at the ranch, arrested on the Sheriff's raid on Spahn's  
13 Ranch?

14 A Yes.

15 Q And were you released several days thereafter,  
16 along with other members of the Family?

17 A Yes.

18 Q All right. And approximately how long did you  
19 spend in custody, after your arrest on the August 16th raid?

20 A A few days.

21 Q Approximately how many; do you recall?

22 A Three or four?

23 Q Now, after you were released from custody, where  
24 did you go?

25 A Back to Spahn's Ranch.

26 Q And how many days did you spend back at Spahn's  
27 Ranch, after you were released from jail?

28 A Uh -- just a couple. Not very long. Because we

1       went to Olancha.

2       Q       All right. And where's Olancha?

3       A       Do you know where Inyo-Kern is?

4       Q       Well, I know, but maybe the jury doesn't.

5       A       It's -- I think it's near Sequoia; isn't it up  
6       there in -- it's in the desert, but I think it's across from  
7       Sequoia. It's north.

8       Q       All right. Now, who did you go to Olancha with?

9       A       Uh -- Brenda --

10      Q       Brenda McCann?

11      A       Yes. Ruth Morehouse. Sherry Cooper -- I'm not  
12      sure if Kitty was there.

13              And Tex and Snake were already there.

14      Q       That's Tex Watson and Dianne Lake?

15      A       Yes.

16      Q       All right. And how long did you spend in Olancha?

17      A       Not very long. A few days.

18      Q       A few days? Now, did you leave -- did you leave  
19      Olancha after you spent a few days there?

20      A       Yes.

21      Q       And where did you go after you left Olancha?

22      A       Back to Spahn's Ranch.

23      Q       All right. Did you know who Shorty Shea was?

24      A       Yes.

25      Q       Now, when you first returned to Spahn's Ranch,  
26      after the Spahn's Ranch raid -- after you were released from  
27      jail -- did you see Shorty there then?

28      A       Yes.

1 Q All right. Was he living at the ranch at that  
2 time, to your knowledge?

3 A Yes.

4 Q Now, when you -- you say you were at the -- after  
5 being released from jail, you said you spent a few days at the  
6 Spahn Ranch.

7 Would you see him every day while you were there?

8 A Yes.

9 Q Now, when you returned to Spahn's Ranch after going  
10 to Olancho, did you still see Shorty there?

11 A Yes.

12 Q All right. And approximately when was the last  
13 time that you saw Shorty?

14 A The end of August, 1969.

15 Q Now, Barbara, leaving that subject for a moment,  
16 where did you and members of the Family eat your dinner at  
17 Spahn's Ranch?

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

19 Q BY MR. KAY: Well, during August, 1969.

20 A (No response.)

21 Q During August, 1969?

22 A Oh, am I supposed to answer?

23 THE COURT: Yes.

24 Q BY MR. KAY: Yes.

25 A A lot of times we ate in the back house, during  
26 that time.

27 Q All right. And would the whole Family generally  
28 eat together during that period of time?

1 A Yes.

2 Q All right. Now, would anyone decide when the  
3 Family would start eating?

4 A Yes.

5 Q And who was that?

6 A Charlie.

7 Q Charlie Manson?

8 A Yes.

9 Q All right. Now, during these dinners, where the  
10 Family would join together for dinner, would someone do almost  
11 all the talking?

12 A Yes.

13 Q And who was that?

14 A Charlie.

15 Q Charlie Manson?

16 A Yes.

17 Q Did anyone else talk besides Charlie?

18 A Uh -- well, yes. But not the way he did. I mean,  
19 he lectured, and the other people would agree or laugh or --  
20 or say something supplementary to what he said, or something  
21 like that; but that's it.

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1 Q All right. Was Bruce Davis -- after the August  
2 16th raid, was Bruce Davis present at any of these dinners  
3 in the back house?

4 A Yes.

5 Q All right. Now, between the time that you were  
6 at Spahn's Ranch, after the August 16th raid -- that is,  
7 after you were released from jail -- well, let me ask you  
8 this, first:

9 In the latter part of August, 1969, did you and  
10 other members of the Manson Family go to the desert, up in  
11 the Barker-Meyers Ranch area?

12 A Yes.

13 Q All right. Now, between the time that you were  
14 at Spahn's Ranch, after the August 16th raid, when you were  
15 released from jail, and the time that you and the other  
16 members of the Family, the Manson Family went to the desert,  
17 in the Barker-Meyers Ranch area, were you present during  
18 any conversations between Charles Manson and Bruce Davis and  
19 other Family members concerning the presence of Shorty on  
20 the ranch?

21 A Yes.

22 MR. DENNY: Well, just a moment. I'm going to object  
23 to that and move that the answer be stricken for the purpose  
24 of objection, as a compound question.

25 "Were you present when there was conversation  
26 between Charles Manson, and any members of the Family?  
27 Bruce Davis?"

28 It takes in too many people.

4e-2

1 THE COURT: Overruled. The answer may remain in the  
2 record.

3 Q BY MR. KAY: Now, approximately how many conver-  
4 sations concerning the presence of Shorty Shea on Spahn  
5 Ranch did you hear between members of the Manson Family  
6 during the period of time when you got back to Spahn Ranch  
7 after you were released from jail, until the time that you  
8 and the Manson Family members went to the desert?

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

10 THE COURT: Sustained.

11 Q BY MR. KAY: Well, was Shorty Shea a common topic  
12 of conversation among the members of the Manson Family during  
13 this period of time?

14 MR. DENNY: Object to that as hearsay; and irrelevant  
15 and immaterial.

16 THE COURT: Sustained.

17 MR. KAY: Well, may I be heard on that at the bench,  
18 your Honor?

19 THE COURT: Very well.

20 MR. KAY: Thank you.

21 THE COURT: Is there anyone who is in desperate need  
22 of a recess?

23 (Whereupon the members of the jury indicated  
24 negatively.)

25 THE COURT: Otherwise, we will go until 12:00. All  
26 right. We had such a late start, I'd just like to go  
27 straight through.

28 (Whereupon the following proceedings were had

4e-3

1 at the bench among Court and counsel, outside the  
2 hearing of the jury.)

3 MR. KAY: I think it's clear that this isn't hearsay.  
4 I'm just asking if it was a common topic of conversation.  
5 I'm not asking for a conversation.

6 I am going to ask for a specific conversation in  
7 a moment, where the Defendant Bruce Davis was present, but  
8 I am asking: Was it a common topic of conversation among the  
9 members of the Manson Family?

10 MR. DENNY: And that's indirect hearsay. It's what they  
11 were talking about.

12 THE COURT: I think -- I think you'd have to establish  
13 that the defendant was present, or that some of the co-  
14 conspirators were present.

15 When you use the phrase "Manson Family," it could  
16 be any part of them.

17 MR. KAY: Oh. So, in other words, I can get it in if  
18 I can establish that -- like Grogan -- or Davis or Manson  
19 were present, or --

20 THE COURT: It would appear to me that you'd have to  
21 have more of a foundation. Otherwise, it would be immaterial.

22 MR. KAY: Well, ofcourse, the -- you know, what we've  
23 established so far, about Manson and his leadership of the  
24 Family, and the fact that the Family was so close knit, that--  
25 I mean, if this was a common topic of conversation --

26 THE COURT: Keep your voice down a little bit.

27 MR. KAY: If this was a common topic of conversation,  
28 if your Honor would remember that you let the evidence in, on

4e-4

1 the weekend of the Hinman murder, that it was a common topic  
2 of conversation around the ranch, what was happening at Gary  
3 Hinman's house that weekend.

4 MR. DENNY: I don't think that that was let in.

5 MR. KAY: It was.

6 MR. DENNY: There was testimony that Ella Jo Bailey was  
7 aware of what was going on.

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1 MR. KAY: She testified --

2 MR. DENNY: But not that it was a common topic of  
3 conversation.

4 MR. KAY: It was let in that it was a common topic of  
5 conversation.

6 THE COURT: You both have done that, in asking whether  
7 it was -- whether this or that was a common topic of conversa-  
8 tion around the ranch.

9 MR. DENNY: Well, there have not been objections raised  
10 on some of it.

11 THE COURT: That's correct.

12 MR. DENNY: That possibly should have been.

13 I am raising the objection now.

14 THE COURT: All right. It's sustained.

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

18 Q BY MR. KAY: Now, during these dinners at the  
19 back house, at Spahn's Ranch, was Bruce Davis present during  
20 some of the conversations about Shorty?

21 MR. DENNY: Asked and answered.

22 MR. KAY: I don't think that particular question, --

23 THE COURT: Overruled. You may answer.

24 MR. KAY: -- there was an answer.

25 THE COURT: You may answer.

26 THE WITNESS: I've forgotten the question.

27 Q BY MR. KAY: All right. During these dinners at  
28 the back house, was Bruce Davis present when some of these

1 conversations about Shorty took place?

2 A Yes.

3 Q All right. Now, can you remember specifically  
4 Mr. Manson saying something about Shorty during a dinner  
5 conversation at which Bruce Davis was present?

6 A Yes.

7 Q All right. And do you remember whether this was  
8 before or after you went to Olancho?

9 A We talked about them both times.

10 Q All right. Both before and after you went to  
11 Olancho?

12 A Yes.

13 Q At which time, Mr. Davis was present?

14 A (Pause) Yes.

15 Q All right.

16 And, directing your attention to -- the conversa-  
17 tions about Shorty in the back house, at the dinner conversa-  
18 tions when Mr. Davis was present, I take it you were also  
19 present?

20 A What was that again?

21 Q Were you also present at these -- at the dinner  
22 conversations, where Mr. Davis was present?

23 A Yes.

24 Q All right. And when Mr. Manson made the -- the  
25 statements about Shorty, who else was present besides you and  
26 Mr. Davis and Mr. Manson?

27 MR. DENNY: It assumes facts not in evidence, that Mr.--

28 THE COURT: Read the --

1 MR. DENNY: -- Manson made the statements about Shorty.

2 MR. KAY: I think she has already testified that --

3 THE COURT: Well, you may --

4 Q BY MR. KAY: All right. Did Mr. Manson make  
5 statements about Shorty?

6 A Yes.

7 Q All right.

8 Now, besides yourself and Bruce Davis and Mr. --

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9 THE COURT: The objection is overruled.

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1 Q BY MR. KAY: Oh, thank you.

2 Now, Barbara, besides yourself and Mr. Davis and  
3 Mr. Manson, who do you remember to be present at the dinner  
4 conversation?

5 A Just about everybody.

6 Q In the Family?

7 A Yes.

8 Q Was Tex Watson present?

9 A Yes.

10 Q Was --

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

13 MR. KAY: All right.

14 THE COURT: Sustained.

15 Q BY MR. KAY: Tell us what Mr. Manson said in the  
16 presence of Mr. Davis and other members of the Family?

17 MR. DENNY: Object under the basis of the People versus  
18 Osuna, your Honor.

19 THE COURT: Overruled.

20 MR. DENNY: May I be heard, your Honor?

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

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

25 MR. DENNY: If this is supposed to be some kind of  
26 statement or admission, obviously it is not --

27 MR. KAY: It is not an admission.

28 MR. DENNY: It is not admissible.



1 MR. KAY: It is not an admission.

2 MR. DENNY: I am seeking an offer of proof, then.

3 MR. KAY: Okay.

4 MR. DENNY: As to what they're seeking to get in, if it  
5 is not.

6 MR. KAY: Okay. And we're not offering this for the truth  
7 of the facts asserted, we're just offering it basically for  
8 motive. The statement was made in front of Mr. Davis and other  
9 members of the Family. Mr. Manson made the statement. He  
10 said basically that Shorty was an informant, that he was  
11 responsible for the raid and that he was working for Frank  
12 Retz and that he was an informer and he was paid by the police  
13 and the reason he was working for Frank Retz was to get the  
14 Family kicked off of Spahn Ranch.

15 Basically -- I mean, I can't put it in her words,  
16 but that's basically what she is going to say.

17 THE COURT: And you're offering it --

18 MR. DENNY: I think she'll basically say that.

19 THE COURT: You're offering it, then, to establish --

20 MR. KAY: The fact that it was said in front of Mr. Davis  
21 and other members of the Family by Mr. Manson at a dinner  
22 conversation when Mr. Davis was present.

23 MR. DENNY: I'll object to any such statements, your  
24 Honor, on the grounds, one, there is no corpus delicti  
25 established as to any conspiracy. That is irrelevant and  
26 immaterial. And what Mr. Manson would have said at sometime  
27 before any conspiracy is alleged --

28 MR. KAY: We haven't alleged --

1 MR. DENNY: Well, that's just right, you haven't alleged  
2 it. And I've been trying to get you to allege it. And now  
3 anything that's said at any time, apparently, during the month  
4 of August or, who knows when, is admissible on --

5 MR. KAY: This isn't who knows when. It is just before  
6 she went to Olancho and just after she went to Olancho that  
7 these conversations took place at dinner.

8 MR. DENNY: Well, again, is this to be as to a conspiracy --

9 MR. MANZELLA: It goes to show motive and motive can be  
10 shown at any time.

11 THE COURT: How does it show motive?

12 MR. KAY: Because he was a follower of Manson.

13 MR. MANZELLA: As I said before, if a number of people  
14 are involved in a killing and one person has the original  
15 motive for that killing and the evidence shows that other  
16 persons are also involved in the killing, that motive can be  
17 shown. It is a motive for the killing. It shows the motive  
18 for the killing.

19 THE COURT: I agree that it would be admissible against  
20 Manson, but what do you have to show that that should be  
21 admissible against Davis?

22 MR. MANZELLA: Davis's statements will show that Davis  
23 adopted that motive. Davis's confession to the killing will  
24 show that he adopted that motive because when he talks about  
25 Shorty, in essence, that Shorty was an informant or Shorty  
26 was informing to the police, that Shorty was bad-mouthing the  
27 ranch, that --

28 THE COURT: You must be again contending that there is

1 some evidence, prima facie evidence of a conspiracy here.

2 MR. MANZELLA: Yes, we are, your Honor.

3 THE COURT: It is in your second or third Count, right?

4 MR. MANZELLA: Yes, your Honor.

5 MR. DENNY: The one that they haven't alleged.

6 MR. MANZELLA: Well, the law is clear that we are not  
7 required to --

8 MR. KAY: We are not required to.

9 MR. MANZELLA: -- to charge a conspiracy to make use of  
10 the law of conspiracy, and I think that's clear. And I  
11 don't think we can be faulted for taking advantage of the  
12 law as it presently stands.

13 MR. DENNY: You can't be faulted for the present state  
14 of the law, but whether you charge it or not -- you've got to  
15 have a prima facie showing of conspiracy. And they don't have  
16 that at this point.

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1 MR. MANZELLA: Your Honor, if we show that Manson made  
2 statements indicating a motive for the killing of Shea, and  
3 that at sometime later Davis makes statements indicating the  
4 same motive for the killing of Shea --

5 MR. DENNY: By way of confession or admission?

6 MR. MANZELLA: -- and we show that Davis was present<sup>when</sup>  
7 'Manson' made these statements with regard to the motive,  
8 then, we can -- one reasonable inference to be drawn is that  
9 Davis accepted and adopted that motive as his own.

10 MR. DENNY: But you can never get --

11 MR. MANZELLA: -- as his own, for participating in the  
12 killing of Shea.

13 MR. DENNY: You can never get Davis' statement in to  
14 hoist yourself up by your bootstraps unless you've estab-  
15 lished that there is a prima facie foundation of the conspiracy.

16 MR. MANZELLA: That begs the question, because as soon  
17 as we prove death, we can get --

18 MR. DENNY: You haven't proved a death yet. You haven't  
19 proved it by criminal means.

20 MR. MANZELLA: All we have to do is prove some evidence--

21 THE COURT: Well, this is admitting the statement out of  
22 order.

23 MR. MANZELLA: That is correct. Of course, it does.

24 THE COURT: But, of course, you haven't established the  
25 death, as yet.

26 MR. DENNY: And if they're going to establish by his  
27 statements by way of confession or admission --

28 MR. MANZELLA: We're not.

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1 MR. DENNY: They haven't done it yet.

2 MR. MANZELLA: I would like to make one statement. Your  
3 Honor is correct, we are asking that this be admitted out of  
4 order. Essentially we are waiting for at least one more  
5 witness to testify with regard -- strictly with regard to the  
6 corpus. And the only alternative is to take a recess to get  
7 the witness in. We've been trying for a week to get that  
8 witness in. We haven't been able to do it and the only alter-  
9 native is to take a recess, because this witness goes to the  
10 connection of Davis with the killing.

11 MR. KAY: I think Barbara Hoyt will establish a corpus  
12 today by hearing the screams.

13 MR. DENNY: Your Honor, I would like to hear an offer  
14 of proof as to who this witness is.

15 MR. MANZELLA: Jerry Binder.

16 THE COURT: In addition, the Court feels that if you  
17 can fully establish everything that you stated you could  
18 establish in the course of your opening statement, and if the  
19 testimony of what you have introduced thus far is considered,  
20 that the Court can find sufficient evidence of a conspiracy.

21 MR. DENNY: Well, your Honor --

22 THE COURT: So it can be admitted, and the Court  
23 realizes it is out of order, and the Court will permit it.

24 MR. KAY: Thank you, your Honor.

25 MR. DENNY: What they have said they will prove in their  
26 opening statement -- obviously, if they can prove everything  
27 they said they can prove in their opening statement, they're  
28 going to have their conspiracy. They're going to have their

5a-3

1 murder and everything. But half of what they said they can  
2 prove in their opening statement is bottomed on the proposi-  
3 tion that they can at first prove a prima facie case.

4 THE COURT: That is true.

5 MR. DENNY: They haven't done it yet.

6 THE COURT: That they can prove the death and they have  
7 not yet done it.

8 MR. DENNY: They haven't done it as to the murder,  
9 and as to the conspiracy.

10 THE COURT: As to the conspiracy.

11 MR. DENNY: Your Honor, they haven't done it as to the  
12 conspiracy.

13 THE COURT: As to the conspiracy, the Court believes  
14 that there is a prima facie showing.

15 MR. DENNY: Of a conspiracy to murder Shorty Shea?

16 THE COURT: Of a conspiracy.

17 As to whether or not the -- there was a murder,  
18 the Court can't say until the corpus has been completed, but  
19 I think that there's prima facie evidence of an action, a  
20 concert of action on the part of certain people in the Manson  
21 Family against Mr. Shea.

22 MR. DENNY: Well, your Honor, then we're going to be  
23 in a very interesting situation. The Court says, well, I  
24 think maybe there is a prima facie showing of a conspiracy  
25 to commit murder. We don't have yet a prima facie showing  
26 of murder.

27 MR. KAY: That's not what the Court is saying.

28 MR. MANZELLA: That is what the Court is saying.

1 THE COURT: That is what the Court's saying.

2 MR. DENNY: All right, thank you.

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

6 THE COURT: Mr. Davis was present at this conversation  
7 you are about to relate?

8 THE WITNESS: Yes.

9 THE COURT: All right.

10 MR. DENNY: That assumes facts not in evidence. She  
11 said there were conversations.

12 MR. KAY: I'm asking her about specific conversations,  
13 your Honor.

14 MR. DENNY: Well, the Court is misstating her --

15 THE COURT: The Court is not misstating anything. The  
16 Court is simply asking.

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5b-1  
1 MR. DENNY: But the Court stated the "conversation."  
2 She said "statements."

3 "Manson made statements about Shorty, just about  
4 everybody was there."

5 Statements plural because I am just about to  
6 object it is ambiguous when the next question is put to her.

7 THE COURT: Well, if that's an objection, it is  
8 overruled. The answer may remain.

9 Q BY MR. KAY: Barbara, can you please relate what  
10 Mr. Manson said in the presence of Mr. Davis at the dinner  
11 conversation at the back house?

12 MR. DENNY: Object to that as to no foundation as to  
13 time.

14 THE COURT: You may lay a further foundation for Mr. Denny  
15 as to time.

16 Q BY MR. KAY: All right, Barbara, do you remember  
17 whether this particular conversation was before or after you  
18 went to Olancho?

19 A There was some before and there was some after.

20 Q All right, then --

21 A And --

22 Q Go ahead.

23 A -- basically, the same things were said.

24 Q All right. Now, do you remember the specific -- a  
25 specific conversation after you were released from Spahn's --  
26 from the jail, after the Spahn's Ranch raid and before you  
27 and other members of the Manson Family went to the desert and  
28 Barker-Meyers Ranch area, a dinner conversation at the back



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1 at which Mr. Davis was present and the other people you've told  
2 us about, at which Mr. Manson made some statements in the  
3 presence of yourself and Mr. Davis about Shorty?

4 A Yes.

5 Q All right. Would you please relate that conversa-  
6 tion?

7 MR. DENNY: Just a moment, I'll object again. No  
8 foundation. No specific foundation as to time.

9 THE COURT: You mean the time of day? You want to ask  
10 her about this?

11 Q BY MR. KAY: This was a dinner conversation,  
12 wasn't it?

13 A It was evening.

14 MR. DENNY: As to time of week, time of month.

15 THE COURT: The objection is overruled.

16 Q BY MR. KAY: Would you please relate the conversa-  
17 tion, Barbara.

18 A Okay.

19 Uh, let's see, that Shorty --

20 Q This is what Charlie said?

21 A Yeah.

22 Shorty was an ex-policeman and an informant and  
23 that he caused the raid and, uh, -- they didn't like it because  
24 he was married to a Negro either.

25 THE COURT: That's stricken.

26 THE WITNESS: All right.

27 THE COURT: Unless it was said.

28 THE WITNESS: It was said, but I don't remember which

1 exact time it was.

2 MR. DENNY: That's why I object, your Honor.

3 THE COURT: It is stricken at this time.

4 Q BY MR. KAY: Leaving out that part of it,  
5 continue.

6 A All right. He was working with Frank Retz to get  
7 us kicked off the ranch and that he was bad-mouthing it, the  
8 ranch.

9 Q How many -- do you know who Steve Grogan is?

10 A Yes.

11 Q All right. Did he have a nickname around the  
12 ranch?

13 A Clem.

14 Q Clem.

15 And how many of the conversations were you present  
16 at where Mr. Davis was present where there was discussions  
17 about Shorty?

18 A There were countless, because they were all the  
19 time.

20 Q Was Mr. Grogan also present at these conversations?

21 A Yes.

22 Q Tex Watson?

23 A Yes.

24 Q And Charles Manson?

25 A Yes.

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1 MR. KAY: Excuse me just a minute, your Honor. I have  
2 to find a photograph here.

3 Q Now, while you were a member of the Manson Family,  
4 did you come to know a girl named Squeaky?

5 A Yes.

6 Q That's Lynn Fromme?

7 A Yes.

8 Q All right. I show you this picture. Do you  
9 recognize her?

10 A Yes. That's Squeaky.

11 Q That's Squeaky.

12 Where did Squeaky stay most of the timewhile she  
13 was on the ranch?

14 A In George's house.

15 Q George Spahn's?

16 A Yes.

17 Q All right. Did -- to your knowledge, did Squeaky  
18 have a particular job on the ranch?

19 A Yes.

20 Q What was her job?

21 A Well, anything that happened in George's house,  
22 she would tell Charlie about.

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

24 THE COURT: Sustained.

25 Q BY MR. KAY: All right. Were you --

26 MR. DENNY: Move that the answer be stricken.

27 THE COURT: It is stricken.

28 Q BY MR. KAY: Were you present at various

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1 conversations when she would come and tell Charles Manson  
2 things that were happening in George Spahn's house?

3 A Yes.

4 Q All right.

5 A I remember a conversation --

6 MR. DENNY: I move that everything after "Yes" be  
7 stricken.

8 THE COURT: Sustained. The "Yes" may remain.

9 Q BY MR. KAY: Besides Squeaky, Barbara, was there  
10 any other member of the Family who spent a considerable amount  
11 of time with George Spahn?

12 A Yeah. A lot of girls stayed in there, but Squeaky,  
13 she stayed there all the time.

14 Q Barbara, when was it in relationship to the time  
15 that you and the other members of the Manson Family went to  
16 the desert, in the latter part of August, 1969, that you last  
17 saw Shorty?

18 A It was the day after.

19 Q In other words, you went to the desert the day  
20 after you last saw Shorty?

21 A Yes.

22 MR. KAY: All right. Would this be a good time to take  
23 a recess, your Honor? The next subject is going to be  
24 involved.

25 THE COURT: All right. 2:00 o'clock, ladies and  
26 gentlemen. We'll ask you to reassemble at 2:00 o'clock.

27 During the recess, you are obliged not to  
28 converse amongst yourselves nor with anyone else, nor permit

1 anyone else to converse with you on any subject connected  
2 with this matter, nor are you to form or express any opinion  
3 on the matter until it is finally submitted to you.

4 I'll see you at 2:00.

5 Miss Hoyt, be back here at 2:00.

6 THE WITNESS: Okay.

7 (Whereupon, at 12:00 o'clock noon, an adjourn-  
8 ment was taken in this matter until 2:00 o'clock  
9 p.m. of the same day.)  
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7-1 1 LOS ANGELES, CALIFORNIA, THURSDAY, FEBRUARY 3, 1972 2:04 PM

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4 THE COURT: All right, in the case of People vs. Davis,  
5 all the jurors are present, the record may show, and the  
6 defendant is present with his counsel. We're ready to  
7 proceed.

8 MR. DENNY: Your Honor, may we approach the bench a  
9 moment?

10 THE COURT: Yes, you may.

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

14 MR. DENNY: Your Honor, by inadvertence I have neg-  
15 lected, and I want to make up for that oversight at this time,  
16 to make a motion which will now include a motion to strike  
17 all of the testimony of this witness;

18 A motion to preclude her from further testifying  
19 on the grounds that we have been deprived of the right to  
20 adequate representation of counsel and the right to due  
21 process under the 6th and the 14th Amendment by virtue of  
22 the fact that we have been deprived of the opportunity to  
23 investigate this young lady's background, her associations,  
24 her reputation in the community for truth, honesty and  
25 integrity, and her reputation for such, and people's  
26 opinion of that in the community where she resides is  
27 paramount in the defense of Bruce Davis in this particular  
28 instance since her credibility is very much in issue.

1 I want to direct the Court's attention to the  
2 proceedings of Friday, May 14, 1971, in this case, wherein  
3 she testified in the Winhoven-Lopez hearing, and I saw it  
4 on page 591, starting at line 23, to get from her information  
5 as to her residence, asking her "Where do you presently  
6 live?" An objection was made, and I asked that the Court  
7 direct her to answer the question. And the People objected  
8 on the grounds --

9 THE COURT: Go ahead.

10 MR. DENNY: -- that she was fearful and didn't want  
11 to have her residence known.

12 And the Court on page 594, at line 21, says  
13 "All right, the Court will permit the witness not to answer  
14 the question."

15 At which time I cited to the Court the case of  
16 People vs. Illinois, 390 U. S. 191, a case that had  
17 previously been cited by Mr. Kanarek for the same proposition.

18 MR. KAY: I think --

19 MR. DENNY: Now, your Honor, if I may continue.

20 MR. KAY: Okay, go ahead.

21 MR. DENNY: I think the facts will show that in  
22 connection with attempts by me to get in touch with George  
23 Spahn, Sergeant Whiteley did give me Mr. Spahn's phone number.  
24 I have in no way abused, I think, that information insofar  
25 as telling any Manson Family members where he lives or  
26 anything of the kind. I have used that information as an  
27 officer of the court and as I think properly should have been  
28 done by a defense attorney, to take it upon myself to go up

1 and see him and interview him and Ruby Pearl who was living  
2 there, and based on that interview I was able to get a  
3 good deal of information which I used in her cross-examina-  
4 tion and which was very critical in her cross-examination.

5 One, in substantiating some things which I  
6 already knew;

7 Two, in determining some facts which I did not  
8 know --

9 THE COURT: To get to the point in respect to this  
10 witness --

11 MR. DENNY: In respect to this witness, this witness is  
12 testifying to a number of things in which her credibility  
13 is going to be in issue and Smith vs. Illinois, People vs.  
14 Grovedi, C-r-o-v-e-d-i,

15 MR. KAY: Grovedi.

16 MR. DENNY: Well, it just depends on how you want to  
17 pronounce it.

18 MR. KAY: Because that's the way Mr. Kanarek always  
19 pronounced it.

20 MR. DENNY: At 65 Cal. 2d 159 at 208, and a number of  
21 other cases which I could cite, but I don't think it is  
22 necessary to overburden the record here, stands for the  
23 proposition that it is a fundamental right of a defendant --

24 THE COURT: Now, that point has been argued before.

25 MR. DENNY: All right. Now, in this case, your Honor,  
26 we have asked time and again, particularly -- and I've asked  
27 for the address of this witness so that we could check in  
28 her community to find people who know her, who may be aware



1 of her reputation for truth, honesty, integrity or who could  
2 express an opinion, which is permissible under the Evidence  
3 Code as to their opinion of her truth, honesty and integrity.  
4 We have been denied that right by the ruling of this Court  
5 and, therefore, I submit that until such time as we are  
6 given that right and given the opportunity to go out and make  
7 a proper examination and proper investigation, which thus  
8 far we have been unable to do so because of being denied  
9 the address of this witness, she should not be permitted  
10 to testify on the matters to which she has already testified,  
11 and that they be stricken from the record.

8 fls.  
12 MR. KAY: May I be heard?  
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1 THE COURT: Yes, you may.

2 MR. KAY: Okay. I feel that this is -- I hate to  
3 use the word "spurious," but I feel it is a spurious motion.

4 Number one, Mr. Denny has heard the statement that  
5 Mr. Manzella made, that he interviewed her at Pierce College.  
6 So, obviously, Mr. Denny knows that this witness goes to  
7 Pierce College.

8 Nobody's ever tried to hide that fact. He can  
9 interview her there.

10 Number two, I think the Court very astutely  
11 brought out from Mr. Kanarek, when Mr. Kanarek made this  
12 same motion in the -- or, the same type of motion -- in the  
13 Manson trial that Mr. Kanarek knows her address.

14 She has had the same address. She hasn't changed  
15 it. And I read the transcript last night, and the Court by  
16 its own questions brought that out, that Mr. Kanarek knows  
17 where she lives.

18 And I'm sure that Mr. Denny, if he doesn't, all he  
19 has to do is ask Mr. Kanarek, because he knows where she lives.

20 MR. DENNY: I am taken completely by surprise at that  
21 particular bit of information, because my conversations with  
22 Mr. Kanarek were quite the opposite. If he does know, I am  
23 quite surprised.

24 MR. KAY: The judge brought it out by his questioning of  
25 Mr. Kanarek, and Mr. Kanarek just wanted to know if she had  
26 moved, and she hasn't moved. She has lived in the same place,  
27 with her parents.

28 THE COURT: Yes, that's the information that I remember

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1 about her whereabouts, about her residence. I think -- I  
2 thought it was well known on the record, which should have been  
3 in your possession, from the time that she was -- almost from  
4 the time that she testified in the previous case. But --

5 MR. KAY: I think the record should reflect that  
6 Mr. Denny did receive copies of the transcript in the case of  
7 People versus Manson, in the Hinman-Shea murder cases.

8 MR. DENNY: I'll stipulate that a copy was prepared for  
9 me.

10 THE COURT: Now, as to the reports from the police,  
11 interviews with her, did they in any way assist you in  
12 disclosing where she lives?

13 MR. DENNY: No, your Honor. The addresses in those  
14 were specifically lined up, and they have been through  
15 practically every reference to any witness in the Sheriff's  
16 manual.

17 THE COURT: Well, not Mr. Manzella's statement, though,  
18 because --

19 MR. DENNY: Mr. Manzella's statement that he interviewed  
20 her at Pierce College doesn't necessarily mean that she's going  
21 to Pierce College.

22 MR. KAY: Well, she is.

23 MR. MANZELLA: I think it's irrelevant.

24 MR. DENNY: Now, you tell me she is.

25 MR. MANZELLA: Her address is known, and she hasn't  
26 moved. She's still living with her parents.

27 MR. DENNY: Well, this is the first I've learned of it.

28 MR. MANZELLA: Well, all right. So you didn't see it in

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1 the transcript. So you can --

2 THE COURT: But at any event, there's no reason to  
3 disturb the rulings of the Court made at a time of the  
4 Winhoven motions, and my finding would be the same --  
5 particularly after having heard the evidence in the Manson  
6 case, and in this case thus far.

7 The motion is denied.

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

10 Q BY MR. KAY: Before we get back to -- oh, excuse  
11 me, Ken. Are you ready?

12 Before we get back to the subject we were on just  
13 before we broke for lunch, let me ask you this:

14 At a time period when you were -- when you say you  
15 were hitchhiking across the country, how long did this period  
16 last? How many weeks or --

17 A Uh -- the end of May, all of June, until the middle  
18 of July.

19 Q All right. And while you were doing that --

20 MR. DENNY: I'm sorry, your Honor. I could not hear  
21 that. I wonder if she could get closer to the microphone, or  
22 if I could have the answer read back.

23 THE WITNESS: From the end of May, to June, to about the  
24 middle of July.

25 Q BY MR. KAY: All right. Now, during this period  
26 of time while you were hitchhiking, on several occasions,  
27 did you call the Spahn Ranch?

28 A Yes.

8-4

1 Q And on how many occasions?

2 A Oh, about half a dozen.

3 Q All right. And when you called the Spahn Ranch,  
4 was there somebody that would answer the phone on each of the  
5 occasions that you called?

6 A Yes.

7 Q And who was that?

8 A That was Squeaky.

9 And I can only think about one time when she  
10 didn't, when I called.

11 Q All right. Now, when we broke for lunch, you said  
12 that the last time that you saw Shorty was the day before you  
13 and other members of the Family went to the Barker-Meyers  
14 Ranch area.

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1 Now, on this day -- the day before you went to  
2 the desert -- how many times did you see Shorty that day?

3 A I gave him dinner --

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

5 Move that it be stricken.

6 MR. KAY: Oh, I think that's responsive, your Honor.

7 That's the time she saw him.

8 MR. DENNY: She can state how many times.

9 THE COURT: All right. The --

10 MR. KAY: Well, your Honor --

11 THE COURT: -- answer is stricken, and --

12 Q BY MR. KAY: All right. First, Barbara --

13 THE COURT: You may start over.

14 Q BY MR. KAY: -- the number of times.

15 A Just a minute. Let me tally it up.

16 (Pause in the proceedings.)

17 Around four or five times.

18 Q All right. And where was it that you saw Shorty on  
19 this day?

20 A I saw him by George's house. I saw him standing  
21 around the boardwalk a couple of times, and I saw him when I  
22 gave him dinner.

23 Q Now, when you gave him dinner, did you exchange  
24 some words with him?

25 A Yes.

26 Q Would you call what you had with him a conversation?

27 A Just -- well, he just -- do you want me to tell  
28 you what he said?

1 Q Well, yes. What did he say, and what did you say?

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

3 MR. KAY: We are not offering it for the truth of the

4 matter asserted; just the fact that there were some words

5 exchanged between the two.

6 THE COURT: Between who?

7 MR. KAY: Between --

8 THE COURT: Or between whom?

9 MR. KAY: -- this witness and Shorty Shea, the last day

10 she saw him, when she served him dinner.

11 We are not offering it for the truth of the matter.

12 THE COURT: For what purpose is it offered?

13 MR. KAY: It's just for the fact that there was a con-

14 versation -- some words exchanged between the two -- where she

15 heard him speak.

16 THE COURT: Very well. The Court overrules the objec-

17 tion.

18 Q BY MR. KAY: What did you hear?

19 THE COURT: Just a moment.

20 MR. DENNY: Your Honor, I have no objection --

21 THE COURT: I'll sustain the objection.

22 MR. DENNY: I have no objection, your Honor, if it is

23 admitted simply for the fact of what was said, and not for the

24 truth of the matter asserted.

25 MR. KAY: Yeah, that's all we are offering it for.

26 THE COURT: For the fact of what was said? Do you mean

27 to show --

28 MR. DENNY: Just simply show that something was said.

1 THE COURT: Something was said? All right.

2 Q BY MR. KAY: All right. Then, would you --

3 THE COURT: Then, ladies and gentlemen, with that  
4 stipulation that it's received not to show the truth of the  
5 matter, but simply to show that there was a conversation be-  
6 tween this witness and Mr. Shea, this will be admitted.

7 Q BY MR. KAY: All right. And what did you say, and  
8 what did Shorty say?

9 A He complained about the amount of meat, and wanted  
10 to know if there was more. And I said there was no more.

11 Q This was while you were serving him dinner?

12 A Yes.

13 Q All right. So you wouldn't really characterize  
14 that as a conversation?

15 A No.

16 Q Where did you spend the night, that night, after  
17 you served Shorty dinner?

18 A In the parachute room.

19 Q If you would, Miss Hoyt, step down for a minute?  
20 Maybe you can take that hand-microphone. And I have here  
21 People's 93, the big aerial photograph, including the Spahn  
22 Ranch area.

23 Here's Spahn Ranch right down here (indicating).  
24 Now, can you point out to the ladies and gentlemen approxi-  
25 mately where the parachute room is?

26 A Oh -- right in here (indicating).

27 Q Now, is that where there is a "P," a red "P"?

28 A It looks like a "R" to me.



1 Q Well --

2 THE COURT: Miss Hoyt, so that the jurors on the end can  
3 see, would you step back?

4 THE WITNESS: (Indicating on the photograph.)

5 MR. KAY: It appears <sup>on</sup> close examination that it's  
6 probably a "P," although it's not very well -- it's not very  
7 well written.

8 So that the parachute room would be right below  
9 where that letter is, whether it's a "P" or a "R"?

10 Q Is that right?

11 A Yes.

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1 Q All right. So, are the trees covering it up  
2 there --

3 A Yes.

4 Q -- on this photograph?

5 A Yes.

6 Q All right. You may resume the stand. Thank  
7 you.

8 Now, approximately what time did you go to the  
9 parachute room that evening?

10 A I don't know what time it was, but it had been  
11 dark for a long time.

12 Q Very well. Now, before you went to the parachute  
13 room, did you have any occasion to notice the amount of --  
14 well, the condition of the moon that night?

15 A Yes.

16 Q And how would you describe the moon?

17 A It was very bright. I think it was a full moon.

18 Q Now, if you were standing on that night -- if  
19 you were standing -- could you step down here again a minute?  
20 I'm showing you People's 29.

21 Now, if you were standing in front of the board-  
22 walk area here (indicating), with your back to the boardwalk,  
23 where would the moon be in the sky, when you saw it?

24 A Behind you.

25 Q Behind you?

26 A Yes.

27 Q So in other words, it would be like behind the  
28 buildings and the mountains (indicating)?

8b-2

1 A Yeah. Up like here (indicating). It would be  
2 behind that, about this --

3 Q Behind the buildings and the mountains; is that  
4 right?

5 A Yes.

6 Q And when you say "up there," you are pointing at  
7 about the middle of this aerial photograph?

8 A Well --

9 THE COURT: Use the microphone, would you?

10 THE WITNESS: It was -- yeah, it was behind me.

11 Q BY MR. KAY: All right. It was behind you where?  
12 Was it like straight up, or to the side?

13 A Uh -- if I were standing like this, it would be  
14 like that (indicating).

15 THE COURT: Hold your microphone up, please.

16 THE WITNESS: It would be about like that, at an angle  
17 up behind me (indicating).

18 Q BY MR. KAY: Thank you. You may resume the  
19 stand.

20 Now, after you went to the parachute room that  
21 evening -- was there anyone in the parachute room with you?

22 A No.

23 Q Can you describe the parachute room for us?

24 A An old wrecked up trailer.

25 Q How did it get the name the parachute room?

26 A Uh --

27 MR. DENNY: I'll object to that as irrelevant and  
28 immaterial.

8b-3

1 THE COURT: Sustained.

2 Q BY MR. KAY: Now, after you went to the parachute  
3 room that night, did -- did something unusual happen?

4 A Yes.

5 Q And was anyone with you when this unusual event  
6 took place.

7 A No.

8 Q Would you please describe to the ladies and  
9 gentlemen of the jury what the unusual event was?

10 A I had just gotten into bed, and I heard a scream,  
11 and I sat up. And for a minute, there wasn't any sound, and  
12 so I thought, "Well, maybe I imagined it."

13 And I laid back down again. And then the scream-  
14 ing started again, and it kept going and going and going for  
15 a long time.

16 Q And do you know who it was that was screaming?

17 A It was Shorty.

18 Q Now, could you tell the direction of where the  
19 screams were coming from?

20 Well, let me ask you this: Did the screams  
21 sound like they were close to you or far away?

22 A They sounded pretty far away.

23 Q All right. Did you have any idea of which  
24 direction they were coming from?

25 A Down the creek, toward the outlaw shacks. Just  
26 in that direction.

27 Q All right. Would you step down again here to  
28 the aerial photograph, People's 93?

8b-4

1 Now, if you will point out on this what direction  
2 the screams sounded to you like they were coming from?

3 A Down here, in this way (indicating).

4 THE COURT: For the record, would you indicate --

5 MR. DENNY: Again, I wonder if the Court could instruct  
6 the witness to speak into the microphone when she's away  
7 from the stand.

8 THE COURT: What was your last remark?

9 THE WITNESS: That it was off here (indicating).

10 Q BY MR. KAY: Right. Barbara, I'm going to give  
11 you --

12 A Oh!

13 Q I shocked you again, huh? A shocking experience.  
14 All right.

15 Now, could you write on here -- put a "s" from  
16 the general area where you heard the screams coming from?

17 Put a large "S".

18 A I've got to get where I am first.

19 Q All right. Orient yourself.

20 A Well, let's see.

21 Well, it was coming from this direction down  
22 here (indicating).

23 Q Okay. You may resume the stand.

24 MR. DENNY: Has the "direction down here" been marked  
25 on the map?

26 MR. KAY: Yes, she has put a "S".

27 MR. DENNY: It's been identified? Okay.

28 MR. KAY: Yes. Marked with an "S," a large "S."

1 Q Approximately how many screams did you hear,  
2 Barbara?

3 A I don't know. Many.

4 Q Approximately how long did the screams last?

5 A Well, it seemed like a really long time, so I  
6 really couldn't accurately tell you. It probably wasn't  
7 a real long time, though, but it just seemed like it.

8 Q It seemed to you like it was a long time?

9 A Yes.

10 Q How would you characterize those screams that you  
11 heard?

12 A They were loud. And they were painful. And they  
13 were the same kind that -- you know, those horror movies  
14 when the lady is screaming, that kind of scream?

15 Well, it was like that.

16 Q Now, what did you do in the parachute room,  
17 when you heard these screams?

18 A I looked out the window.

19 Q All right. Did you see anything?

20 A Uh -- I could only see how light it was. And  
21 I saw these leaves that was on the screen, but I couldn't see  
22 anything worth telling of.

23 Q Well, was there a tree branch that covered up  
24 that window?

25 A Yes.

26 MR. DENNY: I'll object to that as leading and  
27 suggestive, and move that the answer be stricken.

28 THE COURT: Sustained. It's stricken.

9-1

1 Q BY MR. KAY: Well, is there anything that covers  
2 up the window there from the parachute room?

3 A Yeah, I believe there is.

4 Q What is that?

5 A Trees.

6 Q Now, did that -- did the event that you heard the  
7 screams, did that upset you?

8 A Yes.

9 Q Were you able to go back to sleep right away?

10 A No.

11 Q Did you go to sleep at all that night?

12 A Yes.

13 Q And where did you go to sleep in the parachute  
14 room after you heard the scream?

15 A On the floor.

16 Q All right. And why did you do that?

17 A I was scared.

18 Q Where on the floor did you sleep?

19 A By the bed.

20 Q Now, is there any doubt at all in your mind  
21 that it was Shorty that you heard screaming?

22 A No.

23 Q After you got back from Olancho -- well, first let  
24 me ask you this: Do you know who Stephanie Schram is?

25 A Yes.

26 Q After you got back from Olancho, did you see  
27 Mr. Manson and Miss Schram together in a police car?

28 A Yes.

9-2

1 Q All right. And how many -- how many days after  
2 you got back from Olancho did you see this?

3 A Hmmm --

4 Q Approximately?

5 A A few days, not very long.

6 Q All right. And where were you when you saw  
7 Mr. Manson and Miss Schram in the police car?

8 A On the boardwalk.

9 Q All right. And where did you see this police car  
10 go?

11 A It came out from the road from the back house and  
12 went across the yard and out the driveway.

13 Q Now, sometime after that, did Mr. Manson return to  
14 the Spahn Ranch?

15 A Yes.

16 Q Approximately how long?

17 A Not very long, about a day or two.

18 Q All right. And in relation -- when was it in  
19 relation to the time that Mr. Manson returned to Spahn Ranch --  
20 well, let me ask you this: Was it before or after Mr. Manson  
21 returned to Spahn Ranch that you heard the screams?

22 A After.

23 Q How long after Mr. Manson returned to Spahn Ranch  
24 was it that you heard the screams?

25 A Not very long. A few days.

26 MR. KAY: Excuse me, your Honor, I have to find a  
27 photograph here.

28 Q Now, the next -- well, do you have any idea about



1 the time it was that you heard the screams at night?

2 A It was late.

3 Q In relation to midnight, do you have any idea?

4 A I suppose it would be around midnight, but I have  
5 no way of knowing for sure.

6 Q Did you have a watch or anything like that?

7 A No.

8 Q Okay. Did anybody in the Family have watches  
9 or calendars?

10 A No.

11 Q Calendars?

12 A No.

13 Q Now, the morning after you heard the screams or  
14 if you heard them after midnight, the same morning, did you  
15 have occasion to see Gypsy?

16 A Yes.

17 Q I show you People's 51.

18 Do you recognize this as Gypsy?

19 A Yes.

20 (Whereupon, Mr. Manzella walked in front of the  
21 jury displaying the photograph.)

22 Q BY MR. KAY: Did you have a discussion with  
23 Gypsy about the screams you'd heard the night before?

24 A I asked her if she --

25 MR. DENNY: Just a moment, that's a yes or no question.  
26 I'll object to anything other than yes or no.

27 THE WITNESS: Yes.

28 Q BY MR. KAY: What did you say and what did she

1 say?

2 MR. DENNY: I'll object as hearsay.

3 THE COURT: Do you want to approach the bench.

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

7 THE COURT: Okay, what's the People's theory for  
8 offering the statement?

9 MR. KAY: All right, it's --

10 MR. DENNY: Not for the truth of the matter, but just  
11 it was said.

12 MR. KAY: Obviously not for the truth of the matter  
13 because Gypsy said no, she didn't hear them, but the credi-  
14 bility of the witness, the fact she did hear the screams at  
15 night and she did discuss it with somebody the next day.

16 In other words, you'd kind of wonder about it if  
17 she didn't say anything at all about the screams she heard.  
18 But the first thing in the morning --

19 THE COURT: The thing is, she may never even be cross  
20 examined.

21 MR. DENNY: And how's her credibility helped by her  
22 stating she told somebody else about it when her whole  
23 credibility is in issue and it is a self-serving statement.

24 THE COURT: I think it is premature to offer it at this  
25 point.

26 MR. KAY: All right, I'll wait until redirect. Thank  
27 you.

28 (Whereupon, the following proceedings were had in

1 open court within the presence and hearing of the jury:)

2 THE COURT: I'll sustain the objection.

3 MR. KAY: Oh, I got a shock, too.

4 Q Now, Miss Hoyt, sometime in the afternoon of the  
5 day after you heard the screams, did you go down to the  
6 creek area in Spahn's Ranch?

7 A Yes.

8 Q All right. And is the creek area the area you  
9 pointed out that's behind the buildings at Spahn Ranch?

10 A Yes.

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1 Q Well, just to be sure, maybe I'd better -- could  
2 you step down again and just for the jury could you point out  
3 the whole creek area again, how it goes?

4 Well, there's a little tag that says "Creek"  
5 there.

6 A You can't really see it, but it just runs behind  
7 the ranch.

8 Q All right. You notice on the aerial photograph  
9 there appears to be a thicker clump of trees running behind  
10 the ranch.

11 Is that all the creek area?

12 A Yes.

13 Q Thank you, you can resume the stand.

14 Now, whereabouts in the creek area did you go?  
15 Because it does stretch out a long ways.

16 A Uh -- well, that day when I went down to the  
17 creek, we were kind of all over in that general area. But  
18 this part was --

19 Q Would it help you to point it out on the aerial  
20 photograph?

21 A No.

22 Q All right.

23 A It was right about behind where the stables were  
24 or where the barn was.

25 Q Well, maybe I'd better have you point this out.

26 A All right.

27 Q We'll have it in green this time.

28 And then, could you mark where --

9a-2

1 A Ouch.

2 Q Sorry.

3 Could you mark on here where approximately you  
4 went by putting your initials "BH"?

5 A It would either be from over here (indicating)  
6 to over there (indicating).

7 Q Well, write your initials big so you can cover  
8 approximately the whole area.

9 THE COURT: Again, if you are going to talk, use that  
10 microphone.

11 MR. KAY: May the record reflect that the witness has  
12 complied by putting a large "BH" with a green felt marking  
13 pen?

14 THE COURT: So ordered.

15 MR. KAY: On People's 93.

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

17 Q BY MR. KAY: I might suggest the next time, if  
18 you have to mark something --

19 A I thought of it.

20 Q -- you pick up the felt pen and I won't give you  
21 a shock,

22 Now, when you were down in this area that you  
23 have initialed on People's 93, did you see anyone else there?

24 A Yes.

25 Q All right. Who did you see?

26 A Danny was there.

27 Q Now, Danny is Danny DeCarlo?

28 A Danny is Dan DeCarlo.

9a-3

1 Q Okay.

2 A Kitty Lutesinger and I and Charlie.

3 Q And were there any children down there?

4 A Danny's son.

5 Q What's his son's name?

6 A Dennis. He's about two years old.

7 Q Do you remember when in the afternoon this was?

8 A Uh, this was -- it was getting cooler. It was  
9 late afternoon or early evening, very early evening.

10 Q Now, when you were down at the creek area, where  
11 you described on People's 93, did you overhear a conversation  
12 between Charles Manson and Danny DeCarlo about Shorty?

13 A Yes.

14 Q Would you please tell the ladies and gentlemen  
15 of the jury what you heard?

16 MR. DENNY: I'll object, and may we approach the bench,  
17 your Honor, on the grounds of hearsay and certain other  
18 grounds I would like to enunciate at the bench?

19 THE COURT: Yes, you may.

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

23 MR. DENNY: Your Honor, we're in some measure back to  
24 the issue that we discussed at such great length --

25 THE COURT: Yes.

26 MR. DENNY: -- yesterday.

27 However, this particular issue, I think, is a  
28 great deal different in that yesterday Mr. Manzella made a

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1 particular point of the fact that as to the conversation  
2 there sought to be introduced through Mr. Swartz, that is that  
3 Shorty went to San Francisco, et cetera, that they were not  
4 seeking to introduce it for the truth of the matter, that  
5 they were not seeking to introduce it by way of admission  
6 or confession, but that they were simply introducing it as  
7 a verbal act in furtherance of the conspiracy. And I think  
8 the Court's ruling was much based on that, much based on the  
9 ruling of Dutton vs. Evans, at least as far as Mr. Manzella's  
10 position was concerned. That they were not in this case  
11 seeking to introduce an admission or a confession.

12 Now, obviously in this case they're seeking to  
13 introduce an admission of Mr. Manson.

14 THE COURT: What are you seeking to introduce?

15 MR. DENNY: Well, I'm sure they're introducing the  
16 same statement purportedly made by Manson to DeCarlo which  
17 appears on 6958 of the Manson transcript, and that is:

18 "Charlie told Danny, he said, 'Shorty  
19 committed suicide with a little help from us. And  
20 we buried him under some leaves.' Wait. They cut  
21 him up in nine pieces and buried him under some  
22 leaves.

23 "And then he pointed down the creek  
24 like that (indicating), with his thumb over his  
25 shoulder.

26 "And then he asked Danny if lye or lime  
27 would get rid of the body; and Danny said lye would  
28 preserve it, and lime would -- no, wait; lye would

1 "get rid of it and lime would preserve it -- or  
2 something.

3 "And then Charlie asked him where he  
4 could get some lye."

5 Now, obviously that is an admission.

6 THE COURT: All right.  
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1 MR. DENNY: And it is an admission by -- it is an  
2 admission by Charles Manson.

3 THE COURT: People.

4 How would this come in under your theory?

5 MR. MANZELLA: Our theory is the same as it was for  
6 Manson's statement to Swartz, that it is an act of a co-  
7 conspirator during the course of the conspiracy, asking DeCarlo  
8 about getting lye and how do you get rid of the body, lye or  
9 lime, where can I get some lye.

10 THE COURT: That part of the statement could conceivably  
11 be received.

12 How about the other parts?

13 Couldn't -- that could conceivably be received  
14 under the same theory.

15 MR. MANZELLA: Yes, your Honor, that's the theory under  
16 which the People are offering it, under the same theory we're  
17 offering it under yesterday.

18 THE COURT: How about the other parts of the conversa-  
19 tion, we had cut him up into nine pieces and scattered him  
20 down the creek.

21 MR. DENNY: And, also, that Shorty committed suicide  
22 with a little help from us.

23 THE COURT: I would sustain the objection to that part of it.

24 MR. KAY: Okay. I'd ask at this time if your Honor is  
25 going to divide up the statement, if we could have a recess  
26 so that I could talk to Miss Hoyt about not putting in the  
27 whole thing. I hate to do it in front of the jury. It looks  
28 bad if I walk up to her.

1 THE COURT: Probably best you do that and explain to her  
2 very thoroughly that she's not to state the full conversation.

3 MR. KAY: Well --

4 MR. DENNY: Well, obviously I still object to the use  
5 of any of this on the grounds stated yesterday.

6 And in addition, I obviously --

7 THE COURT: Well, the Court finds that there is a prima  
8 facie evidence of the conspiracy and the Court believes that  
9 under the California cases that this question should be  
10 ultimately left to the jury. And the Court will instruct,  
11 as it failed to instruct, I think, when you raised the  
12 objection this morning that it is offered not for the truth of  
13 the matter but as part of conspiracy, if the jury does find  
14 there is a conspiracy, and I'll give the same instruction I  
15 gave them yesterday.

16 MR. DENNY: Well, then, your Honor, I am perplexed at  
17 how the Court is going to instruct this jury on the --

18 THE COURT: Well, you will have to remain perplexed until  
19 you hear me. I will give the same instruction I gave them  
20 yesterday. I'll take a short recess.

21 MR. KAY: Thank you.

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

24 THE COURT: The Court will take a short recess, ladies  
25 and gentlemen.

26 During the recess you are obliged not to converse  
27 amongst yourselves, nor with anyone else, nor permit anyone  
28 to converse with you on any subject connected with this

1 matter, nor form or express any opinion on it until it is  
2 finally submitted to you.

3 Miss Hoyt, would you wait just a moment.

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

7 MR. DENNY: I still would like Mr. Manzella here so I  
8 can make a statement or a question.

9 THE COURT: Well, I'll catch it when I get back.

10 (Short recess.)  
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1 THE COURT: Are you squared away with your witness now,  
2 Mr. Kay?

3 MR. KAY: Yes, your Honor. We are ready to proceed.

4 MR. DENNY: Your Honor, I stole your CALJIC, expecting  
5 that I would find the instruction 624 that the Court did  
6 give yesterday, and -- in conjunction with the other  
7 testimony, but apparently referring to the pocket part,  
8 because 624 isn't here.

9 Your Honor, I don't mean to be disrespectful of  
10 the Court or the judicial processes here, when I voiced my  
11 question at the end of the last session.

12 But I am very serious in broaching this to the  
13 Court. And that is: How is it going to be possible, in any  
14 instruction at the close of this case, to instruct this  
15 jury that, if you find that there was a separate and distinct  
16 conspiracy to conceal, separate and apart from the main  
17 conspiracy, then you may consider this evidence.

18 If, however, you find that this was all part of  
19 one conspiracy, to murder and conceal, then you may consider  
20 this evidence.

21 I think it's too fine a distinction, frankly,  
22 for a lay jury.

23 THE COURT: The Court does not believe it will be.

24 We have discussed that before in chambers. Let's  
25 proceed.

26 Are you ready?

27 MR. KAY: We're ready.

28 MR. DENNY: Well, your Honor, I wonder, before the jury

10-2

1 comes in, if we can determine what this witness is going to  
2 say beforehand? Because if there's any slip, it's certainly  
3 grounds for mistrial, after two months of trial.

4 MR. KAY: There's not going to be any slip. She under-  
5 stands.

6 MR. DENNY: Well, I think it's worth two minutes, your  
7 Honor.

8 THE COURT: I think it is.

9 All right. Go ahead and pose the question you  
10 anticipate posing to her.

11 MR. KAY: All right. Okay.

12 Q Barbara, what was the conversation --

13 Is it reflected that this is out of the presence  
14 of the jury?

15 THE COURT: Yes. The jury is not -- has not yet  
16 re-entered the room.

17 Would you hold them --

18 THE BAILIFF: Yes. They're in the hall.

19 THE COURT: -- Mr. Kuczera, hold them outside?

20 Fine. Go ahead.

21 Q BY MR. KAY: Barbara, what was the conversation  
22 that you heard between Mr. Manson and Mr. DeCarlo, down in  
23 the creek area?

24 A Uh -- Charlie asked Danny where he could get some  
25 lye or lime -- well, first, he asked him whether lye or lime  
26 would get rid of the body. And Danny said that lye would get  
27 rid of it, and lime would preserve it.

28 And then Dan -- Charlie asked Danny where he could

1 get some lye.

2 Q All right. And did he say whose body?

3 A Well, he said that -- he said "his body," but he  
4 said "Shorty" in the preceding sentences.

5 Q All right.

6 MR. DENNY: That's just exactly what I was afraid of,  
7 your Honor.

8 THE COURT: You are not going to ask her that question.

9 MR. KAY: Well, I think that it would be unfair to the  
10 prosecution not to have her state that they were talking  
11 about Shorty. Certainly, she understands she is not to bring  
12 out any of the prior things about, "Shorty committed suicide  
13 with a little help from us," and they cut him up in nine  
14 pieces and buried him under some leaves.

15 However, since they did talk about Shorty, it  
16 would be unfair to us just to have her say "the body."

17 THE COURT: It would be unfair to the defendant to put  
18 that statement in, unless it comes in some way or another,  
19 under the law. And I don't see that an admission of Mr.  
20 Manson's could come in.

21 MR. DENNY: Well --

22 THE COURT: All right. The Court would permit her to  
23 testify that Manson stated that -- or posed a question, put  
24 a question to Mr. DeCarlo, "Does lye or lime get rid of a  
25 body?"

26 MR. DENNY: Yes, "a body."

27 MR. KAY: No, "the body." She said, "the body."

28 MR. DENNY: I know she said, "the body," and that then

1 is clearly an implied admission.

2 THE WITNESS: I have a question.

3 THE COURT: All right. Put your question to Mr. Kay.

4 THE WITNESS: I just wanted to --

5 THE COURT: She has a question.

6 MR. KAY: All right.

7 THE WITNESS: I just wanted --

8 MR. KAY: Well, here, wait a minute, Barbara.

10a fls.

10a-1

1 (Whereupon, a discussion off the record ensued at  
2 the witness stand between the witness and Mr. Kay.)

3 THE COURT: So I will not let the People put any  
4 reference into the record to the effect that it is Mr. Shea's  
5 body they were talking about, because that comes from the  
6 admission that Manson made in the previous sentences, as I  
7 understand it.

8 MR. KAY: Well, that's true. It does come from the  
9 previous sentences.

10 THE COURT: All right. Well, it's obviously hearsay.  
11 It cannot come in.

12 MR. KAY: Thank you. Do you understand that, Barbara?

13 THE WITNESS: Yes.

14 THE COURT: Okay. So, let's rehearse it once more.

15 MR. KAY: Okay. Well, I think that the witness did state  
16 it right. I mean, I was the one that wanted -- that asked her  
17 whose body --

18 MR. DENNY: Well, again, your Honor --

19 THE COURT: The Court doesn't dispute that.

20 MR. KAY: All right.

21 THE COURT: But your wishes are not ruling here, --

22 MR. KAY: Okay.

23 THE COURT: -- so --

24 Q BY MR. KAY: Miss Hoyt, would you please restate  
25 the conversation, as you are going to tell it to the jury?

26 A Charlie asked Danny if lye or lime would get rid  
27 of the body, and Danny said that lye would get rid of it, and  
28 lime would preserve it.



10a-2

1 And then Charlie asked where he could get some  
2 lye.

3 MR. DENNY: Your Honor, again, I would object to the use  
4 of "the body" --

5 THE WITNESS: That's what he said.

6 MR. DENNY: -- as being an implicit admission.

7 MR. KAY: Well, there's no relation to any body.

8 MR. DENNY: Well, your Honor --

9 THE COURT: Well, the Court would permit that.

10 MR. DENNY: Your Honor, it's just like --

11 THE COURT: Is that what was said?

12 THE WITNESS: That's what was said.

13 MR. DENNY: Your Honor, it's just like Aranda-Bruton.  
14 If we are going to sanitize this, to keep out an admission,  
15 then you have to keep out implied admission.

16 MR. MANZELLA: No. Aranda-Bruton doesn't deal with  
17 that. Aranda-Bruton deals with reference to co-defendants.

18 MR. DENNY: Well, analogizing --

19 MR. MANZELLA: Well, there's no analogy in the case.

20 MR. DENNY: Well, there's certainly an analogy here,  
21 which is a unique situation, of a confession by Manson, and then  
22 a statement, which the Court says is in furtherance of the  
23 conspiracy, of a verbal act -- which goes back to the  
24 confession in the use of the term "the body."

25 Now, it would certainly -- if we are going to --  
26 if we are sanitizing it to get out the element of confession or  
27 admission, it seems to me you have to do it properly and  
28 completely.

1                   We've already decimated it somewhat, and I think  
2 properly so, if you are not going to kick the whole thing out.  
3 But then, you should do the job properly.

4                   And the statement would then properly be: "Would  
5 lye or lime get rid of a body?"

6                   And if you say "the body," you have just as much  
7 as put right back in the implied admission of Mr. Manson --  
8 not the implied admission, but the confession of Mr. Manson.

9                   THE COURT: The People? I can't see that it's too  
10 important.

11                  MR. DENNY: Your Honor, it's critical. "A body" is  
12 a great deal different, in general, than "the body" in  
13 particular. And obviously, this is being sought to be used  
14 by the People to refer to "the body" of Shorty Shea. And if  
15 they get up and argue to the jury, they're certainly going to  
16 be arguing that this is what they're talking about.

17                  MR. MANZELLA: We are going to argue that way anyway.  
18 That's not determinative.

19                  THE COURT: Isn't it the People's theory -- and it's  
20 the same theory that was spoken of yesterday, and the theory  
21 under which the Court admitted the other verbal efforts at  
22 concealing -- isn't the People's theory that this inquiry as  
23 to whether lye or lime would dispose of the body was something  
24 that was uttered in the course of the conspiracy to kill and  
25 to hide the body of Shorty Shea?

26                  MR. DENNY: I assume it may be. But hasn't the Court  
27 said -- and didn't the People get --

28                  THE COURT: And therefore, wouldn't it be binding on a

1 co-conspirator, if their theory is correct?

2 MR. DENNY: Well, your Honor, presumably the Court made  
3 its ruling, and the People argued so strenuously and vehemently  
4 yesterday that there was no admission or confession attached  
5 to that particular statement; that it was purely, in effect,  
6 a verbal act; that there were no overtones of admission or  
7 confession; that it wasn't sought to be used to prove the  
8 truth of the matter; but indeed, quite the opposite.

10b fol

10b-1

1 THE COURT: Did the Court say there were no overtones  
2 of admission or confession?

3 MR. DENNY: Well, that's what the People contended.

4 MR. MANZELLA: No.

5 MR. DENNY: Now, I don't know --

6 MR. MANZELLA: Well, we do contend it, but we submit  
7 that that's not important.

8 MR. DENNY: Well, all of a sudden, it becomes very  
9 unimportant. I don't know why they spent 15 minutes arguing  
10 on it yesterday, to get the Court to rule as it did, and then  
11 in this particular instance --

12 THE COURT: The portion of the statement, as the witness  
13 heard it, the Court will allow in, as she's just stated it.

14 And I will overrule your objection to -- I'll  
15 overrule your motion; as I suppose it is -- to change the  
16 wording from "the" to "a" body.

17 MR. KAY: Then we are ready to proceed,

18 MR. DENNY: Well, your Honor, I do hope that the Court  
19 will caution this witness, and caution Mr. Kay also, that --

20 THE COURT: I don't think Mr. Kay needs to be cautioned.  
21 He understands it.

22 MR. KAY: And I think the witness does, too.

23 THE COURT: Do you understand that --

24 THE WITNESS: Yes.

25 THE COURT: -- you are to follow the -- your counsel's  
26 instructions and the Court's instructions, and you are only  
27 to report that part of the conversation which you've just  
28 said?

10b-2

1 THE WITNESS: Yes.

2 THE COURT: Do you understand that?

3 THE WITNESS: Yes.

4 THE COURT: About the lime or lye?

5 THE WITNESS: Yes.

6 THE COURT: Then let's proceed.

7 (Pause in the proceedings while the jury  
8 filed into the courtroom.)

9 THE COURT: All right. The record will show the  
10 jurors are all present. The defendant is present with  
11 counsel.

12 We are ready to proceed.

13 MR. KAY: Thank you.

14 Q Miss Hoyt, would you please -- I'll hold up just  
15 a second.

16 Would you please relate to the ladies and gentle-  
17 men of the jury the conversation that you overheard in the  
18 creek area between Mr. Manson and Mr. DeCarlo, on the day  
19 after you heard the screams?

20 A Charlie Manson asked Danny DeCarlo if lye or  
21 lime would get rid of the body, and Danny said that lye  
22 would get rid of it, and lime would preserve it.

23 And then Charlie asked Danny where he could get  
24 some lye.

25 THE COURT: Ladies and gentlemen, any evidence of a  
26 statement made by Mr. Manson shall not be considered by you  
27 against Mr. Davis, unless you shall first determine, from  
28 other independent evidence, that at the time the statement

10b-3

1 was made a conspiracy to commit a crime existed; and unless  
2 you shall further determine that the statements were made  
3 while Mr. Manson was participating in the conspiracy, and  
4 before or during the time Mr. Davis was participating --  
5 and before or during that time, Mr. Davis was participating  
6 in the conspiracy;

7 And finally, that such statement was made in  
8 furtherance of the objectives of that conspiracy.

9 Q BY MR. KAY: Miss Hoyt, did either you or Kitty  
10 Lutesinger join in that conversation?

11 A No.

12 Q Now, that -- that evening, did you and some other  
13 members of the Manson Family go some place?

14 A Yes.

15 Q And where did you go?

16 A We left for Death Valley.

17 Q Okay. And who did you go with?

18 A Charlie --

19 Q Charlie Manson?

20 A Yes. Brenda.

21 Q Brenda McCann?

22 A Yes.

23 Q Is that Brenda McCann in the back of the courtroom  
24 there (indicating)?

25 A Yes. Kitty Lutesinger; Ruth Morehouse; Sherry  
26 Cooper; Dianne Lake; and myself.

27 Q And where did you go in Death Valley?

28 MR. DENNY: Excuse me, your Honor. I'm sorry. Could

1 I have those names read back by the reporter?

2 THE COURT: Mr. Williams, please?

3 (Whereupon the record was read by the reporter  
4 as follows:

5 "Charlie Manson; Brenda McCann; Kitty  
6 Lutesinger; Ruth Morehouse; Sherry Cooper; Dianne  
7 Lake; and myself.")

8 Q BY :MR. KAY: Now, where in Death Valley did you  
9 go?

10 A To Barker's Ranch.

11 Q All right. And are you familiar with the Meyers  
12 Ranch?

13 A Yes.

14 Q And where's the Meyers Ranch located in relation  
15 to the Barker Ranch?

16 A It's a half a mile behind it.

17 Q All right. And once you got up to the desert,  
18 did you spend time at both places?

19 A Yes.

10c fls.

10c-1

1 Q What about other members of the Family? Did they  
2 spend --

3 A Yes.

4 Q -- some time at both places?

5 A Yes.

6 Q All right. And when you were up there, did you  
7 see Danny DeCarlo?

8 A Yes.

9 Q All right. And --

10 A Oh. Danny and Bruce went, too, in another car. I  
11 forgot about them.

12 Q At the same time that you went?

13 A Yes. But they went in another car. So did Tex.

14 Q And when you say Tex, do you mean Tex Watson?

15 A Yes.

16 Q And Bruce is the defendant Bruce Davis?

17 A Yes.

18 Q And Danny is Danny DeCarlo?

19 A Yes.

20 Q Now, after you got up there, did Danny DeCarlo  
21 leave?

22 A Yes.

23 Q And did he return sometime later?

24 A Yes.

25 Q Approximately how long was he gone?

26 A A couple of days.

27 Q Now, after you got up there, did other people come  
28 up, too, other than the ones you've named?



10c-2

1 A Yes.

2 Q And who were some of the other people that came

3 up?

4 A Juan Flynn and Sadie.

5 Q Sadie is Susan Atkins?

6 A Susan Atkins.

7 Q Anyone else that you remember?

8 A Well, after a while, these two boys named

9 Zero and Scott came up. I don't know their last names.

10 Q Okay.

11 A Oh, and Gypsy came up with a guy named Gary

12 something.

13 Q Now, directing your attention to Meyers Ranch,

14 do you recall a particular dinner at Meyers Ranch, at which,

15 among others, Danny DeCarlo and Juan Flynn were present?

16 A Yes.

17 Q And approximately how long after you got up at the

18 Barker-Meyers Ranch area did this particular dinner take

19 place?

20 A About a week.

21 Q Now, using this dinner as a frame of reference,

22 did Danny DeCarlo leave the desert and return between the

23 time you first came there and that dinner?

24 A Yes.

25 Q All right. Barbara, would you please tell the

26 ladies and gentlemen of the jury who was present at this

27 dinner at Meyers Ranch?

28 A Uh -- Charles Manson, Juan Flynn, Bruce Davis,

1 Tex Watson, Danny DeCarlo; and there were a lot of girls  
2 sitting around. This was at the dining room table in Meyers  
3 Ranch.

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1 Q All right. Were the -- was anyone other than the  
2 men you've named seated at the table?

3 A No.

4 Q Where were the girls?

5 A We were on the couch and the chairs in the  
6 living room, which is actually the same room, but the table  
7 was over in one corner.

8 Q All right.

9 During that dinner, did you overhear any  
10 conversation among the men seated at the table who you've --  
11 who you've told us who they were, about Shorty Shea?

12 A Yes.

13 Q All right.

14 Did the defendant, Bruce Davis, participate in  
15 that conversation?

16 A Yes.

17 MR. DENNY: Object to that and move that be stricken as  
18 a conclusion.

19 THE COURT: Sustained. That answer is stricken.

20 Q BY MR. KAY: All right. Did you hear Bruce  
21 Davis say things during the conversation?

22 A Yes.

23 Q Would you please tell the ladies and gentlemen  
24 of the -- well, let me ask you this:

25 Who were the people that you heard talk besides  
26 Bruce Davis?

27 A Charlie.

28 Q All right. Do you remember anyone talking

besides Charlie and Bruce?

A Not that I can think of.

Q All right. Would you please relate to the ladies and gentlemen of the jury what you heard Charlie say and what you heard Bruce say?

MR. DENNY: Object on hearsay and may we approach the bench, your Honor?

THE COURT: Yes, you may.

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

MR. KAY: This would be our offer of proof.

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

THE COURT: Yes, you may.

MR. DENNY: Your Honor, I brought the back-up material here, but I think I can make the objection to the Court, and then sustain it by the material that I brought with me.

THE COURT: First, before you make your objection, the Court will state to you that it does find that there has been a corpus delicti established.

MR. DENNY: Of what?

THE COURT: Of murder.

MR. DENNY: Of murder?

THE COURT: Yes.

MR. DENNY: All right.

Now, as the Court rules, we had a hearing on Aranda-Bruton.

THE COURT: The Court likewise has, as it has told you,

1 beliefs that there is sufficient evidence to establish  
2 conspiracy to murder.

3 MR. DENNY: This is separate and apart from that, your  
4 Honor.

5 THE COURT: Yes.

6 MR. DENNY: Assuming for the sake or argument a corpus  
7 delicti, both conspiracy and murder, I want to get to another  
8 procedural and constitutional aspect here.

9 THE COURT: Go ahead.

10 MR. DENNY: We made a motion to sever the defendant  
11 from Mr. Manson, and that motion was denied, as the Court  
12 recalls. That motion was renewed a number of times and,  
13 finally, it had to go to the Supreme Court on a writ before  
14 it was granted.

15 We also were forced, then, with the proposition  
16 of having hearings on -- under Aranda and Bruton to sanitize  
17 statements on the supposition -- until the Supreme Court  
18 finally acted that --

19 THE COURT: We were going to proceed with joint trial.

20 MR. DENNY: They were going to be jointly tried.

21 At this hearing, I made the point and made it  
22 rather vociferously I thought, that the statement that now  
23 is going to be sought to be testified to by this witness fell  
24 short of admissibility under the Osuna doctrine because based  
25 on what she had testified to in the Grand Jury hearing,  
26 there was nothing to show that Bruce Davis, though present,  
27 in any way adopted the statement of Charles Manson.

28 THE COURT: I have here --

1 MR. DENNY: The Osuna --

2 THE COURT: -- a statement of Barbara Hoyt taken on  
3 May 20, 1971 --

4 MR. DENNY: Precisely. Precisely.

5 THE COURT: -- by Mr. Manzella at Pierce College, and  
6 it appears to me that judging from what they present here,  
7 and what I remember Mr. Davis did join in the conversation.

8 MR. DENNY: That's precisely my point, your Honor.  
9 This statement, and it shows the date at which it was made,  
10 was taken after the Aranda-Bruton hearing, at which time I  
11 had objected to the use of the statements in evidence against  
12 Bruce Davis. And the Court at that time on the statement that  
13 Mr. Katz made, which was, in essence: Well, your Honor,  
14 when we talked to this young lady she was a little bit  
15 reluctant and reticent, and when she testified before the  
16 Grand Jury, having already appeared in the -- this is not  
17 what he said, but the facts are that she had already appeared  
18 in the Tate-La Bianca trial, and had been subjected to quite  
19 a bit of cross-examination by both the prosecution and the  
20 defense --

21 MR. KAY: Not about what Mr. Davis said. He had nothing  
22 to do with that trial.

23 MR. DENNY: Quite so.

24 She was hardly a reluctant --  
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11a fls.

11a-1

1 MR. KAY: That's not so. As a prosecutor on the Tate-  
2 LaBianca case, she did not want to testify. She was in fear of  
3 her life. That is, she had been taken to Hawaii by Ruth  
4 Morehouse and fed a hamburger with at least ten tabs of LSD in  
5 it and left for dead in the alley. She didn't want anything  
6 to do with it. But her mother talked her into it.

...  
7 MR. DENNY: All right, setting that picture, Mr. Katz  
8 said, "Your Honor, I think you should give us the opportunity  
9 to see if perhaps her recollection is going to be a little  
10 bit better now that we know what the People's point is and give  
11 us a chance to go out and talk to her and --"

12 THE COURT: What is the basis of your motion? Determine --

13 MR. DENNY: " And see if she -- "

14 THE COURT: -- the credibility at this time, and make a  
15 ruling based on that judgment?

16 MR. DENNY: No, your Honor, that we are and have been  
17 and will be, by the use of this later, taken statement,  
18 denied the right of due process because of the fact that we  
19 were forced into this Osuna doctrine bit. We were forced  
20 into the business of sanitizing the statements under Aranda-  
21 Bruton by being required to be tried jointly. And it was only  
22 after that hearing, where we had made the point, which we  
23 could make now, if we had not been in that situation, and  
24 the issue came up now, if we had not been required to  
25 sanitize the statement, I would have raised the objection now  
26 and the People would not have had a chance to go scurrying  
27 to their witness and get additional information such as they  
28 did on May 20, after --

11a-2

1 THE COURT: Well, were you apprised -- have you been  
2 apprised before the trial began of this statement?

3 MR. DENNY: Oh, certainly.

4 THE COURT: May 20 statement?

5 MR. DENNY: Certainly I was. There is nothing I can do  
6 about it now. If I had not had to raise that issue in the  
7 Aranda-Bruton hearing, because we were forced to be tried  
8 together, if I had not had to raise that issue, then, I would  
9 have just kept quiet and waited until now.

10 THE COURT: What is the basis of your motion now?

11 MR. DENNY: The basis of my motion now is by having been  
12 forced to raise the issue before trial, I have been forced  
13 before trial --

14 THE COURT: You gave the People --

15 MR. DENNY: I gave the People --

16 THE COURT: You gave the People the opportunity to coach  
17 her into adding more things to her statement?

18 MR. DENNY: Precisely, which they could not have done if  
19 she had testified consistent with her testimony at the Grand  
20 Jury hearing, the People not having been previously advised that  
21 this would be an issue.

22 Because under Osuna, under Osuna, as the Court  
23 noted at the time of the Aranda-Bruton hearing, it would not have  
24 been admissible against Bruce Davis.

25 MR. KAY: I think Mr. Denny sells us short. He assumes  
26 we don't interview our witnesses.

27 MR. MANZELLA: I would just like to make two points.

28 First of all, we raised the Osuna doctrine, not



1 Mr. Denny. It was in my brief to the Court on the first  
2 brief that I filed.

3 THE COURT: I remember.

4 MR. MANZELLA: I raised the Osuna problem.

5 Secondly, Barbara Hoyt wasn't coached.

6 MR. KAY: That's right.

7 THE COURT: I assume that's for the jury's determina-  
8 tion.

9 MR. DENNY: Well, your Honor, it is for this Court to  
10 determine first on a due process issue as to whether it is  
11 admissible at all.

12 THE COURT: The Court doesn't find there is any abuse  
13 from due process in this, far from it. I don't think there  
14 is any, whatever. There's been ample opportunity for  
15 discovery provided here --

16 MR. DENNY: That's not the issue.

17 THE COURT: -- than in any other case.

18 MR. DENNY: That's not the issue. Disclosure is not the  
19 issue.

20 THE COURT: You've been apprised of it. It is just  
21 because of the timing of your motion you believe this coach-  
22 ing occurred. That is ultimately a question of fact for the  
23 jury.

24 But the Court does not believe that there's  
25 any abuse of process, due process. Accordingly, the motion is  
26 denied.

27 MR. KAY: Thank you, your Honor.

28 MR. DENNY: So we have it clear what the motion is, your

1 Honor --

2 THE COURT: Your motion is --

3 MR. DENNY: -- is to prohibit this witness from  
4 testifying at all about this particular conversation, making it  
5 admissible against Bruce Davis consistent with now her later  
6 gotten testimony pursuant to the notice of the conversation  
7 had on May 20, 1971.

11b f1

11b-1

1 THE COURT: Yes, all right, the Court denies the motion.

2 MR. KAY: Thank you, your Honor.

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

6 Q BY MR. KAY: Miss Hoyt, directing your attention  
7 to the last question I asked.

8 Would you please relate to the ladies and gentle-  
9 men of the jury what you heard Mr. Manson say and what you  
10 heard Mr. Davis say at this dinner conversation at Meyers  
11 Ranch?

12 A Uh, Charlie said that, uh -- let's see how he  
13 put it.

14 That "We told Shorty that we wanted to show him  
15 something and we took him for a ride in a dune buggy."

16 And then, he said, they took him for a ride, they  
17 hit him in the head with a pipe, I think he said. I think he  
18 said lead, but I'm not sure if he said lead.

19 And then, they started stabbing him, and stabbing  
20 him, and stabbing him, and then he said he was real hard to  
21 kill until they brought him to now.

22 Do you want me to put in the things that Bruce  
23 said in the statement?

24 Q Yes, if you would.

25 A All right.

26 Well, he said that -- at the end, about the now  
27 part, uh --

28 Q So far you've related what Manson said, is that

11b-2

1 right?

2 A Yes.

3 Q All right.

4 Now, put in also what you heard Mr. Davis say.

5 A Well, he said -- when he said, "He was pretty  
6 hard to kill until we brought him to now," he said, "Yeah,  
7 when we brought him to now, Clem cut his head off."

8 And Bruce said, "That was far out."

9 And a couple other times he said, "Yeah," and  
10 things like that, and agreed.

11 And let's see, what else he said.

12 Oh, Shorty said, after they started stabbing  
13 him, Charlie said Shorty asked, "Why, Charlie, why?" And  
14 Charlie said, "Why? This is why, and I stabbed him again."  
15 That's what he said.

16 Q That's what Charlie said?

17 A Yes.

18 Q And did Bruce say anything to that?

19 A I believe he did.

20 Q Do you remember what he said at that point?

21 A I remember a couple times through he said "Yeah."

22 MR. DENNY: Just a moment, I'll object as non-responsive  
23 and move that be stricken.

24 Q BY MR. KAY: Miss Hoyt, --

25 THE COURT: Excuse me just a minute, it is stricken.

26 Q BY MR. KAY: Miss Hoyt, you've told us that when  
27 Manson said that when Shorty got to now Clem cut his head  
28 off, but that Mr. Davis said, "Yeah, that was far out"?

11b-3

1 A "Yeah, that was pretty far out."

2 Q Other than that statement, would you tell us what  
3 Mr. Davis said during the conversation at which points he  
4 said something, as far as you remember?

5 A Uh, well, he said -- uh, when he said we were  
6 stabbing him and stabbing him and things like that, Bruce  
7 said "Yeah."

8 Q And did you see Bruce's demeanor when he said  
9 that?

10 A Yeah, he smiled and said "Yeah," and nodded his  
11 head.

12 Q Well, I don't remember that he smiled. I remember  
13 that he nodded his head and said "Yeah."

14 Q Uh, let's see, what else did he say?

15 A That's all I can think of.

16 Q He used the term "now." "When Shorty got to  
17 now."

18 Q Did that have a special meaning in the Family,  
19 the word "now"?

20 A Yes.

21 Q What did that mean?

22 MR. DENNY: I'll object to that as calling for hearsay,  
23 also an opinion and conclusion.

24 MR. KAY: Well, if it had a common meaning, your Honor,  
25 I think that --

26 THE COURT: Sustained without further background.

27 Q BY MR. KAY: Well, Barbara, had you heard the  
28 word or the term "now" used by many of the Family members on

1 many different occasions?

2 A Yes.

3 Q Was that a common slang, so to speak, term used  
4 among the Family members?

5 A Yes.

6 Q And did it have a special meaning to the members  
7 of the Manson Family?

8 A Yes.

9 Q All right. And what was that meaning?

10 MR. DENNY: I'll object to that still as calling for  
11 opinion, conclusion and hearsay.

12 THE COURT: Sustained.

13 You can lay a further foundation, if you wish to.  
14 You may try that, lay a further foundation.

15 Q BY MR. KAY: All right. Had you ever heard  
16 Charles Manson use the term "now" before?

17 A Yes.

18 Q And do you know what meaning Mr. Manson had for  
19 the term "now"?

20 A Yes.

21 Q All right. And would you explain that?

22 MR. DENNY: Object to that as calling for hearsay,  
23 opinion and conclusion.

24 THE COURT: Sustained.

25 Q BY MR. KAY: All right, Miss Hoyt, as a member  
26 of the Manson Family, what did the word "now" mean to you?

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

28 THE COURT: Sustained.

1 Q BY MR. KAY: On how many occasions had you  
2 heard members of the Manson Family use the term "now"?

3 A All the time.  
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12 fls.

12-1

1 Q And did this have a common meaning among members  
2 of the Manson Family?

3 A Yes.

4 Q And had you ever heard that term, with that  
5 meaning, used by people other than members of the Manson  
6 Family?

7 A No.

8 Q What was the meaning of the word -- or the term  
9 "now" to members of the Manson Family?

10 MR. DENNY: I'll object to that again. Hearsay.

11 THE COURT: Overruled. You may answer.

12 MR. DENNY: And calling for a conclusion.

13 THE WITNESS: Well, to be brought to now, and when you  
14 are finally dead, and you are --

15 MR. DENNY: Just a moment. I'll object to that as a  
16 whole different phrase we are talking about. He has been  
17 questioning her about one word, "now," and now she's talking  
18 about "brought to now."

19 Q BY MR. KAY: Well, Miss Hoyt, is that the phrase  
20 as it was used, "brought to now"?

21 A Yes. Those were used, too.

22 Well, I can just explain what it is.

23 THE COURT: What does the word "now" mean to the Manson  
24 Family?

25 THE WITNESS: To -- it's a state in which your head is  
26 in. There's no ~~past~~, no future; you don't think of anything  
27 like bank books or anything like that. You don't -- there's  
28 no thought.



12-2

1 It's just a state where your head's at, where  
2 there's nothing there; like -- well, most of the time Charlie  
3 would tell you to do it through fright, by going through fear,  
4 and --

5 Q BY MR. KAY: Well, would it be --

6 MR. DENNY: Well, just a moment. I'm going to object to  
7 that and move that that be stricken as hearsay.

8 THE COURT: All right. The last statement, "Most of the  
9 time Charlie," whatever was said -- I didn't quite catch it --  
10 is stricken.

11 Whatever Charlie said is stricken.

12 Can you in any other way --

13 MR. KAY: Well, let's see. Maybe I can help to explain  
14 it.

15 Q Would an analogy be that --

16 MR. DENNY: Well, I'm going to object to Mr. Kay's  
17 analogies and Mr. Kay's helping to explain --

18 THE COURT: Right. Correct.

19 Had you completed your explanation of the word  
20 "now," as --

21 THE WITNESS: Well, I suppose I could go more into it.  
22 But I really don't know the words to get the meaning across the  
23 way it is.

24 Q BY MR. KAY: Well --

25 THE COURT: Go on to something else, then, Mr. Kay.

26 Q BY MR. KAY: Well, let me ask you what you meant  
27 by -- when you said, "It's where your head's at."

28 A Well, at a point where your head's at, where you

1 have no thought, no past, no future, no emotions, no  
2 opinions, no right, no wrong.

3 Q In other words, you have only now?

4 A Right. You just have now.

5 To describe it would be sitting on the top of the  
6 hill with -- you know, just like this, and going hmmm --  
7 that's all that would be there; there would be nothing in your  
8 head.

9 THE COURT: Would somebody describe that for the record?

10 MR. DENNY: Pursing her lips, with her eyes somewhat  
11 popping, and appearing to blow somewhat through pursed lips.

12 THE COURT: Thank you, Mr. Denny.

13 THE WITNESS: Well, I hummed.

14 MR. DENNY: And humming.

15 THE COURT: And humming. Very well.

16 I think that describes it. Now, let's move on;  
17 shall we?

18 Q BY MR. KAY: All right. During this conversation  
19 that you overheard at Meyers Ranch, specifically -- well,  
20 we'll strike that.

21 Miss Hoyt, when you arrived at the desert, did  
22 you see Paul Watkins there?

23 A Yes.

24 Q Approximately how long did you stay up at the  
25 Barker-Meyers Ranch area?

26 A About -- a week or two? It was probably longer  
27 than a week. About two weeks.

28 Q Now, you have told us about this Meyers Ranch

1 conversation in which Mr. Manson and Mr. Davis participated,  
2 while you were up there in that area.

3 Did you ever hear Mr. Manson make any statements  
4 like this at Barker Ranch?

12a fol 5 A Yes.  
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1 MR. DENNY: Well, I'm going to object to that and move  
2 that that be stricken, your Honor, as calling for hearsay.

3 THE COURT: All right. Does -- so ordered. The  
4 answer "Yes" is stricken, and the objection is sustained.

5 Without a proper background or foundation, Mr.  
6 Kay, it will be stricken, and it is.

7 Q BY MR. KAY: Miss Hoyt, approximately when did  
8 you leave the Barker-Meyers Ranch area?

9 A Uh -- it was in December; the first or second week  
10 in December -- of September; I'm sorry.

11 Q All right. And why did you leave?

12 A Uh -- because I realized a lot of things about  
13 them; and I was afraid of them.

14 Q Afraid of whom?

15 A The Family.

16 Q And how did you leave the Barker-Meyers Ranch  
17 area?

18 A Walked.

19 Q And how many miles did you walk?

20 A Well, the distance from there to Ballarat is 28  
21 miles. Paul drove us part way, but we tried getting out a  
22 whole bunch of different times.

23 I guess about 28 miles.

24 Q Paul is Paul Watkins?

25 A Yes.

26 Q Did you leave with another girl?

27 A Yes.

28 Q Who was that?

12a-2

1 A Sherry.

2 Q All right. And from the point you left the  
3 Barker-Meyers Ranch area, about the second week of September,  
4 did you cease to be a member of the Manson Family?

5 A Yes.

6 MR. KAY: All right. Thank you, Miss Hoyt. I have  
7 no further questions.

8 THE COURT: Cross-examine.

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

10 (Pause in the proceedings.)  
11

12 CROSS-EXAMINATION

13 BY MR. DENNY:

14 Q Now, Miss Hoyt, you said you were a member of  
15 the Manson Family?

16 A Would you repeat that, please?

17 MR. DENNY: Would you repeat it, Mr. Williams, for me?

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

20 "Q Now, Miss Hoyt, you said you were a  
21 member of the Manson Family?"

22 A Yes.

23 Q How did you become a member of the Manson Family?

24 A I just felt that I was in. And I felt accepted,  
25 I guess.

26 Q Loved, cherished? By members of the Family?

27 MR. KAY: That's irrelevant, your Honor.

28 THE COURT: Sustained.

1 Q BY MR. DENNY: You felt accepted?

2 A Yes.

3 Q Well, then, is it your feeling that determines  
4 whether you are a member of the Manson Family or not?

5 A Well, I can -- I can give you a conversation  
6 that will clear that up.

7 Q Well, you just tell me. Is it your feeling  
8 that determines whether you are a member of the Manson  
9 Family or not?

10 A No, not completely.

11 Q Is there some ritual or procedure you have to  
12 go through before you become a member?

13 A I didn't go through any --

14 Q A member of the Manson Family?

15 A No.

16 Q Well, when you said that you became a member of  
17 the Manson Family, when did you become a member of the Manson  
18 Family?

19 A Oh, I don't know. When I -- I didn't go through  
20 any kind of ritual, which you could put a date on or anything  
21 like that. So I don't know that I could even answer that  
22 question.

23 Q Would you try?

24 A Well, I guess when I left home and went to stay  
25 with them. I guess -- hmmm -- I felt that I was a member  
26 with them by the time that I could say things to them,  
27 that -- well, when we were open; when I felt open to them.

28 Q How long did that take, --

1 A I don't know.

2 Q -- Miss Hoyt? Well --

3 A It was a gradual change.

4 Q It didn't take very long, did it?

5 A I don't know.

6 Q Well, do you have any idea?

7 MR. KAY: Asked and answered.

8 THE COURT: Sustained.

9 Q BY MR. DENNY: Well, by the time you moved out  
10 of Gresham Street, had you achieved this sort of rapport?  
11 With the other members of the Family?

12 A Well, I can't say completely, because I was  
13 home sick, and I wanted to go home.

14 Q But you didn't, did you?

15 A No, I didn't.

16 Q Because you liked it with them?

17 A Yes.

18 Q And you liked the things they were doing?

19 A Well, I think more, I would say, I was --

12b fls.

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12b-1

1 MR. KAY: Well, I'm going to object that that's  
2 ambiguous, the things they were doing. That's -- we don't know  
3 what that is.

4 THE COURT: Overruled. You may answer.

5 THE WITNESS: I think more I was -- I loved them all,  
6 you know, as people. And I was in love with Dave.

7 Q BY MR. DENNY: What's Dave's last name?

8 A I believe it's Baker.

9 Q Well, you know it's Baker, don't you?

10 A I said: I believe it's Baker.

11 Q Well, you know it's Baker.

12 A I believe it's Baker.

13 Q Well, what is it?

14 A I believe it's Baker.

15 Q Well, how long have you believed it's Baker?

16 A I don't know.

17 Q Well, when did you meet him?

18 A The 1st of April.

19 Q As soon as you got there?

20 A Yes.

21 Q And you learned his name was Baker then?

22 A No.

23 Q Karate Dave?

24 A I hadn't heard the "Karate Dave" until I got --  
25 until I testified in the Tate-LaBianca trial.

26 I just called him Dave. And I knew he knew  
27 Karate. So when they said "Karate Dave," I just put two and  
28 two together.



1 Q He was there, wasn't he?

2 A Yes.

3 Q At the Gresham Street address, as soon as you got  
4 there?

5 A Yes.

6 Q Well, is there some reason why, on direct  
7 examination, when you started your testimony here, and Mr. Kay  
8 asked you who was there at the Gresham Street house, why you  
9 said "Dave"?

10 And when Mr. Kay questioned you, "Baker"?

11 Why you said, "Yeah, I think so"?

12 A That's right.

13 Q Well, you knew so.

14 THE COURT: That's asked and answered.

15 Q BY MR. DENNY: And was he your boyfriend right from  
16 the beginning there?

17 A Yes.

18 Q And he's the one you went chasing after,  
19 hitchhiking across the country?

20 A Yes.

21 Q Well, you said it wasn't quite by the time you had  
22 left the Gresham Street house that you had achieved this  
23 wonderful rapport, so that you felt you were a member of the  
24 Manson Family.

25 Would you say it was when you went -- you went up  
26 to another place in Topanga, between the time when you went from  
27 Gresham Street to the Spahn Ranch?

28 A There was a place somewhere in the Malibu

1 mountains, and I -- I'm not sure.

2 Do you know where Malibu -- the off-ramp is on the  
3 Ventura Freeway?

4 Q Well, I don't think it's relevant whether I do or  
5 not. It's just what you do.

6 A Well, anyway, it's around there.

7 Q All right. And how long were you there?

8 A A few days.

9 Q Well, was that a week or ten days or two weeks or --

10 A About a week, yeah.

11 Q About a week. And by the time you left there,  
12 had you achieved the status in your own mind and being of being  
13 a member of the Manson Family?

14 A Well, this was a thing that was gradual. And I  
15 did not consciously measure the -- the length of my rapport  
16 with them.

17 Q Well, you certainly measured the brevity of your  
18 rapport with them, when you terminated that association, didn't  
19 you?

20 A I don't understand what that word is.

21 Q Which word?

22 A I've forgot it. Brevity?

23 Q Shortness (indicating).

24 A Could you say that again, please?

25 THE COURT: Restate your question, please.

26 Q BY MR. DENNY: Well, you just testified to Mr. Kay  
27 that when you walked away from the Manson Family, there in the  
28 desert, you were no longer a member; is that right?

1           A       Yes. But I had -- I would have to say that I  
2 wasn't a member in the last days, too. But -- you know.

3           Q       Well --

4           A       I was not with them.

5           Q       Well, then, it's your state of mind that makes you  
6 a member or not of the Manson Family; is that right?

7           A       Partly.

12c fol

12c-1

1 Q You continued certain associations with them in  
2 later months, did you not?

3 MR. KAY: Well, that's ambiguous. What's "later  
4 months"?

5 Q BY MR. DENNY: After the second week of September,  
6 1969?

7 A Did I associate with them?

8 Q Yes.

9 A In --

10 Q You had certain associations, did you not?

11 A I had seen two of them on the street. But  
12 that's not associating with them.

13 Q Well, you had further associations with them  
14 than that, did you not?

15 A Not voluntarily.

16 Q When you had sexual relations with Clem Grogan,  
17 voluntarily, some months later?

18 MR. KAY: That's irrelevant.

19 Q BY MR. DENNY: Well, was that not a voluntary  
20 association with a member of the Manson Family? Charged  
21 with the killing of Mr. Shea? Just as Mr. Davis is?

22 MR. KAY: Well, that assumes facts not in evidence,  
23 that Mr. Grogan was charged at the time of her association  
24 with him.

25 THE COURT: Sustained.

26 Q BY MR. DENNY: Well, let's just forget that part  
27 of it.

28 You did associate voluntarily with Mr. Clem Grogan?

12c-2

1 A I didn't associate --

2 Q In later months?

3 A I didn't associate with any of them voluntarily.

4 Q They took you under duress, under force, to  
5 the Spahn Ranch, where you cavorted with them for a few days?

6 MR. KAY: That assumes facts not in evidence.

7 THE COURT: Sustained.

8 Q BY MR. DENNY: Well, I'm asking you, ma'am. Did  
9 they take you under duress to the Spahn Ranch?

10 A You mean, did they abduct me forcibly?

11 Q Yes.

12 A No.

13 Q You went there of your own free will, didn't you?

14 A No.

15 Q Well, they pressured you somehow; is that right?

16 A Yeah. Yeah (laughing).

17 Q Yeah.

18 Mr. Grogan pressured you into having intercourse  
19 with him?

20 A No, I -- the thing with that, I was afraid of  
21 them, and I felt that if I acted -- if I -- that I was with  
22 them, that nothing would happen.

23 Q Well, when you flew off to Hawaii with a couple  
24 of the girls --

25 A Well, I didn't want to go to the desert with them,  
26 and that was one of their alternative choices. And I didn't  
27 want to get killed, which was their third.

28 So, out of the three, I thought that would be the

12c-3

1 most nice, yes.

2 Q Lie on the beach in Hawaii, with another one of  
3 the Manson Family; is that right?

4 MR. KAY: That assumes facts not in evidence.

5 THE COURT: Sustained.

6 Q BY MR. DENNY: All right. But unfortunately, it  
7 seems, something happened at that juncture, and that kind of  
8 turned you a little bit bitter, after that Hawaiian stint;  
9 is that right? A little bitter against some of the Manson  
10 people?

11 A Well, I was a little bitter against some of the  
12 Manson people before then.

13 Q You were, weren't you?

14 A Yes, yes, I was. I was afraid of them.

15 Q Yes. When did that bitterness begin to develop,  
16 Miss Hoyt?

17 A Well, I wouldn't call it bitterness. I would call  
18 it fear, because --

19 Q Well, you call it bitterness, and you meant  
20 that, didn't you?

21 A No. I was just repeating what you said. I didn't  
22 mean anything. You said it.

23 Q It's easy to repeat something a lawyer tells you.

24 MR. KAY: Well, argumentative.

25 THE COURT: Sustained.

26 Q BY MR. DENNY: Well, ma'am, you had fear, did you?

27 A Yes.

28 Q And this fear didn't evolve into any kind of

12c-4

1 bitterness or anger towards some of these members of the  
2 Manson Family?

3 A (Pause) Oh, I feel sorry for them.

4 Q You feel sorry for Charlie?

5 A In a way, I do, yes.

6 Q Charlie forced you to have sexual relations with  
7 Juan Flynn up there, did he not?

8 A Yes.

9 Q But you have no bitterness about that?

10 A I don't think about it.

11 Q Until it's brought up in court?

12 A Well, it does revert my mind back to the time,  
13 yes.

14 But I still feel sorry for him.

12d fls<sup>5</sup>

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12d-1

1 Q You intend to put all of these associations  
2 with the Manson Family out of your mind, as much as you can;  
3 is that right?

4 A I would like to.

5 Q But it's kind of difficult, continually testi-  
6 fying in Manson cases, isn't it?

7 MR. KAY: This is irrelevant.

8 THE COURT: Sustained.

9 Q BY MR. DENNY: Well, is it easy, then, ma'am,  
10 to conjure up, in your memory -- or to bring forth out of  
11 your memory -- these events, in your few months association  
12 with the Mansons, between April of 1969 and the last couple  
13 of weeks of September of '69?

14 Do you have any difficulty remembering those  
15 things?

16 A Well, it depends. Because there are sometimes --  
17 at first, there are things I remember; and then later on,  
18 I'd forget a few things and remember other things.

19 You know, there would be different times I would  
20 remember different things.

21 Q Depending on how much help you got in remembering  
22 them; was that right?

23 A No.

24 Q No?

25 A No. I don't need any help in remembering. If I  
26 remember it, I remember it. If I don't, I don't.

27 Q You have some difficulty in remembering more  
28 recent events of your association with the Manson Family?



1 A What more recent events?  
2 Q Oh, like this Hawaiian episode.  
3 A No, I have no difficult remembering it.  
4 Q Remembering conversations that occurred?  
5 A Yes, sometimes I do have difficulty with that.  
6 Q But it's easy just to kind of make them up as  
7 you go along, then, when your memory fails you; isn't it?  
8 A I am sure it would be easy, but I haven't.  
9 Q You haven't?  
10 A No.  
11 Q But if somebody kind of helps to refresh your  
12 recollection, that -- that kind of fills in the gaps; is  
13 that right?  
14 A Could you say that again?  
15 MR. DENNY: Could you read it back, Mr. Williams?  
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13 fls.

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1 (Whereupon, the question was read by the  
2 reporter as follows:

3 "Q But if somebody kind of helps to  
4 refresh your recollection, that -- that kind of  
5 fills in the gaps; is that right?"

6 MR. KAY: Well, that's ambiguous and argumentative.

7 THE COURT: Sustained.

8 Q BY MR. DENNY: Now, Miss Hoyt, let's take this  
9 conversation that you've related concerning this alleged dinner  
10 up at Meyers Ranch.

11 Now, when did you first tell anybody about that  
12 conversation, anybody in the field of law enforcement?

13 A Oh, I don't remember if I told it on the first time  
14 I saw them, but I do know I told them things about Shorty. I  
15 saw them so many times that there is no way of knowing on what  
16 specific time I told a certain thing.

17 Q It is pretty hard when you just talk to one law  
18 enforcement officer and one Deputy D.A. after another one to  
19 remember?

20 A Yeah.

21 Q And how many times do you suppose you've talked,  
22 since about, say, October of 1969?

23 A Well, I didn't until December of 1969.

24 Q Oh, December.

25 All right, how many times do you suppose you've  
26 talked to law enforcement officers about the subjects you've  
27 testified to today; can you just even guess how many?

28 A Many.

13-2

1 Q Well, could you give this jury just some idea of  
2 how many times you've talked to either a police officer, a  
3 Sheriff, like Sergeant Whiteley, or a D. A., like Mr.  
4 Bugliosi, or Mr. Katz and Mr. Kay or Mr. Manzella?

5 A How many times?

6 Q Yeah.

7 MR. KAY: It should be reflected, I think, that  
8 Mr. Bugliosi and I were the ones that tried the Tate-LaBianca  
9 case.

10 MR. DENNY: I don't think Mr. Kay needs to reflect that.  
11 He can get that out --

12 THE COURT: Mr. Kay's statement is stricken.

13 THE WITNESS: I have talked to them many times.

14 Q BY MR. DENNY: Well, would you say over 50, since  
15 December of 1969?

16 A I have no idea. I didn't count them.

17 Q Your memory for things of that kind is not as good  
18 as your memory for conversations, is that right?

19 MR. KAY: That's argumentative.

20 THE COURT: Sustained.

21 Q BY MR. DENNY: Well, let's go to conversations, in  
22 your memory for conversations.

23 Do you remember to whom you first spoke about this  
24 alleged conversation up at the Meyers Ranch with; do you remember  
25 that?

26 A No, because at the time when I first talked to the  
27 policemen, I didn't know their names. I mean, you know, they'd  
28 show me a badge or whatever and tell me their names but I

1 didn't remember.

2 Q Well, let's just kind of narrow it down to  
3 types of policemen.

4 Do you remember to whom you first spoke to about  
5 this alleged conversation at the Meyers Ranch, breaking it  
6 down into either a Los Angeles Police Department officer,  
7 the Los Angeles County Sheriff's Office or a member of the  
8 District Attorney's Office; do you remember that?

9 A I -- I'm sorry, because I don't know the  
10 difference, really.

11 I mean, I don't see the difference between a  
12 County Sheriff and a Los Angeles Police Department -- you know.  
13 And then, I just never thought of it, I'm sorry.

13a fol

1 Q The ones you talked to never wore uniforms, they  
2 all wore suits?

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

4 THE COURT: Sustained.

5 Q BY MR. DENNY: Well, are you saying you don't know  
6 the difference between an L.A.P.D. officer and a Sheriff in  
7 uniform?

8 A Oh, I know a difference between a person in a  
9 uniform and a person without a uniform.

10 Q Well, do you know the difference between the  
11 uniform of a Los Angeles Police Department officer and a Los  
12 Angeles County Sheriff's Deputy?

13 A No, I never bothered to think about it.

14 Q Oh, all right.

15 Well, let's just go to your recollection of who you  
16 talked to before you testified at the Grand Jury hearing on  
17 December 15, 1970. December 15, 1970.

18 Who had you talked to, ma'am, about this alleged  
19 conversation up at the Meyers Ranch before that time, in the  
20 field of law enforcement?

21 A Many.

22 Q Well, can you tell us just a few?

23 By now you had perhaps gotten the names of some,  
24 in the year since December of 1969 to December of 1970?

25 A You want me to list all the people that I can think  
26 of that I talked to before that time?

27 Q About this conversation, yes.

28 A Oh, I don't --

1 MR. MANZELLA: Objection, irrelevant.

2 THE COURT: Sustained.

3 MR. DENNY: Well, your Honor, I would like to make an  
4 offer of proof, then.

5 Well, let me rephrase the question, your Honor.

6 THE COURT: You may.

7 Q BY MR. DENNY: Let me rephrase the question.

8 THE COURT: We'll take a recess.

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

14 We'll take about ten minutes now. We'll go to  
15 4:30 unless somebody has some serious objection.

16 (Afternoon recess.)

17 THE COURT: All the jurors are present. The defendant is  
18 present with his counsel.

19 You may proceed.

20 Q BY MR. DENNY: Miss Hoyt, do you recall being  
21 questioned at some length on December 2nd, 1969, by Officers  
22 Hamm and St. John of the Los Angeles Police Department?

23 A No.

24 Q Do you recall Neilson and Sartuche?

25 A I remember Sartuche.

26 Q You remember Sartuche.

27 A But that doesn't mean I remember the dates on which  
28 I talked to them.

1 Q You have some difficulty remembering dates?

2 A I just didn't pay any attention to them.

3 Q Just the way you didn't pay any attention to the  
4 dates when you were living with the Manson Family, did you?

5 A Well, that was a little different. I mean, they  
6 didn't -- well, no, maybe it isn't so different. I just  
7 didn't.

8 Now I do pay attention to dates more than I did  
9 then, because obviously it is a necessity.

10 Q When did you start paying attention to dates?

11 A When I had to go certain places on certain dates,  
12 that's when.

13 Q Well, you weren't paying much attention to dates,  
14 then, during these early conversations with police officers,  
15 Sheriff's Deputies, Deputy D. A.'s, et cetera, right?

16 A Not really, no.

17 Q Well, you do remember, though, that you were  
18 questioned rather extensively during the month of December,  
19 1969, about your association with the Manson Family, is that  
20 right?

21 A I was questioned rather extensively many months.

22

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14-1

1 Q All right. Let's get down to December of 1969,  
2 which was the first month.

3 That's kind of -- that kind of stands out in  
4 your mind, doesn't it, when all these police started showing  
5 some interest in you?

6 A Not particularly.

7 Q Police had shown interest in you before?

8 MR. KAY: That's irrelevant.

9 THE COURT: Sustained.

10 Q BY MR. DENNY: By the way, Shorty -- this conver-  
11 sation that you related, that seemed to amuse some of the  
12 jurors, he asked for more meat, and you said there was no  
13 meat.

14 Kind of a typical thing for a man.

15 What other conversations did you have with  
16 Shorty?

17 A Uh -- just "Hi" and things like that. I heard  
18 him -- most -- I think most of the times I heard his voice  
19 was when he would be talking to somebody else.

20 Q I see. Now, what did Shorty sound like when he  
21 was talking to somebody else?

22 A I don't remember.

23 Q Well, can you just help this jury a little bit  
24 and tell them, as best you can, describe Shorty's voice?  
25 That voice that -- that you heard? Describe it to the jury,  
26 would you?

27 A At which time? When he was screaming, or when  
28 he was talking?



14-2

1 Q When he -- his talking voice.

2 A I don't really remember. I mean, people have  
3 told me later, old friends of Shorty's, how -- you know,  
4 how --

5 Q Well, don't tell me what people have told you.

6 A Well, that's the only thing I could tell you,  
7 because I don't remember on my own, from when -- from the  
8 way he talked. I might have, maybe a couple of years ago,  
9 but I don't know now.

10 Q Well, did you, in December, 1969?

11 A I don't recall if I did.

12 Q Well, did you in November, 1969?

13 A Did I remember what his voice sounded like?

14 Q Yes.

15 A I remember what it sounded like when he was  
16 screaming, but --

17 Q Well, how about just when he was talking?

18 A No, I can't -- no, I cannot.

19 Q Well, it was a cowboy type voice, was it?

20 A I don't remember.

21 Q Well, just looking at him -- I mean, couldn't  
22 you tell, looking at him, he was kind of a cowboy type, the  
23 way he dressed, the way he worked, the way he wore his  
24 clothes, the things he did?

25 MR. KAY: Well, that's irrelevant, your Honor.

26 THE COURT: Sustained.

27 Q BY MR. DENNY: Well, did he talk with kind of  
28 a western drawl? The way most cowboys do?

14-3

1 MR. KAY: Well, that assumes facts not in evidence.

2 Q BY MR. DENNY: Well, let's just leave "the way  
3 most cowboys do" out of it.

4 Did he talk with kind of a western drawl?

5 THE COURT: The way Mr. Denny's talking now. Did he  
6 talk the way Mr. Denny's talking now?

7 THE WITNESS: Nope.

8 Q BY MR..DENNY: Well, then, tell me how he did  
9 talk, if you would.

10 A I don't remember.

11 THE COURT: I think we've established that, Mr. Denny.  
12 Let's proceed.

13 Q BY MR. DENNY: Well, was his voice high or low  
14 pitched?

15 A (Pause.) I don't know whether it -- which way  
16 I'd put it. Because I don't know which way I'd put yours,  
17 either.

18 Q But you'd recognize my voice, if you heard my  
19 voice again tomorrow? You'd recognize it, wouldn't you?

20 A I hope I won't have to hear it tomorrow.

21 Q You will.

22 (Laughter.)

23 And if you heard it tomorrow, you'd recognize it,  
24 wouldn't you?

25 A I don't know. I might, and I might not. I can't  
26 say what I am going to do.

27 Q Well, I'm talking about your ability to recognize  
28 People's voices.

14-4

1 A I recognized his voice.

2 Q All right. How?

3 A When he was screaming, I knew it was him.

4 Q How?

5 A How?

6 Q How?

7 A I don't know how. I don't remember how.

8 I just remember knowing that that was him.

9 Q How do you know it?

10 MR. KAY: Asked and answered.

11 Q BY MR. DENNY: Had you ever heard him scream

12 before?

13 A No.

14 Q It sounded like a lady's scream in a horror

15 movie, you said; is that right?

16 A That was the way the screams were. That's

17 describing the screams, not the voice.

18 Q Well, describe the voice, please, to the jury.

19 A Well, it was a male voice. It wasn't a female

20 voice, like in horror movies.

21 Q And that's the only way you have been able to

22 describe it, up until you started testifying, isn't it?

23 MR. KAY: Argumentative.

24 THE COURT: Sustained.

25 Q BY MR. DENNY: When you first told any police

26 officers about hearing this screaming, all you did was

27 describe it as a male voice; isn't that right?

28 A No.

14-5

1 Q When you spoke with Sergeant -- or Officers Hamm  
2 and St. John, on September 2nd, 1969 --

3 A September? I never --

4 Q I'm sorry, December 2nd, 1969.

5 (Continuing) -- you didn't even talk about it  
6 then, did you?

7 MR. KAY: Well, that assumes that she was asked.

8 THE COURT: Sustained.

9 Q BY MR. DENNY: Well, let's go over, then, to  
10 December 29, 1969.

11 Your friend Sartuche -- or the person you  
12 remember, Mr. Sartuche, and Mr. Nielsen.

13 Do you remember telling them the following?

14 Oh, by the way, when -- when was it that you  
15 kind of remembered almost exactly to the day when you  
16 heard these screams? When did you remember that?

17 MR. KAY: Objection, argumentative, "kind of remembered."

18 THE COURT: Sustained.

19 Q BY MR. DENNY: When did you remember?

20 A The screams?

21 Q The day, the specific day that you heard these  
22 screams.

23 MR. KAY: Well, that assumes facts not in evidence, that  
24 she ever forgot.

25 THE COURT: Sustained.

26 Q BY MR. DENNY: So you never forgot?

27 A I knew that on the night of these screams there  
28 was a full moon. I did not know the date.

1 Q And you knew right from that very night?

2 A Except that it was in late August -- excuse me?

3 Q And you knew it was a full moon?

4 A Yes.

5 Q And this is the way you always thought of those  
6 screams, under the light of the full moon; is that right?

7 A What?

8 Q That's what you associated with the screams,  
9 that they happened on the night of the full moon; right?

10 A No. It was just that it was so bright out.

11 Q And you knew it was what, the last of August?

12 A It was in the end of August.

13 Q Well, now, what do you mean by "the end of  
14 August"?

15 A The latter days of August.

16 Q Well, what do you mean by "latter days of August"?

17 A Well, you know, at the end of it.

18 Q Well, what do you count as the end of it? The  
19 last half of the month, or the last few days of the month?

20 A Oh, about the last week, week and a half.

21 Q The last week or week and a half?

22 A Yeah. That's what I would consider the last of  
23 August.

24 But it was more toward the end than -- you know,  
25 than a week and a half. It was closer to September than  
26 that.

27 Q About the last three or four days; is that right?

28 A Yeah.

1 Q All right. And you remembered this; you never  
2 forgot it?

3 A Yeah.  
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14b fls.

1 Q So when Mr. Manzella said I was assuming facts  
2 not in evidence, he was right. The facts are that you  
3 never forgot that it was just about the last three or four  
4 days of September; is that right?

5 A August.

6 Q August.

7 A I knew it was the last of August, and I told them  
8 it was the last of August. And so that's what I am saying:  
9 It was the last of August.

10 Q All right, ma'am.

11 Let's see if that's what you said on December  
12 29th, 1969, at approximately 10:20 hours in the morning,  
13 to Officers Sartuche and Nielsen.

14 Did you tell them the following?

15 "On one particular evening, sometime  
16 between August 19th and August 31st, she recalls  
17 hearing screams that sounded as if they were coming  
18 from the creek area. These screams sounded as if  
19 they were from a male,"

20 A Those are not my words.

21 MR. KAY: Well, I'm going to object to Mr. Denny's not  
22 reading the last sentence. That takes it out of context.  
23 That's one paragraph, and there's one sentence that he --

24 MR. DENNY: Oh, I'll continue, Mr. Kay.

25 Q Did you tell them, in sum and substance --

26 A I told them about --

27 Q -- that you heard some screams, sometime between  
28 August 19th and the last of the month? Did you tell them

1 that?

2 A I told them that I heard Shorty screaming at  
3 the end of August.

4 Q You heard a male screaming; is that right?

5 A No.

6 Q Isn't that?

7 A I heard Shorty screaming at the end of August.

8 Q Ma'am, let's put it in context, then.

9 "On one particular evening sometime  
10 between August 19th and August 31st, she recalls  
11 hearing screams that sounded as if they were  
12 coming from the creek area. These screams  
13 sounded as if they were from a male. She  
14 remembers seeing Shorty before that evening,  
15 but has not seen him since."

16 Do you remember telling them that?

17 A Those are not my words, but -- yeah, that's --  
18 basically, that's --

19 Q In sum and substance.

20 But you didn't tell them that they were Shorty's  
21 screams at that time, because you didn't know, and you  
22 weren't sure?

23 A They were Shorty's screams. There's no doubt  
24 in my mind. I knew then and I know it now.

25 Q But you didn't tell them that?

26 A I don't remember if I told them that or not.  
27 I'm pretty sure I did.

28 Q Oh, you are?



1 A I am.

2 MR. KAY: I'll ask that Mr. Denny's comments --

3 THE COURT: Yes. Mr. Denny, your comments are  
4 stricken.  
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15 fls.

15-1

1 Q BY MR. DENNY: All right.

2 Well, let's go to almost a year later, November  
3 18, 1970, at 9:25 a.m., in the presence of Paul Whiteley  
4 and, presumably, Burton Katz, Deputy District Attorney.

5 MR. KAY: May I see what you are going to read from,  
6 please, Mr. Denny?

7 MR. DENNY: I got it from your files.

8 Q Of course, you don't remember specifically this  
9 particular interview on this particular date by these  
10 particular people, do you?

11 A Huh-uh.

12 Q Your answer is no?

13 A Uh-huh.

14 Yes.

15 Q All right.

16 All right, did you tell Mr. Katz and Mr.  
17 Whiteley -- or Sergeant Whiteley, now, 11 months after your  
18 conversation with Officer Sartuche --

19 A Oh, wait a minute, I think I do remember that.  
20 Was that in that old police station around here?

21 Q Well, I don't know, ma'am. Do you remember?

22 A Yeah, I remember talking to him that time.  
23 Mostly we were talking about that thing in Hawaii.

24 Q What old police station?

25 A Well, it isn't new.

26 Q What old police station?

27 A There is a police station around here and it  
28 is robbery-homicide, that part.

1 Q Are you talking about the old Hall of Records,  
2 right down here on the tenth floor in Sergeant Whiteley's  
3 office up there?

4 A I don't know if it is the Hall of Records.

5 Q All right.

6 Did you tell him in sum and substance the  
7 following:

8 "From parachute room, late at night,  
9 heard male screams coming from creek area.. Approxi-  
10 mate date one week after returning from jail follow-  
11 ing the August 16th Spahn raid. Barbara was jarred  
12 by screams. Screams manifested pain and fear."

13 Did you tell him that?

14 A Yeah, but those aren't exactly my words.

15 Q No, but in sum and substance?

16 A Yeah, in sum and substance I told him that.

17 Q But you didn't tell him it was Shorty, did you?

18 A Yes, I did.

19 Q You said "male screams," and that was as much  
20 as you could say at that time, before you testified before  
21 the Grand Jury; isn't that right?

22 A No.

23 MR. KAY: Argumentative.

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

26 Q BY MR. DENNY: And then, when you got before the  
27 Grand Jury, just about a month later, by that time it had  
28 evolved in your mind these were Shorty's screams, isn't that

1 right?

2 A No, I knew they were Shorty's screams the night  
3 I heard them.

4 Q Well, are you good at recognizing screams,  
5 ma'am?

6 A I don't know. This is my only opportunity --

7 Q The only time in your whole life when you've  
8 ever heard anyone scream?

9 A Like that.

10 Q And recognize it?

11 A Oh, no. No, I mean screaming like that.

12 Q How about me? I talk pretty loud. Do you think  
13 you could recognize my scream, if I screamed?

14 MR. KAY: That's irrelevant.

15 THE WITNESS: I'd see who screamed anyway.

16 THE COURT: Sustained.

17 Don't scream, Mr. Denny.

18 Q BY MR. DENNY: I am very serious. I am very  
19 serious. Could you recognize my scream after hearing my  
20 voice?

21 Well, let me back off a minute.

22 In this period of time that we've had, you've  
23 heard my voice far more -- my speaking voice, my talking  
24 voice, slow, my almost yelling voice, unfortunately which  
25 I do have a habit of doing sometimes on cross-examination --  
26 you've heard a whole range of my voice over an hour or so;  
27 is that right?

28 MR. KAY: That's irrelevant, your Honor.

1 THE COURT: Sustained. It is irrelevant.

2 Q BY MR. DENNY: Well, is that period of time a  
3 good deal longer than any amount of time that you heard  
4 Shorty's voice?

5 A Well, I heard Shorty -- Shorty was around all  
6 the time.

7 Q I understand that.

8 A And there are many times when I heard him speak-  
9 ing either to somebody else or when he would say hi to somebody  
10 I was with or to me or whatever. You know, I --

11 Q I'm just asking you, ma'am, in total if you have  
12 heard my voice --

13 A I don't know.

14 Q -- more than you heard his?

15 A I don't know. I heard yours all at once and  
16 his I heard in little pieces.

15a fls. 16

15a-1

1 Q All right.

2 And, now, if I were to scream, could you determine  
3 that it was me screaming?

4 MR. KAY: Well, that's irrelevant and calls for  
5 speculation.

6 THE COURT: Sustained, Mr. Denny.

7 Q BY MR. DENNY: Well, is your testimony, ma'am,  
8 the only time that you have ever identified anybody scream is  
9 this one time when you identified Shorty Shea's alleged  
10 scream?

11 A Are you referring to the Grand Jury hearing? What  
12 are you --

13 Q No, I'm referring to just a human being, having  
14 heard a human being and saying, ah-ha, I never heard him scream  
15 before, I never heard her scream before, but I know who that  
16 is.

17 A I knew who it was.

18 Q All right. Have you ever had any other experience  
19 in identifying screaming people?

20 A Uh, yelling people, sure.

21 Q Screaming people?

22 A But not screaming like that.

23 Q All right. Have you ever had any other experience  
24 of that kind?

25 A That kind?

26 MR. KAY: Asked and answered.

27 Q BY MR. DENNY: -- of identifying screaming people  
28 like you say this male voice was screaming?

15a-2

1 A It was Shorty screaming.

2 Q Have you ever had any other experience identifying  
3 people screaming the way you say Shorty was screaming?

4 A Sure. I've heard people screaming and I did know  
5 who it was.

6 Q Who?

7 A Oh, my brother, like when my sister hits him.

8 Q Anyone else?

9 A Friends. I don't know. I don't know. I can't  
10 really put a finger on each and every time I heard screaming.  
11 I mean, it is natural in the length of time that I have lived,  
12 I must have heard people screaming.

13 Q And right away be able to say, "I know who that  
14 is screaming, that's brother" or "that's friend" or "that's  
15 friend B"?

16 MR. KAY: Well, that's irrelevant, your Honor.

17 MR. DENNY: This goes to the weight of her testimony and  
18 credibility.

19 THE COURT: You may answer.

20 THE WITNESS: Now, what was the question?

21 MR. DENNY: Would you reread the question, Miss Briandi?

22 THE COURT: Reread the question to the witness,  
23 Mrs. Briandi.

24 (Whereupon, the question was read by the reporter  
25 as follows:

26 "Q And right away be able to say, 'I  
27 know who that is screaming, that's brother' or  
28 'that's friend' or 'that's friend B'")

15a-3

1 THE WITNESS: I have recognized screams, yes.

2 Q BY MR. DENNY: All right.

3 By the way, when did you remember that there was  
4 moonlight -- oh, I'm sorry, that may assume a fact not in  
5 evidence.

6 Did you ever forget that there was moonlight?

7 A Well, I knew it, but there were -- there was a  
8 period of time when I did not think to mention it until  
9 Charlie's trial.

10 Q You mean all through these questionings by all of  
11 these police officers and all of these Deputy D. A.'s who were  
12 questioning you about these facts, time after time after time  
13 that you have told us about, and you forgot that one fact  
14 through all of that until you got to Charlie's trial?

15 MR. KAY: Well, I'm going to object. That assumes  
16 she was ever asked that by -- other than at Charlie's trial.

17 THE COURT: Sustained.

18 Q BY MR. DENNY: Well, what made you think about it in  
19 Charlie's trial?

20 A I don't know. I was just describing what  
21 happened when I was in the parachute room.

22 Q Well, was that any different than the numerous  
23 times before that you'd described what happened when you  
24 were in the parachute room?

25 A I don't know that I -- I suppose there's times  
26 I might have mentioned it, but I really can't say for sure that  
27 I did before.

28 But, uh, no, no, the -- the situation was the same.



15a-4

1

Q I'm sorry, the situation was the same?

2

A Yeah, what happened was the same.

3

Q What happened where?

4

A In the parachute room, the night of the screams.

5

Q The situation was the same but all the time you described it you forgot that big, full moon out there?

7

MR. KAY: Well, I'll object. That assumes facts not in evidence that she was asked.

9

THE COURT: Sustained.

10

Q BY MR. DENNY: Well, have you told us now what it

11

was about Charlie's trial, what unique thing about Charlie's trial that brought this to your mind all of a sudden?

15b fol

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1 MR. KAY: Well, I'll object. It assumes there was  
2 anything unique about Charlie's trial.

3 THE COURT: Sustained.

4 Q BY MR. DENNY: All right, let's withdraw that.

5 Have you told us, ma'am, what it was in  
6 Charlie's trial that all of a sudden caused you to disclose  
7 what you had theretofore not disclosed to anyone else,  
8 that there was a full moon?

9 MR. KAY: Objection. Assumes facts not in evidence.

10 MR. DENNY: I don't know what facts.

11 MR. KAY: That there was anything again unique or  
12 something happened.

13 THE COURT: Overruled. You may answer.

14 Would you read it back, Mrs. Briandi, please.

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

17 "Q Have you told us, ma'am, what it was in  
18 Charlie's trial that all of a sudden caused you to  
19 disclose what you had theretofore not disclosed to  
20 anyone else, that there was a full moon?")

21 MR. KAY: I'll object to "all of a sudden." I don't  
22 object to Mr. Denny asking her the point at which she  
23 mentioned it.

24 Q BY MR. DENNY: Let me withdraw "all of a  
25 sudden," ma'am.

26 A There was nothing.

27 THE COURT: You may withdraw "all of a sudden."

28 Q BY MR. DENNY: Good.

1 Now, was there something that happened in the  
2 course of Charlie's trial that caused you to remember that  
3 full moon which you had theretofore not disclosed to  
4 anyone else for over a year and a half?

5 A In the first place, I am not sure I did not  
6 disclose it in all that time. I might have said something  
7 about it, and then in Charlie's trial I just happened to  
8 mention it. There was no big -- big thing. I just did  
9 not think it was all that important.

10 Q But that's what you associated with these  
11 screams?

12 A No, no, that is --

13 Q Isn't that right?

14 A No, that isn't what I associated with the  
15 screams. I associated the screams with the screams.

16 Q And the point of time, how did you -- what did  
17 you associate with the point of time that you heard the  
18 screams?

19 A I don't understand what you mean by "time."  
20 The date or the time of night?

21 Q The date, the date. Did you make some associa-  
22 tion with the date.

23 A Well, it was after the raid and it was right  
24 before we went up to the desert.

25 Q Sometime between August 19th and the --

26 A No, it was the day before.

27 Q Is that right?

28 A We went to the desert. And I did not know the

1 date of which we went to the desert. I didn't -- I had no  
2 calendar.

3 Q Is that why you told the officers, Officers  
4 Sartuche and Nielsen sometime between August 19th and the  
5 31st?

6 A I don't remember saying sometime between August  
7 19th and the 31st. I don't remember using those dates.

8 Q You didn't use the specific phraseology to them  
9 "the day before we went up to the desert," did you --

10 MR. KAY: It is --

11 Q BY MR. DENNY: -- on September 1st, 1969?

12 A I don't think so. I don't remember saying that.

13 Q That sort of came to you later, is that right?

14 A That it came to me later?

15 Q Yes, after you talked with these officers?

16 A Uh --

17 MR. KAY: Well, that's argumentative and assumes facts  
18 not in evidence.

19 THE COURT: Overruled, you may answer.

20 THE WITNESS: Uh, I just -- say how to put it. I mean,  
21 I remembered, but I just didn't think that too much --  
22 didn't think too much about it.

23 Q BY MR. DENNY: Well, when did you remember?

24 A I never forgot.

25 Q All right. When, then, did you make this piece  
26 of information known to all of these officers who were  
27 questioning you month after month after month?

28 MR. KAY: Well, I'll object, your Honor. It assumes that

1 they were questioning her about this case month after month  
2 after month.

3 MR. DENNY: It assumes --

4 THE COURT: The objection is sustained.

5 Q BY MR. DENNY: Well, officers and Deputy D.A.'s  
6 and Deputy Sheriffs did question you off and on for over a  
7 year about this case, didn't they?

8 A No. First they were more interested in the  
9 Tate-La Bianca trial.

10 Q And you provided them with information that they  
11 wanted in that trial?

12 A Yes.

13 Q And testified as they wanted in that trial?

14 A I testified.

15 MR. KAY: Well --

16 THE COURT: That's argumentative. Sustained.

17 Q BY MR. DENNY: But right from the very first of  
18 November they started questioning you -- I'm sorry, December  
19 they started questioning you about this matter, too, the  
20 Shea case, didn't they?

21 A Uh, they weren't really particularly interested  
22 that much in Shorty I think as -- from what I remember, is  
23 what I volunteered.

24 I don't remember them asking me anything specific  
25 about Shorty. I just happened to mention it.

26 Q The officers Hamm and St. John didn't specifically  
27 question you about Shorty Shea?

28 A I don't remember.

1 Q Officer Sartuche and Nielsen on December 29,  
2 1969, didn't specifically question you on Shorty Shea?

3 A Mostly on -- in all those investigations or  
4 talks we had in the early parts or the late 1969 and the  
16 fls. 5 early part of 1970 were about the Tate-La Bianca murders.

16-1

1 Q Deputy District Attorney Burton Katz and Sergeant  
2 Paul Whiteley didn't question you specifically about Shorty  
3 Shea on November 18, 1970?

4 A Yeah, I think about that time they did.

5 Q And a few others, in between, questioned you about  
6 Shorty Shea specifically, between December 29, 1969 and November  
7 18, 1970? Didn't they?

8 A Uh -- I can't really recall. I don't -- I don't  
9 know when -- when that really started, because I volunteered  
10 certain information.

11 I mean, you know, what I thought of, I happened to  
12 mention.

13 Q And a few of them questioned you after -- and when  
14 I say "a few of them," I am talking about Deputy Sheriffs or  
15 police officers or Deputy District Attorneys.

16 A few of them questioned you after November 18,  
17 1970, about Shorty Shea, didn't they?

18 A After November? Yeah.

19 Q And before you testified in the first Grogan trial,  
20 they questioned you about Shorty Shea; isn't that right?

21 A Yep.

22 Q And you testified in the first Grogan trial in  
23 August of 1971; is that correct?

24 A Yes.

25 Q And you still never mentioned anything about a full  
26 moon, did you?

27 A Well --

28 MR. KAY: Well, that assumes a fact not in evidence,

16-2  
1 that she was asked.

2 THE COURT: Sustained.

3 Q BY MR. DENNY: Well, let's put it this way. You  
4 didn't volunteer -- as you had volunteered all this other  
5 information that you've told us you volunteered -- you didn't  
6 volunteer to any officers or any Deputy D. A.'s the fact that  
7 there was a full moon, up to the point of your testimony in the  
8 first Grogan trial, did you?

9 A Nope. Because I didn't think to volunteer. And I  
10 didn't think it was important. And I just didn't mention it  
11 until Charlie's trial, when I just happened to.

12 Q Now, you say you just happened to.

13 Is it that it just sort of popped into your mind at  
14 that time?

15 A I -- I don't know, Mr. Denny. I mean, I just  
16 didn't mention it before.

17 (Pause in the proceedings while Mr. Denny perused  
18 a transcript.)

19 Q BY MR. DENNY: When you testified in the second  
20 Grogan trial, you were sure it was a full moon, weren't you?

21 MR. KAY: It's irrelevant.

22 MR. DENNY: This is prior inconsistent statement, your  
23 Honor.

24 MR. KAY: Well, that -- I will object to that statement.

25 THE COURT: That's argumentative. Sustained.

26 Q BY MR. DENNY: Well, in this trial? Let's just  
27 stick with this trial, right now, for this particular jury.

28 Was it a full moon, or was it not?



16-3

1           A       It seemed like a full moon to me. It was very  
2 bright out.

3           Q       Well, did you see it?

4           A       Hmmm -- yeah.

5           Q       You actually saw the full moon out there?

6       MR. KAY: Well, that's ambiguous --

7       THE WITNESS: I really didn't notice it --

8       MR. KAY: -- as to time.

9           Q       BY MR. DENNY: Did you see it any time that night,  
10 the full moon?

11          A       I didn't really look at the moon, except that when  
12 I looked out the window that night, it was really bright.

13          Q       Well, your testimony, then, is that you didn't  
14 actually see that big ball of a moon out in the clear sky; is  
15 that right?

16          A       I didn't look at it.

17                   I'm pretty sure it was a full moon.

18          Q       Because it was light; is that right?

19          A       It was -- because it was very light out -- very  
20 bright.

21          Q       Well, now, can you tell the difference between the  
22 amount of brightness in a full moon and the amount of bright-  
23 ness when the moon is, say, three days past full?

24       MR. KAY: That's irrelevant.

16a fol

16a-1

1 MR. DENNY: Very relevant to this observation of hers,  
2 your Honor.

3 THE COURT: The objection is overruled.

4 You may answer.

5 THE WITNESS: Do I know the difference?

6 Q BY MR. DENNY: Can you tell the difference?

7 A I never tried.

8 Q Can you tell the difference between the light from  
9 a full moon and the light from a half-moon?

10 A I never tried.

11 Q Well, then, are you guessing as to whether it was a  
12 full moon or not? When you say you heard these screams?

13 A No.

14 Q Well, you have told the jury right here that you  
15 did not look into the sky to see the moon; is that correct?

16 A No, I looked up.

17 Q Ma'am?

18 A But I mean --

19 Q Well --

20 A See, when I was hitch -- when me and Dave got back  
21 from hitchhiking across the country, I used to go like this  
22 (indicating), and make sure I could see the moon, you know,  
23 to focus on things far away.

24 And I could tell whether it was or wasn't.

25 Q Well, let's ask the question again, because I  
26 thought we had it pinned down pretty well.

27 Are you telling us now that you did look out at  
28 that big ball in the sky and see that big old moon in the sky,

16a-2

1 a big, round moon in the sky?

2 MR. KAY: That's ambiguous as to time, and it assumes  
3 facts not in evidence.

4 Q BY MR. DENNY: Any time that night.

5 A Any time that night, did I look at the moon?  
6 I remember there being a moon. But I don't  
7 remember looking at it all that great. I mean, I didn't  
8 study -- "Is there a full moon tonight?" You know.

9 Q All right. So it is a guess, --

10 A No.

11 Q -- you're guessing that there was a full moon;  
12 is that right?

13 A No.

14 Q You're judging that there was a full moon simply  
15 by virtue of the amount of illumination that you saw outside,  
16 as you looked out, without seeing the moon itself; is that  
17 right?

18 A I -- I'm just pretty sure it was a full moon.

19 Q Are you basing it on the amount of illumination  
20 that you saw outside, without seeing the moon itself?

21 A Partly.

22 Q All right. And what else, besides guesswork?

23 A I don't know. I'm just pretty sure it was a full  
24 moon.

25 THE COURT: We'll recess, now, ladies and gentlemen,  
26 until tomorrow morning at 9:30.

27 We are in recess, and you are obliged not to  
28 converse amongst yourselves nor with anyone else, nor permit

16a-3

1 anyone to converse with you on any subject connected with the  
2 matter, nor to form nor express any opinion on it until it is  
3 finally submitted to you.

4 You be back here tomorrow morning at 9:30.

5 THE WITNESS: Yes, sir.

6 THE COURT: Good night.

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

9 (Whereupon, at 4:30 P. M., the following  
10 proceedings were had as the members of the jury were exiting  
11 the courtroom:)

12 MR. DENNY: Your Honor, before the Court adjourns and  
13 after the jury has left, I would like to address the Court.

14 THE COURT: All right, Mr. Denny.

15 (Pause in the proceedings while the jurors  
16 completed exiting the courtroom.)

17 THE COURT: Yes?

18 MR. DENNY: Two things, your Honor, if I may.

19 I have checked with the custodian of exhibits in the  
20 clerk's office on the 4th floor. We have carefully gone over  
21 all of the exhibits listed in the Tate and LaBianca case.

22 There is no tape that is in evidence, as far as a  
23 tape of Officers Sartuche, Neilson, Guterrez or anyone else,  
24 and Alan Springer.

25 I have been -- after determining that, I have  
26 spoken with Gene Darrow, the clerk in Department 104, and asked  
27 him if he had received any items for discovery purposes.

28 His recollection was that he had not received any

16a-4

1 items such as a tape -- or a tape recording -- and that all  
2 items that he had received by way of discovery items had been  
3 returned to the parties who had provided him with those  
4 matters; namely, the D. A. or police agencies involved.

16b fol

1 And I have done just as much as I possibly can,  
2 your Honor, to get that tape.

3 I feel certain that either Mr. Bugliosi has it  
4 or one of Mr. Bugliosi's associates, and I think that the  
5 District Attorney's Office, and the Los Angeles Police  
6 Department, should be required to produce that tape, before  
7 Mr. Springer testifies.

8 MR. KAY: We have no objection to Mr. Denny contacting  
9 Mr. Bugliosi or the Los Angeles Police Department.

10 MR. DENNY: Well, your Honor, I think at this point the  
11 People have some obligation to get that which has been in  
12 their possession.

13 MR. KAY: It's not in our possession, I will tell the  
14 Court that, because I have the key to the Tate-LaBianca  
15 files, and I have looked through that, and that's definitely  
16 not in our possession.

17 MR. DENNY: Well, it's very simple just to get rid of  
18 it somehow, and then say, "Mr. Denny, you can go look for it  
19 and --"

20 MR. KAY: Mr. Denny, I resent that. I didn't get rid of  
21 any tape.

22 MR. DENNY: I'm not saying that you purposely --

23 MR. KAY: Well, then --

24 MR. DENNY: -- got rid of the tape. What I'm saying is  
25 that it's been in your custody. It's been in the custody of  
26 the D. A.'s Office.

27 And for me to go chasing after something that was  
28 in your custody, when you say, "Well, I can't find it," I just --

1 I'm not any better able to find it than you are. And you  
2 certainly should be better able to find it than I am.

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1 THE COURT: Very well, will you ask Mr. Bugliosi  
2 whether he has the tape. If he does not have the tape, I  
3 should imagine that nothing further can be done to track  
4 it down.

5 MR. KAY: All right, I'll call him tonight, your Honor.

6 THE COURT: Unless you -- either of you can think of  
7 anything further.

8 MR. DENNY: Well, your Honor, that's a critical piece  
9 of discovery material as far as I am concerned.

10 THE COURT: Everything, of course, is critical.  
11 But the Court does not know, and I don't know how you can  
12 know that it is critical.

13 MR. DENNY: Well, I do know one thing is critical,  
14 your Honor, and that's the second thing I want to get to.

15 Again, I do not have proof, so I cannot make an  
16 offer of proof under penalty of perjury, but I have, during  
17 the course of discovery, listened to one or two tapes that  
18 were made by Officers Nielsen and Sartuche at the Los Angeles  
19 Police Department and in the Hinman homicide manual there is  
20 a transcription of one of the tapes that was made under one  
21 of these officers.

22 Now, I am only assuming at this point, but I  
23 do assume that based on the fact that they did make tapes  
24 of those interviews, that tapes were made of the interviews  
25 here with Barbara Hoyt on December 2nd, 1969, and December  
26 29th, 1969.

27 And in view of the fact that she now denies that  
28 she said that, which appears in those reports, I feel that



17-2

1 discovery is mandatory at this point to try to determine  
2 whether, in fact, there were such tapes. In which case,  
3 obviously, her voice saying what purports to be documented  
4 here by the reports of those conversations would be the very  
5 best evidence to impeach her.

6 MR. KAY: Well, in the first place, your Honor, Barbara  
7 Hoyt didn't deny saying anything in there. She said that's  
8 in sum and substance what she said. She said "I don't know  
9 if that's my exact words," but she didn't deny that.

10 THE COURT: Yes, she denied that she phrased it in that  
11 way. She stated that she used Shorty Shea's name.

12 MR. KAY: Well -- and Shorty Shea's name appears in  
13 there, in the context?

14 MR. DENNY: Only that after she heard these male  
15 screams she didn't see Shorty any more. Not --

16 MR. KAY: Why do you think that Shorty's name is right  
17 in the next sentence.

18 THE COURT: As the Court recalls, this controversy  
19 arose in the Manson trial which was just before this court,  
20 not the Tate-La Bianca case. I don't know whether it arose  
21 there or not. But it certainly arose in the Manson case,  
22 and the record so shows. And you had access to that, Mr.  
23 Denny.

24 Now, let me ask the People, do either of you two  
25 gentlemen know, either Mr. Manzella or Mr. Kay, of any tape  
26 of Barbara Hoyt's conversations with any officer?

27 MR. KAY: No, your Honor. And I can represent from  
28 being on the Tate-La Bianca case for almost a year and a half,

17-3

1 that the type of statement that Mr. Denny has there would mean  
2 that no tape was taken of that statement. I know that it is  
3 Sartuche's practice not to take -- generally not to take  
4 tape recordings, and if it is in that type of statement, a  
5 tape recording would not have been -- would not have been  
6 taken.

7 THE COURT: Mr. Manzella, do you know of any tape at  
8 this time?

9 MR. KAY: Well, excuse me, I know of a tape of Barbara  
10 relating incidents in the hamburger case, when they tried to  
11 kill her in Hawaii. I know there's a tape on that, but  
12 that's the only tape I know of that Barbara Hoyt's made.

13 MR. MANZELLA: I believe the tape Mr. Kay is referring  
14 to, a transcript of that has been supplied, I believe, to  
15 Mrs. Holt as part of the discovery. I think the People --  
16 we gave a transcript of that tape to Mrs. Holt.

17 THE COURT: Do you know of any other tapes?

18 MR. MANZELLA: The only other tapes I know of are that  
19 which Sergeant Whiteley has made available. As far as I  
20 know all the tapes that have been made, including those of  
21 Officer Steuber of the California Highway Patrol, have all  
22 been made available to Mr. Denny and Mr. Kanarek and --

23 MR. DENNY: But these are LAPD tapes over which Sergeant  
24 Whiteley has no control.

25 THE COURT: Anything further?

26 The Court is not going to order such a tape  
27 unless I am reasonably assured that there is such. And if  
28 there is, of course, it should be made available to Mr. Denny.

17-4

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

3           MR. KAY: Have a good evening, your Honor,

4                   (Whereupon, at 4:40 o'clock p.m. the evening  
5 adjournment was taken.)  
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