

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

240

REPORTERS' DAILY TRANSCRIPT

Wednesday, February 9, 1972

VOLUME 40APPEARANCES:

For the People:

JOSEPH P. BUSCH, JR., District Attorney,
BY: ANTHONY MANZELLA
and
STEPHEN R. KAY, Deputies District
Attorney

For Defendant Davis:

GEORGE V. DENNY, III

SPRINGER

COPY

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

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

SPRINGER, Alan Leroy 6224 M 6227 6313 M 6319
(Continued) 6328 M 6334

DEFENDANT'S:

SARTUCHE, Philip L. 6176 6194 M 6195
WHITELEY, Paul J. 6203

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

107 - Griffith Observatory 6344 6344
 chart by Dr. Kaufmann

DEFENDANT'S:

V - copy of a diagram sketched 6344
 from one depicted on black-
 board

COURT'S SPECIAL EXHIBIT:

3 - tape recording 6174

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, FEBRUARY 9, 1972 8:25 AM

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4 THE COURT: All right. The record will show that the
5 defendant is present with his counsel; Mr. Manzella for the
6 People.

7 And the Court is about to, for the purpose of
8 Mr. Denny's motion to suppress the statement of the witness,
9 hear the tape of a conversation between the witness and
10 certain police officers.

11 The information that the Court has is that this
12 tape, which was taken of Mr. Springer's statements to Los
13 Angeles Police Officers -- who are they, Mr. Manzella?
14 Can you identify it for the --

15 MR. MANZELLA: I have the box.

16 THE CLERK: The slip's inside there.

17 MR. MANZELLA: Officer Nielsen, N-i-e-l-s-e-n;
18 Gutierrez, G-u-t-i-e-r-r-e-z; and Patchett, P-a-t-c-h-e-t-t.

19 It was taken at Parker Center Interview Room
20 No. 318 at 8:50 in the morning on November 12th of 1969.

21 THE COURT: Very well. Do you want that tape marked
22 People's Special Exhibit next in order? That would be 3,
23 I believe.

24 MR. DENNY: I think it would be the Court's Special 3,
25 your Honor.

26 THE CLERK: The Court's. We didn't mark anything
27 for the People, not a Special Exhibit.

28 THE COURT: All right. It will be the Court's Special

1 **Exhibit 3.**

2 (Whereupon, the playing of Court's Special
3 Exhibit No. 3 was commenced in open court; later
4 it was continued and concluded in chambers.)
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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, FEBRUARY 9, 1972 12:38 PM

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4 THE COURT: All right. The record will show the
5 defendant to be present with his counsel.

6 The Court has, since its ruling concerning Mr.
7 Springer, and Mr. Springer's status, heard a tape of conversa-
8 tions by Mr. Springer.

9 The Court has heard most of the tape, and I under-
10 stand that you wish to present further evidence, Mr. Denny.

11 MR. DENNY: Yes, that's correct, your Honor.

12 I would like to call Officer Sartuche.

13 THE CLERK: You do solemnly swear that the testimony you
14 are about to give in the cause now pending before this court,
15 shall be the truth, the whole truth, and nothing but the
16 truth, so help you God?

17 THE WITNESS: I do.

18
19 PHILIP L. SARTUCHE,
20 called as a witness by and on behalf of the defendant, having
21 been first duly sworn, was examined and testified as follows:

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

23 Please state and spell your full name.

24 THE WITNESS: Philip L. Sartuche; S-a-r-t-u-c-h-e.

25 THE REPORTER: Philip with one "l" or two "l's"?

26 THE WITNESS: One "l".

27
28 DIRECT EXAMINATION

1 BY MR. DENNY:

2 Q What is your occupation and assignment now,
3 sir?

4 A I'm a police officer for the City of Los Angeles,
5 assigned to Robbery-Homicide Division.

6 Q And were you so assigned in October of 1969?

7 A I was.

8 Q And who were your partners at that time or
9 partner?

10 A Sergeant Nielsen.

11 Q Spell it, please.

12 A N-i-e-l-s-e-n.

13 Q First name?

14 A Michael.

15 Q And among other duties, were you assigned to
16 the investigation of the Tate and La Bianca murders?

17 A I was.

18 Q With whom were you working on that specifically?

19 A Sergeant Manuel Gutierrez; Sergeant Frank
20 Patchett.

21 Q Could you spell the last name?

22 A P-a-t-c-h-e-t-t.

23 Q Yes?

24 A Mainly with those two individuals, including --
25 well, three, if you include Sergeant Nielsen.

26 Q And did you receive some information from officers,
27 detectives at the Venice Police Station, concerning information
28 which had been given to them by one Alan Springer, sometime in

1 October of 1969?

2 That is, the information having been given to
3 them in October?

4 A Yes, I received some information.

5 Q And from whom did you receive that information?

6 A I believe it was through Sergeant Gutierrez.

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AA-1

1 Q And do you know -- do you know when it was that
2 you received this information about Springer having said some-
3 thing about the Manson Family?

4 A Oh --

5 Q Was it in October?

6 A Gee, I'm not sure. The latter part of October,
7 first part of November is about as close as I could get to it.

8 Q And did you receive at any time any written
9 memoranda, any report of any kind from the Venice detectives or
10 police officers, pertaining to their conversation with
11 Mr. Springer?

12 A Not that I recall.

13 Q Now, when is the first time that you personally
14 had any conversation or contact of any kind -- whether verbal
15 or written or phone or in person -- with Mr. Springer?

16 A There again, November.

17 Q Well --

18 A About the first part of November of 1969.

19 Q And was this initiated by you or by him?

20 A I believe the first time I met him, he was
21 already in the office and holding a conversation with some
22 other people. And I was introduced.

23 Q Well, did you come in on the middle of that
24 conversation?

25 A It was already taking place, yes.

26 Q Now, was this conversation being tape-recorded,
27 to your knowledge, at the time?

28 A Yes, I believe it was.

AA-2

1 Q Well, you say you believe it was. Do you have
2 knowledge of your own that it was?

3 A Hmmm -- no. The only thing I'm using as my focal
4 point here, and that's the date of the tape that I brought to
5 Court earlier today.

6 Q Well, was that the tape-recorded conversation which
7 you are referring as your first contact with Mr. Springer?

8 A I believe so.

9 Q Well, was there any earlier conversation, other
10 than that conversation that was recorded on the tape, that you
11 brought to court today?

12 A Not that I recall.

13 Q Well, when you say "Not that I recall," are you
14 making a positive statement that there was no earlier
15 conversation between you and Mr. Springer?

16 A I don't remember. That's the only one I recall,
17 and when I -- I can probably clarify that a little further for
18 you.

19 I checked all of the tapes I had regarding this
20 case, and this is the only one I could find. So I know I did
21 not tape any other conversations.

22 Q Well, did you have any conversations with
23 Mr. Springer before this conversation which was memorialized in
24 this tape that you brought?

25 A I don't recall, Counsel. I don't remember.

26 Q Well, did you make a report of the first conversa-
27 tion that you had with Mr. Springer?

28 A No, I did not.

AA-3

1 Q Did anybody, to your knowledge, make such a report
2 up, of those officers that you've mentioned? Neilson,
3 Gutierrez, Patchett, or yourself?

4 A I would have to check, Counsel. I couldn't give
5 you an answer right now.

6 Q Did you make a written report of this conversation
7 which was recorded on tape? You or any of your fellow officers?

8 A I did not, and I do not know if they did.

9 Q Well, was somebody taking notes, to your knowledge,
10 during the course of that conversation?

11 A I did not sit in on the conversation. I merely
12 passed, and they told me who he was, and I left.

13 That's about the extent of that first meeting with
14 Mr. Springer.

15 Q So that -- Who, then, was conducting that interview
16 with Mr. Springer?

17 A Sergeant Gutierrez and Sergeant Patchett.

18 Q All right. So you don't know what was said at the
19 beginning of the conversation; is that right?

20 A That's correct.

21 Q Have you heard that tape?

22 A Not recently.

23 Q Well, have you heard it ever?

24 A I believe so.

25 Q Well, that tape starts in mid-conversation some-
26 where. Do you know what happened to the first part of that
27 tape, if anything?

28 A No, sir.

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MR. MANZELLA: Your Honor, I object to that on the grounds that it assumes that there was more to the tape.

THE COURT: Sustained.

1 Q BY MR. DENNY: Do you recall specifically where
2 that recording -- strike that -- where that interview was
3 held? It was held in one of the regular interview rooms at
4 Parker Center?

5 A Yes, sir.

6 Q And those interview rooms are specifically set up
7 so that conversations held therein can be tape-recorded, is
8 that correct?

9 A If so desired, yes.

10 Q And as an officer assigned to homicide, how long
11 had you been assigned to homicide, in October, 1969?

12 MR. MANZELLA: That's not relevant.

13 THE COURT: Sustained.

14 Q BY MR. DENNY: Well, was it the custom and
15 procedure, the regular procedure, the standard procedure in
16 your department at that time with a witness under the
17 circumstances that you were interviewing Mr. Springer, that is
18 having been advised that he had information concerning the
19 Tate-LaBianca matters, was it not the procedure at that time,
20 in connection with your investigation of the Tate-LaBianca
21 case, to record all such interviews?

22 MR. KAY: That's irrelevant.

23 THE COURT: Sustained.

24 MR. DENNY: Well, your Honor, I submit it is relevant as
25 to where the missing portion of the first part of the conversa-
26 tion is.

27 MR. KAY: That assumes a fact not in evidence.

28 THE COURT: I think it does assume a fact not in

1 evidence.

2 MR. DENNY: Well, it assumes I'm trying to establish it.
3 It is not assumed --

4 THE COURT: Well, the objection is sustained to that
5 question you put.

6 Do you know of any other tape, have you ever seen
7 or heard any other tape other than the one that you brought
8 here and had them play for the Court?

9 THE WITNESS: No, sir.

10 MR. DENNY: I'm not talking about any other tape. I'm
11 talking about this tape.

12 Q Is it not a fact that the interviews that were made
13 at that time: October, November, December, 1969, of potential
14 witnesses or those with information concerning the Tate-
15 LaBianca investigation, when they were made in Parker Center
16 in one of the interview rooms, were regularly taped; is that
17 true?

18 MR. KAY: That's irrelevant.

19 THE COURT: Sustained.

20 MR. MANZELLA: Your Honor, I'm going to object. Officer
21 Sartuche would have no way of knowing that.

22 THE COURT: Sustained. The objection is sustained.

23 We're interested in Springer at this time and
24 whether or not there is any other existing tape, if that's
25 what you are referring --

26 MR. DENNY: It is not the other existing tape, it is
27 the first part of this tape. The first part of the interview
28 is missing in this tape, the record will so show.

1 THE COURT: I don't think the record so shows. There was
2 no introductory remark in the tape. It simply picked up while
3 somebody was talking. There's no indication that the previous
4 conversation, whatever it may have been, was taped.

5 MR. DENNY: That's what I am trying to find out.

6 THE COURT: How are you going to find it out from this
7 man who says he came in the middle of the taping?

8 MR. DENNY: I'm trying to establish, your Honor,
9 circumstantially by circumstantial evidence --

10 THE COURT: Well, sustained.

11 MR. DENNY: Circumstantial evidence is as good as direct,
12 and that's what I am trying to establish.

13 THE COURT: The fact there may have been some policy to
14 tape an interview does not indicate to the Court -- couldn't
15 possibly indicate to the Court with any certainty that there
16 was any other tape or that part of the tape was missing. It
17 may be that the officer simply varied the policy, if that
18 policy did exist.

19 MR. DENNY: Well, I think that's a circumstance the
20 Court can consider, but I certainly think the policy at that
21 time is relevant.

22 THE COURT: I don't.

23 Q BY MR. DENNY: Well, after this tape-recorded
24 interview which -- your Honor, I wonder if we can get the
25 date that appears on the box?

26 MR. KAY: It is 11-12-69. It is 11-21-69.

27 Q BY MR. DENNY: Officer, I've been handed a box here.

28 MR. MANZELLA: It is Court's Special Exhibit 3.

1 Q BY MR. DENNY: All right.

2 -- which appears to have certain writing following
3 the real number 33057, Investigators Neilson and Gutierrez and
4 Patchett, showing the time 0850; that's 8:50 in the morning?

5 A That's correct.

6 Q On the date 11-12-69?

7 A Yes.

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1 Q All right. Now, assuming that that is the date
2 this recording was made, do you have any recollection of
3 whether you had spoken to Mr. Springer before that date?

4 A No, I do not.

5 Q And after that date, you again spoke with Mr.
6 Springer and Mr. DeCarlo, is that correct?

7 A Yes.

8 Q And when was it after that date?

9 MR. MANZELLA: Your Honor, I'm going to object on the
10 grounds it is unclear whether Mr. Denny is referring to
11 DeCarlo or Springer.

12 Q BY MR. DENNY: Did you speak with Mr. Springer and
13 Mr. DeCarlo together at a date following this November 12th
14 date?

15 MR. MANZELLA: It is irrelevant whether he spoke to
16 DeCarlo. DeCarlo is not a witness in this case.

17 MR. DENNY: It is just a foundational --

18 THE COURT: Overruled. You may answer.

19 Did you speak to these two men together after
20 that tape was taken?

21 THE WITNESS: I don't believe so, not together.

22 Q BY MR. DENNY: Well, is it a fact that Mr. Springer
23 brought Mr. DeCarlo down and together they came down, one or
24 two days after this particular tape was made?

25 A It is a fact they came down together, but whether
26 it was one or two days after that tape was made, I don't know.

27 Q Well, did you thereafter interview Mr. Springer
28 again after this tape was made that we have been discussing?

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1 A Yes, I spoke to him.

2 Q All right, when was that, approximately?

3 A I don't recall exactly when, Counsel, even
4 approximately. I talked to them numerous times after that
5 date and on various occasions and I don't recall all the
6 dates.

7 Q Well, did you ever receive any information from
8 him that he had spoken with Bruce Davis at 28 Clubhouse or
9 Clubview Drive on or about November 26th, 1969?

10 A No.

11 Q Never received such information?

12 A No, I didn't. No.

13 Q Did you ever go out to the Spahn Ranch with him
14 into the Devil's Canyon area looking for the body of Shorty
15 Shea?

16 MR. KAY: That's irrelevant, your Honor.

17 THE COURT: Sustained.

18 Q BY MR. DENNY: Well, sir, it is a fact, is it not,
19 that Mr. Springer indicated that he would work with you
20 to uncover any evidence that he could, including helping
21 find the body of Shorty Shea?

22 MR. MANZELLA: I'll object. That's vague and ambiguous
23 as to time, your Honor. We're concerned with November 26th,
24 1969.

25 THE COURT: Sustained.

26 Q BY MR. DENNY: Before November 26th, between the
27 date that this tape recorded interview of November 12th was
28 had -- well, let me go back a minute.

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1 Sergeant -- it is Sergeant Sartuche, isn't it?

2 A Yes.

3 Q All right. In that tape there are several
4 statements, several times that Mr. Springer volunteers to go
5 out to the Devil's Canyon area where he says he thinks the
6 body may have been buried; do you recall having heard such?

7 A Not from Mr. Springer, no.

8 Q Well, at the very close of the tape there is some
9 conversation on that.

10 Did you and any of your fellow officers go out
11 with him pursuant to that or any other conversation, to the
12 Devil's Canyon area to look for Shorty Shea?

13 MR. KAY: That's irrelevant, your Honor. Same objection.

14 MR. DENNY: Well, I have to ask the question first,
15 and then establish a time, your Honor.

16 THE COURT: All right, you may answer it. I'll
17 withdraw the ruling.

18 THE WITNESS: I did not go to Devil's Canyon with Al
19 Springer.

20 Q BY MR. DENNY: Well, to your knowledge did any of
21 your fellow officers?

22 A Uh, I know some of the officers went to Devil's
23 Canyon. Whether they were with Mr. Springer or not, I don't
24 know.

25 Q Well, would it be fair to say, sir, that Officer
26 Gutierrez spent a good deal more time with Mr. Springer
27 following this November 12th interview than you did?

28 A Yes, that would be a fair statement.

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1 Q In other words, you're not the officer who
2 presently had much to do with Springer?

3 A That's correct.

4 Q All right. And Gutierrez is where now?

5 A He is on, I believe, military leave with the
6 Marine Corps. I don't know where he is.

7 Q And was Frank Patchett his partner?

8 A Yes.

9 Q Is Patchett here, to your knowledge? Is Patchett
10 on duty?

11 A Yes, I believe so. He's -- maybe I should
12 clarify that. Sergeant Patchett is now a Lieutenant. He no
13 longer works homicide.

14 Q Where does he work?

15 A He's working Wilshire Detectives.

16 Q All right. Well, then, as far as any conversations
17 that you have had since November 12th with Mr. Springer,
18 you, I take it, would testify that you didn't have any
19 conversations with him between November 12th and November 26th,
20 is that right, or -- is that right?

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21 A I'm sorry, you're going to have to rephrase that.
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1 Q Did you have any conversations with Mr. Springer
2 between November 12 and November 26, approximately two weeks
3 following the initial interview, if it was the initial
4 interview?

5 A Gee, I may have. I don't remember, Counsel.

6 Q Well, do you recall his bringing you some more
7 information about the Manson Family within that period of time?

8 A I know he was obviously in the office after November
9 12th, 1969, but for me to tell you what conversation took
10 place, I couldn't pinpoint it at this time as to dates and
11 between the dates of November 12th through, I believe you said,
12 November 26th.

13 Q Well, could you tell us at least the next time you
14 recall having heard anything from him about the Manson Family,
15 what it was you heard from him?

16 MR. KAY: Well, that's irrelevant, your Honor.

17 THE COURT: Sustained.

18 MR. DENNY: Well, it may or may not be, depending upon
19 whether he can set the time, your Honor.

20 THE COURT: It appears to be irrelevant.

21 MR. DENNY: Well, we don't know until we find out what
22 it was that he heard.

23 THE COURT: The objection is sustained.

24 Q BY MR. DENNY: Sir, were you ever present when
25 there was any conversation held among any of these officers
26 that you mentioned or any other L.A.P.D. officers and
27 Mr. Springer in which Mr. Springer was told not to get into the
28 case?

1 A I never heard anything like that, no.

2 Q Were you ever present for any conversation between
3 any of these officers or any other L.A.P.D. officers and
4 Mr. Springer when Mr. Springer was asked in substance or
5 effect to let them know if he heard anything or found out
6 anything?

7 A I might even have said that. That sounds like
8 something that might have been said, yes.

9 Q All right. And when might you have said that?

10 A Gee, I'm sorry, I can't remember.

11 Q Well, this is something that you might have said,
12 according to your recollection, from the first time you talked
13 with him, is that right?

14 A Well, it -- it sounds like something I'd say to
15 any witness, "If you hear something, call me," and so forth.

16 Q And he indicated in response to that that he would
17 do so, is that right?

18 A He did talk to me again, so I assume his answer
19 was yes.

20 Q All right. And when he talked to you again, did
21 he bring you information about the Manson Family?

22 MR. KAY: Well, this is ambiguous as to time, your
23 Honor, this whole exchange. It is irrelevant if it is after
24 November 27.

25 THE COURT: Sustained.

26 Q BY MR. DENNY: Well, Officer, do you have any
27 recollection, whatsoever, as to approximately the next time
28 you talked to Mr. Springer after the November 12 tape-recorded

1 interview?

2 A No, I don't, Counsel.

3 Q Well, would it have been within two weeks after
4 that?

5 A I can't answer. I couldn't give you an honest
6 answer, Counsel, I don't know.

7 Q Did you make any notes or memoranda of any conversa-
8 tion that you had with Springer at any time?

9 A No, I did not.

10 Q You or your partner or anyone with you during such
11 interviews?

12 A My partner may have. I had no knowledge if he
13 did take notes. For example, this November 12th conversation,
14 he may have taken notes then, I don't know, Counsel.

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1 Q Well, is it your statement that insofar at least
2 as you and Sergeant Nielsen were concerned, to your knowledge,
3 in any of your contacts with Mr. Springer, you made no notes?

4 A (No response.)

5 Q Of those contacts and conversations?

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

8 THE COURT: Sustained.

9 MR. DENNY: Your Honor, I have no further questions of
10 this particular witness.

11 THE COURT: Any questions?

12 MR. MANZELLA: May I inquire, your Honor?

13 THE COURT: Yes, you may.

14
15 CROSS-EXAMINATION

16 BY MR. MANZELLA:

17 Q Sergeant Sartuche, do you ever remember telling
18 Mr. Springer to go out and collect information for you or
19 the Police Department, for the prosecutor's office?

20 MR. DENNY: Irrelevant and immaterial as to time.

21 THE COURT: Sustained.

22 Q BY MR. MANZELLA: At any time?

23 THE COURT: Well, overruled.

24 Q BY MR. MANZELLA: At any time?

25 A I never made that statement, no.

26 Q Did you ever hear any other officer tell Mr.
27 Springer at any time to go out and collect information for
28 the Police Department, or for the prosecutor's office?

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1 A No, I did not.

2 MR. MANZELLA: No further questions. Thank you.

3 THE COURT: Anything further?

4 MR. DENNY: Well, let me just pursue that a little
5 minute.

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7 REDIRECT EXAMINATION

8 BY MR. DENNY:

9 Q Officer, I take it you make a distinction between
10 telling a person like Mr. Springer, an informant, who comes
11 in to talk to you about a case -- I take it you make a
12 distinction between saying, "Go out and get something and
13 let us know," as distinguished from, "If you get something,
14 let us know"?

15 MR. MANZELLA: That's irrelevant.

16 Q BY MR. DENNY: Is that a distinction that you
17 make in answering my question and Mr. Manzella's question?

18 MR. MANZELLA: That's irrelevant.

19 MR. KAY: Also ambiguous.

20 THE COURT: Overruled. You may answer.

21 THE WITNESS: Well -- uh --

22 THE COURT: If you understand the question.

23 THE WITNESS: I don't understand it.

24 Q BY MR. DENNY: Well, let me preface it by --

25 THE COURT: I'll sustain the objection.

26 The distinction is obvious on its face.

27 Q BY MR. DENNY: Well, Officer, when you were
28 answering my questions, you said, "Yes, it sounded like

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1 something I'd say."

2 "If you hear anything, let us know," that you'd
3 say that to any witness like that; right?

4 A Yes.

5 Q All right. And you make this, then, distinction
6 between, "If you hear anything, let us know," and, "Do me a
7 favor. If you find out something --" or, strike that.

8 "Do me a favor. See if you can find out anything.
9 And if you find out anything, let us know."

10 MR. MANZELLA: That question's ambiguous, your Honor.
11 It's also irrelevant.

12 THE COURT: Sustained.

13 Q BY MR. DENNY: Well, did you ever tell -- or
14 overhear any officer tell Springer, "Yeah. If you could find
15 out anything for us, let us know what you find out"?

16 A In those exact words, is that what you are
17 referring to?

18 Q In sum and substance, "If you can find out
19 anything for us, let us know what you find out."

20 A I -- I never heard another officer say that.
21 That other statement I made to you, Counsel,
22 it sounds like something I'd say to every witness.

23 And this is what I am basing it on. But those
24 exact words, I can't give you an answer -- or even, like
25 you say, something that sounds like it.

26 Q Well, do you know when this sword was turned in?

27 MR. MANZELLA: That's not relevant, your Honor.

28 MR. DENNY: Well --

1 THE COURT: Sustained.

2 MR. DENNY: Your Honor, it may be relevant pursuant to
3 Mr. Springer's testimony that he got the sword, and his
4 testimony on the tape that he would get the sword.
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1 THE COURT: We are not inquiring about that, are we?

2 MR. DENNY: Yes. I think that's part and parcel of this,
3 your Honor, his acting as an agent for the police and going out
4 and running down this sword for them.

5 THE COURT: All right. I'll overrule the objection.

6 You may answer. Do you know when the sword was
7 turned in?

8 THE WITNESS: I don't recall, your Honor.

9 Q BY MR. DENNY: You know what sword we are referring
10 to?

11 A Yes.

12 Q Was that turned in to you or to Sergeant
13 Gutierrez or to Sergeant Whiteley?

14 A I believe it was turned in to Sergeant Gutierrez.

15 Q But you don't know when?

16 A No. Not the exact date, no.

17 Q Is there a report, an evidence report, showing
18 when that evidence was received?

19 MR. MANZELLA: That's not relevant.

20 THE COURT: Sustained.

21 MR. DENNY: It goes to determine the date, your Honor.
22 We have the right to determine that.

23 MR. MANZELLA: The date's not relevant.

24 THE COURT: The objection is sustained.

25 MR. DENNY: Well, the -- your Honor, if I may be heard?
26 Just -- the date is relevant as to whether it was before
27 November 26th, and Springer was again acting as an agent for
28 them.

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1 MR. MANZELLA: That assumes that he was acting as an agent,
2 your Honor.

3 MR. DENNY: Well, he indicated in his tape-recorded
4 interview that he would go out and try to get the sword for
5 them, and --

6 MR. MANZELLA: The People submit that does not make him an
7 agent of the police.

8 MR. DENNY: Well, that's the issue.

9 THE COURT: I think that's pretty good evidence that he
10 was acting as an agent in procuring the sword. I think he was
11 doing it at their request, and that --

12 MR. DENNY: That he was --

13 THE COURT: -- he felt he could be helpful to them. And
14 he was, however, acting at their request in connection with --

15 MR. KAY: He was the one, though, on the tape who
16 volunteered to get the sword. No one asked him.

17 THE COURT: Yes, that's true. But does that affect --
18 does that necessarily keep him from being an agent? The fact
19 that he volunteered to assist the police?

20 MR. KAY: I think so. Because it's a technical distinc-
21 tion.

22 If I tell Sergeant Sartuche there that I'm going to
23 go out and help him investigate his current bombing case --
24 or, I am going out on my own to investigate his bombing case,
25 that doesn't mean I am his agent.

26 I am acting on my own, because he doesn't tell
27 me --

28 MR. MANZELLA: Your Honor, my point is that for the

1 purpose of the question, it's bringing the whole issue before
2 the Court, whether or not he is an agent.

3 THE COURT: I understand that.

4 The Court -- the Court sustains the objection.

5 MR. DENNY: Well, your Honor, may we establish the fact --
6 as I think it is a fact; and I would offer this to prove --
7 that this witness can testify -- that there is a property
8 receipt or an evidence receipt showing when that sword was
9 received; and that --

10 THE COURT: Do you have it? Or do you know the date of
11 it?

12 MR. DENNY: No. That's what I am trying to establish
13 through this witness, that --

14 My offer of proof is that he could testify that
15 there is such a report; that it would have the date on it, when
16 it was received.

17 THE COURT: Is that --

18 MR. DENNY: And that it is available.

19 THE COURT: Is that true?

20 THE WITNESS: If the sword was booked, your Honor, there
21 would be a property slip with the date on it.

22 MR. DENNY: And this is what I would like to get, so we
23 could determine whether or not that was secured before November
24 26th.

25 THE COURT: And what significance would that have, whether
26 it was secured before or after?

27 MR. DENNY: Well, simply more further evidence that he
28 was acting as an agent for the police -- whether voluntary or

1 not, certainly with their concurrence.

2 And as the Court heard on the tape --

3 THE COURT: Well, the Court has just stated to counsel
4 for the People that it believes that, insofar as acting to
5 get the sword, that he was acting as an agent for the police.

6 MR. DENNY: All right. Fine.

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1 THE COURT: What difference does it make?

2 MR. DENNY: Well, assuming then that that is the finding
3 of the Court, that's fine.

4 All right. I have no further questions.

5 THE COURT: I think he was -- there's no direction by
6 any of these police officers, "Now, Springer, you go out and
7 get that sword and bring it back to us." There's nothing of
8 that kind.

9 But nevertheless, there's enough urging, I think,
10 in their words and in their questioning of Springer concerning
11 the sword, and their remarks about the sword, to indicate that
12 they wanted him to do that.

13 It's replete through that tape.

14 Anything further?

15 MR. MANZELLA: No. Thank you.

16 MR. KAY: No further questions.

17 May Sergeant Sartuche be excused?

18 THE COURT: Yes, Sergeant, you may be excused.

19 THE WITNESS: Thank you, your Honor.

20 MR. DENNY: Your Honor, I would like, just for the
21 purpose of protecting the record, to have him remain on call,
22 subject to recall at a later time.

23 THE COURT: Sergeant Sartuche, you will --

24 MR. DENNY: I don't mean today.

25 THE COURT: -- keep Mr. Kay advised of where you are.

26 MR. KAY: I know where he is. He doesn't have to keep
27 me advised. I know where he is.

28 THE COURT: Well, the Court orders you to.

1 THE WITNESS: Yes, your Honor.

2 THE COURT: Anything further, Mr. Denny?

3 MR. DENNY: If Sergeant Whiteley's here, I would like to
4 put him on.

5 MR. KAY: I'll see if he's outside, your Honor.

6 (Pause in the proceedings.)

7 MR. MANZELLA: Did we call Sergeant Whiteley?

8 MR. DENNY: I am calling Sergeant Whiteley.

9 MR. MANZELLA: That's what I am asking. Should we
10 call him? Or should he stand out in the hall?

11 MR. DENNY: No, I've called him, if he's here.

12 MR. MANZELLA: All right. Fine.

13 THE CLERK: Do you solemnly swear that the testimony you
14 may give in the cause now pending before this court shall be
15 the truth, the whole truth, and nothing but the truth, so help
16 you God?

17 THE WITNESS: Yes, I do.

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PAUL J. WHITELEY,

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

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DIRECT EXAMINATION

24

BY MR. DENNY:

25

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Q Sergeant Whiteley, when was your first contact
with Mr. Springer?

27

A The last part of November of 1969.

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Q Well, can you be any more specific as to the date?

1 A No.

2 Q Was your contact, your initial contact, by phone
3 or in person?

4 A In person.

5 Q Where?

6 A The third floor of this building.

7 Q And was he with anyone else?

8 A Yes.

9 Q Who?

10 A Danny DeCarlo.

11 Q And were you with anyone else?

12 A Yes.

13 Q Who?

14 A Charles Guenther.

15 Q And did you have any -- did you have an interview
16 with Mr. DeCarlo on that date?

17 A Yes.

18 Q And was that interview tape-recorded?

19 A Yes.

20 Q Was that interview also recorded at the same time
21 by a stenographer?

22 A I believe so.

23 Q And was Mr. Springer present at that time, when you
24 were interviewing Mr. DeCarlo?

25 A I don't quite follow what you mean by "present."
26 In the same room?

27 Q Was he in the same room?

28 A No.

1 Q Was he waiting outside the room where the interview
2 with Mr. DeCarlo was taking place?

3 MR. MANZELLA: That's not relevant, your Honor.

4 THE COURT: Sustained.

5 Q BY MR. DENNY: Well, did you interview Mr. Springer
6 on that same date that you interviewed Mr. DeCarlo?

7 A No.

8 Q Did you interview him on a later date?

9 A Yes.

10 Q When?

11 A I don't remember the date. It was -- it was
12 possibly three or four days later that I next saw Mr. Springer.

13 Q And what was the subject of this interview that you
14 had three or four days after the DeCarlo interview?

15 A It was about the Hinman case.

16 Q Well, would you relate what was stated?

17 MR. MANZELLA: That's not relevant.

18 MR. DENNY: It is as to time and the full circumstances
19 of this report, your Honor.

20 MR. MANZELLA: That's not relevant to determining of
21 whether or not he was acting as an agent for the police.

22 MR. DENNY: Well, we can't tell until we hear what he's
23 reporting.

24 THE COURT: All right. Overruled.

25 You may answer.

26 THE WITNESS: He told of a conversation that he had with
27 Charles Manson at Spahn's Ranch.

28 Q BY MR. DENNY: Well, what was said? Just --

1 A Charles Manson had told him -- or, he had overheard
2 Charles Manson state that he had cut off a pig's ear, I believe
3 was -- and -- and -- I can't remember the rest. Something about
4 a sword.

5 Q Now, is this the first actual interview that you
6 had with Mr. Springer?

7 A Yes.

8 Q And when was this interview in relationship to the
9 interview of November 26th?

10 A I don't recall.

11 Q Well, was it before or after?

12 A I don't recall.

13 Q Well, isn't it a fact that it was the same day
14 that you interviewed Danny DeCarlo?

15 A I could have. I was -- I was talking with
16 Mr. DeCarlo almost every day for about a week.

17 Q Well, we are talking now about the first day that
18 you interviewed Danny DeCarlo; and at that time, he appeared
19 with Mr. Springer.

20 Is that right? At the third floor of the Hall of
21 Justice?

22 A Yes, he did.

23 Q And you interviewed Mr. DeCarlo in a tape-recorded
24 interview with possibly a certified shorthand reporter at the
25 same time with you and Mr. Guenther; is that right?

26 A Yes.

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1 Q All right. And on that same day did you interview
2 in any way Mr. Springer?

3 MR. MANZELLA: The question has been asked and answered.
4 Sergeant Whiteley said no, your Honor.

5 THE COURT: I believe it has been answered.

6 Q BY MR. DENNY: Your answer was "No," if that's --
7 all right.

8 Then, this conversation that you told us about
9 where Springer said something about Manson cutting somebody's
10 ear with a sword, occurred three or four days after the
11 initial DeCarlo interview, is that right?

12 A Yes.

13 Q And was it some several days after that that
14 Mr. Springer reported to you on the conversation he had with
15 Mr. Davis at 28 Clubview or Clubhouse Drive or Clubview Drive?

16 A Yes, it was just a matter of days.

17 Q Two, three, four; how many?

18 A I can't recall whether it was one or three.

19 Q All right. And at that time that Mr. Springer,
20 you said, had this first conversation or first interview
21 with you, at which time he mentioned Charlie cutting off some-
22 one's ear, was this a lengthier conversation than just the
23 couple of minutes that it would take to say that Charlie told
24 me he cut off the ear?

25 A It wasn't a lengthy conversation. It didn't
26 last more than five minutes.

27 Q Was it tape-recorded?

28 A No.

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1 Q Did you at that time indicate in any way to
2 Mr. Springer that you would be glad to have any other informa-
3 tion from him that he could come up with or find?

4 A No.

5 Q Did you tell him not to go up and seek out any
6 information?

7 A No, I did not.

8 Q Did you tell him if he came up with anything, to let
9 you know?

10 A No.

11 Q Did he bring a sword in to you, to your knowledge?

12 A No, he did not.

13 Q To the L.A.P.D., to your knowledge?

14 A Yes.

15 Q Was it he or Danny DeCarlo that did it, to your
16 knowledge?

17 A I believe it was he that brought the sword in.

18 Q All right. Now, Sergeant Whiteley, let me try to
19 refresh your recollection a little bit.

20 Showing you my copy of the homicide manual here.
21 Unfortunately the pagination on the manual itself is very
22 light, so I'm not sure what page it appears, but you recognize
23 this transcription of the interview with Mr. DeCarlo?

24 A Yes.

25 Q And that was held on what date?

26 A It says here November 19, 1969.

27 Q All right. And was that the first interview that
28 you had with Mr. DeCarlo, to your knowledge?

1 A Yes.

2 Q And then, about three days later, on the 22nd, was
3 it, that you had an interview with Mr. Springer?

4 Again, showing you a report dated 1-29-70 from the
5 homicide manual, Paragraph 2 thereof?

6 A Yes.

7 Q Now, this is the report at which time you said,
8 "I killed five pigs and cut another one's ear off," purporting
9 to show a statement of Charles Manson, is that right?

10 A Yes.

11 Q Then, it was on November 26th that he reported
12 to you his alleged conversation with Mr. Davis, is that right?

13 A I told you I couldn't recall the dates. I know
14 that there was just a few days in between.

15 Q Well, again, to refresh your recollection, do you
16 recall him telling you that he had just been to see Davis or
17 just had a conversation with Davis?

18 A Yes, I recall -- I recall that.

19 Q All right. And did he call you first to set up
20 an appointment with you to report this conversation?

21 A Well, he did call me on that date.

22 Q Well, was the conversation with him by phone or did
23 you tell him to come on in and talk to you?

24 A I can't recall, Mr. Danny. I know that that same
25 day he and I went out to Devil's Canyon and I can't remember
26 whether he came down to the Homicide Bureau or if I picked him
27 up, but I remember going out there with him.

28 THE COURT: Sergeant, was that before or after those

1 search operations went on at Spahn Ranch?

2 THE WITNESS: It was before.

3 THE COURT: When did you begin the search of Spahn Ranch
4 for Shea's body?

5 THE WITNESS: Really on that -- on that day in November,
6 the last day in November or the last part of November.

7 THE COURT: Well, when did it conclude after all the
8 bulldozers and all the efforts that were made?

9 THE WITNESS: Well, it continued on until the middle of
10 1970. The main operations were in January and February of
11 1970.

12 THE COURT: At that time you were still investigating
13 as to whether or not Shea was still alive, is that true?

14 THE WITNESS: Yes.

15 Q BY MR. DENNY: Well, at that time, however, you were
16 certain that Mr. Hinman was quite dead, is that right?

17 A At what time?

18 Q On November 26th.

19 A Oh, yes.

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1 Q In fact, Mr. Beausoleil had been tried and it was
2 in the hands of the jury at that time, isn't that correct?

3 A I remember it was in trial, but I can't remember
4 what portion.

5 Q Well, again, to refresh your recollection, you had a
6 conversation with Mr. Springer on November 19, and based on that
7 conversation, is it not true that petition was made to the
8 court where Mr. Beausoleil was being tried in the first
9 Beausoleil trial to re-open the People's case and he was then
10 put on, that is DeCarlo was then put on at the end of the case
11 on about November 23rd, 22nd or 23rd?

12 MR. MANZELLA: I think Mr. Denny said Mr. Springer. I
13 think he means Mr. DeCarlo.

14 MR. DENNY: If I misspoke myself, I certainly meant
15 Mr. DeCarlo.

16 THE COURT: I think it was DeCarlo.

17 THE WITNESS: Yes, I think that's true.

18 Q BY MR. DENNY: All right.

19 THE COURT: Anything further, Mr. Denny?

20 MR. DENNY: Yes, just a couple of questions, your Honor.

21 Q Now, did you continue -- you said you had many
22 conversations the week or several weeks following the initial
23 conversation with Mr. Springer -- I'm sorry, with Mr. DeCarlo,
24 following your initial conversation with him on November 19; is
25 that correct?

26 A Yes.

27 Q Did you also have a number of conversations follow-
28 ing your initial conversation with Mr. Springer on November

1 22nd, in the week or so following?

2 MR. MANZELLA: That's been asked and answered, your
3 Honor. He said on the 22nd, and then again on the 26th. I
4 think we've already had that information.

5 THE COURT: That's true.

6 MR. DENNY: Well, your Honor, I would like to carry it a
7 little beyond that to show again by circumstantial evidence
8 that this was a continuing thing.

9 THE COURT: All right. You may.

10 MR. MANZELLA: Well, if he wants to go beyond the 26th,
11 I have no objection. But it is already clear there was one on
12 the 22nd and one on the 26th. I don't think we have to confuse
13 things any by starting with the 22nd again. Go after the
14 26th.

15 MR. DENNY: All right, I'll accept Mr. Manzella's
16 statement there.

17 Q After the 26th, did you continue to have a number
18 of contacts, interviews, whatever, with Mr. Springer?

19 A No, not really.

20 Q Did he continue -- did he continue over a period
21 of several months following to provide you with information
22 concerning these cases?

23 A No.

24 Q In other words, after November 26th, he provided
25 you with no further information about the cases?

26 A I didn't say that. You're --

27 Q Well, did he on other occasions, other than on
28 November 26th, provide you with information about either the

1 Shea or the Hinman cases?

2 MR. MANZELLA: That's vague and ambiguous as to what
3 he means by information.

4 THE COURT: Overruled. You may answer.

5 MR. MANZELLA: Your Honor, I don't know what he means.
6 If I interview a witness -- if I may be heard -- I interrogate
7 the day before a trial starts, get the date he is presently
8 working, that is information he is providing me with up to the
9 day of trial. It is vague and ambiguous as to what type of
10 information he is talking about.

11 THE COURT: Well, I think the Sergeant knows what he is
12 talking about.

13 THE WITNESS: I might have picked up some little thing
14 here and there.

15 Q BY MR. DENNY: Things he would call into you?

16 A Are you asking, in other words, that he is gather-
17 ing information, and then telephoning me and contacting me with
18 this information?

19 Q Whether he is gathering information or whether
20 he's simply calling you with additional information concern-
21 ing the case that he just happened to think about or anything
22 of the kind, we're talking about information --

23 A No.

24 Q -- that had been supplied you about the case at
25 any later time?

26 A No.

27 Q After the 26th he never, then, provided you with
28 any additional information about the case?

1 THE COURT: Well, he didn't say that.

2 MR. MANZELLA: I think the question has been asked and
3 answered.

4 THE COURT: He might have picked up a little bit of
5 information here and there.

6 MR. DENNY: He's contradicting that.

7 THE COURT: Your question was whether he called into him.
8 He might have procured it by going out to where Mr. Springer
9 was, I don't know.

10 MR. MANZELLA: Your Honor, the question is vague for
11 that reason. I don't think, since the jury is not here and
12 we're all lawyers, I don't think it is necessary to waste this
13 kind of time on this kind of motion. Any information you get
14 that you don't know before is additional information, includ-
15 ing the witness's date of birth, his description and where he
16 lives now and where he works.

17 What we're interested in is anything that had to do
18 with the case itself.

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1 THE COURT: I think the Sergeant understands that.

2 MR. DENNY: That's obviously --

3 MR. MANZELLA: In answering the question, he may include
4 things that aren't limited to that.

5 Q BY MR. DENNY: Sergeant Whiteley, now having heard
6 Mr. Manzella describe the kind of information we're interested
7 in, not his date of birth, his age, his address, his last meal
8 or the contents thereof, we're talking about information about
9 the cases, obviously.

10 Did you get, following November 26th, from Mr. Springer,
11 any information from him at any later time that he called in or
12 brought in to you?

13 A No.

14 MR. DENNY: I have nothing further.

15 MR. MANZELLA: No questions.

16 May Sergeant Whiteley be excused?

17 THE COURT: Yes, you may be excused.

18 MR. DENNY: Your Honor, I had requested that I get the
19 address of Ray Parrott and I think Sergeant Whiteley was going
20 to provide that.

21 THE WITNESS: I gave that to Mr. Manzella last night.

22 MR. MANZELLA: I have it. It is 103058 Topanga Canyon
23 Boulevard, and the phone number is 341-8607.

24 MR. DENNY: 8607?

25 MR. MANZELLA: That's correct.

26 MR. DENNY: Your Honor, I would also like to get the
27 address of Lee Saunooke.

28 THE COURT: Do you have that?

1 THE WITNESS: Yes, sir, I can get it.

2 THE COURT: All right, call it in sometime in the next
3 48 hours to Mr. Manzella.

4 THE WITNESS: Yes.

5 MR. DENNY: Well, your Honor, within the next 24. I have
6 to get a process server out there.

7 THE COURT: All right, within the next 24 hours.

8 You may step down.

9 Anything further?

10 MR. DENNY: No, I have nothing further at this time by way
11 of evidence.

12 THE COURT: Argument?

13 MR. DENNY: Your Honor, I don't think further argument
14 is required on this, other than just to note that I believe,
15 as the Court indicated concerning the sword, from and after the
16 time of that initial interview with the police there was a
17 tacit understanding and agreement and request, if not a forth-
18 right explicit direction that if Mr. Springer could be helpful,
19 go do it, and I think implied in the last part of that tape-
20 recorded interview when he was talking about his interest in the
21 \$25,000 reward, and I don't know which officer was talking, but
22 it was also implicit when the officer told him, well, you know,
23 if somebody else comes up with more information and everything
24 falls into place, clink, clink -- I'm not sure whether I'm
25 quoting it quite correctly, but that phraseology seems to stick
26 in my mind -- why, then, you might have to share that reward
27 money with that person, which was obviously then, I think, an
28 understated statement. You go out and come in with more

1 information, and then you're likely to get the full reward.
2 I think that it is clear that that's exactly what they had him
3 do and that he was working as an agent for the police from and
4 after that time, whether a voluntary agent or not, it doesn't
5 matter. Whether he got paid for it or not. And he certainly
6 got well paid in view of the testimony concerning the dropping
7 of charges and the later dropping of charges. But you don't
8 have to get paid in money and you don't have to get paid at
9 all. He was their agent and I don't think there's any question
10 about it.

11 THE COURT: Incidentally, this reward was not offered
12 by any police agencies as far as I know.
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1 MR. DENNY: As I understand it, your Honor, and I --
2 I would -- I think I would be willing to enter into at least
3 this stipulation, as to what my understanding was, that it was
4 offered by Peter Sellers and other private individuals, in
5 order to secure information leading to the arrest and conviction
6 of those responsible for the death of Sharon Tate and
7 those killed with her.

8 THE COURT: That was the Court's understanding.

9 MR. DENNY: Nevertheless, it is quite clear that the
10 police knew the power of that particular bit of money, and --
11 and used it, I think, in order to get the cooperation of
12 Mr. Springer to go on to greater heights, and more effort to
13 secure information, so that he wouldn't have to split it with
14 anyone else.

15 THE COURT: Well, the Court finds that in the procurement
16 of that sword, Springer was acting for the police as an agent of
17 the police, and that their request -- although there was, as
18 you stated, no specific request.

19 In listening to the tape, the Court finds that
20 there does appear to have been enough urging on the part of
21 the police to allow the Court to find that he procured that
22 sword as a result of acting at their request, and that he was
23 in so doing acting for them.

24 Now, I'm inclined to believe Springer's statement,
25 however -- and I do believe Springer's statement -- that he was
26 told by the police to keep out of the case.

27 And I think that he was acting independently in
28 other matters, other than in procuring this sword, and that he

1 was not an agent of the police, and -- in hearing Mr. Manson's
2 and Mr. Davis's statements that he was about to relate.

3 And the Court finds that he was -- he was motivated
4 by the reward; he was motivated by his desire to assist his
5 friend, Danny DeCarlo;

6 And he also, I believe, was motivated by his
7 dislike of Charles Manson and what he had heard that Charles
8 Manson had done.

9 The Court finds that the case was still obviously
10 in an investigative stage.

11 MR. DENNY: Well, I'm sorry, your Honor. If you are
12 talking about the Shorty Shea case, then -- is that what you
13 are talking about?

14 THE COURT: That's --

15 MR. DENNY: There are three -- four separate and distinct
16 cases that his evidence had --

17 THE COURT: I am talking about --

18 MR. DENNY: -- reference to.

19 THE COURT: I am talking about the Shea case. And it
20 was still in an investigative stage.

21 So far as the case against Manson -- against
22 Davis is concerned, in respect to the Hinman killing, it's
23 quite likely that that was still in an investigative stage.

24 There -- it appears to the Court that there was no
25 violation of Mr. Davis's constitutional rights, no lack of due
26 process, in Springer hearing and relating those statements.

27 There was no violation of the Sixth Amendment
28 rights of the defendant or any rights that he had.

1 So accordingly, the motion to exclude the state-
2 ment is denied.

3 MR. MANZELLA: Miss Lee Saunooke's address is 20115
4 Parthenia. Her telephone number, 882-0443.

5 THE COURT: Parthenia?

6 MR. DENNY: 0043?

7 MR. MANZELLA: 0443.

8 MR. DENNY: 0443.

9 THE COURT: All right. Let's get the jury down, please,
10 and --

11 MR. MANZELLA: Your Honor, in view of Mr. Denny's
12 statement with regard to my intentions with regard to the
13 availability of Sergeant Whiteley, I want to make it clear now
14 that Sergeant Whiteley, as far as I am concerned, is not on
15 call;

16 That when Sergeant Whiteley is excused from
17 testifying in the case, when he steps off the witness stand
18 and is excused by the Court, that he's not subject to recall,
19 except by subpoena.

20 MR. DENNY: Well, your Honor, this takes me completely
21 by surprise, because I was given to understand, at the very
22 beginning of this case, that Sergeant Whiteley would be
23 available; one, that he would be available to accept
24 subpoenas for service of any of the witnesses; two, that he
25 would be available to testify; and --

26 THE COURT: The Court so understood it. At least, that
27 has been the conversation in the Court's presence, as I under-
28 stood it.

1 MR. DENNY: And it is clear, I am going to call Sergeant
2 Whiteley as to --

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1 THE COURT: Do you anticipate that he will be leaving
2 on a vacation or anything of that nature?

3 MR. MANZELLA: I don't know, your Honor. All I can say
4 is that Sergeant Whiteley -- the reason I made the statement
5 was that Mr. Denny misconstrued my statement.

6 I felt that Sergeant Whiteley would always be
7 available for either the prosecution or the defense, for --
8 during the course of the trial for testimony on the issue of
9 guilt or innocence.

10 But in the case of what I consider to be dilatory
11 and unreasonable motions made by the defense, I don't want to
12 be in the position of having to make Sergeant Whiteley
13 available.

14 He is available to testify on the issue of guilt or
15 innocence, in front of the jury, during the course of the
16 trial. But he is no longer available. He is not keeping his
17 whereabouts known to me on a daily basis, and I will not be
18 able to get him by telephone, and that he will have to be
19 subpoenaed from now on.

20 THE COURT: Well, I think that's for the Court to say,
21 and --

22 MR. MANZELLA: Your Honor, I'm stating a fact: That
23 if Sergeant -- if Mr. Denny wants Sergeant Whiteley in, that
24 he'll have to get him by subpoena.

25 THE COURT: Well --

26 MR. MANZELLA: Because I cannot represent that Sergeant
27 Whiteley will be available to my phone call.

28 THE COURT: Well, the Court has told Sergeant Whiteley

1 to keep himself available, through the District Attorney's
2 Office. And if he should be needed, the Court would expect
3 that he would be here within a relatively short time.

4 All right. Let's proceed with the jury.

5 THE BAILIFF: Yes, sir. They're being brought down.

6 MR. DENNY: Your Honor, I wonder if there is a possibility
7 that we could have just about ten minutes before we proceed?

8 THE COURT: Yes.

9 MR. DENNY: I have not had a minute free since --

10 THE COURT: All right. We'll have ten minutes. And let's
11 get the jury down.

12 THE BAILIFF: Yes, sir.

13 MR. DENNY: Thank you, your Honor.

14 (Short recess.)
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1 THE COURT: All right, the record will show that
2 in the case of People versus Davis, that all the jurors are
3 present. The defendant is present with his counsel, Mr. Denny.
4 Mr. Manzella.

5 MR. MANZELLA: Mr. Springer, will you take the stand,
6 please.

7 THE COURT: Pull that microphone over, Mr. Springer,
8 and state your name for the record.

9
10 ALAN LEROY SPRINGER,
11 called as a witness by and on behalf of the People, having
12 been previously duly sworn, resumed the stand and testified
13 further as follows:

14
15 DIRECT EXAMINATION (Continued)

16 THE WITNESS: Alan Leroy Springer.

17 BY MR. MANZELLA:

18 Q Mr. Springer, we were talking about a conversation
19 between you and Bruce Davis about Thanksgiving of 1969 at
20 Clubhouse Drive in Venice.

21 Would you tell us again who was present at the
22 time of that conversation?

23 A There was myself and Bruce Davis and Mark Ross
24 and a couple of girls.

25 Q And do you know the names of those girls?

26 A No, I don't.

27 Q Now, after Bruce Davis showed you the Santa Monica
28 Evening Outlook article on DeCarlo's testimony at the Beausoleil

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1 trial, what did you say, if anything?

2 A I said I didn't like the idea of him testifying.

3 Q And did Mr. Davis reply to that?

4 A He said, "Yes, we'll have to do something about
5 that."

6 Q And what, if anything, did you say to that?

7 A I told him, I said, "It would be kind of hard to
8 do because Danny is a bike brother."

9 Q A bike brother?

10 A Yes.

11 Q What does that mean?

12 A He's a club brother in a motorcycle club I was in.

13 Q When you said that, what if anything did
14 Mr. Davis say?

15 A He says, well, uh, they've got ways of taking care
16 of snitchers and that they have already taken care of one.
17 That they -- he says, "We cut his arms, legs and head off and
18 buried him on the ranch."

19 Q Did Mr. Davis say anything about that person?

20 A He said the guy was a snitch and that, uh, he was
21 an alcoholic and he drank so much they was afraid that he was
22 going to go to the police with information, so they done away
23 with him.

24 Q Now, what did Mr. Davis say?

25 A He says that he had a way of taking care of
26 snitchers and that, uh, they, uh -- he says, "We cut them up,
27 their arms and legs and his head off and buried him on the
28 ranch some place."

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Q Did anybody say anything after Mr. Davis said
that?

A Yes, this Mark Ross says, uh, "You mean Shorty?"
And Davis said, "Yeah."

Q All right. Did you -- other than in court, did you
ever see Mr. Davis again after that?

A No, I don't believe so. I haven't.

6 fol

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

3
4 CROSS-EXAMINATION

5 BY MR. DENNY:

6 Q All right. Mr. Springer, at the time that
7 you say you heard this conversation -- on the day before or
8 the day after Thanksgiving; is that right?

9 A Yes, sir.

10 Q Well, do you remember whether it was the day
11 before or the day after?

12 A I believe it was the day before.

13 Q You believe that it was the day before because
14 you had to appear in court the day before; isn't that right?

15 A I don't remember what day I appeared in court.

16 Q Pretty hard for you to remember all the days you
17 appeared in all the various court appearances that you had
18 to make about that time; is that right?

19 MR. MANZELLA: Objection. That doesn't appear to be
20 relevant.

21 MR. DENNY: Your Honor, it's --

22 THE COURT: Sustained, in that form.

23 Q BY MR. DENNY: Well, sir, you had been arrested
24 on a particular charge on October 15; is that right?

25 MR. MANZELLA: Objection. That doesn't appear to be
26 relevant, your Honor.

27 MR. DENNY: Your Honor, for the purpose of --

28 THE COURT: Overruled. You may answer.

1 THE WITNESS: Yes, sir.

2 Q BY MR. DENNY: And for what was that?

3 A It was for grand theft auto.

4 Q And?

5 A (No response.)

6 Q And?

7 A Receiving stolen property.

8 Q All right. And you'd spent a little time in
9 the Venice jail as the result thereof?

10 MR. MANZELLA: Objection. That doesn't appear to be
11 relevant.

12 THE COURT: Sustained.

13 Q BY MR. DENNY: Well, you were arrested again,
14 then, on October 22nd, 1969; is that right?

15 MR. MANZELLA: Same objection.

16 MR. DENNY: Goes to People vs. Pantages, et cetera,
17 your Honor.

18 THE COURT: Overruled. You may answer.

19 THE WITNESS: Yes, sir.

20 Q BY MR. DENNY: And for what was that?

21 A Uh -- grand theft, I believe, or possession of --
22 of stolen property.

23 Q Well, that was a different one, wasn't it?
24 Wasn't that grand theft, and possession of marijuana?

25 A I believe it was.

26 Q All right. You and Miss Tamberen and Miss
27 Collier?

28 MR. MANZELLA: Objection. It doesn't appear to be

1 relevant.

2 THE COURT: Sustained.

3 Q BY MR. DENNY: All right. Now, then, while you
4 were in -- you did spend some time, in the Venice jail?

5 MR. MANZELLA: Objection. The question has been asked
6 and answered, and the Court already ruled on the objection.

7 THE COURT: Yes. The objection is sustained.

8 Q BY MR. DENNY: Well, sir, following your arrest
9 of October 22nd, you did a period of thinking and soul
10 searching, is that right, --

11 MR. MANZELLA: Object --

12 Q BY MR. DENNY: About your position?

13 MR. MANZELLA: Objection. It's irrelevant.

14 MR. DENNY: Your Honor, it's relevant again to --

15 THE COURT: The objection is overruled.

16 You may answer.

17 MR. MANZELLA: The question is vague and ambiguous.

18 THE COURT: All right. Sustained on that ground.

19 Q BY MR. DENNY: Thinking and soul searching about
20 your position, being locked up in jail?

21 MR. MANZELLA: The question is vague and ambiguous.

22 THE COURT: Sustained.

23 Q BY MR. DENNY: Well, sir, you began to think
24 about how you might get out of jail; is that right?

25 A I paid bail and walked right out. I had no
26 problem in getting out.

27 Q I see. And then you began thinking about a
28 buddy of yours, Mr. Danny DeCarlo; is that right?

1 MR. MANZELLA: Objection.

2 MR. DENNY: Your Honor, I --

3 MR. MANZELLA: That's irrelevant.

4 MR. DENNY: Again, your Honor --

5 THE COURT: Overruled. You may answer.

6 THE WITNESS: I thought about him way before I got
7 put in jail.

8 MR. DENNY: Ah, yes. And Mr. DeCarlo, in your opinion
9 at that time, was in big trouble; is that right?

10 THE WITNESS: Yes. And I was in small trouble.

11 Q BY MR. DENNY: And you wanted to -- you were in
12 small trouble, with two -- let's say four felony charges
13 pending against you at that time; is that right? Is that
14 what you count --

15 MR. MANZELLA: Objection, your Honor, this --

16 Q BY MR. DENNY: Is that what you count as small
17 trouble?

6a fls.

6a-1

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

2 THE COURT: Sustained.

3 Q BY MR. DENNY: Danny was in big trouble, you
4 felt, because he was involved in the Tate and La Bianca
5 murders; is that right?

6 A Possibly could have been involved.

7 Q All right. And you thought that was big trouble;
8 is that right?

9 MR. MANZELLA: The question has been asked and
10 answered.

11 THE COURT: Sustained.

12 Q BY MR. DENNY: And as a result of that thinking
13 about Danny, and the trouble he was in, you thought you'd
14 like to help your bike brother; is that right?

15 A That's right.

16 Q And your bike brother, again, this bike club,
17 you referred to yourself as one of the outlaw motorcycle
18 clubs; is that right?

19 A Yes, it was.

20 Q And which outlaw motorcycle club was this, that
21 you and your friend, Mr. DeCarlo, belonged to?

22 A Straight Satans, Venice.

23 Q Straight Satans, Venice? Are there any other
24 Straight Satans?

25 A I don't believe so.

26 Q All right. And at the time of around August,
27 1969, Mr. DeCarlo was the president of the Straight Satans,
28 Venice?

1 A No, he wasn't.

2 Q He was not?

3 A No, he was not.

4 Q Do you recall telling the police that -- oh,
5 well, strike that.

6 Who was?

7 MR. MANZELLA: Objection, your Honor. It's not
8 relevant.

9 THE COURT: Sustained.

10 Q BY MR. DENNY: Well, do you recall telling the
11 police that -- and the police on November 12th, 1969 --
12 and I mean, by the police, Sergeant Gutierrez, Sergeant
13 Sartuche, Sergeant Nielsen, and Sergeant Patchett -- that
14 you went up to get Mr. DeCarlo, because he wasn't coming
15 to the meetings, and it was no good to have the president
16 of the group not attending the meetings?

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

18 THE COURT: Sustained.

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

22 Q BY MR. DENNY: Well, he was an officer of the
23 Straight Satans, wasn't he?

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

25 THE COURT: Sustained.

26 Q BY MR. MANZELLA: All right, sir. And this
27 bike brother of yours, of the Straight Satans, Venice, at
28 this time, was not in custody, was he?

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

2 THE COURT: The objection is sustained.

3 Q BY MR. DENNY: All right. But you were afraid
4 that he might get arrested and charged with murder; is
5 that right?

6 A Yes, very possible.

7 Q All right. And so you decided that it might be
8 helpful to him for you to go to the police with some
9 information that would help them in the Tate and La Bianca
10 investigation; is that right?

11 A With him, yes, sir.

12 Q Oh. Well, you went by yourself, first, to kind of
13 lay the groundwork, didn't you?

14 MR. MANZELLA: Objection. It's vague and ambiguous.

15 THE COURT: Sustained.

16 Q BY MR. DENNY: Well, when you say "with him," --

17 A With him, yes.

18 Q -- you went alone, before you went with him,
19 yes, isn't that right?

20 A Yes. But I had talked to him first.

21 Q Did you talk to him first, before you talked to
22 the detectives in the Venice Police Station?

23 A Yes.

24 Q Oh, you talked to Danny first?

25 A (Indicating affirmatively.)

26 Q All right. So that we get the sequence of events,
27 when was it that you got out of the Venice jail, following
28 your arrest on October 20th?

1 MR. MANZELLA: Objection. It assumes a fact --

2 Q BY MR. DENNY: Or the 22nd?

3 MR. MANZELLA: -- a fact not in evidence; and it's not
4 relevant.

5 THE COURT: Objection sustained.

6 Q BY MR. DENNY: Well, when did you talk to Danny
7 in relationship to the time you talked to the Venice Police
8 Officers, of the Venice detectives?

6b fls. 9

A Several hours after I got out of the jail.

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1 Q And when was that?

2 A I believe it was that evening.

3 Q The evening of your arrest?

4 A That evening, or else the next morning. I can't
5 quite recall.

6 Q All right. So then, you went and talked to your
7 buddy Danny; is that right?

8 A Yes, I did.

9 Q And you talked to him about the big trouble that
10 he was in; is that right?

11 A Yes, sir.

12 Q And then following that, you went and talked with
13 the Venice Police Department Detectives; is that right? Or
14 the LAPD, Venice Division, Detectives?

15 A Yes, sir.

16 Q And when in relationship to this conversation with
17 Danny did you go and talk to them?

18 A A few days after, I believe.

19 Q A few days after you talked to Danny; is that right?

20 A Possibly. I don't recall exactly how long it was.

21 Q All right. Now, you didn't go with Danny -- you
22 went to kind of lay the ground work for Danny's appearance;
23 isn't that right?

24 MR. MANZELLA: The question is vague and ambiguous.

25 THE COURT: Sustained.

26 Q BY MR. DENNY: Well, you didn't go with Danny, --

27 MR. MANZELLA: The question has been --

28 Q BY MR. DENNY: Is that right?

1 THE COURT: Sustained.

2 Q BY MR. DENNY: You went in order to kind of feel
3 out the police as to what they would do if Danny came in
4 with you at a later time; isn't that correct?

5 MR. MANZELLA: The question is vague and ambiguous.

6 MR. DENNY: I don't think it's ambiguous at all.

7 THE COURT: The objection is sustained.

8 Q BY MR. DENNY: Sir, when you went to the Venice
9 Police Department to talk to the police officers there, your
10 purpose in so doing, among others that you may have had --
11 at least, one of the purposes -- was to kind of determine
12 what kind of reception Danny would get if he came in; isn't
13 that right?

14 MR. MANZELLA: The question is vague and ambiguous.

15 THE COURT: Overruled. You may answer.

16 THE WITNESS: Nope.

17 Q BY MR. DENNY: You went there because you just
18 wanted to bare your soul to these officers about what you knew--

19 MR. MANZELLA: The question is --

20 Q BY MR. DENNY: -- of the Manson Family; is that
21 right?

22 MR. MANZELLA: Objection. The question is vague and
23 ambiguous.

24 THE COURT: Sustained.

25 Q BY MR. DENNY: You went there because you simply
26 wanted to give them all the information that you had about
27 the Manson Family? Give the police, at that time; is that
28 right?

1 A Anything I could do to stop somebody from killing
2 someone, yes.

3 Q Anything you, as a good, honest citizen could
4 do; is that right?

5 MR. MANZELLA: Objection. The question is vague and
6 ambiguous, your Honor.

7 THE COURT: The objection is sustained.

8 Q BY MR. DENNY: All right. You went there, did
9 you not, sir, after talking to Danny -- well, let me go
10 back here.

11 When you talked to Danny, isn't it a fact that
12 Danny said, in substance, "Look, go see what they'll do if
13 I come in."

14 Isn't that right?

15 MR. MANZELLA: The question calls for hearsay.

16 THE COURT: Sustained.

17 Q BY MR. DENNY: And one of your purposes in going
18 down there was, in fact, to see what they would do to Danny,
19 if he came in; isn't that right?

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

21 THE COURT: Sustained.

22 Q BY MR. DENNY: All right, sir. And how long
23 was the conversation you had with the detectives down at
24 Venice Police Station, that initial conversation?

25 A I have no idea. 15, 20 minutes, possibly. I
26 don't know.

27 Q Well, you talked to them a good deal longer than
28 that, didn't you?

1 A Danny might have.

2 Q You, sir. Not Danny. You.

3 A I don't recall how long I talked. I could have
4 talked for a half an hour, an hour. I don't know.

6c fls. 5 It's been a long time ago.
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1 Q It has, hasn't it?

2 And when Danny came down, did he come down to
3 the Venice Police Station, then?

4 A Yes, he did.

5 Q The first time Danny made any appearance was
6 at the Parker Center; isn't that right? Over at the
7 Homicide Bureau over there (indicating)?

8 A I believe he was in the Venice jailhouse, in one
9 of their small rooms at one time with me -- the first time,
10 I believe.

11 I don't recall when, but --

12 Q Well, when was that in relation to the conversation
13 you had with --

14 A Right after I got out of jail.

15 Q Right after you got out of jail?

16 A Yes, sir.

17 Q And then you went down, yourself, and talked to
18 them, and then you went down again with Danny, to the Venice
19 Police Station?

20 A I believe I talked to them, and then I went out
21 and got Danny DeCarlo and brought him back.

22 Q The same day?

23 A Same day, or the next morning. I'm not positive
24 what day it was.

25 Q When you found out that they weren't going to
26 arrest him; is that right?

27 A Hmmm -- I don't recall what they said. They
28 said they couldn't promise anything. So I couldn't promise

1 anything to Danny, that it was something he should or
2 shouldn't do, so he went down there.

3 Q All right. So you had another conversation with
4 Danny, you and Danny with the Venice detectives?

5 A Just the one, I believe.

6 Q Who was that?

7 A Hmm --

8 MR. MANZELLA: I'm sorry. I object on the grounds
9 that it's irrelevant.

10 THE COURT: Sustained.

11 MR. DENNY: Well, your Honor, I think we have the
12 right to determine it, so that we can subpoena him, if
13 necessary.

14 THE COURT: All right. I'll reverse it.

15 You may state his name, if you remember it.

16 MR. MANZELLA: Your Honor, if I may be heard on that
17 question, please?

18 THE WITNESS: I don't remember his name.

19 MR. MANZELLA: Excuse me. I object and ask that I
20 be heard briefly on that, your Honor.

21 THE COURT: Well, he states he doesn't recall in any
22 event.

23 MR. MANZELLA: All right.

24 Q BY MR. DENNY: Well, then, it was after that
25 that you went to talk with the homicide officers down here
26 at Parker Center? The Glass House, as it's more commonly
27 referred to?

28 A I believe it is, yes.

1 Q How much after that conversation that you and
2 Danny together had with the Venice Detectives?

3 A I believe it was a day or so.

4 Q A day or so. Well, would it refresh your
5 recollection if I told you that the tape recording made of
6 that interview was November 12th?

7 A I don't recall what date it was exactly.

8 Q Well, if it was November 12th, sir, when in
9 relationship to November 12th was it that you say you had
10 this conversation with the Venice Detectives, that you and
11 Danny had?

12 A The day after I was arrested, whatever date that
13 was.

14 Q The 22nd?

15 A If that was the day I was arrested.

16 Q You are talking about the second arrest, now, not
17 the first arrest; is that right?

18 I'm sorry. The 20th. You were arrested
19 October 20th.

20 You are saying you had a conversation with the --
21 you and Danny had a conversation with the officers on about
22 the 21st, the Venice PD officers, on the 21st?
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7 fls.

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1 MR. MANZELLA: The question has been asked and
2 answered.

3 THE COURT: Sustained.

4 Q BY MR. DENNY: Well, then, you say it was just
5 a couple days later that you had the conversation that was
6 tape recorded with Officer Sartuche, Nielsen, Gutierrez and
7 Patchett?

8 A I don't recall.

9 Q You don't recall.

10 Now, sir, before you talked with Sartuche,
11 Nielsen, Patchett and Gutierrez, had you been given to
12 understand by any of the police that these charges then
13 pending against you, the grand theft -- that was a grand
14 theft auto, wasn't it, that you were arrested for on the
15 17th? 487.3 of the Penal Code or simply grand theft and
16 receiving?

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

19 THE COURT: Sustained.

20 Q BY MR. DENNY: Well, did you get any information
21 from any of the officers before you talked on or about
22 November 12th, 1969, to Patchett, Gutierrez, et cetera,
23 that those charges would be dropped against you in exchange
24 for whatever information you could give?

25 A They said no guarantees, but we'll see if we can
26 help you.

27 Q Well, they told you that those charges would
28 be dropped, did they not?

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

2 THE COURT: Sustained.

3 MR. DENNY: This is cross-examination.

4 Q All right, do you remember testifying here
5 yesterday in a hearing we had out of the presence of the jury,
6 in which you testified in substance, "They promised me
7 immunity on the grand theft and suspicion of grand theft.
8 They offered it to me."

9 Do you remember so testifying?

10 A Yes.

11 Q And is that true, they promised you such immunity
12 on the grand theft?

13 A Well, they said they would see what they could do,
14 and they done it. So, in other words, my way of thinking, they
15 promised me and they did it. But I was never told, uh, a
16 guaranteed thing. It was always said to me, "We can't guarantee
17 you anything."

18 Q It is just that they promised you and it is funny
19 it happened, is that right?

20 MR. MANZELLA: Objection, your Honor, that question is
21 argumentative.

22 THE COURT: Sustained.

23 Q BY MR. DENNY: Did they tell you they would help
24 you out in your court cases?

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

26 THE COURT: Overruled. You may answer.

27 A Yes.

28 Q BY MR. DENNY: Did they tell you, "We'll help you

1 out if you help us"?

2 A Something to that effect, yes.

3 Q They also promised to dismiss the other case,
4 but your attorney beat it anyhow, is that right?

5 A I believe that's how it worked. I'm not positive
6 exactly how that worked out.

7 Q But they promised to discuss that, too, is that
8 right?

9 A They promised to help me on it.

10 Q Help you out on it?

11 A (Nods head.)

12 Q The same as they promised to help you out on the
13 grand theft case, is that right?

14 A Yes.

15 Q The same words were used, is that right?

16 A Right.

17 Q All right, sir.

18 So you told them you would help them out, is
19 that right?

20 A I said if I could think of anything, yes, I would
21 help them out.

22 Q And you thought and thought and you thought of
23 things that would help them out, is that right?

24 A I didn't just think of things out of my head that
25 would help them out, I told them facts that I had heard.

26 Q You told them facts?

27 A In my own mind, my own way of thinking.

28 Q And the facts that you told them, you told them,

1 among other reasons besides not wanting to see anybody killed
2 again, was that you wanted to make sure your buddy got off,
3 is that right?

4 MR. MANZELLA: Objection, it assumes a fact not in
5 evidence, your Honor.

6 Q BY MR. DENNY: Or that your buddy was not arrested
7 for murder; your buddy DeCarlo?

8 A That's right.

9 Q And you also heard there was a \$25,000 reward
10 for any information leading to the arrest and conviction for
11 those responsible for the death of Sharon Tate and others;
12 is that right?

13 A Yes, I have.

14 Q And you wanted that money, didn't you?

15 A Well, I would like to have had it. It is more
16 than I ever had before, but --

17 Q You sure didn't want to get it?

18 A I didn't really want to get it -- I didn't care
19 whether I got --

20 Q You didn't?

21 MR. MANZELLA: Objection.

22 A I believe I mentioned that to the police officers
23 before.

24 Q You mentioned to the police officers -- well,
25 you'd had a kind of hard life up to that point and you only
26 had about \$10 in your pocket, is that right?

27 MR. MANZELLA: Objection, as irrelevant.

28 THE COURT: Sustained.

1 MR. DENNY: This goes to his motive, your Honor, motive
2 to --

3 THE COURT: The objection is sustained.
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7a fls.

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1 Q BY MR. DENNY: By the way, these officers told
2 you when you had this conversation about the -- well, when was
3 it that you had the first conversation about that reward with
4 the officers, huh?

5 A I don't recall.

6 Q Well, would it refresh your recollection to hear
7 the tape recording you made on November 12th, about the end of
8 the tape recording, just before you went out the door?

9 THE COURT: How would he know that, Mr. Denny? The
10 Court will sustain its own objection to that.

11 Q BY MR. DENNY: Well, sir, was the first time you
12 had any conversation with the officers about that reward just
13 about at the conclusion of your interview with Gutierrez,
14 Patchett, Sartuche and Nielsen on or about November 12th,
15 1969 at the Glass House or had you talked with the officers
16 about that reward before?

17 A No, they had talked to me. I heard about it. And
18 they said, well, we have all these girls and all these other
19 witnesses. And they said, well, the money would be split up.
20 And if you do get any money, if you are lucky, you'll get very
21 little.

22 I was less interested, in the first place, and I
23 used that money as a thought in DeCarlo's mind to get him to do
24 what I wanted him to because he was awfully not sure about
25 testifying. He didn't want to do anything. When I said
26 \$25,000, he jumped out of his chair.

27 Q Oh?

28 A Yeah.

1 Q And then, he decided he would give some information
2 to the police, is that right, in exchange for that \$25000?

3 MR. MANZELLA: Objection, calls for an opinion on the
4 part of the witness.

5 THE COURT: Sustained.

6 Q BY MR. DENNY: Now, didn't the officers tell you it
7 looked like, from what you told them, and if Danny came through,
8 that the two of you would split it?

9 A Yes, they had said that. And then, a week later
10 they said, well, we've got so many witnesses now we don't know
11 what's going to happen. I lost all interest in it. And I
12 still -- I don't believe there is a reward right now.

13 Q But at the time you made these initial statements
14 to the officers, that's one of the motivating factors for your
15 making the statement, isn't it, because you thought you were
16 going to get that \$25000. You thought there was \$25000 you
17 were going to get it; is that right?

18 A I would like to have had it, yes, sir.

19 Q All right, sir,

20 And the officers told you, did they not, and I am
21 talking about this conversation now on November 12th, 1969,
22 just about as you were leaving the door, going out the door or
23 just shortly after, the officers told you, well, now, there's
24 -- you know -- if some other people come up with information,
25 it may have to be split more ways?

26 MR. MANZELLA: Objection, that question's been asked and
27 answered.

28 THE COURT: Sustained.

1 MR. DENNY: That has not, your Honor.

2 THE COURT: Sustained.

3 Q BY MR. DENNY: Well, was it your thought at the
4 time you left the officers on this particular occasion that
5 maybe you'd better go out and hustle and get some more
6 information so that not too many people would split that,
7 that you would get all the information that they'd need?

8 A Possibly.

9 Q And you volunteered to go out and find this sword
10 that you had discussed with the officers that Mr. Manson had
11 had, is that right?

12 A Well, after they had asked about it, I knew where
13 it was at, so I went and got it for them and I was not paid.

14 Q You were not paid in money, you were paid in
15 deals; isn't that right?

16 MR. MANZELLA: Objection, it is vague and ambiguous.

17 THE COURT: Sustained.

18 Q BY MR. DENNY: You were paid in getting charges
19 against you dropped, charges that were pending in the Superior
20 Court of the State of California, for the County of Los
21 Angeles, brought by the People of the state; is that right?

22 MR. MANZELLA: The question has been asked and answered.
23 It is argumentative.

24 THE COURT: Sustained.

25 Q BY MR. DENNY: You were paid, weren't you? You
26 were paid off?

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

28 THE COURT: Sustained.

1 Q BY MR. DENNY: Now, sir, when was it that you went
2 out and got the sword?

3 A I don't recall what date it was.

4 Q Well, approximately in conjunction with this
5 conversation that we've talked about with the officers, this
6 tape-recorded conversation of November 12th, 1969?

7 A I imagine a week or so later.

8 Q Where did you get it?

9 A I got it from a fellow George Knoll, who used to be
10 a motorcycle rider in the same club.

11 Q You stole it from him, didn't you?

12 MR. MANZELLA: Objection, not relevant.

13 THE COURT: Sustained.

14 Q Well, you took it out of his closed car, is that
15 right, so you could bring it into the police?

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

7b fol

7b-1

1 MR. DENNY: It is relevant, I submit, your Honor.

2 THE COURT: Sustained.

3 Q BY MR. DENNY: Where did you get it, sir?

4 A He gave it to me.

5 Q He gave it to you, all right.

6 And it was the way you had seen it in the hands
7 of Charlie Manson in August at the time, is that right?

8 A No, sir.

9 Q Oh, something had happened to it?

10 A Uh-huh, yes, sir.

11 Q What had happened to it, sir?

12 A Somebody had cut it in half.

13 Q Somebody had cut it in half at the time you got
14 it?

15 A (Nods head.)

16 Q Did Mr. Knoll indicate who?

17 MR. MANZELLA: Objection, calls for hearsay.

18 THE COURT: Sustained.

19 Q BY MR. DENNY: But in order to help the police you
20 brought this weapon in two pieces in to them and gave it to
21 them?

22 A Yes, sir.

23 Q Now, you didn't do that -- you wanted to make
24 your buddy Danny DeCarlo look good, so you gave it to him and
25 let him take it in; is that right?

26 A No, sir, the Police Department told us if we
27 didn't come up with something --

28 Q Excuse me, sir.

7b-2
1 A -- they were going to tear the place apart.

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

3 Q BY MR. DENNY: Oh, just a minute, now.

4 The Police Department told you if you didn't
5 come up with something they would come in and tear the place
6 apart.

7 What place?

8 A They had apparently heard that the knife was
9 down there somewhere and they wanted it or something to that
10 effect, and they said they were going to search the whole
11 place and cause the people a lot of trouble. This is the
12 Venice Police that said this now most of the black and whites.

13 And I said, well -- to myself -- whatever is
14 around here, if there is anything, I'll get it out of here
15 and turn it over to the police and it will help Danny in
16 the end, probably.

17 Q And what place is it that you are talking about?

18 A What place was what?

19 Q When the police said they were going to tear the
20 place apart and you were worried they were going to tear the
21 place apart; what place is this you are worried about?

22 A The vicinity of the Encore Motel at Lincoln and
23 Washington in Venice.

24 Q What place is that? Is that a hang-out for the
25 club?

26 A Yes, it was.

27 Q The club headquarters?

28 A It was the second one they had.

7b-3

1 Q At about the time of November, 1969?

2 A I believe so.

3 Q This was a home there?

4 MR. MANZELLA: Objection, it is irrelevant.

5 THE COURT: Sustained.

6 Q BY MR. DENNY: All right.

7 So in order to prevent the police from finding
8 anything else that might be there, you went and got that
9 sword, is that right?

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

11 MR. DENNY: Not in that form, your Honor.

12 THE COURT: Sustained.

13 Q BY MR. DENNY: Now, is it true, sir, that you
14 brought in the sword or did Danny bring in the sword to the
15 LAPD?

16 A I brought it in.

17 Q With Danny?

18 A I don't recall if he was with me that day or not.

19 Q And to whom did you give it?

20 A Mr. Gutierrez, I believe it was. And his partner.

21 Q All right.

22 Now, when you brought it in to Gutierrez, did
23 Gutierrez say, gee, that's great, if you can get any more
24 stuff, let us know?

25 A No, he didn't say that.

26 Q If you have any information, let us know.

27 A If anything turns up, give him a call.

28 Q If anything turns up.

1 And so you went out to see if you could turn up
2 some stuff, is that right?

3 A That I did.

4 Q All right. And you went out specifically to try
5 to get a little more information so that you could maybe get
6 more of that reward money, is that right?

7 A I wasn't thinking of the reward money, no.

8 Q Oh, you were thinking about doing the civic duty?

9 A I was not the best upstanding citizen so when it
10 comes to some of my friends, I think it is important.

11 Q You were doing it for the sake of your bike
12 buddy, is that right?

13 A I would like to have the money, too, yes.

14 Q And on November 22nd, you had a conversation with
15 Mr. Whiteley, Sergeant Whiteley here right in this building
16 down on the third floor, is that right?

17 A Possibly.

18 Q And then, on November 24th, two days later,
19 with the concurrence of the people, you had your hearing on
20 that receiving and marijuana case continued over, is that
21 right?

7c fls.

7c-1

1 MR. MANZELLA: Objection, the question is argumentative
2 and it is also compound.

3 THE COURT: Sustained.

4 Q BY MR. DENNY: Well, on November 24, 1969, you had
5 a hearing on your receiving and marijuana case, Case No. A058094,
6 set in Division 64, is that right?

7 A Possibly.

8 Q And do you remember being represented by Mr. Edward
9 Freeman at that time?

10 A He was my attorney.

11 Q All right.

12 A On several occasions.

13 Q And on your motion, opposed by the People, the hear-
14 ing in your preliminary was set over for a while until December
15 10, is that right?

16 MR. MANZELLA: Objection, it assumes a fact not in
17 evidence and it is compound.

18 THE COURT: Sustained.

19 MR. DENNY: It is not compound -- well, on which ground,
20 your Honor?

21 THE COURT: Both.

22 Q BY MR. DENNY: Sir, is it a fact that on November
23 24 you appeared in Division 64 with Mr. Freeman, made a motion
24 to have the preliminary continued to December 10, 1969?

25 A Very possible. There was a lot of extensions. I
26 couldn't recall when, what or why.

27 Q All right. And that was unopposed by the People, is
28 that correct?

7c-2

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A I --

MR. MANZELLA: Objection, it calls for speculation on the part of the witness.

THE COURT: Sustained.

Q BY MR. DENNY: And then, you appeared two days later in Department West-H in Santa Monica, is that right?

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

THE COURT: Sustained.

MR. DENNY: It is. Two days later is November 26th, your Honor.

MR. MANZELLA: The appearance in court does not appear to be relevant.

THE COURT: Sustained.

Q BY MR. DENNY: Well, is it a fact that at that time, with the concurrence of the People, that hearing was continued over until December 4, 1969?

8 fol

8-1

1 MR. MANZELLA: Again, it calls for speculation on the
2 part of the witness.

3 It's the same as the previous question.

4 THE COURT: Sustained.

5 MR. DENNY: I'm not calling for speculation. I am
6 asking him if he knows.

7 THE COURT: Do you know?

8 THE WITNESS: I don't remember.

9 Q BY MR. DENNY: Well, if you saw a copy of the
10 court docket, would that help refresh your recollection, sir?

11 A Possibly.

12 THE COURT: The problem is that your question was
13 compound.

14 On the 26th, was your case there in Santa
15 Monica continued to December 4th? Sometime in December?

16 THE WITNESS: Yes, it was.

17 THE COURT: All right. He has answered the question.

18 Let's go on.

19 MR. DENNY: I didn't hear the answer.

20 THE WITNESS: Yes, it was.

21 THE COURT: He said it was.

22 THE WITNESS: It was continued.

23 THE COURT: To some time in December.

24 MR. DENNY: All right, sir.

25 Q By the way, did you appear before the Grand Jury
26 in connection with the Tate and La Bianca Grand Jury hearing?

27 MR. MANZELLA: Objection. It doesn't appear to be
28 relevant.

8-2

1 MR. DENNY: Again, People vs. Pantages and other cases.

2 THE COURT: All right. The Court will overrule it.

3 You may answer.

4 THE WITNESS: Yes.

5 Q BY MR. DENNY: When was that, sir?

6 MR. MANZELLA: Again, it doesn't appear to be relevant.

7 THE COURT: Sustained.

8 MR. DENNY: The same -- your Honor, we have a right to
9 establish when, in the chronology of this statement that he
10 allegedly overheard --

11 THE COURT: All right. I'll withdraw the ruling.

12 You may answer. When did you appear before the
13 Grand Jury in connection with the Tate-La Bianca case?

14 THE WITNESS: I don't know what the date was.

15 Apparently he knows.

16 Q BY MR. DENNY: Well, was it in December? Was it
17 before Christmas?

18 A (No response.)

19 Q Was it in November?

20 A I believe it was before Christmas, but I'm not
21 positive.

22 Q Or was it in November, sir? Was it before
23 Thanksgiving?

24 A After.

25 Q You're sure of that?

26 A Possibly. I'm not sure.

27 Q All right, sir. Now, then, you did appear on
28 December 10th, 1969, in Division 64, for your preliminary

1 hearing on that receiving and possession of marijuana, and
2 were held to answer then; is that right?

3 A I don't recall the exact date.

4 Q But you did -- you do recall appearing about
5 then, the early part of December, and being held to answer;
6 is that right?

7 A I did appear, but I don't recall what the date
8 was.

9 Q Would it refresh your recollection to see the
10 docket sheet of that, sir?

11 THE COURT: How could he know that, until he saw it?

12 THE WITNESS: I don't know.

13 MR. DENNY: Well, may I approach the witness?

14 Q Showing you photocopies of docket sheets in
15 case A-058094, in the Municipal Court, People vs. Tamberen,
16 Springer and Collier, and going over to December 10 --

17 MR. MANZELLA: I object to Mr. Denny's comments, and
18 ask that they be stricken, and the jury advised to disregard
19 them.

20 They assume facts not in evidence.

21 THE COURT: Sustained. It is stricken.

22 THE WITNESS: It does me a lot of good. I can't even
23 read it.

24 THE COURT: Well, there's no question pending.

25 That answer is stricken, whatever it is. The
26 remark is stricken.

27 MR. MANZELLA: If your Honor please, if Mr. Denny and
28 I could confer, maybe we could save some time.

1 THE COURT: Anything that would accomplish that would
2 be --

3 MR. MANZELLA: Welcome. I understand, your Honor.

4 Mr. Denny? If it's agreeable with you?

5 MR. DENNY: Always agreeable.

6 MR. MANZELLA: Why don't you bring the book, so I'll
7 know what date it is?

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

8a fls.

8a-1

1 MR. MANZELLA: The People would offer to stipulate
2 that the date was December 10th of 1969, your Honor.

3 THE COURT: That he appeared?

4 MR. DENNY: In Division 64, and was held to answer.

5 MR. MANZELLA: And was held to answer.

6 MR. DENNY: At preliminary hearing.

7 MR. MANZELLA: So stipulated.

8 THE COURT: Very well. Ladies and gentlemen, that's
9 the stipulation, that on December 10th, he appeared in Division
10 64 of the Los Angeles Municipal Court, and was held to answer --
11 for what?

12 MR. DENNY: For possession of marijuana and receiving
13 stolen property.

14 THE COURT: That's stipulated to.

15 Q BY MR. DENNY: All right, sir. Then in December,
16 December 7 of 1969, you had an interview with Mr. Katz and
17 Sergeant Whiteley, --

18 MR. MANZELLA: Objection. That doesn't appear --

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

20 MR. MANZELLA: -- to be relevant, your Honor.

21 THE COURT: Sustained.

22 MR. DENNY: It's foundational, your Honor.

23 THE COURT: What was the date? I'm sorry.

24 MR. DENNY: December 7 of 1969. Three days before
25 that.

26 THE COURT: The objection is sustained.

27 Q BY MR. DENNY: Well, sir, without going into too
28 much detail, these two cases -- the grand theft and receiving,

8a-2

1 and the receiving and possession of marijuana -- those cases
2 were, by your attorney, continued and continued and continued
3 and continued for over a year, before they were finally
4 disposed of; is that correct?

5 A Yes, sir.

6 Q All right. And when they were disposed of, they
7 were transferred from Santa Monica, where the case was origin-
8 ally filed and heard in the Superior Court, downtown to
9 Department 111, Judge Ackerman's court; is that right?

10 MR. MANZELLA: Objection. It doesn't appear to be
11 relevant.

12 THE COURT: Sustained.

13 MR. DENNY: It is -- your Honor, it --

14 Q Well, these are the two cases that the police had
15 told you they would take care of; is that right?

16 MR. MANZELLA: Objection. The question has been asked
17 and answered.

18 MR. DENNY: Just so we make sure that these are the
19 cases, your Honor.

20 THE COURT: Overruled. You may answer.

21 THE WITNESS: Yes, sir.

22 Q BY MR. DENNY: And when those cases were finally
23 disposed of, they were submitted on the transcript in Department
24 111; isn't that right?

25 MR. MANZELLA: Objection. It doesn't appear to be
26 relevant.

27 THE COURT: Sustained.

28 Q BY MR. DENNY: Well, isn't it a fact, sir, that the

8a-3

1 way they were disposed of was that the People just submitted
2 them to the judge, and pursuant to the agreement, you were
3 found not guilty on both of those charges, both of those
4 cases?

5 MR. MANZELLA: Objection. Calls for speculation on the
6 part of the witness.

7 MR. DENNY: No speculation, your Honor.

8 MR. MANZELLA: It does call for speculation --

9 THE COURT: Sustained,

10 MR. MANZELLA: -- when he asks him what the People did.

11 THE COURT: Objection sustained.

12 Q BY MR. DENNY: Isn't it a fact, sir, that there
13 was an agreement between you and the prosecution that those
14 two cases would be submitted on the transcript before the
15 judge, and he would find you not guilty?

16 A I don't know what happened. I walked in there,
17 and they said, "Not guilty." I hadn't talked to anybody
18 except my attorney.

19 Q And your attorney told you that's what the deal
20 was, didn't he?

21 MR. MANZELLA: Objection. Calls for hearsay.

22 THE COURT: Sustained.

23 Q BY MR. DENNY: Your state of mind was that the
24 deal was fixed up that those cases, you'd be found not guilty
25 on, pursuant to an agreement with the prosecution; isn't that
26 right?

27 MR. MANZELLA: Objection. The question has been asked
28 and answered. The state of mind is irrelevant.

ALL FOUR
CHARGES
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BAND
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1 THE COURT: Overruled. You may answer.

2 THE WITNESS: When I walked into the courtroom, I
3 thought it was for another continuance. And they dismissed it,
4 and we went home.

5 Q BY MR. DENNY: Sir, these --

6 A My attorney was surprised.

7 Q Your attorney was surprised?

8b fol 8 A Yes, sir.

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8b-1

1 Q I see. And you were surprised?

2 A Yes, I was.

3 Q You thought it was going to be taken care of
4 some other way; is that right? Pursuant to your discussions
5 with the police, on how it would be taken care of?

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

7 THE COURT: Sustained.

8 Q BY MR. DENNY: Well, is that what surprised you,
9 that it was taken care of in that particular way, rather
10 than some other way?

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

12 MR. DENNY: It is relevant to his --

13 THE COURT: Sustained.

14 MR. DENNY: Again, it goes to People vs. Pantages.

15 THE COURT: The objection is sustained.

16 Q BY MR. DENNY: All right, sir. The deal that the
17 police told you they would do, then, had been done; is that
18 right?

19 MR. MANZELLA: Objection. It's argumentative, your
20 Honor.

21 THE COURT: Sustained.

22 Q BY MR. DENNY: The fact that your cases would
23 be taken care of, as the police said, had now been accomplished;
24 is that right?

25 MR. MANZELLA: That's argumentative.

26 MR. DENNY: It's not argumentative.

27 THE COURT: Sustained.

28 Q BY MR. DENNY: Sir, is it a fact --

8b-2

1 Sir, you were arrested on these two cases on
2 October 15th and 20th, we have agreed, 1969.

3 These cases, then, were continued and continued
4 and continued until finally November 6th, 1970, was the day
5 in Department 111 when, to your surprise, you were found
6 not guilty; isn't that right?

7 MR. MANZELLA: That's compound and argumentative.

8 THE COURT: Sustained.

9 Q BY MR. DENNY: Was it on November 6th, 1970,
10 that you were found not guilty on these two cases?

11 A I believe so.

12 Q And it is a fact, to your knowledge, that the
13 cases were submitted on the transcripts of the preliminary
14 hearing; is that right?

15 A I believe so.

16 Q All right. And you were there when that
17 happened; isn't that correct?

18 A Yes. But I didn't know -- I didn't understand
19 what was going on, so I really don't know.

20 Q Well, you were asked by a Deputy District
21 Attorney there, "Do you agree to waive your right to a trial
22 by jury? Do you agree to waive your right to confront and
23 cross-examine witnesses?"

24 Don't you remember all that?

25 A Yes, and I said, "I agree."

26 Q All right. Well, you understood those words,
27 didn't you?

28 A Okay. I got your message.

1 Q All right. The message is: You understood,
2 didn't you?

3 A Yes, sir.

4 Q All right. You knew just exactly what was going
5 on, didn't you?

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

7 THE COURT: Sustained.

8 Mr. Denny, let's move on with this cross-examina-
9 tion, please.

10 Q BY MR. DENNY: Now, is it a fact, sir, that the
11 dismissal of those two cases was part of a deal with the
12 prosecution, so that you'd testify in December of 1970,
13 before the Grand Jury on the Shea matter?

14 A I don't recall.

15 Q Well, does that kind of ring a bell?

16 MR. MANZELLA: Objection. It's vague and ambiguous.

17 THE COURT: Sustained.

18 Q BY MR. DENNY: Well, you do recall a little bit
19 about the fact that you understood that -- those two findings
20 of not guilty were sort of a pre-payment, in exchange for your
21 testimony before the Grand Jury in December of 1970, on the
22 Shea matter; isn't that right?

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

25 MR. DENNY: It has not.

26 MR. MANZELLA: Whether or not there were any agreement,
27 the witness has answered that question.

28 THE COURT: You may answer it, if you can.

1 Overruled.

2 THE WITNESS: (Pause) I don't quite understand.

3 THE COURT: Rephrase your question.

4 Q BY MR. DENNY: You know what a pre-payment is?

5 MR. MANZELLA: Objection. It's irrelevant.

6 THE COURT: Sustained.

7 Were you found not guilty of these cases, you
8 believed, because of the fact that you had agreed to testify
9 in the Grand Jury proceedings?

10 Is that what you want to ask him, Mr. Denny?

11 MR. DENNY: Yes, your Honor. Thank you.

12 8c fls.

13 THE WITNESS: I believe so, yes.
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8c-1

1 Q BY MR. DENNY: All right. That was your belief;
2 is that right?

3 A Well, I believe so.

4 THE COURT: All right.

5 Q BY MR. DENNY: All right. And prior thereto --
6 let's go back a little bit -- you had appeared before the Grand
7 Jury in connection with the Hinman indictment in April? April
8 14 of 1970; isn't that right?

9 A Yes, I believe so.

10 Q All right. And before that, you had been arrested
11 on another charge; isn't that right?

12 A Very possibly.

13 Q Well, let me refresh your recollection.

14 On March 7, 1970, you were arrested by Lenox
15 Sheriffs on an assault on a police officer, assault with a
16 deadly weapon, and burglary; do you remember that?

17 A Yes, I remember that.

18 Q All right. And was there a little deal worked out
19 between you and the Sheriffs at that time to break that down to
20 just a disturbing the peace?

21 A No -- yes, there was a deal. They broke my leg.

22 Q Well, that's the Lenox officers who didn't know who
23 you were, and didn't know that you were the big provider of
24 information for the Tate-LaBianca cases; is that correct?

25 MR. MANZELLA: Objection. I believe that's highly
26 argumentative.

27 THE COURT: Yes, that is argumentative. And Mr. Denny --

28 Q BY MR. DENNY: All right. Well, when you --

8c-2

1 THE COURT: -- the Court strikes Mr. Denny's question.

2 Q BY MR. DENNY: When you said they didn't know who
3 you were, who were you referring to? Who is the "they"?

4 MR. MANZELLA: Objection. I don't believe the witness
5 said that.

6 THE COURT: The witness did not say that.

7 MR. MANZELLA: Mr. Denny said that.

8 THE COURT: The question is stricken.

9 Q BY MR. DENNY: Well, they broke your leg. Who is
10 the "they" who broke your leg?

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

13 THE COURT: Sustained.

14 Q BY MR. DENNY: All right. But it was broken down
15 to a 415a, Disturbing the Peace; is that right?

16 A I was a couple of days late for court, and when I
17 showed up for court --

18 Q Is it a fact, sir, that it was broken down to a
19 415a, Disturbing the Peace?

20 A I don't know what it was broken down to.

21 Q Well, you made a number of appearances in Inglewood
22 court --

23 A One (indicating).

24 Q -- on that?

25 Well, other times, you were supposed to make
26 appearances, and bench warrants were issued for your arrest; is
27 that correct?

28 MR. MANZELLA: Objection. It doesn't appear to be

8c-3

1 relevant.

2 Q BY MR. DENNY: All right. And at the time that you
3 appeared before the Grand Jury on April 14, 1970, that charge
4 was still pending in the Municipal Court; is that right?

5 A Which charge was this?

6 Q The now disturbing the peace charge.

7 MR. MANZELLA: Objection. I believe that assumes a fact
8 not in evidence.

9 THE COURT: Sustained.

10 Q BY MR. DENNY: Do you remember testifying before the
11 Grand Jury on or about August -- April 14, 1960- -- 1970, as
12 follows?

13 "Q BY MR. STOVITZ: --" starting at Page 238,
14 Line 6.

15 "And are you presently charged with any
16 particular crime here in the County of Los Angeles?

17 "A Yes, sir.

18 "Q What crime are you charged with?

19 "A Violation of grand theft auto, suspicion
20 of grand theft auto.

21 "Q Anything else, sir?

22 "A I have in Inglewood a charge of
23 disturbing the peace; that's all."

24 Do you remember so testifying?

25 A Yes.

26 Q And that was a fact?

27 A That was a fact.

28 Q So we are not assuming facts not in evidence; right?

8c-4

A Yeah, it --

MR. MANZELLA: Objection. That doesn't appear to be --

I'll withdraw the objection. He answered the question.

8d fol

THE COURT: Very well.

8d-1

1 Q BY MR. DENNY: And were you given to understand
2 that perhaps in exchange for your testimony before the Grand
3 Jury, that disturbing the peace case might just be dismissed?

4 A I don't remember any such thing.

5 Q Well, that disturbing the peace case was
6 dismissed against you; is that right?

7 A Because I was not guilty.

8 Q Sir, that disturbing the peace case was
9 dismissed against you, --

10 A Yes.

11 Q -- is that right? All right.

12 You were not guilty of beating somebody over the
13 head with a pool cue; is that right?

14 A Not guilty.

15 Q You never went to trial to determine whether you
16 were or not; isn't that right?

17 A Nope.

18 Q It is not right that you didn't go to trial?

19 A I did not.

20 Q You did not go to trial?

21 A That's right.

22 Oh, that's right. I didn't go to trial.

23 Q All right. So there was never a determination
24 of whether you were guilty or innocent, by a jury of your
25 peers; is that right?

26 MR. MANZELLA: Objection --

27 Q BY MR. DENNY: Or by a court?

28 MR. MANZELLA: Objection. That doesn't appear to be

8d-2

1 relevant.

2 THE COURT: Sustained.

3 Q BY MR. DENNY: All right.

4 And meanwhile, this -- these two charges, the
5 grand theft auto and the receiving stolen property, and
6 receiving stolen property and possession of marijuana,
7 they were still in abeyance at the time you first testified
8 before the Grand Jury on the Hinman murder in April; is
9 that right?

10 MR. MANZELLA: I believe that question's been asked
11 and answered.

12 THE COURT: Sustained. Mr. Denny, let's move on.

13 We will take a recess, now, ladies and gentlemen.

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

19 You have been sitting here about an hour. We
20 will give you about ten minutes.

21 (Mid-afternoon recess.)

22 (Proceedings had on an unrelated matter.)

23 THE COURT: All right. The record will show that
24 counsel are present. They jury's all present. The defendant
25 is present.

26 MR. DENNY: Your Honor, may we approach the bench
27 briefly?

28 THE COURT: Yes, you may.

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

4 MR. DENNY: Your Honor, I don't know whether it's
5 up here or not, but I think two days ago, Mr. Kay said that
6 he had the D.A.'s files from Van Nuys, the one that I have
7 been trying to get for so long.

8 And I wonder if that is now here and available,
9 so that I can look at it.

10 I have been expecting it, to have the opportunity--

11 THE COURT: What is that?

12 MR. MANZELLA: I think the file that Mr. Denny's
13 talking about, Mrs. Holt has.

14 MR. DENNY: Was that given to her yesterday or the
15 day before?

16 MR. MANZELLA: This morning.

17 MR. DENNY: This morning?

18 MR. MANZELLA: Yeah. If this is the one you are
19 referring to.

20 MR. DENNY: I'm referring to the one Lew Watnick had
21 out in --

22 MR. MANZELLA: Yeah. I think that's it.

23 THE COURT: What does that concern?

24 MR. DENNY: That's the disposition of -- the disposition
25 of one of the cases presently pending against him.

26 MR. MANZELLA: One of the files that Mr. Denny
27 subpoenaed from our office.

28 THE COURT: All right.

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

4 MR. DENNY: I'm sorry, your Honor. May I have just
5 a moment?

6 Joyce, this is not the one.

7 MR. MANZELLA: Let me look through it just a second.

8 THE COURT: Why don't you proceed without it, Mr. Denny?

9 MR. MANZELLA: Here it is (indicating).

10 MR. DENNY: Your Honor, I would like to approach this bench
11 again, if I may.

12 THE COURT: You may not. Proceed with your cross-
13 examination.

8e fls.

228e-1 1 MR. DENNY: Well, your Honor, I can't proceed without the
2 file that I was supposed to get from the District Attorney.

3 I have got three or pieces of paper here, --

4 MR. MANZELLA: Your Honor --

5 MR. DENNY: -- and this does not constitute such a file.

6 THE COURT: Proceed, Mr. Denny.

7 MR. MANZELLA: Your Honor, could the jury be admonished
8 to disregard that remark?

9 THE COURT: Yes. The remarks of Counsel are stricken.

10 MR. DENNY: Well, your Honor, I would like the record to
11 reflect that I am proceeding under protest, on --

12 THE COURT: All right. The record may so reflect.

13 MR. DENNY: Well, on the basis of deprivation of due
14 process --

15 MR. MANZELLA: Your Honor --

16 MR. DENNY: -- and failure to comply with discovery.

17 MR. MANZELLA: Your Honor, in view of all that, could we
18 approach the bench? I mean, I feel like I have to respond to
19 that, and I don't want to do it in front of the jury.

20 THE COURT: You may do that later. The Court will permit
21 it.

22 But now, the remarks of Counsel are stricken.

23 Please go ahead, Mr. Denny.

24 Q BY MR. DENNY: When did you first see that sword,
25 Mr. Springer, that you have referred to some in your testimony --
26 or did you refer to it in the testimony here? I can't
27 remember.

28 A (No response.)

88e-2

1 Q Mr. Manson's sword? Did you refer to that in your
2 testimony to date, at all?

3 A I don't believe so. When I first seen it -- you
4 mean, at the ranch?

5 Q Yes.

6 A I believe I -- it was on August the 12th, 13th, when
7 I saw him with the sword.

8 Q And is that the only time you saw him with it?

9 A Yes, I believe so.

10 Q All right. And when's the next time you saw it?

11 A After I got it from George Knoll.

12 Q George Knoll?

13 A Yes, sir.

14 Q K-n-o-l-l?

15 A I believe, yes.

16 Q All right. And that was sometime after you had
17 this conversation with the officers; is that right?

18 A Yes.

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1 Q All right.

2 Now, directing your attention to your testimony,
3 Volume 30, August 10, 1971, in the case of People versus
4 Manson, starting at Page 4811, Line 24:

5 "A --"

6 Well, "Q All right, approximately how
7 much time passed" -- well, let's go down here.

8 "Q --" Starting at Line 25.

9 "Q And did you then go back to Spahn
10 Ranch?

11 "A Yes, I did.

12 "Q When was that?

13 "A That was on August the 15th. It was
14 on a Friday.

15 "Q Of 1969?

16 "A '69, yes.

17 "Q Now, when you went back to Spahn
18 Ranch on August the 15th of 1969, did you take
19 anything from the ranch?

20 "A Yes. I took this knife (indicating).

21 "Q And you are referring to the exhibit
22 marked People's 20 for identification?"

23 You were referring to this two-pieced instrument,
24 is that right, People's 20?

25 May the record reflect I have the two-piece sword,
26 cutlass, whatever, People's 20 in evidence?

27 A Yes.

28 Q "A Yes. I took this knife.

1 "Q And you are referring to the exhibit
2 marked People's 20 for identification?

3 "A Yes. That one and another bayonet,
4 which I don't know what become of it.

5 "Q Now, what condition was the knife in
6 when you -- strike that.

7 "What condition was People's 20 for
8 identification in when you saw it in Mr. Manson's
9 possession?

10 "A It was in one piece.

11 "Q Was it in one piece when you took it
12 from the ranch on August 15th?

13 "A Yes, it was.

14 "Q Were you present when it was broken?

15 "A No, I wasn't."

16 Do you remember so testifying? Do you
17 remember so testifying?

18 A Yes, I believe.

19 Q All right.

20 And is it true that you then stole that on August
21 15 from Spahn Ranch and Mr. Manson's possession?

22 MR. MANZELLA: Objection, it is argumentative.

23 THE COURT: Overruled. He may answer it.

24 THE WITNESS: I did not take it. Another fellow took it
25 to Venice.

26 Q BY MR. DENNY: Well, when you testified under oath
27 before the jury in the Manson trial on August 10, 1971, were you
28 lying to them?

1 A I, as we, our club, took it back down there. I was
2 there when the knife was taken.

3 Q I or we as a club?

4 A One of the guys in the club took it down to Venice
5 and I retrieved it from George Knöll.

6 Q So when you testified under oath "I took it," you
7 were using what, the editorial I?

8 MR. MANZELLA: Objection --

9 THE COURT: That's argumentative. Let's proceed.

10 Q BY MR. DENNY: You were using the Straight Satan's
11 I?

12 A Possibly, yes.

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

14 THE COURT: Yes, you may.

15 Q BY MR. DENNY: I have a photograph of People's 77-U.
16 Do you recognize the person depicted in that photo-
17 graph, sir?

18 A Not really. I might have seen her, but I was never
19 introduced to the girls by name to get to know them, so I
20 can't identify them.

21 Q But you couldn't identify her by name, but she looks
22 familiar; is that right?

23 A Possibly, yes.

24 Q All right.

25 May the record reflect, your Honor, that this is
26 the photograph that has been identified by various witnesses as
27 Ella Bailey?

28 THE COURT: The record may so show.

1 Q BY MR. DENNY: Now, sir, when was the first time
2 you went to Spahn Ranch?

3 A I believe it was August 11.

4 Q You had been to Spahn Ranch before that in May,
5 April, March of 1969, in June, hadn't you, in July?

6 A I don't recall.

7 Q Well, you met Ella Bailey up there before she left
8 at the end of July, isn't that right?

9 A Huh? I don't believe so.

10 Q All right, sir.

11 Let's go back to November 13, of 1970.

12 On November 13, of 1970, a warrant for your arrest
13 was issued out of Inglewood Municipal Court for another grand
14 theft auto and receiving stolen property, is that right?

15 MR. MANZELLA: Objection, it is irrelevant.

16 MR. DENNY: I can connect it up, your Honor.

17 THE COURT: Overruled. You may answer.

18 THE WITNESS: I believe so, yes.

19 Q BY MR. DENNY: All right. And on December 7,
20 1970, while that warrant was still outstanding, you were
21 interviewed by Deputy District Attorney Burton Katz with
22 Sergeant Whiteley here in this very building, is that right?

23 A I believe so.

24 Q And those steps were effected by them or Sergeant
25 Whiteley of the Sheriff's department to take you in on that
26 warrant at that time, is that right?

27 A I don't believe I even knew about it.

28

10 fol

10-1

1 Q To go back a little bit.

2 On June 21, 1970, during your booking for a
3 burglary arrest, certain pills were found on you, and you
4 were charged with two counts of possession of amphetamines
5 and dangerous drugs; is that right?

6 A Yes, sir.

7 Q And on July 17, then, you were held to answer
8 on two counts of 11910, Health and Safety Code, possession
9 of dangerous drugs; is that right?

10 A Yes, sir.

11 Q And that charge was then transferred, to
12 Superior Court, in Northwest G, in Van Nuys, for trial on
13 July 31st, 1970; is that right?

14 A Yes, sir.

15 Q And after several continuances, the matter was
16 set for trial on December 14, 1970; is that right?

17 A I believe so.

18 Q And on December 14, 1970, seven days after your
19 interview with Mr. Katz and Mr. Whiteley here in this
20 building, you failed to show up, --

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

22 Q BY MR. DENNY: -- and --

23 MR. MANZELLA: I'm sorry. I thought you had finished
24 your question.

25 MR. DENNY: Well, if that part's argumentative, I'd
26 better stop.

27 Q Is it a fact that on December 14, 1970, you
28 failed to show up for your court appearance in Van Nuys,

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1 on those two charges of possession of dangerous drugs?

2 A Yes, sir.

11 fls.

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1 Q Bail forfeited, bench warrant issued, is that
2 right?

3 A Yes.

4 MR. MANZELLA: This doesn't appear to be relevant --
5 I'm sorry, I'll withdraw the objection.

6 THE COURT: The objection is --

7 Q BY MR. DENNY: And on September 15, 1970, you
8 appeared right here in this building before the Grand Jury
9 and testified in the Shea indictment, isn't that correct?

10 A Yes.

11 Q And you were brought in there by representatives
12 of the D.A.'s office?

13 MR. MANZELLA: Objection, it doesn't appear to be
14 relevant.

15 THE COURT: Sustained.

16 Q BY MR. DENNY: Well, these were the same D.A.'s
17 that were prosecuting your case in Van Nuys, is that right?

18 MR. MANZELLA: Objection, that doesn't appear to be
19 relevant.

20 THE COURT: Sustained.

21 Q BY MR. DENNY: And then, on January 7, 1971,
22 just three weeks after your testimony before the Grand Jury,
23 you were arrested, you and Mr. Fehr, were arrested by the
24 West Valley Los Angeles Police Department for burglary and
25 a number of counts of receiving stolen property; is that
26 correct?

27 MR. MANZELLA: Objection, it is argumentative and
28 compound.

11-2

1 THE COURT: Overruled. You may answer.

2 A Yes.

3 Q BY MR. DENNY: And then, you were in big trouble,
4 is that right?

5 MR. MANZELLA: That's vague and ambiguous.

6 THE COURT: Sustained.

7 Q BY MR. DENNY: Well, your buddy, Danny DeCarlo,
8 was in big trouble when you talked to the police initially,
9 you've testified; is that right?

10 MR. MANZELLA: Asked and answered.

11 THE COURT: Sustained.

12 Q BY MR. DENNY: And now were you in what you
13 considered to be your state of mind big trouble?

14 A Yes.

15 Q Because there was an awful lot of property there
16 that you were caught with, a whole warehouse full; is that
17 right?

18 MR. MANZELLA: Objection, not relevant.

19 THE COURT: Sustained.

20 MR. DENNY: It is material.

21 I'm sorry.

22 THE COURT: The objection is sustained.

23 MR. DENNY: It is material to go to --

24 MR. MANZELLA: May we argue this out of the presence
25 of the jury, your Honor?

26 THE COURT: The objection is sustained.

27 Q BY MR. DENNY: All right, sir, and the big
28 trouble has continued right up until today from that case, is

11-3

1 that right?

2 MR. MANZELLA: Objection, it is vague and ambiguous.

3 Q BY MR. DENNY: The big trouble you thought
4 you were in.

5 MR. MANZELLA: That's vague and ambiguous.

6 THE COURT: Overruled. You may answer.

7 A Yes.

8 Q BY MR. DENNY: Oh, no, that's not quite right,
9 though, because you know now that you're not in such big
10 trouble at all with the police and the prosecution, isn't
11 that right?

12 A I don't know that. I definitely do not know
13 that.

14 Q Well, you've been told, haven't you, -- you have
15 been told that you are going to get nothing but a misdemeanor
16 out of that at the most, isn't that right?

17 A No, I haven't been told that.

18 Q Don't you remember so testifying in the Manson
19 trial? Don't you remember telling Mr. Kanarek when he
20 asked you, you said, "Well, my lawyer told me I'm just going
21 to get a misdemeanor"?

22 A The police didn't tell me that. The lawyer
23 might have told me.

24 Q All right, sir.

25 And you know that your partner in crime, Mr.
26 Fehr, got a misdemeanor sentence out of his deal, too,
27 isn't that right?

28 A I haven't never seen him since that day.

11-4

1 Q Since when?

2 A Since the last time in court in Van Nuys. I
3 don't know what happened to him.

4 Q You didn't follow the results of his case with
5 some interest as to what deal might also be worked out in
6 your behalf?

7 A Definitely not. As far as I know he's still in
8 jail.

9 Q Beg pardon?

10 A He's probably still in jail, as far as I know.

11 Q Oh, he didn't get any jail time out of that, did
12 he?

13 A I don't know.

14 Q All right, sir.

15 But you're not expecting any jail time, are you?

16 A I don't know what's going to happen.

17 Q And in that particular arrest you were set for
18 a -- set for a preliminary hearing --

19 Oh, by the way, there were a number of counts
20 to that, were there not, charges against you?

21 MR. MANZELLA: That's vague and ambiguous.

22 Q BY MR. DENNY: All right, Count I, case No.
23 A-116185, charging burglary as to both you and Fehr; Counts
24 II, IV, V and VI receiving stolen property as to both you and
25 Fehr; Count III, 487.1 PC grand theft as to both you and Fehr;
26 Count VII through XII receiving stolen property as to Fehr
27 only; do you remember that?

28 A Yes, I do.

1 Q All right. And do you remember that the bail on
2 you and Fehr, bail was set at \$5,000 on you and \$10,000 on
3 Fehr; do you remember that?

4 MR. MANZELLA: Objection, that doesn't appear to be --

5 THE WITNESS: No, it doesn't.

6 MR. MANZELLA: I object and ask the answer be stricken
7 for the purpose of the objection.

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

11a fls.

11a-1

1 Q BY MR. DENNY: All right, then, on January 22nd,
2 1971, when you appeared for your preliminary, that \$5,000
3 bail, unopposed by the prosecution, was reduced to a thousand
4 dollars for you; is that right?

5 MR. MANZELLA: Objection, it calls for speculation and is
6 not relevant.

7 THE COURT: Sustained.

8 MR. DENNY: Well, on the grounds it is not relevant,
9 your Honor?

10 THE COURT: It does call for speculation on it.

11 Q BY MR. DENNY: Well, sir, let me rephrase the
12 question.

13 I'm sorry, your Honor.

14 You know that on January 22nd, 1971, when you
15 appeared for a preliminary hearing, you got the bail reduced
16 from \$5,000 to a \$1,000; is that right?

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

18 THE COURT: Overruled.

19 Did you do that?

20 THE WITNESS: Yes.

21 Q BY MR. DENNY: And that was unopposed by the People,
22 is that right?

23 MR. MANZELLA: Objection, calls for speculation.

24 THE COURT: Sustained.

25 Q BY MR. DENNY: There was no opposition expressed
26 by the People at that time, is that correct?

27 MR. MANZELLA: Same objection, your Honor.

28 THE COURT: Sustained.

1 MR. DENNY: Excuse me a moment, your Honor.

2 (Whereupon, Mr. Denny conferred with the clerk.)

3 THE COURT: Will you move this on, Mr. Denny?

4 MR. DENNY: Yes, we can, your Honor.

5 THE COURT: All right.

6 Ask your next question, will you please?

7 MR. DENNY: Yes, your Honor.

8 Your Honor, I ask the Court to take judicial
9 notice of the Court file --

10 (Whereupon, Mr. Denny conferred with
11 Mr. Manzella at the counsel table, out of the hearing of the
12 jury:)

13 MR. DENNY: May we approach the bench, your Honor?

14 THE COURT: Just hand it to Mrs. Holt, would you please?

15 MR. DENNY: Yes, your Honor.

16 THE COURT: All right, the record will show that on
17 January 22, 1971, in Superior Court case No. All6185,
18 Mr. Springer's bail was fixed at a \$1,000, unopposed -- in an
19 unopposed motion for reduction of bail and the matter was set
20 for January 25, 1971.

21 Mrs. Holt.

22 Now, ask your next question.

23 Q BY MR. DENNY: And is it a fact that, then,
24 on January 22, 1971, in Van Nuys Northwest G, on this other
25 case that the two case -- the two Counts possession of pills --
26 after having had your bench warrant -- your bail forfeited
27 and a bench warrant issued on your failure to appear, the
28 day before you appeared before the Grand Jury, you did appear on

1 that day and you were released on your own recognizance?

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

4 THE COURT: Overruled. You may answer.

5 THE WITNESS: Yes.

6 Q BY MR. DENNY: All right. And that was pursuant
7 to a deal with the D.A.'s Office, is that right?

8 A I believe so.

9 Q Then, in Inglewood, in March of 1971, there was
10 another case at a preliminary hearing there, and that was
11 kicked out, wasn't it?

12 A Yes.

13 Q Was that pursuant to a deal with the D.A.'s Office?

14 A No.

15 Q Oh, that was because there was just insufficient
16 evidence, is that right?

17 A I don't believe so.

18 Q All right. And then, you were arrested April
19 2nd, 1971, again on an Inglewood Complaint, A174379, charging
20 you with grand theft auto or forged or counterfeited car
21 registration?

22 A Yes.

23 Q You tried to get your bail reduced there, but that
24 was denied, is that right, \$5,000 bail?

25 A I believe so.

26 Q You didn't tell the D. A.'s that you were working
27 for them and that they should work out a deal with you to lower
28 your bail out -- over in the Inglewood D. A.'s Office, is that

1 right?

2 MR. MANZELLA: That question is argumentative, your
3 Honor.

4 THE COURT: Yes, that is sustained.

5 Q BY MR. DENNY: Did you try to get in touch with
6 Sergeant Whiteley at about that time?

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

8 THE COURT: Sustained.

9 Q BY MR. DENNY: And then, on July 16, 1971, a week
10 after your friend, Mr. Fehr, your co-arrestee on that big
11 receiving case on January 7, 1971, a week after he had been
12 in court with Mr. Watnick -- Mr. Watnick is the head of the
13 Van Nuys office --

14 MR. MANZELLA: Objection, your Honor, this is irrelevant
15 and it assumes facts not in evidence.

16 THE COURT: Sustained.
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11b fol

11b-1

1 Q BY MR. DENNY: Well, did Mr. Watnick come down
2 to handle your case on July 16, 1971?

3 MR. MANZELLA: Objection, that's not relevant.

4 THE COURT: Sustained.

5 Q BY MR. DENNY: July 16, 1971, is it a fact, sir,
6 that your then pending charges in the possession of pills
7 case and in the receiving stolen property and the burglary
8 and the grand theft were all consolidated into an eight-count
9 information?

10 MR. MANZELLA: Objection, it doesn't appear to be
11 relevant.

12 THE COURT: Sustained.

13 Q BY MR. DENNY: And --

14 Well, your Honor, may -- that's foundational
15 for the second question here.

16 THE COURT: All right, I'll -- well, rather than ask
17 this man, is there a record of it?

18 MR. DENNY: Certainly there is a record of it.

19 THE COURT: Well, then, why take the time?

20 Is it stipulated that there is a consolidation of
21 information for the gentleman --

22 MR. MANZELLA: People will stipulate that case No.
23 A-116185 is consolidated with case No. 113570, as Counts IV,
24 V, VI, VII, VIII and III thereof.

25 THE COURT: So that the aforementioned cases were
26 consolidated under one case number in the Van Nuys Departments
27 of the Superior Court?

28 MR. MANZELLA: Yes, your Honor.

11b-2

1 THE COURT: In the Superior Court on what date?

2 MR. MANZELLA: February.

3 MR. DENNY: July 16, 1971, your Honor, for identifica-
4 tion purposes, the case we have reference to as far as the
5 116186, is the case of burglary, receiving grand theft.

6 The case 113570, the lower numbered case is the
7 case of two counts of possession of dangerous drugs. And I
8 will so stipulate.

12 fls.

12-1

1 THE COURT: Very well. Ladies and gentlemen, so
2 stipulated.

3 MR. DENNY: All right. And further --

4 Q Well, that you entered a plea of guilty to
5 Count IV, receiving stolen property; is that correct, sir?

6 A Yes.

7 THE COURT: On the same date, Mr. Denny?

8 MR. DENNY: On the same date.

9 THE COURT: All right. That's part of the stipulation.
10 Count IV is what?

11 MR. MANZELLA: So stipulated -- to the answer.

12 I don't know.

13 THE COURT: Well, he said, "Yes."

14 MR. MANZELLA: Okay.

15 THE COURT: What's Count IV?

16 MR. DENNY: Count IV is receiving stolen property, a
17 trailer and electronic equipment from Bruce Kirby on the
18 7th of January, 1971.

19 THE COURT: All right. He entered a plea of guilty,
20 then, to Count IV of the combined information.

21 Q BY MR. DENNY: All right. Now, Mr. Springer, as
22 of that time, you had not yet testified against Mr. Manson,
23 in the Manson charged cases -- not the Tate-La Bianca cases,
24 but the other cases against Mr. Manson; is that correct?

25 A I believe so.

26 Q And the prosecution told you that they were going
27 to wait to determine what your sentence would be, until you
28 had testified against Mr. Manson; is that right?

12-2

1 A Yes, sir.

2 Q And at that time, you had not testified,
3 obviously, against Mr. Davis.

4 All right. Now, you did testify against Mr.
5 Manson; is that right?

6 A Yes, sir.

7 Q And you testified against him August 10th and 11th
8 of 1971; is that right?

9 A I believe so.

10 Q And you were to appear on September 27th for
11 sentencing; is that right?

12 A I believe so.

13 Q You didn't appear, though?

14 MR. MANZELLA: Objection. It doesn't appear to be
15 relevant.

16 THE COURT: Sustained.

17 Q BY MR. DENNY: Well, sir, is it a fact just that
18 the sentencing dates on you have been continued and continued
19 and continued and continued, until after you were here to
20 sent- -- to testify against Mr. Davis?

21 A Yes.

22 Q In other words, you were set to be sentenced on
23 January 28th of last month; isn't that right?

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

26 THE COURT: Sustained.

27 Q BY MR. DENNY: All right. And when are you set
28 to be sentenced for now?

12-3

1 MR.MANZELLA: The question -- that's irrelevant.

2 MR. DENNY: Again, bias and prejudice, your Honor.

3 MR. MANZELLA: He has already testified that sentencing
4 has been put over.

5 THE COURT: Sustained.

6 Q BY MR. DENNY: Now, sir, when you entered your
7 plea on July 17, 1971, had your attorney at that time told
8 you that you were going to get a misdemeanor?

9 MR. MANZELLA: Objection. Calls for hearsay.

10 MR. DENNY: State of mind.

11 THE COURT: Overruled.

12 You may answer.

13 THE WITNESS: I don't recall.

14 Q BY MR. DENNY: Well, when was it that your attorney
15 told you that you were going to get a misdemeanor, sir?

16 MR. MANZELLA: Objection. That calls for hearsay,
17 your Honor.

18 MR. DENNY: Again, state of mind, your Honor.

19 I would like to approach the bench on this, if
20 I may, your Honor.

21 THE COURT: Overruled. You may answer.

22 MR. MANZELLA: Your Honor, his attorney told him.

23 I would just like to approach the bench.

24 MR. DENNY: It's still state of mind, under People vs.
25 Pantages.

26 THE COURT: I'll overrule the objection.

27 MR. MANZELLA: All right.

28 THE COURT: And you may answer.

1 THE WITNESS: I don't recall.

2 Q BY MR. DENNY: You don't recall?

3 A No.

4 Q All right..

5 Now, what did the prosecution tell you?

6 MR. MANZELLA: Assumes a fact not in evidence.

7 THE COURT: Sustained.

8 Q BY MR. DENNY: Did the prosecution tell you
9 anything about what your sentence was going to be?

10 A No.

11 Q You have no idea what your sentence is going to
12 be?

13 A I don't know what it's going to be.

14 Q But you don't figure you are going to State
15 Prison for what you pleaded guilty to, do you?

16 A I don't even know that.

12a fls.

12a-1

1 Q All right. Now, sir, has the prosecution gone
2 through any statutory procedures to grant you immunity in
3 connection with your testimony?

4 A Not that I know of.

5 Q Has the prosecution said anything to you about
6 granting you immunity from perjury?

7 A I don't believe so.

8 Q They haven't even talked to you about perjury,
9 have they?

10 A No.

11 Q What is perjury?

12 MR. MANZELLA: Objection. It doesn't appear to be
13 relevant.

14 THE COURT: Sustained.

15 MR. DENNY: I have no further questions.

16 THE COURT: Redirect?

17 MR. MANZELLA: Yes, your Honor. If I may have just a
18 moment?

19 (Pause in the proceedings while Mr. Manzella
20 perused his notes.)
21

22 REDIRECT EXAMINATION

23 BY MR. MANZELLA:

24 Q Mr. Springer, on November 26 -- strike that.

25 MR. DENNY: Your Honor, I'm sorry.

26 MR. MANZELLA: Go ahead. I'll wait.

27 MR. DENNY: I would like to approach the bench a moment,
28 on --

1 THE COURT: All right. You may.

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

5 MR. DENNY: Your Honor, he says apparently nothing has
6 been told to him by the D. A.'s Office. I specifically asked
7 for, and the Court ordered as part of the discovery, the D. A.'s
8 file in case No. A-113570, which is a lower case number, under
9 which these two case numbers were consolidated, and the case
10 which I submit is the one on which a deal has been made with
11 him for his testimony.

12 I get as a response to that not the file -- and
13 this court apparently -- we had the file when Mr. Abrams was in
14 here before the Court -- but I get several sheets of paper
15 with the number "A-113570 Van Nuys" written --

16 THE COURT: Well, this is the file that you asked for,
17 and which -- the lack of which file you wished to stop the
18 cross examination before, --

19 MR. DENNY: That's correct.

20 THE COURT: -- and before I told you to go ahead?

21 MR. DENNY: That is correct.

22 THE COURT: All right.

23 MR. DENNY: I get a one, two, three, four-page police
24 report on the possession of pills case.

25 I get a two-page copy of the felony Complaint in
26 the Municipal Court, and I get a two-page copy of the informa-
27 tion, and that's all. And that's not what I consider to be
28 the D. A.'s file.

1 I consider to be the D. A.'s file that which I know,
2 from being a former Deputy District Attorney, consists of a
3 file folder, these documents, plus statements as to what
4 witnesses will testify to, plus recommendations for dismissal,
5 taking lesser plea, anything else that appears that's relevant
6 in connection with the case.

7 And when I say "a file," that's what I mean.

8 THE COURT: All right. Mr. Manzella?

9 MR. MANZELLA: Yes, your Honor.

10 THE COURT: Do you wish to say anything?

11 MR. MANZELLA: Of course. The Court never ordered that
12 that material be supplied to Mr. Denny. In fact, this Court
13 specifically said that the work product of the District
14 Attorney's Office was excluded from the discovery motion.

15 And what Mr. Denny got in connection with that file
16 is the same thing he got in connection with all the other files
17 which have been supplied to Mrs. Holt.

18 He never got the file folder and -- and the other
19 information which -- which is not discoverable, which is part
20 of the work product.

21 He got police reports, Complaints and informations.

22 MR. DENNY: Your Honor, I made a -- I got a subpoena
23 out, a subpoena -- and the return is in evidence in the court
24 file -- in which I specifically sought, by that subpoena, any
25 statements or recommendations as to disposition of the case.

26 There has been no motion to quash that subpoena, --

27 MR. MANZELLA: Well, --

28 MR. DENNY: -- and if -- if there's not such a motion,

1 and it is not timely, that should be responded to.

2 MR. MANZELLA: Your Honor, when we responded -- when we
3 argued this motion last time, I had the files in front of me;
4 and if the Court remembers, I opened them and took out material,
5 as we -- on the record, as we were --

6 THE COURT: Yes, the Court recalls that.

7 MR. MANZELLA: -- in answer to the subpoena.

8 And the Court at that time stated that it agreed --
9 and I think also Mr. Denny agreed -- that the work product of
10 the District Attorney's Office was not discoverable.

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12b

12b-1

1 But these -- these materials were. And they're
2 the same materials I supplied to Mr. Denny with regard to the
3 other files.

4 MR. DENNY: Your Honor, this is not a case of discovery.
5 This is a case of response to a subpoena, a subpoena of the
6 court.

7 And the People can come in and argue it if they
8 want to, after they have responded to that subpoena.

9 MR. MANZELLA: We did at that point, your Honor.

10 THE COURT: What are you seeking now, Mr. Denny?

11 MR. DENNY: Well --

12 THE COURT: Why are we delaying these proceedings?

13 MR. DENNY: We are delaying the proceedings because I
14 submit that there is -- or should be, in that file -- evidence
15 of the deal that has been made on this case, and the time that
16 deal was made.

17 And if the People want to argue it, they should
18 argue it after that, after that --

19 MR. MANZELLA: Your Honor --

20 MR. DENNY: Let me finish, Tony.

21 (Continuing.) -- after that file has been
22 brought into court.

23 THE COURT: Let's proceed.

24 MR. MANZELLA: Your Honor, I just want to make one
25 statement.

26 THE COURT: Excuse me. Let's go on with the examination.

27 MR. MANZELLA: Well, Mr. Denny can make all the comments,
28 and I may never have a chance to respond. All I am asking for

12b-2

1 is a chance to respond.

2 THE COURT: Let's get back to the counsel table,
3 gentlemen, and proceed.

4 MR. MANZELLA: All right.

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

8 THE COURT: Any redirect?

9 MR. MANZELLA: Did you say, Mr. Denny, you were
10 through?

11 MR. DENNY: Well, I am, without the material I've asked
12 for.

13 MR. MANZELLA: Your Honor, I don't understand. Is he
14 through with cross-examination? If he's not, I'll wait until
15 he is. I don't know whether he's through or not, your Honor.

16 THE COURT: Are you through, Mr. Denny?

17 MR. DENNY: Your Honor, I can proceed no further without
18 the information I have requested --

19 THE COURT: The information --

20 MR. DENNY: -- and subpoenaed.

21 THE COURT: -- you requested would not be admissible in
22 any event, Mr. Denny.

23 Proceed.

24 Redirect examination?

25 MR. MANZELLA: All right.

26 Q BY MR. MANZELLA Mr. Springer, were you interviewed
27 by Sergeant Whiteley on November 26th of 1969, at the -- I
28 believe it was at the -- well, strike that.

12b-3

1 Were you interviewed by Sergeant Whiteley on
2 November 26th of 1969?

3 A Yes, I believe so.

4 Q All right. And was that with regard to the
5 conversation that you had had with Bruce Davis at Clubhouse
6 Drive in Venice?

7 MR. DENNY: Just a moment. I'll object to that as call-
8 ing for hearsay.

9 If it's sought to be used for a -- well, we'd
10 have to approach the bench to argue it.

11 THE COURT: Let me hear the last two questions, would
12 you, please, Mr. Williams? I'm sorry.

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

15 "Q Mr. Springer, were you interviewed by
16 Sergeant Whiteley on November 26th of 1969, at the --
17 I believe it was at the -- well, strike that.

18 "Were you interviewed by Sergeant Whiteley
19 on November 26th of 1969?

20 "A Yes, I believe so.

21 "Q All right. And was that with regard to
22 the conversation that you had had with Bruce Davis
23 at Clubhouse Drive in Venice?"

24 THE COURT: Yes, it does call for hearsay. Sustained.

25 MR. MANZELLA: May we approach the bench, your Honor,
26 for argument?

27 THE COURT: All right, you may.

28 (Whereupon, the following proceedings were had

12b-4

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

3 MR. MANZELLA: Your Honor, under -- is this Section 771?
4 I can't remember right now.

5 MR. DENNY: 790.

6 MR. MANZELLA: 790?

7 MR. DENNY: I think so.

8 MR. MANZELLA: (Continuing) -- 790(b), where it says
9 that there is a motive for falsification, Mr. Denny's brought
10 up cases, which arose after these statements were made, and
11 he made a statement on November 26th, 1969, consistent with
12 his testimony here.

13 He made a statement on -- on December 7th, 1970,
14 consistent with his testimony here.

15 He made a statement on May 19th, 1971, consistent
16 with his testimony here.

17 And since these cases that Mr. Denny brought out--

18 MR. DENNY: Not so loud.

19 MR. MANZELLA: -- all occur -- some of them occur after
20 these statements, that these are prior to his motive for
21 falsification.
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12c fls.

12c-1

1 MR. DENNY: Well, your Honor, his motive for falsifica-
2 tion, by his own testimony, arose on November 12th, and there-
3 after, when he went to see the police officers.

4 And he has had a motive to falsify, and that's
5 to get information that would help his buddy DeCarlo and help
6 him get a \$25,000 fee.

7 MR. MANZELLA: Well, then, why did he bring out all those
8 cases? I objected that all those cases were irrelevant. But
9 Mr. Denny brought them out, and the Court said they were
10 relevant. Now, if they were relevant, they were only relevant
11 to show motive for falsification. And the dates of those cases
12 occurred after some of these statements.

13 THE COURT: All right.

14 MR. MANZELLA: Therefore, some of these statements are
15 admissible.

16 MR. DENNY: But the motive goes to the deals that were
17 made with him, both before and after. The motive to fabricate
18 arose before --

19 MR. MANZELLA: Not before he --

20 MR. DENNY: -- November 26th, and --

21 THE COURT: I believe that's subject to argument. And I
22 think that the ultimate determination, of course, will be made
23 by the jury.

24 But the Court believes that, in view of what you
25 did produce concerning the cases that are pending against him,
26 that the People would have the right to show that he made
27 statements which were consistent, before the cases existed.

28 Is that the --

1 MR. MANZELLA: Yes, of course.

2 THE COURT: -- situation?

3 MR. MANZELLA: Yes, your Honor.

4 MR. DENNY: All right, your Honor, submitting to the
5 Court's ruling on that, I would like to ask the Court -- again,
6 you said that the information that I am seeking would not be
7 admissible.

8 THE COURT: If you are seeking to introduce a D. A.'s --
9 a Deputy D. A.'s notes, they would not be admissible.

10 MR. DENNY: Your Honor, the notes themselves may not
11 be admissible, but the fact of whether a deal was worked out --
12 I can bring in the person who made those notes.

13 THE COURT: Well, you can ask him about that.

14 MR. DENNY: But he says, no, that he hadn't gotten any
15 information from the D. A.

16 THE COURT: Well, subpoena Mr. Watnick -- or subpoena
17 whoever it was --

18 MR. DENNY: Your Honor, I have subpoenaed him. I have
19 subpoenaed him, and I subpoenaed those records in his
20 possession.

21 THE COURT: All right. Mr. Watnick will be here
22 tomorrow morning.

23 MR. DENNY: Fine. With the records?

24 THE COURT: Inform him, then.

25 MR. MANZELLA: Well, the records are here, but --

26 THE COURT: Inform him that he will be here. He is to
27 be here, and he's to have any other file that he may have
28 concerning this case, if he handled the case, or if he knows

1 anything about it.

2 Or, if there was any transaction in connection with
3 the plea bargain in connection with the case that some other
4 Deputy District Attorney handled, well, let that D. A. come
5 forward.

6 MR. MANZELLA: Well, the People would submit that only
7 the -- that it would only be relevant if somebody communicated
8 this to Mr. Springer.

9 THE COURT: The Court knows that, and that's part of the
10 reason why I said that it wouldn't be admissible.

11 MR. DENNY: Well, it doesn't have to be communicated to
12 Mr. Springer, if it's communicated to his attorney. Because
13 his attorney can then communicate it to him.

14 THE COURT: If his attorney then had communicated it to
15 Mr. Springer, then it would become relevant. But it's not at
16 this stage.

17 You haven't established it.

18 MR. DENNY: Well, I'm trying the best I can, by getting
19 those records and the information --

20 MR. MANZELLA: Well, the records have already been
21 produced here. Now, the records are here.

22 Now, I take it the Court wants Mr. Watnick in
23 tomorrow morning.

24 THE COURT: Well, would there be any notes in the file
25 that would indicate whether or not any leniency was to be
26 granted to Mr. Springer?

27 MR. MANZELLA: I doubt it, your Honor.

28 MR. DENNY: Well, the records are the best evidence. All

1 we need to do is get them here.

2 THE COURT: That's what we want. And if there was any
3 such transaction, and it was --

4 MR. MANZELLA: Well, Mr. Denny --

5 THE COURT: -- and it was communicated to the defendant --

6 MR. MANZELLA: Mr. Denny has everything in the files,
7 except the notes made by District Attorneys as to strategy
8 in the case.

9 Now, as far as whether --

10 THE COURT: This is a relatively simple matter. All
11 Mr. Denny wants --

12 MR. MANZELLA: Well, we've already given everything to
13 him.

14 THE COURT: -- is to find out if there was any trans-
15 action. And if there are any further notes in the file --

16 MR. KAY: No. We've given him all the records from the
17 District Attorney's file.

18 MR. MANZELLA: Yes, I think that should be clear. And
19 that's the point I'm trying to make.

20 Now, if he wants to question all the D. A.'s
21 Office out there and ask them if they verbally or -- if they
22 have made any deals, fine. But the files are all here.
23 There's no --

24 MR. KAY: We have received all the files.

25

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12d fol

12d-1

1 THE COURT: Was Watnick the District Attorney who was
2 there at the time?

3 MR. MANZELLA: In court?

4 THE COURT: Was he in charge?

5 MR. MANZELLA: In court, I don't know, because he --
6 he's the head of the office.

7 THE COURT: Do you want Mr. Watnick here tomorrow?

8 MR. DENNY: I would be delighted to have Mr. Watnick
9 here tomorrow.

10 THE COURT: All right. You have subpoenaed him.

11 You get him tomorrow. But inform him -- tell him
12 I want him here.

13 MR. MANZELLA: Well, I think he would have a subpoena
14 from Mr. Denny.

15 MR. DENNY: He has been subpoenaed.

16 MR. KAY: All right. Fine. He'll be here, then.

17 MR. MANZELLA: Why don't you call him and have him come
18 in?

19 MR. KAY: Well, if he has been subpoenaed --

20 MR. DENNY: He has.

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

24 THE COURT: The Court will reverse its ruling, and the
25 objection is overruled.

26 MR. DENNY: Your Honor, may I approach the bench just a
27 moment? I don't think we need the reporter.

28 (Whereupon, proceedings were had at the bench

12d-2

1 among Court and counsel, outside the hearing of the
2 jury, which were not reported.)

REDIRECT EXAMINATION

3 Q BY MR. MANZELLA: All right.

4 Mr. Springer, were you interviewed by -- I don't
5 know if I asked you this, and whether you answered it or not.

6 But were you interviewed by Sergeant Whiteley on
7 November 26th of 1969?

8 A I believe so.

9 Q And in that interview, did you tell Sergeant
10 Whiteley what Mr. Davis had told you about the -- about
11 Shorty?

12 A Yes, I have.

13 Q All right. And did you tell Sergeant Whiteley,
14 on November 26th, 1969, that Bruce Davis said that he and
15 other persons had killed Shorty in Devil's Canyon, or something
16 to that -- in essence, in sum and substance, did you tell
17 Sergeant Whiteley that?

18 A Yeah. He says, "We cut off their heads, arms and
19 legs."

20 Q All right. And on November 26th, 1969, during the
21 same interview, did you tell Sergeant Whiteley that Bruce
22 Davis said that he and the other people had buried the body
23 in a shallow grave?

24 A Yes.

25 Q And on November 26th, 1969, during the same
26 interview with Sergeant Whiteley, did you tell Sergeant
27 Whiteley that Bruce Davis told you that the motive was because
28 Shorty --

12d-3

1 MR. DENNY: Just a moment. Now --

2 Q BY MR. MANZELLA: -- Shorty had --

3 MR. DENNY: Just a moment, now. I'm going to object to
4 this as not a prior consistent statement, to rehabilitate the
5 witness.

6 He has not so testified here, and that makes it
7 not a prior consistent statement.

8 MR. MANZELLA: It has been testified to here, your
9 Honor. I have the transcript.

10 THE COURT: Excuse me. Would you read the first part of
11 the question to me?

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

14 "Q And on November 26th, 1969, during the
15 same interview with Sergeant Whiteley, did you tell
16 Sergeant Whiteley that Bruce Davis told you that the
17 motive was because Shorty --")

18 THE REPORTER: And at that point, he was interrupted
19 by the objection.

20 MR. DENNY: Your Honor, he has not testified to motive,
21 as far as the conversation that he has related.

22 MR. MANZELLA: He has, your Honor. Mr. Springer said
23 that -- he testified that he said that the guy was a snitch,
24 and that he was an alcoholic, and that he drank so much they
25 was afraid that he was going to go to the police with
26 information, so they done away with him.

27 THE COURT: All right. The objection is overruled.

28 Q BY MR. MANZELLA: Mr. Springer, on November 26th,

12d-4

1 1969, in that same interview with Sergeant Whiteley, did
2 you tell Sergeant Whiteley that Mr. Davis told you that the
3 motive for the killing was because Shorty had been informing
4 to the Police Department?

5 A He said that they was afraid --

6 MR. DENNY: Well, that's just a yes or no answer, Mr.
7 Springer.

13 fls.

13-1

1 Q In sum and substance did you tell that to Sergeant
2 Whiteley?

3 A Yes.

4 Q All right. On December 7, of 1970, were you
5 interviewed by Deputy District Attorney Burton Katz?

6 A Yes, I believe so.

7 Q And on that date in the interview with Mr. Katz,
8 did you tell him that -- strike that.

9 Did you tell him about this conversation that
10 you had with Bruce Davis at 28 Clubhouse Drive around Thanks-
11 giving of 1969?

12 A I believe so, yes.

13 Q And in that interview did you tell Mr. Katz that
14 after Bruce Davis showed you the newspaper article that you
15 told Bruce that you didn't dig Danny talking?

16 A Yes.

17 Q And during that same interview with Mr. Katz
18 on December 7th, of 1970, did you tell Mr. Katz in sum and
19 substance that after you said that, that Bruce agreed and
20 said that "We got ways of dealing with people that snitch"?

21 A Yes, sir.

22 Q And during that same interview with Mr. Katz on
23 December 7, of 1970, did you tell Mr. Katz that after Mr.
24 Davis said that, that you said, "Well, he's got to be taken
25 care of somehow, but it is hard to deal with him because
26 he's a bike brother"?

27 A Yes, sir.

28 Q And during that same interview with Mr. Katz on

1 December 7, of 1970, did you tell Mr. Katz that after you
2 said that, that Mr. Davis replied that they would deal with
3 it, that they had taken care of one guy that got drunk and
4 loose at the mouth; that they cut him up in pieces, that is,
5 cut his head, arms and legs off? Did you, in sum and
6 substance, tell him that?

7 A Yes, sir.

8 Q And did you, in that same interview with Mr. Katz
9 on December 7, 1970, tell Mr. Katz that after Mr. Davis said
10 that, that he said that Charlie had ordered Clem to bury him
11 in different places in Devil's Canyon?

12 A Yes.

13 Q And did you tell Mr. Katz in that same interview
14 that after Mr. Davis said that, that Mark said, "You mean
15 Shorty"?

16 A Yes, sir.

17 Q And did you tell Mr. Katz in that same interview
18 that after Mark said that, that Davis grinned and replied,
19 "Yeah, we know how to take care of them"?

20 A Yes, sir.

21 Q And did you tell Mr. Katz in that same interview,
22 that is of December 7, 1970, that Mr. Davis had said that he
23 was afraid Shorty was informing to the police?

24 A Yes, sir.

25 Q And on -- strike that.

26 And were you interviewed by Deputy District
27 Attorney Burton Katz at the Glendale District Attorney's
28 Office on May 19, of 1971, of last year, on or about that date?

1 A I believe so.

2 Q During that interview did you tell Mr. Katz about
3 the same conversation with Bruce Davis on 28 Clubhouse Drive
4 around Thanksgiving of 1969?

5 A Yes, I believe so, yes, sir.

6 Q And during that interview did you tell Mr. Katz
7 that at that time that Mr. Davis had shown you a copy of the
8 Santa Monica Evening Outlook in which -- and pointed out an
9 article of DeCarlo's testimony at the Beausoleil trial?

10 A Yes, sir.

11 Q Did you tell Mr. Katz during that interview that
12 Mr. Davis had said that Danny was a snitch and that they had
13 ways of dealing with snitches?

14 A Yes, sir.

15 Q And did you tell Mr. Katz that you agreed with
16 Mr. Davis and that Mr. Davis said that there was one guy at
17 the ranch that was a snitch, that he was always drunk and
18 that he may be informing to the pigs?

19 A Yes, sir.

20 Q Did you tell Mr. Katz at that interview, in sum
21 and substance, on May 19, 1971, that Bruce Davis said that
22 person was cut up and buried?

23 A Yes, sir.

24 Q And did you tell Mr. Katz at that interview on
25 May 19, 1971, that Mark Ross asked, "You mean Shorty?" And
26 Davis said "Yes"?

27 A Yes, sir..

28 Q Mr. Springer, have you done anything to collect

1 a reward in this case?

2 A No, sir.

3 Q Do you believe that there's -- that you will
4 collect a reward in this case?

5 A Very doubtful.

6 Q Do you believe that there is a reward, that there
7 actually was a reward offered now? Do you believe that now?

8 A I don't believe that now.

9 MR. MANZELLA: All right, thank you. I have no further
10 questions.

11
12 RECROSS EXAMINATION

13 BY MR. DENNY:

14 Q Now, Mr. Springer, your stories to these officers
15 and these D.A.'s has sort of grown with the telling, haven't
16 they?

17 MR. MANZELLA: Objection, as argumentative, your Honor.

18 Q BY MR. DENNY: Well, let's go to November 26.

19 MR. MANZELLA: I take it the question is withdrawn?

20 THE COURT: There is no answer to it.

21 Well, the objection is sustained.

22 Q BY MR. DENNY: Well, on November 26th, when you
23 said you had this conversation with Sergeant Whiteley, you
24 didn't say anything about cutting up any body, did you?

25 A I don't recall what time that was.

26 Q Or do you remember? You've told it so many times.

27 MR. MANZELLA: Objection, it is argumentative.

28 THE COURT: Sustained.

13a-1

1 Q BY MR. DENNY: Well, do you remember what you told
2 to whom when, sir, about this particular alleged conversation?

3 A Yes, I believe so.

4 Q Well, then, let's go back to the report of
5 Sergeant Whiteley.

6 MR. MANZELLA: Objection, it assumes a fact not in
7 evidence, your Honor.

8 THE COURT: Well, there's no question yet.

9 Q BY MR. DENNY: When you reported this thing to
10 Sergeant Whiteley -- and by the way, when you did report it
11 to Sergeant Whiteley, this is at the time when you figured that
12 there was a reward, isn't that right?

13 A Yes.

14 Q And this is when you figured you were going to get
15 part of it, isn't that right?

16 A Possibly.

17 Q And this is when you were doing everything you
18 could to get your buddy out of big trouble, isn't that right?

19 A Yeah.

20 Q All right.

21 But even at that time, sir, is it a fact that when
22 you reported this alleged conversation of Mr. Davis, you just
23 said that he and other suspects had killed Shorty in Devil's
24 Canyon and buried the body in a shallow grave, is that right?

25 A Maybe I didn't tell them exactly word for word,
26 but that's the effect, yes.

27 Q All right. Then, the next time you reported it,
28 in this interview on December 7th, December 7, 1970, by that

13a-2

1 time it had grown so that --

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

3 Q BY MR. DENNY: All right, well, when you reported
4 it to Mr. Katz on that day, now, "They cut him up in pieces,
5 that is cut his head and arms and legs off, and Charlie
6 ordered Clem to bury him in different places in Devil's
7 Canyon" --

8 A Yes, sir.

9 Q -- is that what you told Mr. Katz?

10 A Yes, sir.

11 Q I see.

12 You added a little bit to the story from the time
13 when you first talked to Sergeant Whiteley about it, is that
14 right?

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

16 THE COURT: Sustained.

17 Q BY MR. DENNY: Well, is it a fact that you added
18 that -- or those little details --

19 A I might have --

20 Q -- to the story?

21 A -- told him then, but I don't recall.

22 Q You might have told who what?

23 A I might have told Mr. Whiteley at that time, but
24 I don't recall.

25 Q At the first interview?

26 A Maybe I didn't go into complete detail or, ur, uh --

27 Q Or maybe you didn't know the complete detail?

28 MR. MANZELLA: That's not what the witness said.

13a-3

1 MR. DENNY: May we have that read back, Miss Briandi?

2 Would the Court so order.

3 THE COURT: So ordered.

4 (Whereupon, the answer was read by the reporter as
5 follows:

6 "A Maybe I didn't go into complete
7 detail or, ur, uh --")

8 Q BY MR. DENNY: Oh, you went into more detail
9 with Mr. Katz than you had with Mr. Whiteley, the investigator
10 in the case, is that right?

11 A I don't recall.

12 Q It is kind of hard to remember what you told who,
13 when, what?

14 A It is --

15 MR. MANZELLA: Objection, it is argumentative.

16 Excuse me, Mr. Springer. It is argumentative and
17 vague and ambiguous.

18 Q BY MR. DENNY: All right, sir --

19 THE COURT: It is vague and ambiguous. You may
20 rephrase it.

21 Q BY MR. DENNY: All right, sir, by the time you had
22 your conversation with Mr. Katz here on December 7, 1970, you
23 were sort of locked into the story you had already told
24 Sergeant Whiteley?

25 MR. MANZELLA: Objection, vague and ambiguous and
26 argumentative.

27 THE COURT: Sustained.

28 Q BY MR. DENNY: Well, you couldn't go back on what

13a-4

1 you told Sergeant Whiteley when you were then being interviewed
2 by Deputy Katz, could you?

3 MR. MANZELLA: Objection, vague and ambiguous and
4 argumentative.

5 THE COURT: It is argumentative. Sustained.

6 Q BY MR. DENNY: Well, is it your frame of mind, sir,
7 that this is the story you had to keep telling consistently now
8 that you had already told it to Sergeant Whiteley; isn't that
9 right?

10 MR. MANZELLA: Objection, it is argumentative, vague and
11 ambiguous.

12 THE COURT: Overruled. You may answer.

13 THE WITNESS: Yes.

14 Q BY MR. DENNY: You weren't going to tell Mr. Katz,
15 "No, I lied on that November 26," you weren't going to tell him
16 that?

17 A What would I lie about?

18 Q What, indeed.

19 MR. KAY: We'll ask Mr. Denny's comment be stricken,
20 your Honor.

21 THE COURT: All right, it is stricken.

22 Q BY MR. DENNY: And then, when you were interviewed
23 by Mr. Katz -- and by the way, it was Mr. Katz and Mr. Manzella
24 in May of 1971, in Glendale, at the Glendale Police Department,
25 wasn't it; isn't that right?

26 A Possibly.

27 Q Well, sir, were you interviewed on May 19, 1971, at
28 the Glendale's D. A.'s Office, interview conducted by D. A.'s

13a-5

1 Burt Katz and Anthony Manzella?

2 MR. MANZELLA: Question has been asked and answered.

3 THE COURT: Sustained.

13b fol

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13b-1

1 Q BY MR. DENNY: Well, you recognize Mr. Manzella,
2 don't you?

3 MR. MANZELLA: Objection, that's not relevant.

4 THE COURT: Sustained.

5 Q BY MR. DENNY: Well, was he there then?

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

7 THE COURT: Yes, it has.

8 MR. DENNY: Well, I'm not sure what the answer is, your
9 Honor. Could I have it read back?

10 THE COURT: Just have him answer it again rather than
11 have her look through the record.

12 A Yes.

13 Q BY MR. DENNY: Mr. Manzella was there, is that
14 right?

15 A I believe so.

16 Q All right. And at that time you were locked into
17 the story that you had already now told Mr. Katz once and Mr.
18 Whiteley once before, isn't that right?

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

20 THE COURT: Sustained.

21 Q BY MR. DENNY: All right. It wouldn't have helped
22 your buddy at all to tell them, "Well, what I told Whiteley
23 back in November wasn't true." That wouldn't have helped
24 your buddy, would it?

25 MR. MANZELLA: Objection, it is argumentative.

26 THE COURT: Sustained.

27 MR. DENNY: It is his state of mind, your Honor.

28 Q BY MR. DENNY: Going into your state of mind, sir,

13b-2

1 how you felt about it when you talked to Mr. Katz and Mr.
2 Manzella in May, May of 1971, it was your state of mind at
3 that time that it sure wouldn't help your buddy, Danny DeCarlo,
4 if you told these two D.A.'s at that time, "Well, what I said
5 back in November, 1969, to Mr. Whiteley wasn't exactly true"?

6 MR. MANZELLA: Objection, that's not relevant, your
7 Honor. Assumes facts not in evidence. Argumentative.

8 MR. DENNY: It is an attempt to show a prior inconsistent
9 statement, if it is his state of mind, your Honor.

10 THE COURT: Would you read the question back for me,
11 please?

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

14 "Q Going into your state of mind, sir,
15 how you felt about it when you talked to Mr. Katz
16 and Mr. Manzella in May, May of 1971, it was your
17 state of mind at that time that it sure wouldn't
18 help your buddy, Danny DeCarlo, if you told these
19 two D.A.'s at that time, 'Well, what I said back
20 in November, 1969, to Mr. Whiteley, wasn't exactly
21 true?")

22 THE COURT: I'll overrule the objection. You may
23 answer.

24 THE WITNESS: Repeat the question.

25 THE COURT: Read it.

26 THE WITNESS: No, him.

27 THE COURT: No, her.

28 MR. MANZELLA: I think the witness means he didn't

1 understand the question, your Honor.

2 THE COURT: It is a difficult question to understand.
3 The Court will ask you to rephrase it.

4 Q BY MR. DENNY: All right, I'll rephrase the
5 question.

6 When you talked to Mr. Manzella, Mr. Manzella --
7 excuse me -- and Mr. Katz in May of 1971, one of the things
8 that was in your mind was, "I can't tell them what I said
9 before was not true because that's not going to help my buddy,"
10 isn't that right?

11 A I don't recall saying a lie in the first place.

12 Q Oh, I see, sir.

13 By the way, when was it that you first went to the
14 Spahn Ranch, did you say?

15 MR. MANZELLA: Objection, the question has been asked
16 and answered. It is beyond the scope of redirect examination.

17 THE COURT: Well, the objection is sustained on the
18 first ground.

19 MR. DENNY: Well, may I reopen cross for just this
20 point, your Honor?

21 THE COURT: You may.

22 MR. MANZELLA: It has been asked and answered, as well.

23 THE COURT: Well, you may, on this point, but as to
24 that question it is sustained.

25 MR. DENNY: On which point, your Honor?

26 THE COURT: You may reopen.

27 MR. DENNY: Thank you.

28 Q BY MR. DENNY: Well, sir, was it August 11 or 12

1 that you first went to Spahn Ranch?

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

4 THE COURT: Yes, it has been answered.

5 Q BY MR. DENNY: All right. Directing your
6 testimony to the Grand Jury hearing on -- in April of 1970,
7 do you recall being asked the following questions at page 240
8 of Volume 1:

9 "When did you first go out to the Spahn
10 Movie Ranch, sir?

11 "A It was on August 13.

12 "Q 1969?

13 "A Yes, sir."

14 Do you remember so testifying under oath before
15 the Grand Jury?

16 A I wasn't exactly sure of the date but, yes, I
17 remember testifying.

18 Q All right. And you testified in the Manson case
19 that you spent three or four days out there?

20 A At least.

21 Q Well, how many days did you spend there?

22 A About three, but not steadily.

23 Q Oh, but not steadily?

24 A No, I left.

25 Q All right.

26 MR. DENNY: I have no further questions.

27
28 REDIRECT EXAMINATION

1 BY MR. MANZELLA:

2 Q Mr. Springer, you did spend three or four days,
3 isn't that right?

4 A Yes.

13c, fls.

13c-1

1 Q All right. We hadn't gone into it before on direct
2 examination, but tell the jury the sequence of events after
3 you arrived there on the first day, after you arrived there on
4 the first day you went to Spahn Ranch.

5 MR. DENNY: Well, your Honor, I object to this.

6 MR. MANZELLA: Well, Mr. Denny brought it up. He re-
7 opened.

8 MR. DENNY: Just for the dates themselves, your Honor.
9 That's all. Not for everything that happened on those days.

10 Q BY MR. MANZELLA: I mean, the sequence of events
11 as to whether you stayed overnight or did not stay overnight and
12 so on.

13 MR. DENNY: I have no objection to that.

14 THE COURT: All right, the objection is overruled.

15 THE WITNESS: Go ahead?

16 THE COURT: Yes, you may answer now.

17 Q BY MR. MANZELLA: Yes.

18 A All right. I stayed overnight the first night, and
19 then I went back to Venice, and then I went back the second
20 night or the second afternoon. I didn't stay all -- I didn't
21 stay all night. And then, I went back and got the club on
22 Friday and went back up there again.

23 Q So you were there on three or four days, is that
24 correct?

25 A Yes. But I didn't make a living there or I didn't
26 stay there.

27 Q Right.

28 A Steadily.

13c-2

1 Q When is the last time you saw Danny DeCarlo?

2 MR. DENNY: Object as irrelevant and immaterial.

3 MR. MANZELLA: It is relevant due to his recross.

4 THE COURT: Overruled.

5 Q BY MR. MANZELLA: Will you answer that?

6 A When is the last time I saw Danny DeCarlo?

7 MR. DENNY: May we approach the bench?

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

9 THE WITNESS: I don't recall the date. It's been quite
10 some time ago. The last place I saw him --

11 MR. DENNY: Just a moment, I'll object to that as not
12 responsive to the question.

13 THE COURT: Sustained.

14 Q BY MR. DENNY: All right, where was the last place
15 you saw him?

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

17 Q BY MR. MANZELLA: Would that help you with the
18 date you last saw him, help you place the date you last saw
19 him?

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

21 Q BY MR. MANZELLA: Would that help you with the
22 date you last saw him, help you place the date you last saw
23 him?

24 A It was around Christmas time.

25 Q This past Christmas or before?

26 A No, last Christmas, in Bedford, Oregon.

27 Q The Christmas of 1970?

28 A Yes.

14 fol

14-1

1 Q And that was the last time you saw Danny DeCarlo?

2 A Yes.

3 Q And --

4 A Well, between Christmas and New Year's, I believe.

5 Q OF 1970?

6 A (Indicating affirmatively.)

7 THE COURT: Yes?

8 THE WITNESS: Yes.

9 Q BY MR. MANZELLA: Have you had any communication

10 with him or from him since that time?

11 MR. DENNY: I'll object to that as irrelevant and

12 immaterial.

13 MR. MANZELLA: It's on the same point, your Honor.

14 MR. DENNY: Irrelevant and immaterial.

15 THE COURT: Overruled.

16 You --

17 THE WITNESS: No.

18 THE COURT: -- may answer.

19 THE WITNESS: No.

20 Q BY MR. MANZELLA: Do you know where Danny DeCarlo

21 is now?

22 MR. DENNY: I will object to that as irrelevant and

23 immaterial.

24 THE COURT: Sustained.

25 Q BY MR. MANZELLA: As you sit there now, and as

26 you testified in this case, do you think your testimony will

27 have any effect at all on Mr. DeCarlo?

28 A On me?

1 Q No. The fact that you are testifying will have
2 any effect at all on Mr. DeCarlo?

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

5 THE COURT: Overruled. You may answer.

6 THE WITNESS: I have no idea.

7 Q BY MR. MANZELLA: Now, when you said that you
8 wanted to help out Mr. DeCarlo, did you mean by information
9 you could give to the police, or information that he could give
10 to the police?

11 A Both.

12 Q And did you -- did the -- strike that.

13 Did the police ask you to bring Mr. DeCarlo --
14 strike that.

15 Did the police ask you to persuade Mr. DeCarlo
16 to come in? To talk to them?

17 A Yes.

18 Q And did you do that?

19 A I talked to him. He went in, yes.

20 Q All right.

21 (Pause in the proceedings while a discussion
22 off the record ensued at the counsel table between
23 Mr. Manzella and Mr. Kay.)

24 Q BY MR. MANZELLA: And when you talked to Sergeant
25 Whiteley on November 26th of 1969, is it your testimony that
26 you may have gone into detail with him, of the Bruce Davis
27 statement at 28 Clubhouse Drive, around Thanksgiving of 1969?

28 A Possibly.

1 MR. MANZELLA: Thank you. No further questions.

2 THE COURT: Recross?

3 MR. DENNY: Yes, your Honor.

4
5 RECROSS EXAMINATION

6 BY MR. DENNY:

7 Q All right, sir. Now, when Mr. Manzella asked
8 you, "Is it your testimony now that maybe you went into
9 detail with Sergeant Whiteley in your conversation with him
10 on November 26?"

11 And you say, "Possibly," do you have any clear
12 recollection, right now, this day, of saying to Mr. Whiteley
13 any more than is reflected in his report there?

14 MR. MANZELLA: Objection. Assumes a fact not in
15 evidence, your Honor.

16 THE COURT: Sustained.

17 Q BY MR. DENNY: Do you have any recollection right
18 now, this day, that you said any more to Mr. Whiteley other
19 than "had a conversation with Bruce Davis, who stated he
20 and the other suspects had killed Shorty in Devil's Canyon
21 and buried the body in a shallow grave. Mr. Springer stated
22 that Davis told him the motive was because Mr. Shea had been
23 informing to the police department".

24 Did you tell him any more than that? Do you have
25 any such memory now?

26 A Yes, I believe I did.

27 Q Oh, you believe you did?

28 And what has refreshed your recollection as to

1 that, now?

2 MR. MANZELLA: Objection. Assumes a fact not in
3 evidence.

4 THE COURT: Sustained.

5 Q BY MR. DENNY: Well, when I just cross-examined you
6 a little bit ago, you said you didn't remember, --

7 MR. MANZELLA: Objection. It assumes --

8 Q BY MR. DENNY: -- isn't that correct?

9 MR. MANZELLA: Objection. It assumes a fact not in
10 evidence.

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

12 14a fls.

14a-1

1 Q BY MR. DENNY: Well, sir, between the time when I
2 cross examined you and the time when Mr. Manzella re-examined
3 you, did something occur to refresh your recollection?

4 MR. MANZELLA: Objection. It --

5 THE WITNESS: No.

6 MR. MANZELLA: -- assumes a fact not in evidence.

7 THE COURT: The objection is overruled.

8 The answer may remain in the record.

9 Q BY MR. DENNY: All right, sir. Now, you say that
10 the -- the first day you spent the night up there at -- at
11 Spahn Ranch? Did you just testify, "I stayed overnight the
12 first night, went back the second afternoon"?

13 A Yes, sir.

14 Q Well, isn't it a fact that you and another fellow
15 went up there by the name of Reed, the first day?

16 MR. MANZELLA: Objection. Beyond the scope of redirect
17 examination.

18 MR. DENNY: This is right on redirect.

19 THE COURT: Overruled. You may answer.

20 MR. MANZELLA: I didn't ask him who he went up with,
21 your Honor.

22 THE WITNESS: I didn't go up with anybody by the name of
23 Reed.

24 MR. DENNY: Well, the subject has been opened up, yes,
25 your Honor.

26 THE COURT: Yes, the objection has been overruled.

27 MR. MANZELLA: But Mr. Denny is the one who opened it
28 up, your Honor.

14a-2

1 MR. DENNY: Well, Mr. Manzella followed it.

2 Q That is a fact, sir, is it not? That you went
3 up with Mr. Reed?

4 A No, I didn't.

5 Q Who did you go up with?

6 A I went up by myself.

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

8 (Pause in the proceedings while Mr. Denny perused
9 his notes.)

10 Q BY MR. DENNY: In your conversations with Officers
11 Gutierrez, Sartuche, Neilson, et al. --

12 MR. MANZELLA: Objection. It assumes a fact not in
13 evidence.

14 MR. DENNY: I am putting it in evidence.

15 Oh, is it the "et al."? All right.

16 THE COURT: The objection is sustained.

17 Q BY MR. DENNY: In this conversation you had on
18 November 12th, 1969, in the Glass House, with Sergeant
19 Gutierrez, Sartuche, Neilson and -- and -- I can never --
20 Patchett -- thank you -- did you tell them, on the 11th or
21 12th, "John Hyde went with me. He split with one of the
22 girls --"

23 MR. MANZELLA: Objection. This is irrelevant, your
24 Honor, and beyond the scope of redirect examination, --

25 MR. DENNY: This is --

26 MR. MANZELLA: -- that he split with one of the girls
27 and everything that Mr. Hyde did.

28 It's beyond the scope of redirect examination.

1 THE COURT: Overruled. You may answer.

2 THE WITNESS: I rode my motorcycle by myself up there.

3 Q BY MR. DENNY: Sir, did you tell the officers,
4 in that conversation, that tape-recorded conversation, "On the
5 11th or 12th of August, John Hyde went with me. He split with
6 one of the girls."

7 MR. MANZELLA: It's irrelevant.

8 THE COURT: Overruled. You may answer.

9 THE WITNESS: He went up there, but he didn't go with
10 me.

11 Q BY MR. DENNY: Did you tell the officers that?

12 A Yes, I told them.

13 Q All right. And did you tell them, "When I first
14 went up there, the first time, Charlie, Tex and a little kid
15 was there."

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

17 THE COURT: Sustained.

18 Q BY MR. DENNY: Did you tell them that, "I got
19 there just about 8:00 P. M. and left at 11:00 P. M."?

20 A I believe so.

21 Q And did you tell them, "The next night I went up
22 and stayed all night"?

23 A I don't recall whether it was on the first night or
24 the second night that I spent the night.

25 Q You don't recall, do you?

26 A No, I don't.

27

28

14b fol

14b-1

1 Q And did you tell them that, "I went up -- went
2 back in the afternoon --" and this is the second time you
3 went up.

4 "I went back in the afternoon, spent the night,
5 left the next afternoon, and found my hat on the center
6 of the freeway all beat up."

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

8 THE COURT: Sustained.

9 MR. DENNY: Well, forget --

10 THE WITNESS: Yes.

11 THE COURT: The answer is stricken.

12 Q BY MR. DENNY: Well, forget the hat business.

13 THE COURT: The objection is sustained.

14 Q BY MR. DENNY: All right. So your testimony now
15 is incorrect, that you went up there and spent the night the
16 first night?

17 A I believe so.

18 Q Well, is your testimony incorrect, now? Or is
19 what you told --

20 A Yes.

21 Q -- the officers incorrect?

22 A I believe it was the second night I stayed up
23 there.

24 MR. DENNY: Oh, I see.

25 All right. I have no further questions.

26 MR. MANZELLA: Nothing further.

27 THE COURT: All right. Ladies and gentlemen --
28 do you have any other witnesses?

14b-2

1 MR. KAY: Not this afternoon, your Honor.

2 MR. MANZELLA: No, your Honor.

3 MR. KAY: We will in the morning.

4 THE COURT: We'll try to start promptly at 9:30 tomorrow
5 morning, ladies and gentlemen. Unless something unforeseen
6 happens, we won't keep you out this time. We'll let you in
7 on everything just as we have this afternoon.

8 MR. MANZELLA: May Mr. Springer be excused?

9 THE COURT: Wait just a moment, Mr. Springer.

10 Remember that during the recess, you are obliged
11 not to converse amongst yourselves, nor with anyone else, nor
12 permit anyone else to converse with you on any subject
13 connected with the matter, nor to form or express any opinion
14 on it until it is finally submitted to you.

15 Good night. See you tomorrow morning at 9:30.

16 You may step down.

17 MR. MANZELLA: May Mr. Springer be excused?

18 MR. DENNY: Your Honor, I would object to his being
19 excused --

20 THE COURT: Just one second.

21 (Pause in the proceedings while the members
22 of the jury exited the courtroom.)

23 THE COURT: Mr. Springer, the Court orders that you
24 return tomorrow morning at 9:00 o'clock. You may not
25 be on the witness stand, and then again you may. But the
26 Court wants you here tomorrow morning at 9:00; do you
27 understand?

28 MR. KAY: Your Honor, I called the Van Nuys Office and

14b-3

1 talked to Mr. Watnick's secretary, and he --

2 THE COURT: All right. You are excused until then.

3 MR. KAY: And he had left for the afternoon, but his
4 secretary was going to try and reach him at home tonight and
5 give him the message.

6 And the secretary said that she was under the
7 impression that there had been no subpoena delivered to the
8 office.

9 MR. DENNY: Well, this is the old subpoena, the subpoena
10 duces tecum that was served on him about three weeks ago.

11 MR. KAY: Well, that's a little different thing. That
12 was for one specific day and --

13 MR. DENNY: Well, Mr. Kay, if you'd listened to the
14 Judge, he was put on call, specifically on that subpoena.

15 MR. KAY: He was put on call for that day.

16 MR. DENNY: No, he was not.

17 THE COURT: You'd better get him here, Mr. Kay, some-
18 how.

19 MR. KAY: Well, I've left --

20 THE COURT: Or I'll send the bailiff out for him.

21 MR. KAY: Fine. I've left a message with the secretary,
22 your Honor. I'm sure he will be here.

23 THE COURT: We want him here at 9:00.

24 MR. KAY: Okay. We had an informal conversation, where
25 I think it was said that he would be here. And I think that
26 he will be here.

27 MR. MANZELLA: You see, the problem is that the Court --
28 probably it's my fault. I was under the impression that if

14b-4

1 all the files were brought in, that it wasn't necessary to
2 have Mr. Watnick here.

3 Since all the files were brought in, we haven't
4 kept Mr. Watnick on call or apprised him of what's going on,
5 since we have all the files.

6 I thought that was our understanding.

7 MR. KAY: Yes.

8 THE COURT: The Court is of the opinion that it's
9 probably a goose chase to have Mr. Watnick here. However --

10 MR. KAY: All right.

11 THE COURT: -- Mr. Denny has a right to have him here.

12 MR. KAY: I've notified his secretary, and his secretary
13 said that she'll try to reach him at home tonight.

14 I don't have Mr. Watnick's home phone number,
15 and there's nothing more I could do. The secretary wouldn't
16 give me his home phone number, because she doesn't know who
17 I am and I don't blame her; I wouldn't want my secretary
18 giving out my phone number to strangers.

19 THE COURT: Well, your central office here must have
20 his phone number, so --

21 MR. DENNY: And all you have to do is get in touch with
22 Keiko, and she will give it to you.

23 MR. KAY: Well, I know his own secretary has his number,
24 and she says she will call him at home and give him the
25 message to be here.

26 THE COURT: All right.

27 MR. DENNY: Your Honor?

28 THE COURT: The information that you conveyed to her was

14b-5

1 that I wanted him here at 9:00 o'clock?

2 MR. KAY: Well, I said 9:30. I didn't --

3 THE COURT: All right. Get back to him, then -- or
4 rather, get back to his secretary, and convey the correct
5 information. I want him here at 9:00 o'clock, and I want
6 all of you gentlemen here at 9:00 o'clock.

7 Instead of your starting working at 9:30 on the
8 case, I want you to start at 9:00 o'clock.

9 MR. MANZELLA: Right.

10 THE COURT: It may not be necessary to put Mr. Watnick
11 on the stand, if Mr. Denny resolves in his mind that there
12 are no further notes that would be of any assistance to
13 him in determining whether or not there was a transaction
14 made in regard to Mr. Springer.

15 MR. KAY: Fine, your Honor. I'll get back to his
16 secretary.

17 THE COURT: All right.

15 fls.

15-1

1 MR. DENNY: All right, your Honor, I would just like to
2 catch up with a couple of details here.

3 The Griffith Observatory chart that was drawn up
4 by Dr. Kaufmann and which was passed out to the jury, I think
5 was never marked as an exhibit. I believe it should be, and I
6 understand that People's 107 is the next in order, if they have
7 no objection.

8 MR. KAY: No objection.

9 MR. DENNY: Since he was their witness.

10 MR. KAY: No objection.

11 MR. DENNY: Since he was their witness. If it could be --

12 MR. KAY: No objection.

13 MR. DENNY: If it could be received as 107.

14 THE COURT: All right, received.

15 MR. DENNY: And I have made a diagram on paper, with the
16 assistance of your good bailiff, last night, to match the
17 diagram on the blackboard that was made at the time Juan Flynn
18 testified, and if the People concur this is, in all respects
19 similar to or close enough to the diagram that appears on the
20 blackboard I would like this received or at least marked for
21 identification.

22 MR. KAY: No, I won't concur. You don't have the circle
23 with the girls in the right place.

24 THE COURT: It seems close enough. I'll mark it for
25 identification.

26 MR. DENNY: Thank you, your Honor.

27 MR. MANZELLA: We're in recess, your Honor?

28 THE COURT: We're in recess.

107 ID
and REC.

1 See you tomorrow morning.

2 (Whereupon, at 4:30 P. M., an adjournment was
3 taken in this matter.)

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