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## SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 52

HON. JOSEPH L. CALL, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff, )

v. )

No. A 267861

STEVEN GROGAN, )

Defendant. )

REPORTERS' DAILY TRANSCRIPT

Tuesday, July 20, 1971

APPEARANCES OF COUNSEL:

(See Volume I)

COPY

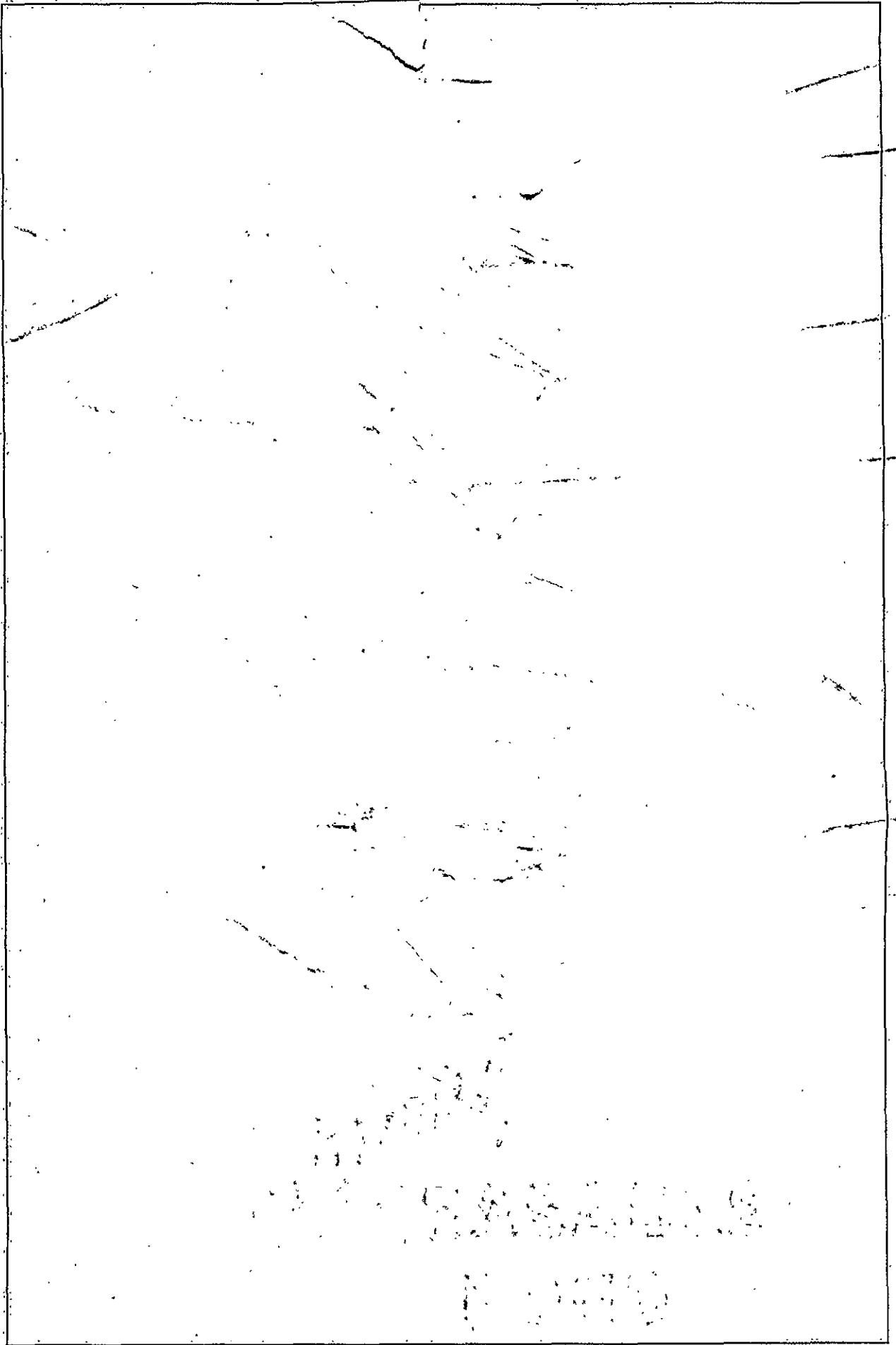
VOLUME 15

Pages 1840-1964, incl.

Reported by:

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Official Reporters

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I N D E X

OPENING STATEMENTS:

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PEOPLE'S WITNESSES

DIRECT    CROSS    REDIRECT    RECROSS

SHEA, Elizabeth M.

1918

1927

HARMON, Sandra L.

1940

1947

1961

1962

E X H I B I T S

PEOPLE'S EXHIBITS

For Ident.

1 - Black and white photo

1926

2 - Polaroid Color photo

1926

3 - Certified copy of birth certificate  
of Donald Jerome Shea

1926

LOS ANGELES, CALIFORNIA, TUESDAY, JULY 20, 1971

9:50 A.M.

(The following proceedings were had  
in chambers:)

THE COURT: Let's make the notation we are in chambers.  
Defendant is here, counsel are here.

Mr. Denny is here. The clerk is here. The sheriff  
is here.

Go ahead.

MR. WEEDMAN: Your Honor, with respect to Mr. Katz'  
opening statement, I would move at this time that the court  
instruct Mr. Katz not to inject into his opening statement,  
either directly or inferentially or by innuendo, any notion of  
a conspiracy including any and all statements allegedly made  
by co-defendants in this case, to wit, Mr. Charles Manson and  
Bruce Davis.

THE COURT: Well, --

MR. WEEDMAN: On the ground that such comment by Mr. Katz  
in his opening statement --

THE COURT: Part of the People's case is the attempt to  
prove a conspiracy and subsequent statements of the conspirators  
as part of their case.

MR. WEEDMAN: But I submit, your Honor, that conspiracy  
has not lightly been referred to as the prosecutor's darling.  
It is a highly prejudicial and dangerous area.

I submit that I am probably, almost as familiar  
with the evidence in this case as Mr. Katz. That Mr. Katz

cannot in my judgment ever properly show a conspiracy here.  
He hasn't got enough evidence to show a conspiracy here.

THE COURT: Well then, the case stands or falls on the ability of the People to prove their case.

MR. WEEDMAN: But, your Honor, inasmuch as we have a particularly sensitive situation with regard to Charles Manson and the Manson family which I think is a matter of common knowledge at this time, any alleged statements by Charles Manson in Mr. Katz' opening statement is simply going to poison the minds of the jury and will preclude my client from ever having a fair trial here.

THE COURT: Well, I have indicated last Wednesday -- this is a general suggestion -- that the matter should be cautiously approached. But I don't feel that I can go much further.

If erroneous statements are made, why, you have reversal in the higher courts for prejudicing the jury. If the People can't establish their case you have relief in this court under code section 1118 I believe.

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1 THE COURT: Yes, allow for correction. But I can't  
2 correct him and say that he should try his case in such and  
3 such a manner, because I actually have a right to tell him how  
4 to try his case -- I have some supervisory direction, the  
5 court does. I can make some direction. I can have some  
6 segments tried at one time or the other, but this goes right to  
7 the very crux of the case.

8 If they apparently, as I pick it up, because I  
9 don't really know anything about it, but if they can't  
10 establish their conspiracy, and they can't sustain the comments  
11 or statements from the conspirators or alleged conspirators,  
12 it could be vital to their whole case.

13 MR. WEEDMAN: The point, of course, your Honor, is that  
14 the People have enough evidence, I would say, to sustain the  
15 conviction as a matter of law if it is believed by the jury,  
16 absent a conspiracy. The People's case, as I understand it,  
17 is essentially a series of admissions and almost confessions  
18 by my client relative to Shorty Shea.

19 THE COURT: Let me point this out. I say to the People  
20 something like don't state such and such in your opening state-  
21 ment, and the People put on an opening statement and they can  
22 say that this is their opening statement. You are very much  
23 in a position to move for dismissal or a judgment on the  
24 opening statement. In other words, the People have to put a  
25 concrete opening statement in there to sustain the case.

26 He can't make an opening statement and get by the  
27 boards on it. It has to be sustained on the facts.

28 MR. WEEDMAN: Your Honor, if they make an opening

1 statement which contains highly inflammatory and highly  
2 prejudicial matter which they are subsequently unable to prove--

3 THE COURT: All right, if the higher court -- assuming  
4 convictions would come, if the higher court got ahold of it  
5 the court would say that the district attorney has inflamed  
6 the jury.

7 For me sitting here it is like judging a football  
8 game, crudely expressed. I can't call the plays. I can't call  
9 the plays, because I don't know what the district attorney is  
10 going to say any more than I know what you are going to do.

11 MR. WEEDMAN: Maybe we had better hear from Mr. Katz.

12 MR. KATZ: Your Honor, I respect Mr. Weedman not only as  
13 a lawyer but as a friend, and I certainly believe that his  
14 remarks to the court are made in most sincere measure and  
15 fashion, but at the same time I have never in the 27 homicide  
16 cases that I have tried for this office ever been asked to  
17 make an offer of proof, as it were, to my opening statement.

18 Again, I think as an officer of the court that the  
19 court can rely on the fact that I do not intend to introduce  
20 anything in my opening statement which I do not believe in good  
21 faith is supported by case law and statutory law that I can  
22 introduce in court of the presentation of the evidence.

23 I would like to say this. We must distinguish  
24 between that which is prejudicial in the eyes of the law which  
25 might occasion reversible error from that which merely  
26 prejudices the minds of the jurors against the defendant by  
27 reason of competent evidence. There is a distinction, and  
28 of course again I have thought very carefully about this opening

1 statement. I have given it considerable thought, and I have  
2 worked on it very carefully over the last week.

3 I intend to abide by the rules. I am certainly  
4 conversant with the rules and I will do my best to follow in  
5 the framework of those rules, realizing that if I overstep my  
6 bounds there is the possibility of a mistrial or reversible  
7 error or what have you.

8 THE COURT: I have indicated my feeling that this be  
9 approached with caution. I don't think I should go further.

10 The record shows the full transcription of your  
11 position so that you are not losing any of your rights as we  
12 go along. That will be my ruling at this time.

13 MR. WEEDMAN: If I might, just for the record, your  
14 Honor, complete the point.

15 THE COURT: Go ahead.

16 MR. WEEDMAN: The People have a good and sufficient case  
17 as a matter of law if the evidence is believed apart from their  
18 theory of conspiracy and apart from statements allegedly made  
19 by Charles Manson or any other members of the Charles Manson  
20 family, including Bruce Davis.

21 It seems to me to permit the prosecutor at this  
22 stage to talk about any statements allegedly made by Charles  
23 Manson when they are not really necessary to the prosecution's  
24 case is to permit the prosecutor to do something in the opening  
25 statement that he may not be able to do during the trial.

26 It is no loss to the prosecution to be directed to  
27 omit a few things from their opening statement. I think  
28 opening statements are vastly abused, and it is certainly



1 within the court's discretion to exclude such portions.

2 THE COURT: Well, I think the transcript shows your  
3 position very cautiously and carefully. I will stand on my  
4 comments.

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1 MR. WEEDMAN: Well, I had one further thing.

2 Your Honor, I believe it was Thursday last an  
3 article came out in the newspapers that was carried on wire  
4 services, was carried on all local radio stations.

5 I am not prepared to offer the exact clippings, but  
6 it appears that in Department 106 in the matter of the trial of  
7 Charles Manson in which they are of course presently selecting  
8 the jury, Charles Manson stood up in court during the afternoon  
9 and said in substance that he wished to withdraw his plea, that  
10 he had chopped quotes "his" head off without referring to anyone  
11 in particular.

12 He thereafter apparently went on to say that he had  
13 not broken any laws. But nonetheless these remarks of  
14 Mr. Manson's were transformed into prominent news stories  
15 indicating that Mr. Manson simply wished to plead guilty.  
16 And he wished to plead guilty as charged.

17 And I presume that the jurors in our case read  
18 those articles. At least I think that there is a strong  
19 likelihood that they did. They were carried in the front page  
20 of the second part of the Times.

21 At least they were, as of Friday morning, and I  
22 myself, personally, heard the story carried on two or three  
23 local radio stations.

24 I would submit under the circumstances, your Honor,  
25 that we should be permitted to reexamine this jury for cause  
26 as to whether or not they, number one, heard any of these  
27 matters; and, number two, whether they formed any opinions as  
28 a result of reading or hearing about this. And thirdly, whether

1 or not they would be able to give my client a fair trial in  
2 the light of such reading and hearing.

3 THE COURT: Now, just so we will be clear. That is your  
4 statement?

5 MR. WEEDMAN: Yes, your Honor.

6 THE COURT: Request or demand, either way you want to  
7 put it?

8 MR. WEEDMAN: Yes, your Honor.

9 THE COURT: Well, does it stand submitted?

10 MR. WEEDMAN: Yes, it does.

11 THE COURT: Motion denied.

12 MR. WEEDMAN: Very well. Thank you, your Honor.

13 THE COURT: All right.

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1 (The following proceedings were had in open court  
2 outside the presence of the jury.)

3 THE COURT: Now, gentlemen, calling the case of People  
4 against Steve Grogan. The defendant's here, the defendant's  
5 counsel is here. The deputy district attorney is here.

6 Now, will you bring in the jury -- are you ready,  
7 gentlemen?

8 MR. KATZ: Yes, your Honor.

9 THE COURT: Bring in the jury.

10 MR. WEEDMAN: Yes, your Honor.

11 THE COURT: If you will, please.

12 THE BAILIFF: Yes, your Honor.

13 MR. KATZ: Your Honor, is it permissible that we have  
14 the lectern here? I am going to be using that.

15 THE COURT: Yes.

16 MR. KATZ: Thank you.

17 THE COURT: By all means, yes.

18 MR. KATZ: Is that a proper place for it?

19 THE COURT: All right. We will see how they stand.  
20 Get them in here and we will work it out.

21 I think I may go ahead with opening statements  
22 first before we go any further. We will get to it.

23 (The following proceedings were had in open court  
24 in the presence of the jury.)

25 THE COURT: Now we have all jurors, regular jurors are  
26 in the jury box plus the three alternates.

27 And, gentlemen, as I make these statements the  
28 jury is all present, I will -- if there is any objection, why,

1 speak up or tell me -- but in other words, my statement, I  
2 will stand on my statement that they are all here.

3 Now, the People may proceed with your opening  
4 statement.

5 MR. KATZ: Yes. Thank you, your Honor.

6 MR. WEEDMAN: Excuse me, your Honor. I wonder if at this  
7 time your Honor would be good enough to indicate to the jury  
8 that Mr. Katz's opening statement as well as mine is not  
9 evidence in this case.

10 THE COURT: Well, I thought I had covered it very  
11 cautiously. I will restate it if you desire.

12 MR. WEEDMAN: I would appreciate it.

13 MR. KATZ: I was going to do so myself.

14 THE COURT: All right.

15 Ladies and gentlemen, last Friday, I guess -- no,  
16 when we completed our selection Wednesday -- I thought I had  
17 pretty well covered the subject.

18 Mr. Weedman has pointed out undoubtedly very  
19 properly so, that I might touch again on the question of an  
20 opening statement. Am I correct, Mr. Weedman, in this?

21 MR. WEEDMAN: Yes. Thank you.

22 THE COURT: If I misquote you, you tell me.

23 I will repeat this: that an opening statement by  
24 the People, which Mr. Katz is about to make, and an opening  
25 statement at a later time which Mr. Weedman may make or not --  
26 I assume he will make one, but it is optional. It is optional  
27 with the People right now, but they are going to make an  
28 opening statement.

1           An opening statement is -- we will take the People  
2 as an illustration because they are going to make their open-  
3 ing statement -- an opening statement is a statement by the  
4 district attorney, deputy district attorney, of intent. "I"  
5 for the People "intend to prove so and so. We expect to prove  
6 this. We expect to prove this. We expect to prove certain  
7 matters."

8           It is a statement of expectancy. If you will keep  
9 in mind the word expectancy. It is not proof. His statement  
10 is not testimony. His statement is not a stipulation or an  
11 agreement that anything is true. It is what he expects to  
12 prove to you, to sustain his case.

13           That testimony or evidence will come from the  
14 witness stand. A witness, or from other evidence that may be  
15 introduced in the trial, a picture, a physical object or  
16 something else. That is evidence. And testimony has reference  
17 to the words that fell from a witness who is sworn to tell  
18 the truth and who sits in the witness stand.

19           So he will state to you what he expects to prove  
20 to you in putting on the People's side of this case to sustain  
21 what they are requesting, a judgment of conviction of murder.  
22 And he will tell you what he expects to prove on behalf of  
23 the People.

24           It is a statement of expectancy, and it is not  
25 testimony. But it is what the People expect to prove to  
26 sustain their case or their side, the People's side of this  
27 case.

28           I think that covers it.

MR. WEEDMAN: Well, I would appreciate it if your Honor  
would add, of course, that it is not evidence.

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1 THE COURT: I thought I said that the statement of the  
2 People is not evidence. It is a statement of expectancy. It  
3 is a statement of what they expect to prove.

4 You are the finders of fact. You will find and  
5 determine what is true and what is not true.

6 Does that cover it?

7 MR. WEEDMAN: Well, if your Honor would add that the  
8 jurors are not permitted to use any portion of either side's  
9 opening statement as evidence in the case, and in the event  
10 either side doesn't prove anything contained in their  
11 opening statement that the jury is instructed to disregard it--

12 THE COURT: I will confirm your statement and incorporate  
13 it in my own.

14 MR. WEEDMAN: Thank you very much, your Honor.

15 THE COURT: The People may proceed.

16 MR. KATZ: Thank you, your Honor.

17 Judge Call, ladies and gentlemen of the jury,

18 Mr. Weedman:

19 At this time, as the court indicated, this is the  
20 opportunity for the People to make an opening statement, a  
21 statement of expectancy, which is otherwise regarded as an  
22 opening statement.

23 Bear in mind, and once again this is a very impor-  
24 tant admonition, but bear in mind that I would say in no way  
25 does this opening statement constitute evidence. The evidence  
26 will unfold during the course of this trial from the witness  
27 stand and you, as the triers of the fact, will be charged with  
28 the sole and exclusive responsibility of determining, in fact,

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1 what the evidence is in this case.

2 The purpose, indeed, of the opening statement is  
3 to weave, for example, a broad mosaic, a broad fabric, of what  
4 the People expect to prove so that you may better understand  
5 the testimony as it comes forth from the witness stand.

6 Many times it is very necessary to call witnesses  
7 out of order because they are unavailable at certain times,  
8 and it is therefore difficult to follow the context of the  
9 testimony unless you have some broad idea as to the fabric and  
10 tenor of the People's case.

11 Now, when I make my opening statement I may not  
12 always use the words "the People expect to prove," or the  
13 phrase "the People expect to prove." You must always under-  
14 stand that that is what the People mean, that we expect to  
15 prove. If we don't prove it, that is our problem.

16 But this is not evidence, and Mr. Weedman is  
17 absolutely correct when he says that you cannot in any way  
18 consider what I say at this time to be evidence.

19 So with that in mind, let me try to give you a  
20 broad view, which I hope is not too detailed, with regard to  
21 what we expect to prove. I underscore "expect to prove," and  
22 I underscore "expect to prove," during the People's case in  
23 chief.

24 The evidence we believe will show that Donald  
25 Jerome Shea was one of five sons born to Mrs. Elizabeth Shea  
26 on September 19, 1933, and that he was born in Massachusetts  
27 where Mrs. Shea presently resides.

28 Donald Shea served in the armed forces and was on

1 active duty in --

2 MR. WEEDMAN: Excuse me, your Honor. I will object to  
3 any reference to Mr. Shea's service as immaterial, your Honor,  
4 and irrelevant to any issue in this case.

5 MR. KATZ: As a matter of fact, your Honor, it is quite  
6 relevant and counsel is totally inaccurate in his assessment.

7 THE COURT: The objection is overruled. You may proceed.

8 The record shows your objection. Go ahead.

9 MR. KATZ: As I was saying, Donald Shea served in the  
10 armed forces during the Korean conflict, and received his  
11 discharge in 1956. While serving as a military policeman he  
12 occasioned certain severe injuries to his pelvic region, the  
13 hip region, and the ankles, and thereby had or caused to have  
14 his hips wired. These are clearly identifiable and discernible  
15 marks on the body of Mr. Shea.

16 Now, after being discharged in 1956 from the armed  
17 forces, Mr. Shea returned for a short time to his home in  
18 Massachusetts where his mother, Mrs. Elizabeth Shea, was  
19 residing. Shortly thereafter in approximately 1957 Mr. Shea  
20 went out in the world to stake his claim and moved to California.

21 Now, we expect to show that Don would contact his  
22 mother, Mrs. Shea, at least twice a year, namely on Christmas,  
23 at which time he always sent her a present, and at least on  
24 Mother's Day.

25 He would, indeed, contact her more frequently by  
26 way of a collect telephone call which Mrs. Shea encouraged  
27 wherever Mr. Shea was residing at that time.

28 The last time that Mrs. Shea received a Christmas

1 gift was in December -- that is Christmas of 1968. She  
2 received a letter from Mr. Shea, that is Donald Shea, in  
3 January of 1969.

4 We expect the evidence to show that in addition  
5 she received a telephonic communication from Mr. Shea sometime  
6 in the latter part of the spring of 1969 where he indicated,  
7 and he was excited about the prospects of working in a movie.

8 He was going to return to the Spahn Ranch for  
9 that purpose.

10 Now, we expect to show by our evidence that Donald  
11 thereafter moved to California and met Ruby Pearl, who was then  
12 the foreman of the Spahn Ranch. At that time he also met  
13 George Spahn, who at the time that he met Spahn was not blind.

14 Spahn will tell you in the course of his testimony  
15 that he lost his light approximately five years ago, but at  
16 the time he met Shorty Shea he was able to visually recognize  
17 individuals that he met and conversed with.

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4+ 1 Now, Shea was given a job by Spahn and Ruby Pearl  
2 at Spahn Ranch in return for which he received room and board.  
3 Pearl assisted, and when I call her "Pearl," that is what  
4 she prefers to be known by, but Pearl assisted George Spahn in  
5 caring for horses, making the facilities at Spahn Movie Ranch  
6 available for those who would rent the facilities for the  
7 purposes of filming Westerns and other kinds of pictures.

8 In addition, Ruby Pearl worked at Corriganville  
9 Movie Ranch where on weekends she performed a live animal act  
10 for the kids. She did some stunt work, and was assisted by  
11 Shorty Shea.

12 She was Shorty's first opportunity to see what it  
13 was all about in terms of live performances in connection with  
14 Western shows, and to become acquainted with and learn as an  
15 apprentice the stuntman job. Of course, he delighted in this  
16 and stayed with George and Ruby for an extensive period of  
17 time acquiring skills and techniques in connection with stunt  
18 work.

19 Now, Shorty Shea would also assist in transporting  
20 horses from Spahn Ranch which were rented at Spahn Ranch,  
21 to Corriganville so that these movie companies who rented the  
22 Corriganville facilities were able to utilize the horses.  
23 As I said, Shorty began to learn his craft as a Western stunt-  
24 man while performing in these live shows at Corriganville.

25 Now, Shorty saw Pearl almost daily, except when he  
26 occasionally left town. However, Shorty always told Pearl  
27 where he was going, and would leave a forwarding address.

28 Now, while at Corriganville some ten years ago --

1 when I say ten years ago I am referring to the date of the  
2 alleged disappearance on August of 1969, so approximately  
3 1959 Shorty met a movie producer and actor by the name of Bob  
4 Bickston.

5 Bickston was a producer of Western movies, and he  
6 became very fast friends with Shorty Shea. During the ten-  
7 year period Shorty would contact Bob Bickston at least once  
8 every three weeks in order to determine whether or not there  
9 was any movie work available as a stuntman or otherwise.  
10 Bickston, we expect, will testify that Shea wanted badly,  
11 terribly, to become not only a movie stuntman but an actor in  
12 the movies so that he could secure a union card and receive  
13 union wages. This was the hope that he would be able in the  
14 future to become a paid actor and work in the movie industry.

15 MR. WEEDMAN: I'm going to object and move to strike  
16 counsel's remarks as calling for obvious hearsay.

17 I don't see any possible right on the part of  
18 counsel to include such patent hearsay in the opening statement.

19 MR. KATZ: Your Honor, it is state-of-mind evidence.  
20 I think the Court is conversant with that.

21 MR. WEEDMAN: There is no such exception.

22 THE COURT: That is in the nature of an objection. I  
23 will overrule it, and you may proceed.

24 MR. KATZ: As I stated, with reference to Bob Bickston,  
25 when Shorty left town he always left a forwarding address and  
26 where he could be reached in the event movie work was available.

27 Now, eight or nine years from the date of the  
28 alleged disappearance, roughly in 1960 or 1961, Shorty also

1 met another person by the name of William Humphreys, both of  
2 whom were working and living at Spahn Ranch.

3 Now, Bill Humphreys saw Shorty on an average of  
4 once every couple of months over the entire nine-year period,  
5 but often more frequently as Bill would hang around Spahn Ranch,  
6 and indeed would visit the various cowboys there, maybe four  
7 or five times a week, during many intervals.

8 Now, at the same time that Shorty met Ruby Pearl  
9 and George Spahn, who were very close to one another, he also  
10 met another woman by the name of Mrs. Muriel Quant, and she  
11 occasioned the Spahn Ranch on weekends where she would bring  
12 her family and ride horses, she also being very close with  
13 Shorty and, indeed, adopted him, so to speak, as a son and  
14 accepted him almost as a member of the family.

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Now, Mrs. Quant would see Shorty on the average of once a week and always knew where he was when he left town.

Now, Shorty also met in 1961 or 1962 a movie producer by the name of Arch Hall. He first met Arch Hall at Spahn Ranch when Hall was renting some facilities in order to complete a film that he was making at that time. In 1963 Hall was finishing a movie "What's Up Front" at Spahn Ranch where he had to shoot some pickup shots or fill shots as the industry will refer to it, and he had garnered the assistance of both Mr. Spahn and Mr. Shea and was very grateful to Mr. Shea for everything that he did in that connection.

After that 1963 filming of "What's Up Front" Shorty would make contact with Arch Hall at his office at least every couple of months to see whether any movie work was available.

In 1965 Arch Hall shot the conclusion of a western called "Deadwood 76" which was originally filmed, that is, the greater part of that film in South Dakota where they came upon inclement weather and as a result they had to finish the film in California.

And in that connection it was once again necessary for Mr. Hall to call upon the services of Shorty Shea and George Spahn, to rent the horses to bring the horses over to Corriganville Movie Ranch where they concluded the filming of this movie, and indeed Mr. Hall permitted Shorty to participate in the filming of that picture.

Meanwhile in 1961 Shorty had married a girl by the name of Sandra Harmon he had met when she was roughly 13 years old in 1957, in California. Now, Sandra was working at Spahn



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1 Ranch and used to ride horses at the Spahn Ranch. Apparently  
2 at that time she was living close to the Spahn Ranch in the  
3 adjacent Simi Valley area.

4 Now, Sandra and Shorty lived together for approxi-  
5 mately four years until 1965 when they became divorced. Three  
6 children were born to that union.

7 Sandra lived with Shorty during that four-year period  
8 at the Spahn Ranch where they worked. Sandra knew Ruby and  
9 George very well and they, indeed, were a very close knit group.

10 Sandra last saw or heard from Shorty following  
11 their separation in 1965, in April 1965 when Shorty visited his  
12 children and Sandra at their Simi Valley home. At that time  
13 Sandra told Shorty that it would be better that he not see his  
14 children any more and that he did not have to contribute child  
15 support because it would be better for the kids to accept their  
16 new father.

17 Shorty reacted in a very depressed fashion, crying,  
18 but nevertheless reluctantly acknowledged this and thereafter  
19 Shorty never saw Sandra or his three children.

20 Now, Shorty also met in approximately 1964 a good  
21 friend by the name of Jim Babcock who worked at Live Shows at  
22 Corriganville Movie Ranch with Shorty. Jim would see Shorty  
23 once a week to a week and a half.

24 After Shorty returned from working in the salt mines  
25 with a mutual friend by the name of Lance Victor -- Lance  
26 Victor met Shorty during the filming of a film called "Joaquin  
27 Murietta, in 1965 and was never out of contact with Shorty  
28 thereafter more than a two to a two and a half month period



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1 during the five-year period immediately preceding Shorty's  
2 disappearance in August of 1969.

3 Now, in 1968 Lance and Shorty worked a seasonal  
4 job together at Leslie Salt mine in California. Jerry Binder,  
5 whom I mentioned, was having a business setback and could not  
6 afford to employ Shorty at that time, and therefore it was  
7 necessary for Shorty to take this interim job in order to  
8 secure some funds to live on.

9 Now, Jerry Binder, we expect the evidence to show,  
10 met Shorty approximately in 1964 where he operated a business  
11 called Circus and Carnival, and involved the performance of  
12 live animals. He was in partnership with a person by the name  
13 of Scotty Larkin for whom Ruby Pearl had worked. And Shorty  
14 assisted Ruby Pearl in some of these shows and indeed this was  
15 the way he met Jerry Binder when Binder split up with his  
16 partner Scott Larkin.

17 Binder became very close to Shorty who thereafter  
18 at frequent intervals would stay at the Binders' house.  
19 Binder's wife, Mary Binder, was very fond of Shorty, and both  
20 had daily contact, that is, Jerry Binder and Mary Binder had  
21 almost daily contact with Shorty when the latter was working  
22 for Jerry.

23 In 1968 Jerry gave Shorty some money and some  
24 cameras to use as collateral for the purchase of Arch Hall's  
25 matched set of western guns to be used in Shorty's stunt work.  
26 These guns, the evidence will show, we expect to show, had  
27 consecutive serial numbers 2421 and 2422.

28 Shorty treated these guns like his children as

5-4

Binder noted, we expect him to testify. He polished them, he rubbed them, he caressed them. He almost kissed them. He treated them like glass. He was proud of these guns.

At every opportunity he would show those guns to his friends and do his quick draw exhibition. And he showed the guns to all of his friends.

5a

5a-1

1           Shorty would get rid of almost anything, but never  
2 his guns, we expect the evidence to show. He handled these  
3 guns like a piece of crystal glass. Shorty carried these  
4 matched guns in a specially adapted attache case made by his  
5 good friend Bob Bixton, the movie producer we had previously  
6 mentioned.

7           As I indicated, when the opportunity arose Shorty  
8 would take the guns with the attache case, wherever he is at  
9 a party, at a bar, a barbeque, or what have you, and displayed  
10 these guns very proudly and do certain western tricks with  
11 them.

12           Shorty occasionally pawned his guns, but he always  
13 redeemed those guns. He never received from pawning the guns  
14 the true loan value of the guns, telling his friends that he  
15 never intended to leave them at a pawn shop or sell them, but  
16 rather he wanted only a small indebtedness against the guns  
17 so he would have the ability at any time, should the occasion  
18 arise, to redeem the guns, so that he could perform his stunt  
19 work as a movie man.

20           Shorty was extremely excited about his small work  
21 in the movies, and he dreamed, as I said, of getting a union  
22 card. He would tell all of his friends, whenever he was  
23 offered a part or had a chance to work in the movies, or if  
24 he appeared in a movie, no matter how small the part, he would  
25 drag some unfortunate friend to see him, even if it was a part  
26 where he just hanged in a movie. He would drag his friends to  
27 see that.

28           Shorty met his second wife, a girl nicknamed

1 Nikki true name Magdalene Shea, when he took a job as a  
2 manager-bouncer for Herb Blumberg at the Cab Inn Club in  
3 April 1969. Shorty began going with Nikki, a Negro girl, who  
4 was a topless dancer and cocktail waitress at the Cab Inn.

5 Sometime near the end of June 1969 -- and Shorty,  
6 before they went to Las Vegas, Shorty would take Magdalene or  
7 Nikki, if you will, around to meet various of his friends.

8 Now, sometime at the latter part of June of 1969  
9 Shorty and Magdalene then went to Las Vegas as Jerry Binder,  
10 his good friend, had summoned him to help out in two businesses  
11 that he was presently operating, namely, the Swinger's Boutique  
12 and the place called The House of Paperbacks. And Binder had  
13 intended to employ Shorty, his good friend and trusted  
14 employee, as a manager of one of those places.

15 Now, Shorty during the interim period in Las Vegas,  
16 attempted -- and we are now the end of June or the first part  
17 of July 1969 -- attempted to secure a reasonably priced  
18 apartment for Nikki and himself but was unable to do so.  
19 Meanwhile, Shorty married Nikki in Las Vegas on July 1st, 1969,  
20 Jerry Binder, his good friend and employer, being the best man.

21 Now, Nikki and Shorty experienced racial prejudice  
22 towards them as a result of their mixed marriage and eventually  
23 Nikki returned to Los Angeles around the middle of July 1969.  
24 Shorty remained in Las Vegas another week to work out the  
25 advances that Binder had extended to him.

26 And before leaving Shorty received a \$100 loan in  
27 the form of a check given to him by Binder, which loan was  
28 never paid back. Binder will tell you that -- we expect the

1 evidence to show that Binder will tell you that this was  
2 unusual since Shorty always paid Binder back for every loan  
3 that was extended to him in the past.

4 Shorty returned to Los Angeles approximately the  
5 third week in July where he rejoined Nikki. They took up  
6 residence at the Wilcox Hotel in Hollywood.

7 Now, during the first week that Shorty returned to  
8 Los Angeles it was necessary in order to have some living  
9 money to pawn one of his matched set of guns. We expect the  
10 evidence to show that on July 25th, 1969 Shorty did pawn one  
11 of his guns at a place called Collateral Loan in Hollywood,  
12 I believe, on Cahuenga Boulevard. That was on a Friday.

13 On the following Monday, July 28th, 1969, Shorty  
14 pawned his second gun together with the attache case which  
15 contained same, both or all for a total of an aggregate of  
16 \$45. We expect the evidence to show that Shorty could have  
17 received as much as \$100 loan money against the guns if he  
18 desired but that he refused stating that he wanted a small  
19 enough loan so that he could redeem the guns at any time.

20 When Nikki asked about the amount of the loan again  
21 Shorty indicated that he wanted to redeem them when needed and  
22 that is why he didn't ask for more money.

5b

5b-1

1 Shorty performed during this period of time -- we are  
2 at the end of July right now and living on Wilcox -- some odd  
3 jobs in order to support Nikki and himself. But the sparse  
4 earnings were not enough. Nikki wanted to continue working as  
5 a topless dancer to earn money, and Shorty and Nikki argued  
6 about her working.

7 Between the time they returned to Los Angeles until  
8 August 16, 1969 Shorty took Nikki around introducing her to  
9 many of his friends that she had not previously met before  
10 going to Las Vegas. Shorty took special pride introducing  
11 Nikki to Ruby Pearl and George Spahn, his dear old friends.

12 Shorty was to be given at last a major part in a  
13 forthcoming movie to be produced by Bob Bixton and which was  
14 to be filmed in Arizona, and in which Shorty would receive,  
15 finally, union wages and a union card. Shorty had also read  
16 for a part in a picture at the end of July or the first part  
17 of August to be produced by a producer by the name of Maurice  
18 Kosloff.

19 Shorty was terribly excited about the movies and  
20 told all of his friends about the part. The Bixton movie,  
21 however, had subsequently been postponed several times to a  
22 late August or early September 1969 movie schedule. Meanwhile  
23 Shorty needed money to live on. On the morning of August 16,  
24 1969 Shorty and Nikki quarreled about his refusing to permit  
25 her to work. As he felt it was his responsibility to support  
26 the family, and they further argued about his drinking habits.

27 Shorty left the house early on the morning of  
28 August 16, 1969 and called later that afternoon telling Nikki

1 that there had been a raid at Spahn Ranch in which everyone  
2 there had been arrested, and he intended to stay and help out  
3 George Spahn who was then blind, until Spahn could secure help  
4 to take care of the facilities and the horses.

5 When Nikki returned the late evening of August 16,  
6 1969 or the early morning hours of August 17th, 1969, at their  
7 Wilcox address she noticed that all Shorty's possessions were  
8 gone, namely, his footlockers, clothes, holsters, gun kit,  
9 his bible, et cetera.

10 Shorty left a note discussing their differences  
11 stating they hoped they could reconcile because he loved her  
12 very much. Shorty left Jim Babcock's number, a good mutual  
13 friend, through whom he could be reached.

14 Nikki never saw or heard from Shorty again after  
15 that August 16th, 1969 conversation, though she made subsequent  
16 attempts to contact Shorty through the Babcocks.

17 Within two weeks following the August 16th  
18 separation Nikki called the Spahn Ranch and inquired as to  
19 Shorty's whereabouts. A female voice said to call back later.

20 Nikki called the next morning whereupon a female  
21 voice, after a long pause, said that Shorty had left for  
22 San Francisco that morning.

23 Shorty, following the August 16th raid, moved back  
24 to the Spahn Ranch where he slept in his car together with his  
25 belongings. Prior to August 16, 1969 Shorty brought Nikki to  
26 the Spahn Ranch two times to meet George and Ruby. The first  
27 time Nikki met Charles Manson around the end of July after  
28 Shorty had first returned from Las Vegas, but did not meet



1 Spahn or Ruby.

2 Nikki met Ruby Pearl and George Spahn on the second  
3 visit. She also met Tex Watson who was armed with a gun and  
4 a sheathed knife, and Squeaky, Sue Bartel and Gypsy, and some  
5 other persons whom she is unable to identify, those being  
6 female girls who were living there.

7 Upon leaving with Nikki, following the second  
8 visit, Squeaky, Gypsy and Sue Bartel -- we expect the evidence  
9 to show this, bear in mind this is what we always expect, this  
10 is not evidence -- that is Gypsy, Squeaky and Sue Bartel,  
11 members of the Manson family of which Grogan was a loyal member,  
12 told everyone not to sit on the chair Nikki had been sitting  
13 on because Nikki was a Negro.

14 MR. WEEDMAN: Excuse me, your Honor. I am going to  
15 object and move to strike any such reference in an opening  
16 statement. I have never heard of anything like this in my  
17 professional career.

18 MR. KATZ: I object to his outburst in open court.

19 MR. WEEDMAN: This prosecutor, your Honor, is inflaming  
20 this jury with what is obviously hearsay and which is not  
21 admissible against my client, period. I strenuously object  
22 to it, your Honor.

23 MR. KATZ: Your Honor, excuse me --

24 THE COURT: Gentlemen, this is an expectancy of what  
25 the People intend or expect to prove subject to rulings of the  
26 court one way or the other and under the factual structure  
27 here and under the holdings of the higher courts on what the  
28 People--what testimony may or may not be admissible with



1 respect to the establishing, if they can, the death of, in  
2 this instance Shea. The factual matters that are set forth  
3 in the opening statement are permissible in my opinion.

4 That is, it is a proper offer of proof. Now, it  
5 may be weeded out. That is another factor. But I have told  
6 the jury that it is an expectancy. It is not evidence. It  
7 cannot be used as evidence. Must not be considered as evidence.

8 I can't go much closer than that. The record can  
9 show your protest. Objection overruled.

10 MR. KATZ: Thank you.

11 THE COURT: You may proceed, Mr. Prosecutor.

12 MR. WEEDMAN: May I just say this, your Honor --

13 MR. KATZ: I object to further argument in front of the  
14 jury.

15 MR. WEEDMAN: I am not addressing Mr. Katz.

16 THE COURT: Go ahead.

17 MR. WEEDMAN: Your Honor, it's the old observation that  
18 it's like ringing a bell and somehow asking someone to forget  
19 the bell has rung. I just feel Mr. Katz is going into areas  
20 which he just should not go into.

21 THE COURT: Objection overruled. You may proceed.

22 MR. KATZ: Thank you.

23 As I was saying, immediately following the second  
24 visit of Shorty and his wife Nikki, and after leaving, Squeaky,  
25 Gypsy and Bartel told everyone -- Susan Bartel -- not to sit  
26 on the chair Nikki had been sitting on because Nikki was a  
27 Negro. The girls were upset and angry and stating, "Isn't  
28 that something. Of all things, bringing a Negro girl to the  
29 Ranch."

#6

1 MR. WEEDMAN: Your Honor, may we approach the bench,  
2 then, your Honor, please?

3 MR. KATZ: I think your Honor has made the rulings.

4 THE COURT: Well, you can show your objection, but I  
5 think we should proceed, gentlemen.

6 If you have an objection, you may make it.

7 I have ruled.

8 MR. WEEDMAN: I will interpose the same objection, and  
9 respectfully urge the court to admonish the jury to disregard  
10 such comments relative to statements made by persons who are  
11 not on trial about matter which is highly inflammatory, highly  
12 prejudicial, and only is introduced against my client.

13 My client is the only one on trial here, your Honor.

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

15 This is an offer of proof. The court may or may  
16 not accept segments or portions of it.

17 I can't say. It is a matter of proof. You may  
18 proceed.

19 MR. KATZ: Thank you, your Honor.

20 We expect the evidence, and again I underscore  
21 that we expect, but we expect the evidence to show, and  
22 remember that my statement is not evidence, that Charles Manson  
23 was the unquestioned leader of a nomadic band of vagabonds who  
24 call themselves The Family.

25 We expect the evidence to show that those who were  
26 accepted in the family fold were required to follow Manson's  
27 dictates, and to accept the philosophy without question or  
28 compromise. We expect to show that defendant Clem Tufts,

#6-2

1 whose real name is Steve Grogan, was such a member, having  
2 joined the family in 1968.

3 Manson preached his philosophy that blacks were  
4 inferior to whites and --

5 MR. WEEDMAN: Your Honor, I object to this and move to  
6 strike.

7 This is absolutely incredible to me that in a  
8 court of law this young man would have the nerve to make such  
9 an opening statement in front of the jury. I have never heard  
10 of such a thing, and if I am out of order, your Honor, I  
11 apologize to the court.

12 I don't think I have ever raised my voice as I have  
13 raised it now during a prosecutor's opening statement. I have  
14 tried hundreds and hundreds of felony cases, your Honor. I  
15 have never heard of such a thing.

16 This is an outrage and it offends the most basic  
17 principles of justice and decency. What is this country coming  
18 to, to permit a prosecutor to go on like this?

19 THE COURT: The objection is overruled. You may proceed.

20 MR. KATZ: As I was saying before I was interrupted,  
21 we expect the evidence to show that the philosophy was that  
22 blacks were inferior to whites and were on earth to be used by  
23 whites.

24 Needless to say, the evidence will show that no  
25 Negroes were permitted to join the family.

26 Between Nikki and Shorty's first and second visit  
27 to the ranch, Shorty was at the Spahn Ranch when Manson threw  
28 a knife at Shorty, missing his head by two to three feet.

#6-3

1 MR. WEEDMAN: Your Honor, may the record at least  
2 indicate a continuing objection, number one, to statements  
3 made by persons totally outside the presence of my client, not  
4 adopted by my client under any theory whatsoever, outside the  
5 presence of my client, your Honor -- well, I don't know what to  
6 say, your Honor.

7 I obviously can't stop him, but to permit him to go  
8 on and talk about acts of other persons totally unconnected  
9 with my client -- I have made the objection, and may it be a  
10 continuing objection?

11 MR. KATZ: I have no objection.

12 THE COURT: It may so show.

13 MR. WEEDMAN: Thank you, Mr. Katz.

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

15 MR. KATZ: As I was saying, between Nikki and Shorty's  
16 first and second visit to the ranch, we expect the evidence  
17 to show that when Shorty visited the ranch during that interim  
18 period that Manson threw a knife at Shorty, missing his head  
19 by two or three feet.

20 Shorty had known Manson since 1968 when the latter  
21 was living with the family on Greshen Street in Canoga Park.

22 We expect to show that Clem Tufts was living at the  
23 Canoga Park address during that same period of time, the latter  
24 part of 1968 and the first part of 1969.

25 Shorty had several physical fights with Manson,  
26 and each hated the other. Shorty was quite bitter about the  
27 way the Spahn Ranch had changed from a sedate movie ranch  
28 location to a place overrun by Manson's band of vagabonds,

#6-4

1 who were giving the ranch a bad name, and he discussed this  
2 fact with Spahn and the other cowboys who lived and worked at  
3 the ranch.

4 MR. WEEDMAN: Your Honor, would I be stretching the  
5 bounds of the court if I would ask for a brief recess?

6 I would like five minutes to get a drink of water  
7 and pull myself together.

8 MR. KATZ: Your Honor, I would like to continue. I am  
9 almost done.

10 THE COURT: How much longer is your statement, Mr. Katz?

11 MR. KATZ: I would say no more than ten minutes. I  
12 would like to retain the continuity.

13 THE COURT: All right, let's go ahead.

14 I will take a recess in a short time, because I  
15 think we should, but go ahead for a little while.

16 MR. WEEDMAN: Your Honor, may I be permitted to at least  
17 get a drink of water?

18 THE COURT: Yes, go ahead and take a drink of water.

19 MR. KATZ: Certainly, I will wait for Mr. Weedman.

20 MR. WEEDMAN: Thank you, Mr. Katz.

6A fls

#6A-1

1 MR. KATZ: Following the raid and arrests of August 16,  
2 1969, in which Manson's desert dune buggies and equipment were  
3 confiscated, the family returned to the Spahn Ranch around  
4 August 20, 1969, where Shorty was now living out of his car.  
5 Shorty became apprehensive and fearful for his well-being.  
6 Shorty expressed his fear to a number of friends, stating he  
7 had to leave the ranch.

8 The evidence, we expect to show, will be that this  
9 was unusual for Shorty, inasmuch as Shorty had never exhibited  
10 or expressed fear for his safety.

11 MR. WEEDMAN: I will move to strike any reference by  
12 the prosecutor to any statements that Mr. Shea was somehow  
13 afraid. There is no theory known to me, absent certain special  
14 defenses which are not indicated in this case, which would  
15 permit the introduction of such evidence. It is totally  
16 incompetent, and to permit this prosecutor to go on in this  
17 vein before this jury is to make a farce of this trial, your  
18 Honor.

19 There is no way in the world that I can possibly--  
20 I can produce a thousand witnesses and never be able to dispel  
21 the kind of things Mr. Katz is laying before this jury, your  
22 Honor, as intelligent as this jury is.

23 THE COURT: Well, the objection is overruled. Complete  
24 your statement.

25 MR. KATZ: In the same time period, now following the  
26 raid of August 16, 1969, Frank Retz, who had just purchased  
27 the property next to the Spahn Ranch, was negotiating with  
28 Spahn to buy the latter's property.

#6A-2

1 Manson and the family, who were trespassing on  
2 Retz's property, camping and driving their dune buggies all  
3 over his property, were warned to stay off of his property  
4 repeatedly.

5 Frank Retz, in the presence of Squeaky, who related  
6 all that happened about Spahn and other people to Manson,  
7 bitterly complained about the family's presence at Spahn Ranch  
8 and told Spahn to have them thrown off of the ranch.

9 Retz would visit Spahn as often as four times a  
10 week, and Squeaky would always be with Spahn. Spahn finally  
11 told Manson to get off of the property by the Saturday follow-  
12 ing the August 16th raid, namely, August 23, 1969. He told  
13 him to get off the property.

14 Squeaky talked bitterly to Spahn about Retz, whom  
15 she accused of trying to steal Spahn's property away from him.  
16 Squeaky wanted Spahn to give the family the property, or at  
17 least let them continue to stay.

18 Manson did not abide by the August 23rd deadline,  
19 and on August 24th Manson was found cohabiting with a juvenile,  
20 Stephanie Schram, on Retz's property.

21 Retz called the police and had them arrested,  
22 after which Manson threatened to slice Retz's throat.

23 MR. WEEDMAN: Your Honor, I object to any threat by  
24 Charles Manson against a person not even involved in this case,  
25 obviously, your Honor, used against my client.

26 How could a threat by Charles Manson against  
27 Mr. Retz possibly be connected with my client?

28 Supposing that were actually introduced here in



6A-3

1 evidence. Supposing that were introduced. That is reversible  
2 error. I have never heard of such a thing.

3 MR. KATZ: That is motive of a co-conspirator, and it is  
4 admissible for motive and identity.

5 THE COURT: The objection is overruled. You may finish  
6 your statement.

7 MR. WEEDMAN: Furthermore, your Honor, I am moving for  
8 a mistrial at this time on the grounds that because of  
9 Mr. Katz's inflammatory remarks, obviously indicating matters  
10 which there is no way in the world that they can properly  
11 be received in evidence here, has denied my client a fair trial  
12 with all due respect to the jury, your Honor.

13 THE COURT: The motion is denied. You may proceed.

14 MR. KATZ: Thank you, your Honor.

15 Retz told Spahn on a number of occasions in the  
16 presence of Squeaky that he intended to hire an armed security  
17 guard to forcibly remove the family off of his property and  
18 Spahn's property. Spahn recommended Shorty, because he was a  
19 loyal and trustworthy person and could handle himself. Retz,  
20 who knew Shorty, agreed to hire Shorty and pay him \$75 a week  
21 plus grocery money.

22 Spahn informed Shea about the job offer. Shea said  
23 he would accept the job, and understood his primary responsi-  
24 bility would be to throw the Manson family off the Spahn and  
25 Retz property.

26 Spahn gave Shorty Retz's business card, and told  
27 him to contact Retz at Retz's office. Shea said he would.  
28 This was the latter part of August, 1969, following the



1 August 16th raid.

2 Spahn never heard from Shea again.

3 Especially in view of the Retz job offer, Shorty  
4 tried to borrow enough money from Ruby Pearl to redeem his  
5 guns, but she did not have the money. Shorty explained to  
6 Ruby that he needed the guns so he could be a security guard  
7 for Retz. Ruby stated that he could wait until he got paid  
8 for this forthcoming Bixton movie part, and then redeem his  
9 guns.

6B fls

#6B

1                   Meanwhile, in this same period of time, that is,  
2 between August 16th and September 1, 1969, Shea told Pearl  
3 concerning the forthcoming Bixton movie, "I sure wish this  
4 movie would hurry up and get going, because I need the money."

5                   A week or so following the August 16th raid, Ruby  
6 last saw Shorty alive at 11 p.m. at Spahn Ranch. Shorty asked  
7 if he could stay with Pearl, stating, "These hippies are  
8 giving me the creeps, they are acting awfully weird." Ruby  
9 replied, "They won't bother you." She responded, "Oh, they  
10 are after me. They are out to get me, Pearl."

11                  MR. WEEDMAN: Your Honor, may the record reflect the same  
12 objection to this kind of thing?

13                  I know of no theory that would permit the introduc-  
14 tion and receipt of such statements in evidence.

15                  THE COURT: Your statement may show for the record.

16                  MR. WEEDMAN: But to permit the prosecutor to throw it  
17 in gratuitously leaves me absolutely helpless.

18                  THE COURT: The record shows your statement.

19                  The People may proceed. Complete your statement.

20                  MR. KATZ: Thank you, your Honor.

21                  Ruby offered the shed, but Shea declined because it  
22 was too cold in there.

23                  As Ruby was leaving Spahn Ranch that late evening  
24 in the latter part of August, the very last part of August at  
25 approximately 11 p.m., she saw a car pull up very quickly and  
26 Clem, Bruce, Charlie Manson and Tex Watson, and possibly Bill  
27 Vance get out of the car. They moved quickly and came around  
28 so that Shorty could not move freely. Ruby hesitated, and then

left, thinking that Shorty could handle himself since he was a bouncer.

She never saw nor heard from Shea again. A few days later Manson and the family left for the desert in Death Valley.

In that same time period, in the latter part of August, 1969, Barbara Hoyt, a former member of the family who was in the parachute room behind the main buildings near the creek, heard late one evening Shorty screaming real loud. The screams were lengthy and characterized by pain and fear.

Barbara was upset by this, and in fear at that time Barbara had last seen Shorty alive the same day she heard his screams.

She never heard nor has seen him again.

The following day she went down to the creek where Charlie and Danny De Carlo, another family member, were talking. Manson stated, "Shorty committed suicide with a little help from us."

MR. WEEDMAN: Your Honor, there is no way on earth that such a statement would ever be admissible in this court. It would be reversible error.

MR. KATZ: I have a brief on it, your Honor.

MR. WEEDMAN: I don't care if Mr. Katz has forty briefs, your Honor. Either we are going to have a trial here or we are going to absolutely waste our time.

THE COURT: The objection is overruled. You may proceed.

MR. KATZ: Thank you, your Honor.

Manson stated to De Carlo in the presence of

1 Barbara Hoyt the following day after she heard the screams,  
2 "Shorty committed suicide with a little help from us."  
3 Charlie asked De Carlo if lye or lime would get rid of a body.  
4 Danny said lime would preserve it and lye would get rid of it.  
5 Charlie said they buried the body under some leaves.

6 Within a few days of the screams and the incident  
7 witnessed by Ruby Pearl, the family left Spahn Ranch, except-  
8 ing a few such as Grogan, who stayed a short time before  
9 joining the family in the desert, and moved to Barker and  
10 Meyer's Ranch in Death Valley.

11 MR. WEEDMAN: Your Honor, I wonder, in view of the most  
12 incredible opening statement I have heard since I have been  
13 practising criminal law, but I wonder if Mr. Katz could slow  
14 down. I cannot keep up with him. I am trying to keep notes.

15 THE COURT: Well, the transcript is struck off. You may  
16 examine the transcript at your leisure.

17 MR. KATZ: Yes, your Honor.

18 As I was saying, within a few days of the screams  
19 and the incident witnessed by Ruby Pearl, the family left the  
20 Spahn Ranch, excepting a few such as Grogan, who stayed a  
21 short time before joining the family in the desert, and moved  
22 to Barker and Meyer's Ranch in Death Valley.

23 Within a few days before leaving for the desert,  
24 John Swartz, a Spahn Ranch cowboy and friend of Shorty, asked  
25 where Shorty was, to which Manson replied, "I sent him to  
26 San Francisco to get a job with a friend of mine who needed  
27 help." Swartz replied, "What about the job Frank Retz offered  
28 him," to which Manson replied, "My friend had a better paying

1 job for him in San Francisco."

2 Two to three days after Pearl last saw Shorty  
3 alive she went to the house at Spahn Ranch and observed Squeaky,  
4 Sue and Gypsy and other girls with Shorty's dishes he had  
5 received from John Enfield when he had purchased Enfield's  
6 white Mercury on July 20, 1969, after returning from Las Vegas  
7 to Los Angeles. Shorty had entrusted Ruby to keep the dishes  
8 for him.

9 Ruby asked, "Why did you take them dishes out of  
10 that box? That is my responsibility. They are Shorty's."

11 Squeaky replied, "He won't --" and then stopped short and they  
12 stared at one another, after which Ruby told them to put the  
13 dishes away.

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6C

6c-1

1 Most of the family moved to the desert by the very  
2 end of August 1969. De Carlo, using the false name of Richard  
3 Allen Smith, redeemed Shorty's matched set of guns, together  
4 with his attache case, on September 2nd and September 3rd, 1969.  
5 Shortly after, De Carlo appeared at Meyer's Ranch where he  
6 joined the family. In the first part of September 1969, Juan  
7 Flynn, a ranch hand and peripheral member of the family, who  
8 resided at the Spahn Ranch and was very friendly with Ruby  
9 Pearl and George Spahn, had dinner at Meyer's Ranch with Manson,  
10 Bruce Davis, Tex Watson and Danny De Carlo. Present also were  
11 family girls who were not seated at the table, such as Squeaky,  
12 Leslie Van Houton, Patty Krenwinkle and other girls, Susan  
13 Atkins.

14 Manson displayed a gun and pointed the same at  
15 Flynn, while talking to Flynn. Thereafter, the gun was passed  
16 to Davis, who pointed the same at Flynn. Davis passed the  
17 gun to Watson, who looked at the gun and passed it to Flynn,  
18 who looked closely at the gun before passing it to De Carlo.  
19 This gun is in all respects similar to one of Shea's guns  
20 redeemed by De Carlo.

21 Also seen with one of Shea's guns that were  
22 redeemed by De Carlo was Bruce Davis, while he was at the  
23 Barker Ranch. Before De Carlo went to the Barker and Meyer's  
24 Ranch area, and after redeeming the guns on September 3rd and  
25 September 2nd, 1969, De Carlo and Bill Vance were seen with  
26 those guns at Spahn Ranch by John Swartz, a cowboy who worked  
27 and assisted George Spahn in the operation of the Spahn Ranch.

28 Paul Watkins and Brooks Poston, former members who

1 joined the family in 1967, who were completely devoted to  
2 Manson, severed their ties with Manson in the spring of 1969.  
3 Watkins and Poston moved to Barker Ranch, while the family  
4 remained at Spahn Ranch. Watkins and Poston did not see  
5 Manson and the family until the family returned to the desert  
6 at the end of August or the beginning of September 1969. We  
7 have reference to the Barker-Meyer's Ranch in Death Valley.

8           Watkins and Poston lived at Barker's Ranch with a  
9 miner-pro prospector named Paul Crockett, who was never associated  
10 with the family.

11           Paul Watkins left Barker Ranch after Manson and the  
12 family had arrived at the very end of August 1969 or the first  
13 part of September to take an Army induction physical at his  
14 draft board which was scheduled for September 5, 1969. Before  
15 leaving, however, Watkins had an opportunity to talk with  
16 Manson at length. A couple of days after taking the physical,  
17 Watkins went to Spahn Ranch where he saw Clem, Brenda McCann,  
18 Vern Plumlee, Bill Vance and Zero. On one occasion a  
19 conversation between Brenda, Steve Grogan and Paul transpired.

20           At this time Watkins inquired into the Shorty  
21 killing, stating, "Oh, Charlie Manson told me you killed  
22 Shorty."

6c-3 1

2 Clem stated, "Yeah, it was real groovy. We took  
3 him out for a ride, me and Tex and Bruce and Charlie took him  
4 for a ride and hit him over the head and stunned him, and  
5 pulled him out of the car and tied him up. Then Shorty was  
6 coming to and saying, 'Why, Charlie, why?' Charlie said,  
7 'You know why,' and he stabbed him.

8 "Charlie had all of the rest of us stab him, and  
9 we all stabbed him for a while."

10 Clem said they got him down and were stabbing him,  
11 and Shorty started saying, "Why, Steve, why?"

12 Steve said he didn't pay any attention to Shorty,  
13 because he knew it was just Shorty's ego talking to him, so  
14 he kept stabbing him. Clem said, "It was really groovy. It  
15 was all bloody and warm and sticky. He came to now, and he  
16 wouldn't die. It was sure hard to kill somebody when they  
17 came to now. Charlie told me to cut his head off."

18 So, Clem said he got a machette and chopped his  
19 head off, and the head went bloop, bloop, bloop, and rolled  
20 a little ways. Clem said, "That killed him." That was real  
21 groovy. He had blood all up his arms and splattered all over  
22 him, and he pushed the body and they stashed the body under  
23 some leaves, and he came back later on and buried him.

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1 Clem said he smoked a joint while the girls buried  
2 him. Watkins asked Clem, "You feel guilty, huh?"

3 Clem stated, "Yeah, my guilt is just my changes I  
4 have to go through. In reality, one baby could kill another  
5 baby and eat its shit."

6 And Clem said that it would be all right. "Any  
7 guilt I have is just my changes."

8 Watkins returned to Barker Ranch a few days later  
9 at which time he saw Juan Flynn. Clem arrived at the Barker  
10 Ranch area approximately one week following the conversation  
11 at Spahn Ranch, i.e., the middle of September.

12 Bill Vance first came to the Barker Ranch area  
13 around October 1st, 1969 at which time he saw Bruce Davis and  
14 Vance together. Vance used the alias, as I indicated before,  
15 the alias of William Rex Cole and Schram.

16 Watkins returned from a short trip to secure  
17 supplies, that is living supplies, and was unable to locate  
18 Brooks Poston and Paul Crockett who fled Barker Ranch on  
19 October 2nd, 1969, going to Shoshone. Watkins immediately  
20 left the area in pursuit of Crockett and Poston.

21 In the middle of September, after Clem arrived at  
22 the Barker Ranch area, Brooks and Clem talked at Barker Ranch.  
23 Brooks said, "Charlie, told me you had to kill Shorty," to  
24 which Clem replied, "Yeah."

25 Brooks said, "Why?" Clem responded, "Because  
26 Shorty was badmouthing the ranch."

27 Clem told Brooks the same thing he told Watkins,  
28 "It was really groovy to feel all that warm, sticky stuff" --

7-2

1 the blood -- "It was everywhere. It was all over."

2 Clem said the blood was groovy and it was a groovy  
3 feeling to kill.

4 Brooks left the Barker Ranch October 2nd with  
5 Crockett because he wanted to stay alive and was in fear for  
6 his life.

7 Clem told Crockett -- I am referring to Steve  
8 Grogan -- at Barker Ranch about killing Shorty. Crockett saw  
9 Davis and Manson with Western-style guns which were identical  
10 to Shorty's guns.

11 Crockett left with Poston on October 2nd, 1969 and  
12 informed the police that Manson and his family were back at  
13 Barker and Meyer's Ranch. On October 10th and October 12th  
14 the Manson family were arrested, including Manson, Vance,  
15 Davis, and Clem or Steve Grogan.

16 At that time Vance produced a license with the name  
17 William Rex Cole. After the October raids at Barker-Meyer's  
18 Ranch Flynn saw Clem at Spahn Ranch sharpening a machette, and  
19 this is in the winter of 1969 -- at which time Clem looked up  
20 and said, "If anybody asks you about Shorty, he went to San  
21 Francisco."

22 Sometime later Richard Barker, a teenage boy, was  
23 hiking with his father, whereupon he discovered secreted in  
24 bushes just outside the ghost town of Balarat, Shorty's tan  
25 briefcase which formerly housed Shorty's guns.

26 We expect the evidence to show that Shorty never  
27 visited Balarat, Coler Wash or the Barker-Meyer's Ranch.

28 Inside the attache case were checks with the Spahn

1 Ranch address imprinted thereon, with George's signature  
2 purportedly being the person who signed the checks. The payee's  
3 name was William Rex Cole, whose true name is Bill Vance.

4 Also a blue suitcase containing a checkwriter and  
5 other paraphernalia belonging to Vance was found next to the  
6 attache case. Shorty did not own such a case.

7 Balarat is located approximately 7 miles from the  
8 mouth of the wash. Manson and his family constantly traveled  
9 this route to and from Barker Ranch, using dune buggies and  
10 dune rails to traverse this rugged and impossible terrain. This  
11 wash was not a regular road and was rarely, if ever, traveled  
12 by the public.

13 Meanwhile, sheriff's homicide began an intensive  
14 search in an effort to locate Shorty or his body. Shorty's  
15 car was found in December 1969 abandoned approximately one-half  
16 block from a house on Greshen Street in Canoga Park where the  
17 Manson family, including Clem, had lived at the end of 1968  
18 and the beginning of 1969.

19 The car had been parked there for months, the  
20 evidence will show, and had to be towed to a garage. However,  
21 after replacing the battery and servicing the brakes the car  
22 was completely operable.

23 Shorty's keys to the car and to his footlockers  
24 were found inside the car on the floor. In the locked trunk  
25 were two footlockers containing all of Shorty's clothes and  
26 possessions, other than his guns and attache case and an  
27 expensive pair of boots which he loved and which were missing.

28 A palm print was lifted from one of the two

1 footlockers that was found in the locked trunk and it was found  
2 to be the right palm print of Bruce Davis.

3 The investigation revealed that Shorty had uniquely  
4 identifiable markings on his body and had sustained severe  
5 injuries to his hip, ankles and ribs which were the subject of  
6 an operation. Dental charts likewise revealed easily  
7 identifiable features and fillings.

8 Continued investigation and inquiries with respect  
9 to all-points bulletins nationally disseminated revealed  
10 nothing. Shorty has not been seen nor heard from since the end  
11 of August 1969, immediately prior to Manson and the family  
12 moving to the desert.

13 Shorty never told anyone that he was planning to  
14 absent himself from California permanently.

15 We expect the evidence to show, finally, that upon  
16 the return of a grand jury indictment in December 1970 charging  
17 Grogan with the alleged murder of Shea, sheriff's homicide  
18 deputies took custody of Grogan in Inyo County on December 18,  
19 1970, advising Grogan that he was under arrest for the alleged  
20 murder of Shorty Shea. Grogan asked how many witnesses testi-  
21 fied against him, to which they replied 43.

22 Grogan stated, "I don't know how this could happen  
23 without you finding a body." Grogan was told that Gypsy had  
24 driven Shea's car to the Greshen Street location and abandoned  
25 it, to which Grogan stated, "Gypsy told me she talked with you  
26 about the car."

27 Grogan was told that numerous witnesses testified  
28 that they were told by Grogan that he had cut off Shorty's head,

1 to which Clem replied, "People will say anything, and you  
2 haven't found where his body is."

3 When asked whether he had killed Shea, Clem  
4 repeated, "You haven't found his body."

5 Thank you.

6 THE COURT: Let's take a short recess, ladies and  
7 gentlemen.

8 Do not discuss the case at all, amongst yourselves,  
9 with any person or persons or come to any opinion or conclusion.

10 We will take a short recess.

11 MR. WEEDMAN: Your Honor, may we see you in chambers.

12 MR. KATZ: After a short recess, your Honor.

13 THE COURT: All right.

14 (Recess.)  
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(The following proceedings were had in chambers outside the presence of the jury.)

THE COURT: Now, we are in chambers at the request of counsel. The clerk, defendant, reporter, sheriff, both counsel are here.

You go ahead, folks.

MR. WEEDMAN: Your Honor, first of all for the record I would like to apologize for the rather emotional display that I was guilty of, raising my voice and all in court. It is something that I haven't done probably for ten or twelve years.

THE COURT: Listen, let me stop you right there. I don't take anything personally. I highly respect you and I highly respect the district attorney. You are both men that are a credit to the bar.

Don't worry about -- I am not disturbed in the least. Let me put it this way. I am not in the least disturbed.

MR. WEEDMAN: Well, I appreciate that very much.

THE COURT: If you get nervous and excited, it is all right. I am not worried a bit about it. Just forget it.

MR. WEEDMAN: Well, I appreciate it.

THE COURT: That will go for the D.A. Go ahead.

MR. WEEDMAN: I appreciate your comments very much, your Honor.

Your Honor, in the calm of your chambers I would respectfully renew my motion for mistrial in this matter on the ground that among many things, Mr. Katz has indicated what is a confession from Charles Manson in this case. Mr. Manson,

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1 to the best of my knowledge, is not going to testify in this  
2 case and therefore such purported confession from Charles  
3 Manson is going to have to come in by way of some other  
4 witness in the case.

5 It's certainly not going to come in from my client.  
6 And so I would submit that it is, therefore, hearsay. Cases  
7 are legion, of course, I think it goes without any argument,  
8 that it is error to receive in evidence confession from co-  
9 defendant in which the defendant on trial is not a party nor  
10 a participant nor has acknowledged in any way.

11 To me it's hornbook law. Mr. Katz has told this  
12 jury that Charles Manson has not only confessed, himself, but  
13 has implicated my client in the process. I can't imagine a  
14 clearer case, supposing that evidence came before the jury,  
15 that is reversible error.

16 I don't think there is any question about it, and  
17 I would be absolutely dismayed if Mr. Katz had any authority  
18 to the contrary on it.

19 THE COURT: Suppose you have testimony relating to a  
20 conspiracy and suppose you have admissions or statements of  
21 Manson that are heard by John Smith, that are accusatory, or  
22 damaging in nature. It wouldn't have to be statements of  
23 Manson on the stand. It could be statements of a third party  
24 in which he relates Manson said this, Manson said this, Manson  
25 said this, Manson said this.

26 MR. WEEDMAN: Yes, but confessions of even admitted co-  
27 conspirators are not admissible against a defendant.

28 THE COURT: Well, I don't know. I'm not prepared to rule



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1 one way or the other at this point on that. I will simply say  
2 that it would seem to me that the law establishes that the  
3 declarations or statements of one co-conspirator are admissible  
4 as against, or may be used against one of the other co-conspira-  
5 tors, even if he is the defendant in this case.

6 I can't say that I would rule out the statements.

7 MR. WEEDMAN: Well, but, your Honor, only if such state-  
8 ments are made during the course and scope of the conspiracy.

9 THE COURT: Yes, but you see that is what I don't know.  
10 I can't prejudge this testimony. This is an opening statement.

11 MR. WEEDMAN: Well, I think --

12 THE COURT: I am unable to reach out that far and put my  
13 finger and read the mind of the D. A. here.

14 MR. WEEDMAN: Well, I appreciate your Honor's very fine  
15 reasoning. And I certainly see your Honor's point in that  
16 connection. I suppose that in some way Mr. Katz may, in some  
17 way, be able to show that a confession from a co-conspirator is  
18 part of the conspiracy. But I rather doubt it, your Honor.

19 THE COURT: Well --

20 MR. WEEDMAN: And this was the --

21 THE COURT: I can only say that I deny the motion without  
22 prejudice to any renewal or continuation or series of renewals  
23 of your objection. It may be constantly made. I deny it  
24 without prejudice, and we will proceed.

25 MR. WEEDMAN: Your Honor, I had, of course, intended to  
26 make an opening statement.

27 THE COURT: Oh, yes. What about that?

28 MR. WEEDMAN: Mr. Katz's opening statement has left me



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1 some rather difficult decisions to make with respect to whether  
2 I should even attempt to answer some of his contentions,

3 THE COURT: Would you like to hold it up until you put  
4 on your own case?

5 MR. WEEDMAN: Well, I would like to wait until 2 o'clock  
6 to make my opening statement, your Honor.

7 THE COURT: All right.

8 MR. WEEDMAN: I think Mr. Katz has said so much to this  
9 jury that as a matter of tactics alone I really should make  
10 an opening statement at this time.

11 THE COURT: Well --

12 MR. WEEDMAN: But -- and I am prepared to make an opening  
13 statement with the exception of perhaps fifteen or twenty  
14 items that Mr. Katz indicated. For example, I am going to have  
15 to wrestle with -- I am going to have to wrestle in my opening  
16 statement, if I am going to touch upon it at all, how possibly  
17 to present a defense to statements allegedly made by defend-  
18 ants when my client wasn't even present. And, as a matter of  
19 fact, when apparently no one was present other than a prosecu-  
20 tion witness.

21 I may choose not even to touch upon those. On the  
22 other hand, I may feel compelled to say something in my opening  
23 statement.

24 MR. KATZ: Your Honor, I feel Mr. Weedman's request is  
25 extremely reasonable. I think that he probably in a sense may  
26 have been taken by surprise and accordingly should be given at  
27 least till 2 o'clock. I have no objection, while I have  
28 witnesses here.

8-1

1 THE COURT: I am inclined to agree with you.

2 MR. KATZ: I have no objection to deferring it until this  
3 afternoon.

4 THE COURT: I have no objection. I will give you until  
5 2 o'clock.

6 I will tell the jury why, though, that you want to--

7 MR. WEEDMAN: A little additional time.

8 THE COURT: That you want to be ready for your opening  
9 statement, and that you are entitled to the time.

10 That is a fair statement, isn't it?

11 MR. WEEDMAN: Yes, it is, your Honor.

12 While we are gathered in chambers, your Honor, it  
13 might be appropriate to mention my need for an investigator.  
14 Typically, the courts have allowed a reasonable fee. I had in  
15 mind, your Honor, the services of a private investigator for  
16 the matters that I require, extensive as they are and important  
17 as they are, would not exceed \$1,000.

18 I do not want to commit -- I don't want to commit  
19 an investigator for this job --

20 THE COURT: Without knowing where the money is coming  
21 from.

22 MR. WEEDMAN: Without knowing that he would be paid a  
23 very reasonable fee, your Honor.

24 THE COURT: What have the courts been allowing? Where is  
25 your code section that permits it?

26 MR. WEEDMAN: Well, it would probably be just a part of  
27 987.

28 THE COURT: Incidentals?

1 MR. KATZ: I can say this, your Honor, that I had  
2 experience with this with Mr. Harwick, who tried a three-month  
3 murder case with me, when he needed the services of an  
4 investigator. The court authorized his employing an investi-  
5 gator, with the understanding that the county would reimburse  
6 him, the idea being that this was certainly legitimate and that  
7 it was something not being done for an arbitrary or capricious  
8 purpose.

9 THE COURT: Well, did the auditor refuse the order?  
10 Was it paid without any question?

11 MR. KATZ: Oh, yes.

12 MR. WEEDMAN: Well, I would, of course, submit to the  
13 court a detailed statement from the investigator as to his  
14 precise hours, of course.

15 THE COURT: You do that. I will authorize you to do  
16 that.

17 MR. WEEDMAN: And the nature of the investigation.

18 THE COURT: You say you don't expect it to be over that  
19 amount of money?

20 MR. WEEDMAN: No, your Honor. Should the bill even begin  
21 to approach the figure, I will inform the court.

22 THE COURT: Well, then you can come into chambers on it.  
23 All right.

24 MR. KATZ: I wish to apologize just in the event that  
25 the record reflects any, shall we say, personal remarks made to  
26 Mr. Weedman, though I don't believe I did make any such on the  
27 record.

28 THE COURT: Oh, no, don't worry about it.

1 MR. WEEDMAN: I'm afraid I was carrying the ball as the  
2 villian rather than Mr. Katz this morning.

3 THE COURT: Don't worry about me. It takes more than  
4 that to irritate me.

5 All right, we will go over until 2.

6 (The following proceedings were had  
7 in open court out of the presence of  
8 the jury:)

9 THE COURT: Now, gentlemen, we are back in court. The  
10 defendant, Mr. Grogan, is here. The defendant's attorney is  
11 here. The district attorney is here. Bring in the jury,  
12 sheriff.

13 (The following proceedings were had  
14 in open court:)

15 THE COURT: Now, gentlemen, continuing my statement.  
16 The defendant and all counsel are here.

17 We now have all the jurors in the courtroom, plus  
18 the alternates.

19 Now, ladies and gentlemen, the People have con-  
20 cluded their opening statement to you, what they expect to  
21 prove, to establish, in their case against the defendant. That  
22 is an opening statement. It is a statement of expectancy.

23 When I repeat things, you'll just have to bear with  
24 me. I may repeat things a number of times. It is not that I  
25 don't realize that I have said it, but I do it for a purpose.

26 This was a statement of expectancy, and it is what  
27 the People expect to establish.

28 Now, the defendant has a right to make, as I have

1 stated, an opening statement to you. The statement can be made  
2 now. It could be made at a later time. I believe the  
3 defendant's counsel desires to make his opening statement on  
4 behalf of his client not when he puts on his side of the case  
5 but at this time, which is his right to do. He wants to compose  
6 and direct his statement properly, and therefore he desires,  
7 and very properly so, a little time. Rather than to say to go  
8 ahead and make the statement now, we will go over until  
9 2 o'clock for the defendant's opening statement.

10 Have I stated that correctly, Mr. Weedman?

11 MR. WEEDMAN: Yes, and thank you so much, your Honor.

12 THE COURT: Therefore, do not discuss the case or come  
13 to any opinion or conclusion.

14 Kindly return promptly at 2 o'clock, and we will  
15 proceed.

16 We will be in recess until 2 o'clock this afternoon.  
17 Thank you, folks.

18 (The noon recess was taken to 2 o'clock  
19 p.m. of the same day.)  
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#9 1 LOS ANGELES, CALIFORNIA, TUESDAY, JULY 20, 1971, 2:00 P.M.  
2  
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4 THE COURT: Now, gentlemen, let's proceed. People  
5 against Steve Grogan.

6 The defendant is here. The defense counsel is  
7 here. People's counsel is here.

8 You can bring in the jury, sheriff, please.

9 THE BAILIFF: Yes, sir.

10 (The following proceedings were had in  
11 open court within the presence of the jury.)

12 THE COURT: Now we have all of our regular jurors in the  
13 jury box, plus the three alternates.

14 You may proceed, Mr. Weedman.

15 MR. WEEDMAN: Thank you very much, your Honor.

16 THE COURT: With your statement.

17 MR. WEEDMAN: Judge Call, Mr. Katz, ladies and gentlemen  
18 of the jury and our alternate jurors as well:

19 I would like to begin by writing a date on the  
20 blackboard as part of my opening statement. It is a date  
21 which I feel is a very useful one.

22 THE COURT: I will make one interruption. I won't bother  
23 you any more.

24 MR. WEEDMAN: Surely.

25 THE COURT: You might push that back, the other end also  
26 more. I want the alternates to watch you. Won't that go back  
27 a little?

28 All right, I can follow you. Now, I can follow

1 you.

2 Can all of you see?

3 MR. WEEDMAN: Then I will step out of the way, your  
4 Honor.

5 THE COURT: All right.

6 MR. WEEDMAN: Ladies and gentlemen, the date is  
7 August 16, 1969 (writing). And I will write another, at  
8 least a continuing date underneath this which I think will also  
9 be useful.

10 I am trying to spell -- there is August (writing)  
11 and this is September, if you will.

12 We will erase these as soon as I have concluded  
13 my opening statement. The first date, ladies and gentlemen,  
14 August 16, 1969, is not a date which we expect to show is  
15 going to have a substantial relevance, but it is, I submit, an  
16 extremely convenient date for you to orient your thinking with  
17 respect to my opening statement.

18 The dates that I have written underneath here, of  
19 course, August 16th to September 1, 1969, represent the period  
20 of time in which the People are alleging that Mr. Shea was  
21 murdered and not only murdered, but murdered by my client.

22 10 fls



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1 Ladies and gentlemen, my choosing at this time to  
2 make an opening statement -- this is not what is ordinarily  
3 done in the defense of criminal cases. Perhaps you may have  
4 divined from my earlier remarks, remarks this morning, that I  
5 feel that now is the time at least to orient you, for example,  
6 with respect to what the defense intends to prove.

7 Please bear in mind that we do not intend to  
8 actually put on a defense, that is by actually calling witnesses,  
9 for several weeks. The prosecution will, of course, be calling  
10 many of the witnesses on whom we are relying for a defense  
11 during that several week-period of time.

12 The time, we expect to show -- it is obvious from  
13 the prosecutor's allegation, but we expect to show that the  
14 allegation, if you will, is of August 16th to the 1st of  
15 September 1969. We expect to show that virtually all of the  
16 evidence in the possession of the district attorney's office in  
17 connection with this case was in their possession by December  
18 1969, and yet my client was neither arrested nor charged with  
19 this offense until almost a year later.

20 We expect to demonstrate that it is extremely  
21 difficult for us to go back that far and gather up relevant  
22 evidence. I am not saying this to you by way of argument. I  
23 am saying that we expect to prove this as part of our defense in  
24 this matter. We will show and we will demonstrate that it is  
25 really Charles Manson who is on trial here, and it is the  
26 attitude of the district attorney's office that anyone who had  
27 ever been associated with Charles Manson must be guilty of some  
28 crime and will be vigorously prosecuted, irrespective of the



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1 evidence or the facts that are in the possession of the  
2 district attorney's office.

3 We will further demonstrate that virtually every-  
4 thing, not all as you will see, but virtually everything, that  
5 we are going to present to you as a defense are things which  
6 the district attorney's office already knows about.

7 As of August 16th my client had just turned 18 years  
8 old. He turned 18 in July of 1969. We do not expect to be  
9 able to have Mr. Shea walk through the rear doors of this  
10 courtroom. We don't know. We cannot tell you if Mr. Shea is  
11 dead or alive.

12 We do not know, but we do expect to show the follow-  
13 ing. Mr. Shea was a stuntman. Mr. Shea was not even a well  
14 employed, a consistently employed, cowboy. He was an itinerant  
15 handyman, at best. He held no steady jobs. He had no job for  
16 any period of time that we are aware of that lasted more than  
17 a month or two.

18 He was not a member of any union which involves  
19 stunt work. We will show that it is almost an absolute require-  
20 ment to be a member of a Hollywood union in order to work as a  
21 stuntman.

22 Mr. Shea, insofar as he did appear in any motion  
23 pictures, was kind of a pickup nonunion man working outside  
24 union requirements, union agreements and union contracts. Far  
25 from learning his craft, in the many years that he represented  
26 himself as a stuntman he never learned enough of his craft to  
27 really be a stuntman, and therefore never was permitted to enter  
28 the stuntman's union.

#11

1 Mr. Shea's income, because of his irregular employ-  
2 ment, was also irregular. During the time that Mr. Shea was  
3 in and about the Spahn Ranch when members of the Manson family  
4 were there, we will demonstrate that Mr. Shea, in addition to  
5 whatever pickup work he may have done for his room and board,  
6 was selling pornography and pornographic materials. He was  
7 carrying around and displaying for sale such items as artificial  
8 penises, some of which were even mechanically, electrically  
9 activated. This is what the man was reduced to, or this is  
10 what the man did, that is, as well as everything else you may  
11 have heard from Mr. Katz, by way of making a living.

12 After 1965, having had three children by his first  
13 wife, Mr. Shea never saw these children again, never manifested  
14 the slightest bit of interest in these children.

15 Jimmy Babcock, a witness whom you will hear here,  
16 met Mr. Shea in 1966. He met Mr. Shea's new wife.

17 Mr. Shea's new wife, Nikki, also known as Magdalene,  
18 Magdalene Shea, he met in the latter part of May, 1969. She  
19 was working in a club as a topless dancer.

20 He married her a little more than a month later.  
21 He married her on July 1, 1969.

22 Now, Jimmy Babcock met Mr. Shea's new wife and he  
23 will tell us that Mr. Shea was at the Spahn Ranch when he needed  
24 a place to sleep. That he was not at the Spahn Ranch on any  
25 permanent basis at all.

26 Ray Parrott -- now, these are old friends of  
27 Mr. Shea's -- Ray Parrott met Mr. Shea around 1964. He will  
28 tell us that Mr. Shea and one Lance Victor stayed with

1 Mr. Parrott in 1968 for about four months. Never paid their  
2 rent. That in August of 1968 -- this is about a year now  
3 before the dates that we have up there on the board -- Mr. Shea  
4 went to Vallejo. And he went up there with Lance Victor, and  
5 he worked in what they call the salt mines. This is part of  
6 the Leslie Salt Company.

7 That the regular season for this kind of employment  
8 at the salt mines runs from September through December. So  
9 Mr. Shea went up there in August of 1968, approximately a year  
10 before the dates that we have up there now.

11 At that time Mr. Shea owned an old Cadillac. He  
12 did not take the Cadillac north to Vallejo with him because  
13 it needed brakes. So he just left the car.

14 Now, August 16th -- this is the date that there  
15 was a police raid on the Spahn Ranch. August 16, 1969.  
16 Virtually all of the so-called members of the so-called Manson  
17 family and other persons who just happened to be there were  
18 arrested by the police, taken into custody, removed and booked.

19 We will show that no charges were filed as a result  
20 of those arrests of those persons. That it was a harassment,  
21 investigatory kind of raid.

22 Everything we submit and intend to show, really  
23 revolves around this August 16th date, and I shall refer to  
24 that as the raid on the Spahn Ranch.

25 Now, the day following August 16th, Mr. Shea told  
26 Ray Parrott, whom I mentioned a moment ago, that he was going  
27 to Vallejo to again work salt mines. He had been there the  
28 vious year in September. He was going up there in September

1 of 1969.

2 Now, Sheain the meantime had bought a car from a  
3 man named John Enfield. He bought that car July 20, 1969.  
4 He never paid for the car. Further evidence of what we expect  
5 to show that Mr. Shea never really had any money but he relied  
6 to some extent, after his marriage, July 1st, on his wife's  
7 earnings. That he was continually and constantly short of  
8 money.

9 Now, one William Humphrey had known Mr. Shea eight  
10 or nine years. He saw Mr. Shea two weeks after this August 16,  
11 1969, raid of the Spain Ranch and had seen him about two times  
12 a week since this August 16th raid.

13 When he last saw Mr. Shea, he will testify that  
14 Mr. Shea had been drinking. That he was cursing and was making  
15 threats against persons. But he also said an interesting  
16 thing to Mr. Humphrey. He told Mr. Humphrey that he couldn't  
17 drive this car, this car that he had bought from John Enfield  
18 a month before, until he had gotten his brakes fixed.

19 And the evidence will show that when this car was  
20 recovered, that indeed it needed brakes. In other words, we  
21 expect to show that Mr. Shea told not only Mr. Parrott, but  
22 others, that he intended to go to Vallejo to work the salt mines  
23 again and that he didn't take his car because the brakes didn't  
24 work, which was exactly the situation that had occurred a year  
25 before with his Cadillac. He didn't take his Cadillac because  
26 the brakes didn't work.

27 Mr. Shea, by numerous witnesses, was known to have  
28 a very bad temperament and to be a heavy drinker. He was known

1 to have had many fights, often with more than one person at  
2 a time. And on one occasion he actually threw a knife at a  
3 person at the Spahn Ranch with such force that it broke the  
4 knife.

5 He told Lance Victor, the man that he had gone up  
6 to the salt mines with the year before, that he intended to go  
7 up to Vallejo to again work the salt mines.

8 Now, one Muriel Quant, who had known Mr. Shea for  
9 many years, talked to Mr. Shea as late as September 13, 1969.  
10 And if you will look at this date, ladies and gentlemen, you  
11 will see that September 13th is way beyond the date where  
12 the People are alleging that Mr. Shea met his death at the  
13 hands of my client. And Muriel Quant is a prosecution witness,  
14 I might add.

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1 Miriam Binder. Again, she and her husband  
2 estranged during this period of time. But nevertheless she  
3 and her husband, long friends of Mr. Shea, she will testify  
4 that Mr. Shea was uptight about his relationship with his  
5 topless dancing wife, but not because of her dancing. She  
6 will testify that Mr. Shea told her that his wife, Nikki, also  
7 known as Magdalene, had gone back with another man, and that  
8 Nikki, or Magdalene, had told Mr. Shea that she feared that  
9 her Negro boyfriend would kill Mr. Shea, and that is the  
10 reason that she went back to her former boyfriend, leaving  
11 Mr. Shea.

12 Bearing in mind that she had married Mr. Shea  
13 July the 1st, 1969, so she was with him about six weeks before  
14 the separation. Shea wrote a letter to his wife, Nikki, and  
15 accused her of walking out on him. Among other things, he  
16 asked her to forgive "a poor fool for drinking," and in a  
17 strange way he asked her to come home to him, except there  
18 wasn't any home.

19 Mr. Shea had no place of residence. He was living  
20 out of his automobile from time to time at the Spahn Ranch.  
21 We cannot demonstrate where he was during all of this period  
22 of time, but we will show when he was at the Spahn Ranch he  
23 was living out of his automobile.

24 Now, when Nikki returned one or two days after  
25 August the 16th, and I hope you will begin to see why August  
26 16th is a useful date, Shea had moved out his belongings.  
27 Bear in mind that he had already indicated to some persons that  
28 he was going up to Vallejo to work in the salt mines.

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1 So far as we can demonstrate, Shea made no attempt  
2 to contact his wife after August 16, 1969, and yet witnesses,  
3 of course, were in contact with him repeatedly following August  
4 16, 1969. One of them was as late as possibly September 13th,  
5 1969.

6 Now, with respect to these guns that figure so  
7 prominently in this matter. Mr. Archibald Hall sold these  
8 Italian-made Frontier Colt .45 long Colt revolvers to Mr. Shea.  
9 Mr. Shea apparently left some kind of photographic equipment  
10 as partial payment for these things, promising to pay Mr. Hall  
11 promptly.

12 Mr. Hall never heard from him again until almost a  
13 year later, until August of 1969.

14 Shea called Mr. Hall and told him that he would  
15 come by and pay off the balance owing. This was about the time  
16 that Mr. Shea had already pawned these guns. He was so broke  
17 that not only could he not pay the balance owing on the guns,  
18 he had to pawn them in order to make money even to live out of  
19 his car. He had to pawn these guns, and he did pawn them. For  
20 his beloved guns it was not the first time he had pawned them.

21 We expect to show, ladies and gentlemen, that the  
22 People will not meet their burden of proof with respect to the  
23 corpus delicti of this crime. They will not convince you that  
24 Mr. Shea is dead, number one, or that he died as a result of an  
25 unlawful act of another.

26 Judge Call, of course, will rule on the receipt of  
27 the evidence in this case. You will be told that no evidence  
28 of any purported admissions or confessions or anything of that



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sort may be received until you can show that somebody has been  
killed.

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1 MR. KATZ: I will object. The law is slight evidence  
2 of the corpus delicti, after which admissions come in to  
3 fortify the evidence. I will ask that counsel be cited for  
4 contempt of court.

5 THE COURT: I will let your statement show. I won't go  
6 further into it.

7 Your statement shows. You may proceed.

8 MR. KATZ: Thank you, your Honor.

9 MR. WEEDMAN: We will demonstrate that Charles Manson,  
10 the awful Charles Manson, never preached prejudice against the  
11 black man. Charles Manson and many, but not all, of the people  
12 who were with him firmly believed, believed passionately, that  
13 the black man had suffered so much at the hands of the white  
14 man that a revolution was coming, and in discussing this matter,  
15 these people pointed out the kind of revolution that has  
16 already taken place. The revolution, the emergence of the  
17 black man as a viable, equal citizen of the United States.

18 Mr. Manson, including my client, merely wished to  
19 avoid the confrontation between the black man and the white  
20 man. Whether they were mistaken in their judgment of a social  
21 phenomenon or not, we do not intend to develop. We do intend  
22 to show you, however, that Mr. Manson did not at any time  
23 preach prejudice against the black man, and indeed, we anti-  
24 cipate calling, of course again depending upon the People's  
25 evidence, but we anticipate calling certain persons of this  
26 minority race with respect to statements and attitudes expressed  
27 to them by other members of the so-called Manson family.

28 We will show that Manson was not in the sense

1 apparently promulgated by the district attorney's office the  
2 leader of this group, but that members, so-called members of  
3 the so-called group, often violently disagreed with Mr. Manson,  
4 that it was mostly a rap session, mostly talk, that the  
5 essential feature of this group was that they were hippies,  
6 if you will, that wanted to get out of conventional society,  
7 who wanted to live alone and be left alone.

8 We will show through witnesses that Mr. Shea was  
9 seen long after September 1, 1969, by at least two witnesses.  
10 The first witness, a man, and I will not name him at this  
11 time. He is our witness, and I do not intend to give his name  
12 to the district attorney's office. He will testify, and be  
13 unshakable in his testimony, that he saw Shea in January of  
14 1970 in San Francisco.

15 The second witness, a woman, saw him sometime after  
16 that. I will not name that witness at this time.

17 We will show affirmatively that Juan Flynn, a chief  
18 prosecution witness, lied when he testified before the grand  
19 jury in connection with this case.

20 We will show that same Mr. Flynn was a constant  
21 user of LSD, engaged in a variety of weird sexual acts with  
22 persons, and that his entire testimony is shot through with  
23 fabrications, lies and fancy.

24 We will prove that Brooks Poston, another prime  
25 prosecution witness, lied to the grand jury. We will show,  
26 difficult as such evidence is to gather, that Mr. Crockett,  
27 a prime prosecution witness, the same Mr. Poston, and the same  
28 Paul Watkins, were paid approximately \$15,000 for their

1        revelations about Charles Manson.

2                We will show that Paul Watkins, the same Watkins,  
3        was paid \$1000 for posing with a cape in a room at the Barker  
4        Ranch. He was paid \$1000 by a photographer.

5                That is the interest in this case, and that is the  
6        interest of Mr. Crockett, Mr. Watkins and Mr. Poston.

7                We will show the statements allegedly consistent  
8        with their testimony, coming from particularly Sergeant Paul  
9        Whiteley, who is the investigating officer in this case, were  
10       never recorded. That is, never taped. They were never signed  
11       by any of these persons, and indeed the reports which contain  
12       these statements are dated over a year later.

13               We will show that Barbara Hoyt was a runaway, a  
14       user of LSD, and that her parents threatened to put her away,  
15       that her testimony is fanciful and not worthy of belief.

16               Al Springer and Danny De Carlo, prosecution  
17       witnesses, were members of a vicious gang of Hell's Angel's  
18       type of motorcycle bums, thieves, call them what you will.  
19       They are prosecution witnesses.

20               My client will testify, and among many things he  
21       will testify that he made none of the statements attributable  
22       to him, the statements that you heard from Mr. Katz.

23               Thereafter, my client will be subjected to cross  
24       examination by Mr. Katz, and Mr. Katz can ask him anything he  
25       wants to.

26               Finally, we intend to show that the prejudice,  
27       the pressure, the political ambition of the district attorney's  
28       office has lead my client, who just had, I believe, his 20th

1 birthday a few days ago -- brought him to this court, and  
2 the district attorney's office is determined to convict him,  
3 and they don't care how.

4 Finally, among many other, I hope, interesting  
5 things, we will show that a temporary deputy sheriff, not  
6 the bailiff and not the temporary bailiff nor regular bailiff  
7 here, but a temporary bailiff appeared here one day and was  
8 seen going through my personal papers while I left them on  
9 the counsel table while my back was turned. I was out in the  
10 hall talking, probably, or getting a cup of coffee.

11 Therefore, we are going to show a vast and  
12 straining interest on the part of the district attorney's  
13 office to deny my client even the most elementary fair and  
14 non-partial trial.

15 Thank you.

16 THE COURT: You may proceed.

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1 THE COURT: You may proceed.

2 MR. KATZ: Your Honor, I would wish to approach the  
3 bench and make some appropriate motions as a result of the  
4 inflammatory remarks by Mr. Weedman. I want this matter  
5 referred to the State Bar, your Honor.

6 MR. WEEDMAN: Well --

7 THE COURT: Step up here.

8 MR. KATZ: Yes.

9 THE COURT: Come in here.

10 (The following proceedings were had  
11 in chambers:)

12 THE COURT: We are in chambers. Defendant is here with  
13 counsel. Go ahead.

14 MR. KATZ: Yes, your Honor.

15 If you will just give me a moment, I am absolutely  
16 shocked. I am absolutely appalled at the degrading, misleading,  
17 dishonest, unethical opening statement made by defense counsel.  
18 He accused this office of violating one of the most sacred  
19 responsibilities any prosecution agency can have, namely, for  
20 our own political purposes that we are going to prosecute an  
21 innocent person.

22 I have never heard any defense counsel at any time,  
23 other than Irving Kanarek, make that kind of a statement in  
24 open court in front of a jury, your Honor. This reference to,  
25 for example, Mr. Shea selling some pornography was not only  
26 totally uncalled for, but has no relevance whatsoever but to  
27 prejudice, inflame the minds of the jury. It has absolutely  
28 nothing whatsoever to do with whether or not he is alive or

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1 he is dead. Whether Mr. Grogan committed the act or whether  
2 he did not.

3 Mr. Weedman shocked me when he made reference to  
4 some purported evidence whereby someone went through his  
5 briefcase, namely, some type of sheriff, and with such boot-  
6 strapping attempt, he tried to connect that with some efforts  
7 of the prosecution, suggesting to the jury that we would do  
8 anything in order to secure a conviction. I have never heard  
9 such accusations, such blatant accusations in my life, your  
10 Honor.

11 And I appreciate your giving me the opportunity to  
12 express myself. But I can't tell you how appalled, how shocked  
13 I am. I am asking the court to admonish Mr. Weedman to make  
14 no further remarks in this regard or to make no attempts to  
15 present such evidence that is so inflammatory, highly  
16 prejudicial, and which has no bearing upon the course of this  
17 trial.

18 THE COURT: Well, the opening statements for both parties  
19 have been made. So we have passed that situation.

20 The next thing is to the testimony, gentlemen.

21 The more any situation, right or wrong, is played  
22 up, the more aggravated the situation is. I suggest we move  
23 forward. Both statements are made. The People have made their  
24 statement. Defendant has made his opening statement.

25 Now, the question is the testimony. I think the  
26 more that you accentuate any situation, no matter what it is,  
27 the more emphasis is given to it. I suggest we just go ahead.

28 MR. KATZ: You are right, I don't want to make any

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1 statements in front of the jury.

2 THE COURT: Your statement shows. This is the place to  
3 show it, right here. So let's go ahead.

4 MR. KATZ: All right, your Honor.

5 THE COURT: Now, there is another thing, on our three  
6 alternates, gentlemen. Do you think we better move them out  
7 of that corner a little bit?

8 MR. WEEDMAN: If we could, your Honor, I think it would  
9 be a good idea.

10 THE COURT: All right.

11 I will get on the bench, and we will work it out  
12 right there. Frank, if your foot doesn't hurt too much, we  
13 will get you to help with a chair there.

14 THE CLERK: Yes, sir.

15 THE COURT: All right. Let's go ahead.

16 (The following proceedings were had  
17 in open court:)

18 THE COURT: We are back in open court. The defendant and  
19 the counsel are here. All jurors are here.

20 I am speaking now to our alternates. It is  
21 important, of course, that you see everything and hear every-  
22 thing that goes on. I wonder if we took the two of you, those  
23 in the back, kind of brought your chairs up in some fashion  
24 here where you can see all and have a better realization of  
25 everything rather than be buried back there.

26 Let me just move you up here, will you, folks. You  
27 two in the back. Maybe the clerk will help a little bit or  
28 the officer here, and let's pull those chairs up and see how



13-4 1 it works out for the minute.

2 THE CLERK: Your Honor --

3 THE COURT: You can stay put, I think. Let's just see  
4 where we are here.

5 THE CLERK: Will it be any better if we put them back  
6 there by the rail?

7 THE COURT: Well, it might be an answer to it. Maybe  
8 one of the chairs down there. Let's try that.

9 THE CLERK: All right, sir.

10 THE COURT: And put two alternates up here, one down  
11 there. Let's just see what happens.

12 Sheriff, do you want to just bring one of those  
13 chairs out.

14 THE BAILIFF: Right here?

15 THE COURT: No. You have got to bring it out here.  
16 Two in a row right there. Put this right here.

17 Now, bring the other chair and put that right in  
18 there.

19 THE CLERK: Your Honor --

20 THE COURT: Do you think that would be a fair arrange-  
21 ment?

22 THE CLERK: I can put another chair over there, your  
23 Honor.

24 THE COURT: That's all right, where they are.

25 THE CLERK: I wondered if this arrangement wouldn't  
26 block the witness.

27 THE COURT: It might be so.

28 THE CLERK: I can put another chair right there by the

13-5 1 rail,

2 THE COURT: All right. Go ahead. It might be better.  
3 I think it.

4 Now, counsel, will you see if that meets with your  
5 approval there? With those two alternates there by the rail  
6 and another one up here by the witness box?

7 MR. WEEDMAN: Yes, it does, your Honor.

8 MR. KATZ: Yes, your Honor.

9 THE COURT: All right. Then let's try it. You can sit  
10 here, lady, and the other two alternates can sit down there.

11 All right. Now, you may call your first witness.

12 MR. KATZ: Thank you.

13 Mrs. Elizabeth M. Shea.

14 MR. WEEDMAN: Your Honor, I would at this time respect-  
15 fully move to the sequestration of all witnesses in this case.

16 THE COURT: All right.

17 Well, I will let the investigator for the People  
18 remain.

19 MR. WEEDMAN: Yes, of course, your Honor.

20 THE COURT: With that exception, all witnesses in the  
21 courtroom, whether you are People's witnesses or defendant's  
22 witnesses, please step outside and we will call you. The one  
23 witness, the investigator for the People may stay with the  
24 district attorney.

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ELIZABETH M. SHEA,

called as a witness by the People, testified as follows:

THE COURT: Now, raise your right hand. The clerk will swear you.

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

THE WITNESS: Yes, I do.

THE CLERK: Thank you, ma'am. Will you be seated, please.

THE COURT: State your name.

THE WITNESS: Elizabeth Shea.

THE CLERK: Will you spell your last name.

THE WITNESS: S-h-e-a.

THE COURT: Thank you.

Now, you sit right here. Talk to the jury through this right here. Just like you are going to talk to a telephone.

Give us your first name.

THE WITNESS: Elizabeth.

THE COURT: Thank you. All right.

DIRECT EXAMINATION

BY MR. KATZ:

Q Mrs. Shea, I am the prosecutor, and I will be asking you some questions. If at any time you do not understand my questions, would you ask me to rephrase them.

A Yes, Mr. Katz.

Q Mrs. Shea, do you reside out of California?

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A No.

Q You do not reside out of California?

A No. I am in Boston.

Did I hear you right?

Q I see. In other words, you are living in Boston?

A Yes.

Q That is in the State of Massachusetts, is it?

A Right.

Q Mrs. Shea, do you have any children?

A Yes, I have four more boys.

Q You say four more. How many children do you have?

A Five boys.

Q All right. Would you give us their names.

A John Joseph, Donald Jerome and Dennis George,  
Francis William Shea.

Q And these are five sons, is that correct?

A Yes.

Q And where do your children John Joseph, Robert Leo,  
Dennis and Francis reside?

A They all live around my own place.

Q Are you in constant contact with your four other  
children?

A Yes, I am.

Q And did you have a son by the name of Donald  
Jerome Shea?

A Yes.

Q When was Donald Jerome Shea born?

A September the 18th, 1933.

1 Q And where was he born, ma'am?

2 A In Medford.

3 Q And in 1954 did Donald Jerome Shea join the Army?

4 A Yes, he did.

5 Q And sometime thereafter was he discharged in 1956?

6 A Yes, Mr. Katz.

7 Q And a short time after being discharged did he live  
8 with you before going somewhere else?

9 A Yes, he did.

10 Q And when was it that he left home after he came  
11 home following this service in the armed forces?

12 A Well, I recall 1956.

13 Q All right, roughly 1956, is that right?

14 A Yes.

15 Q And thereafter, until sometime in 1969, how often  
16 would you hear from Donald?

17 A In '69 I just heard once. I got a letter -- twice.  
18 I got a letter and I got a call.

19 Q Well, let's go back from my question, Mrs. Shea --

20 A Oh.

21 Q -- is how many times or how often would you hear  
22 from Donald between the time he left home around 1956 until  
23 approximately 1969?

24 A Oh, I would hear from him quite often. Two or three  
25 times a year.

26 Q All right.

27 Were there any specific occasions when you could  
28 always count on hearing from Shorty -- excuse me, Donald Shea?

1 Q When was that?

2 A That was Mother's Day and Christmas.

3 Q All right.

4 And incidentally, when was the last time -- strike  
5 that.

6 Did you ever receive a gift on Christmas from  
7 Donald?

8 A Yes, I did.

9 Q And was this his usual practice upon leaving home  
10 in 1956?

11 A Yes.

12 Q And when was the last time you received a  
13 Christmas present from Donald Shea?

14 A It was the Christmas of 1968.

15 Q All right.

16 Now, I believe you told us that you received a  
17 letter from Donald sometime in 1969, is that right?

18 A I did.

19 Q And do you recall approximately when it was that  
20 you received a letter or communication from Donald?

21 A Well, it was around the month of January. About  
22 the end of January. Stating that he finally got some work in  
23 the movies, and the name of the place was the Spahn Ranch.

24 Q All right.

25 This is January of --

26 A '69.

27 Q '69?

28 A '69.

1 Q Now, did you receive any further communication  
2 either by way of letter or telephone communication in 1969?

3 A Yes, I did. I got a call around June.

4 Q And this is June of 1969?

5 A '69.

6 Q And was this a collect call?

7 A Yes.

8 Q All right.

9 Incidentally, did you encourage your son to call  
10 you at any time he wanted to, collect?

11 A I did. Because --

12 Q Did Shorty use that opportunity on may occasions  
13 since he left home in 19 --

14 A Well, he certainly did, because he tried to get in  
15 the movie and he couldn't get a job, and he wasn't working.

16 Q All right.

17 Incidentally, sometime in 1965 did Donald Shea  
18 return home from California to live with you for a period of  
19 time?

20 A Yes, he did.

21 Q And how long did he stay with you in months in  
22 1965?

23 A Well, a year.

24 Q Approximately how many months?

25 A Oh, probably in the six months. He would just go  
26 back and forth. Boston to California, California to Boston.

27 A All right.

28 Did he visit you more than once during the period



1 between 1956 and 1969 at your Massachusetts home?

2 A Yes, he did.

3 Q Did you always reside in Massachusetts during that  
4 period of time?

5 A Yes, I did.

6 Q And also your children?

7 A Yes.

8 Q And approximately how many times did he visit you  
9 during the period between 1956 and '69 in Massachusetts?

10 A Probably six times. I couldn't really -- because  
11 he always did come home.

12 Q All right.

13 Now, with respect to this communication by way of  
14 telephone in June, approximately June of 1969, did you have any  
15 discussion with respect to what your son intended to do in  
16 regards to the movies?

17 A He said he wanted to work in the movies. He wanted  
18 to make movies.

19 Q Did he tell you whether or not he had a job that  
20 was forthcoming in a movie?

21 A Yes.

22 MR. WEEDMAN: Well, excuse me.

23 THE COURT: Wait a minute.

24 THE WITNESS: Well, he did --

25 THE COURT: Wait a minute. Just one minute, please.

26 MR. WEEDMAN: Your Honor, I must object to the question  
27 as leading and suggestive.

28 THE COURT: It is possibly leading. Try to ask her what

1 was said.

2 MR. KATZ: Certainly.

3 Q Was there any conversation at all regarding the  
4 movies, and if so what was the conversation?

5 A Yes. He said that he wanted to come back to make  
6 a movie.

7 Q Wanted to come back where?

8 A To California. And that was the Spahn Ranch. I  
9 can recall the name.

10 Q All right.

11 And when you say come back to California, do you  
12 know whether or not he was calling you from California?

13 A If he got a call from here?

14 Q Yes. California.

15 A Can't recall.

16 Q All right.

17 Now, were you aware of Donald's marriage to Sandra?

18 A Yes.

19 Q And do you know approximately when it was that  
20 Sandra and Donald became separated and divorced?

21 A Around '65.

22 Q Was that just before Donald moved in with you for  
23 a period of time in '65?

24 A Yes.

25 Q Did Donald ever tell you in 1969 that he was going  
26 to absent himself from California or the United States  
27 permanently?

28 A No.

1 Q Have you seen or heard from your son, Donald Jerome  
2 Shea, since the telephone conversation on or about June of  
3 1969.

4 A No.

5 Q And you said you have been in constant contact  
6 with your children who live near you, is that correct?

7 A Yes, I do.

8 Q Have you been able to locate your son through your  
9 children?

10 A No.

11 MR. KATZ: Your Honor, if I may, I have some exhibits.

12 THE COURT: Yes.  
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14 1 MR. KATZ: Your Honor, I have a black and white photograph  
2 of a male individual, and I ask that that be marked People's 1.

3 THE COURT: That will be marked People's 1 for  
4 identification.

Peo 1 5 MR. KATZ: Thank you, your Honor. I have here a Polaroid  
6 color photograph of a male individual, and I would ask that  
7 that be marked People's 2 for identification.

8 THE COURT: It will be so marked.

O Peo 2 9 MR. KATZ: I have here what purports to be a certified  
10 copy of a birth certificate with the name of a child, Donald  
11 Jerome Shea. I ask that that be marked People's 3 for  
12 identification.

Oei 3 13 THE COURT: It will be marked People's 3, for identifica-  
14 tion.

15 MR. KATZ: May I approach the witness, your Honor?

16 THE COURT: Yes.

17 Q BY MR. KATZ: Mrs. Shea, I would like to show you  
18 People's 1 for identification, a photograph of a male individu-  
19 al.

20 Do you recognize that person as having seen him  
21 before?

22 A Yes, Mr. Katz. That is my son.

23 Q That is your son who?

24 A Donald.

25 Q That is Donald Jerome Shea, ma'am?

26 A Yes.

27 Q Showing you, quickly, People's 2, a Polaroid  
28 photograph of a male individual.

14- 2

1 A Yes, that is Donald.

2 Q Is that how he looked in life?

3 That is the way he was depicted in People's 1 and 2?

4 A Yes.

5 Q Was your son born in Medford, Massachusetts,  
6 Mrs. Shea?

7 A Yes.

8 Q Showing you a <sup>Red's 3</sup> certified copy of a birth certificate  
9 which has the name of a child, Donald Jerome Shea, date of  
10 birth, September 18, 1933, is that an accurate certified --

11 A Yes.

12 Q That is an accurate copy of the birth certificate  
13 which you hold?

14 A Yes.

15 MR. KATZ: Thank you.

16 If I may have one moment, your Honor?

17 THE COURT: Yes.

18 (Short pause.)

19 MR. KATZ: Thank you, Mrs. Shea, I have no further  
20 questions.

21 THE COURT: Cross?

22 MR. WEEDMAN: Thank you, your Honor.

23  
24 CROSS EXAMINATION

25 BY MR. WEEDMAN:

26 Q Mrs. Shea, can you tell us when you last saw  
27 Donald?

28 A In 1968.

1 Q Where was that, Mrs. Shea?

2 A At my house.

3 Q Do you recall the approximate month in 1968?

4 A Probably March or April.

5 Q Was there any particular reason why Donald had  
6 returned to your home in 1968 in March or April?

7 A No, he always did.

8 Q You mean he always returned --

9 A He always did. He always --

10 Q Every --

11 A Every year he would come down, back and forth  
12 from Boston to California, from here to home.

13 Q So he would always return home?

14 A Yes.

15 Q March or April?

16 A It didn't make any difference which month, but he  
17 did come home.

18 Q I see. Now, was he home on Mother's Day during  
19 any of these years when he would always come home?

20 A No.

21 Q All right.

22 A But when he wasn't home I always got a gift from  
23 him.

24 Q Yes.

25 A Yes.

26 Q Did he always send you a telegram on Mother's Day?

27 A He did a couple of times.

28 Q He did a couple of times?

1 A Yes.

2 Q I realize how difficult it would be to recall  
3 those dates at this time, but can you give us any idea of the  
4 years in which he sent you --

5 A Well, right now I couldn't. I am sorry.

6 Q I understand. Would it be fair, then, to say that  
7 you only recall that he sent you telegrams twice on Mother's  
8 Day?

9 A No, I wouldn't say that, because I really don't  
10 remember how many.

11 Q Well, can you give us your best recollection,  
12 Mrs. Shea, as to perhaps how often Donald would send you a  
13 telegram on Mother's Day?

14 A When he did send me a telegram, he sent me a gift,  
15 so I can't recall how many telegrams I had because he has been  
16 away quite often.

17 Q When he would return each year to Massachusetts,  
18 that is in March or April, about how long would he stay there?

19 A He would stay a couple of months.

20 Q Was he working, so far as you know, during those  
21 times?

22 That is to say, did he have a job during those  
23 times when he returned to Massachusetts?

24 A Well, he did a couple of times, little jobs.

25 Q Do you know what jobs those were, Mrs. Shea?  
26 Did he discuss those jobs with you?

27 A No.

28 Q Is it true that you didn't learn until 1969 that



1 he was at the Spahn Ranch?

2 A Well, when he called -- when he wrote that he was  
3 there, in January, that was 1969.

4 Q Yes.

5 A Right.

6 Q Mrs. Shea, is that the first time that you learned  
7 that Donald --

8 A No.

9 Q -- had been at the Spahn Ranch?

10 A No, I even sent him telegrams with money in it up  
11 in that place.

12 Q When was that, Mrs. Shea?

13 A I can't recall now.

14 Q Well, was that before January of 1969?

15 A Oh, yes.

16 Q Do you recall how long before January of 1969?

17 A No.

18 Q Would it have been several years before?

19 A Not too many years, but I guess he has been there  
20 a couple of times before this last time.

21 Q So was it your understanding, Mrs. Shea, that  
22 Shorty ever -- excuse me -- that Donald would go to the Spahn  
23 Ranch for a period of time, and then leave?

24 A Yes.

25 Q And then he would return?

26 A Right.

27 Q And leave again?

28 A Yes.

1 Q Apart from March and April each year, would you  
2 regularly see Donald?

3 A Every year.

4 Q Well, apart from those times when he came home  
5 for two months every year, would you see him?

6 A Yes.

7 Q In the intervening period?

8 A Yes.

9 Q When would that ordinarily be, Mrs. Shea?

10 A There was never no special time.

11 Q Do you know how Donald got from where he was to  
12 Massachusetts?

13 That is, did he use a car or did he fly or how?

14 A Many times I sent him the money to come.

15 Q Did he ever arrive in an automobile that you recall?

16 A No.

17 Q When he was there in March of 1968, had he arrived  
18 in an automobile?

19 A No.

20 Q Had you sent him the money for that trip, if you  
21 recall?

22 A Not at that time. Not for this trip, no.

23 Q Do you recall when you had previously sent him  
24 money so that he might return to Massachusetts?

25 A No, I really can't recall.

26 Q I realize again, Mrs. Shea, how difficult this  
27 must be for you, but can you tell us what gift it was that  
28 Donald sent you in 1969?

1 A He sent me the tapestries.  
2 Q A tapestry?  
3 A Yes.  
4 Q This was sent along with a telegram?  
5 A That is right.  
6 I still got the tapestry, too.  
7 Q Is this something then delivered by --  
8 A By mail, yes.  
9 Q Was there something, then, in the nature of a gift  
10 that would come through Western Union, or something of that  
11 sort?  
12 A No, it just came by mail.  
13 Q So you received a telegram, and you also received  
14 a gift, a tapestry kind of thing?  
15 A Yes.  
16 Q You say you got this tapestry how often?  
17 A Well, I don't get the same thing all the time.  
18 Q Could you tell us what this tapestry is?  
19 What do you mean by that?  
20 A Well, it is like a picture to hang on a wall.  
21 Q I see.  
22 A Yes.

14A

23  
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14a01

1 Q And you get one of these from time to time?

2 A Yes, once in a while. Yes.

3 Q Are those all from Donald?

4 A Yes.

5 Q When did you receive the last one, Mrs. Shea?

6 A 1968.

7 Q Well, when was the last gift, then, that you

8 received from Donald?

9 Was that in 1968?

10 A Yes.

11 Q Was that Mother's Day or Christmastime?

12 A That was Christmastime.

13 Q Did you receive a gift in 1968 at Mother's Day?

14 A Yes, I got a box of chocolate.

15 Q Did that come with a telegram, or was that sent in

16 some other --

17 A No, just with a note. It was sent by mail.

18 Q Was that the only communication that you had from

19 Donald, or did he also telegraph you?

20 A He called.

21 Q He called you?

22 A Yes, he called me. Yes. Collect call.

23 Q Now, in 1969, of course, you told us that you heard

24 from him twice?

25 A Yes.

26 Q First you received a letter?

27 A Yes.

28 Q Was there a gift with that letter?

14a-2

1 A No.

2 Q And it was in that letter that he indicated to you  
3 that he was working at the Spahn Ranch?

4 A That he was going into the Spahn Ranch, that he had  
5 got a job in the movies.

6 He was going to make a movie.

7 Q Where was that letter from, if you know, Mrs.  
8 Shea?

9 A From California.

10 Q Do you know what part of California?

11 A Well, at that time all I knew was California. I  
12 don't know anything else.

13 Q Did he say in a letter, if you recall, where he  
14 was at the time he wrote the letter?

15 A No.

16 Q That letter in 1969 was when, again, if you would  
17 tell us, please?

18 A January.

19 Q And it was sometime after that in -- about six  
20 months later, in June, that he called you collect on the  
21 telephone?

22 A Yes.

23 Q At that time did he tell you that he was working  
24 at the Spahn Ranch?

25 A Yes, he did.

26 Q And he told you that he might have a part in a  
27 motion picture at that time?

28 A He said they were going to pay him \$500. Now, I

14a-3

1 don't know anything about it.

2 Q Did you know where the \$500 was going to come from?

3 A He said from the Spahn Ranch.

4 He was going to act in some movies there.

5 Q Did he tell you when he was going to act in the  
6 movies to get the \$500?

7 A He was there then. I don't know.

8 Q Did Donald tell you, either by letter or telegram  
9 or telephone, that he had gotten married on July the 1st, 1969?

10 A No. No, he didn't.

11 Q When did you learn that he had gotten married?  
12 When did you learn for the first time, Mrs. Shea,  
13 that Donald had gotten married?

14 A I didn't know he got married.

15 Q Well, you learned eventually, I take it?

16 A I learned when I came here, last October.

17 Q You came here last October?

18 A Was it in October?

19 MR. KATZ: December.

20 THE WITNESS: December.

21 Q BY MR. WEEDMAN: So you learned for the first time  
22 in December that your son had gotten married on July the 1st?

23 A Yes. He never told me nothing. Everything he told  
24 me was always nice. He never told me anything to worry about.  
25 He never told me if he got hurt.

26 Q You say everything he told you was lies? Did I  
27 understand you correctly?

28 A No.

1 MR. KATZ: Nice.

2 Q BY MR. WEEDMAN: Nice, excuse me.

3 A Yes.

4 Q Are you telling us that that wouldn't be a nice  
5 thing?

6 I don't understand you.

7 A I don't know, because he never told me.

8 Q Would that be unusual for Donald not to tell his  
9 mother that he had gotten married?

10 MR. KATZ: I will object, your Honor, to the question as  
11 speculative and calling for conjecture.

12 I think the jury can draw its own conclusions.

13 THE COURT: Well, the objection is overruled. You may  
14 answer the question.

15 Read the question again, please.

16 (The question was read by the reporter  
17 as follows:

18 "Q Would that be unusual for Donald  
19 not to tell his mother that he had gotten  
20 married?")

21 THE COURT: You may answer the question.

22 Is it clear, Mrs. Shea? Do you understand the  
23 question?

24 THE WITNESS: Yes.

25 THE COURT: Can you answer it?

26 THE WITNESS: No, because we never talked about marriage  
27 and all that, anything like that.

28 Q BY MR. WEEDMAN: Now, I just wanted finally,



1 Mrs. Shea, --

2 A Yes.

3 Q Just for my own clarification --

4 A Yes.

5 Q Is it true that you heard from Donald only twice  
6 during 1969?

7 A Right.

8 Q And you only heard from him twice, and that includes  
9 telephone, telegram or letter?

10 A A letter, right.

11 Q How many times did you hear from Donald in 1968,  
12 if you remember?

13 A Well, he was home in 1968 for a while.

14 Q He was there during March and April?

15 A Yes.

16 Q Apart from those two months?

17 A Then I got this present from him. That is when I  
18 got the picture to put on the wall.

19 Q I see, so in 1968, then, he was with you during  
20 March and April, and then he left and you heard from him the  
21 following Christmas in 1968?

22 Is that correct?

23 A Well, I get calls, I guess on the telephone,  
24 collect calls, because he wasn't working.

25 Q Did he ask you for money, Mrs. Shea?

26 A He didn't have to ask me. I gave it to him.

27 Q Were you sending him money regularly?

28 A No, not regularly. Once in a while.

1 Q So you were sending it to him, even though he  
2 wouldn't ask for it?

3 A Right.

4 MR. WEEDMAN: Thank you so much, Mrs. Shea.

5 THE WITNESS: You are welcome.

6 MR. WEEDMAN: That is all I have.

7 MR. KATZ: Thank you, no further questions.

8 THE COURT: Is that all?

9 MR. KATZ: Yes. May Mrs. Shea be excused?

10 MR. WEEDMAN: No objection, your Honor.

11 THE COURT: Thank you. We will take a short recess and  
12 proceed in a few minutes.

13 Do not discuss the case, please, folks, or come to  
14 any opinion or conclusion. Thank you.

15 (Short recess.)

15

1 THE COURT: Now, gentlemen, let's proceed here. People  
2 against Steve Grogan. Defendant's here, both counsel are here,  
3 defendant and People's counsel.

4 Now, if you will bring in the jury and the  
5 alternates, we will proceed.

6 THE BAILIFF: Yes, sir.

7 (The following proceedings were had  
8 in open court in the presence of the jury.)

9 THE COURT: Now, gentlemen, we have all the regular  
10 jurors here with all three alternates.

11 And you may put on your next witness.

12 MR. KATZ: Thank you, your Honor. The People wish to call  
13 Sandra Harmon.

14 THE COURT: Now, will you kindly step over here. Raise  
15 your right hand and be sworn.

16 The clerk will swear you.

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

21 THE WITNESS: I do.

22 THE CLERK: Thank you, ma'am.

23 Will you take the stand and be seated, please.

24  
25 SANDRA L. HARMON,

26 a witness on behalf of the People, testified as follows:

27 THE CLERK: State your name for the record.

28 THE WITNESS: Sandra Harmon.

15-2

1 THE CLERK: Spell your last name, please.

2 THE WITNESS: Harmon.

3 THE COURT: Spell the name.

4 THE WITNESS: H-a-r-m-o-n.

5 THE CLERK: Thank you, ma'am.

6 THE COURT: All right. When you talk to the jury, Lady,  
7 if you will, please, talk in there like a telephone.

8 All right.

9

10 DIRECT EXAMINATION

11 BY MR. KATZ:

12 Q Mrs. Harmon, do you reside in California?

13 A No.

14 Q Where do you reside?

15 A Ohio.

16 Q I am sorry. Ohio?

17 A Yes.

18 Q Is that Defiance, Ohio?

19 A Right.

20 Q Are you presently married, ma'am?

21 A Yes.

22 Q Do you have any children?

23 A Yes.

24 Q How many?

25 A Four.

26 Q Did you know a person by the name of Donald Jerome  
27 Shea?

28 A Yes.

15-3

1 Q When was it you first met Donald Jerome Shea?

2 A 1957.

3 Q All right.

4 And are you from California?

5 A I have lived out here for quite a while, before.

6 Q All right.

7 In 1957 were you living in California?

8 A Yes.

9 Q Did you frequent a place known as the Spahn Movie

10 Ranch in 1957?

11 A Yes.

12 Q What did you do there?

13 A I worked.

14 Q For whom did you work?

15 A George Spahn. George and Pearl.

16 fls

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Q And Ruby Pearl?

A Yes.

Q What did you do in that connection?

A Took people on horseback rides and guided them  
around through the mountains and things.

Q All right. So sometime in 1957 you met Donald  
Shea?

A Right.

Q Sometime thereafter did you marry Donald Shea?

A In 1961.

Q All right, how long were you married to Donald  
Shea?

A Four years.

Q During the time of your marriage, did you have any  
children?

A Yes.

Q How many children did you have?

A Three.

Q What are their names?

A Elizabeth Marie, William Jerome and Germaine  
Lorraine.

Q Germaine Lorraine, is that correct?

A Right.

Q Are those three children presently living with you  
in your home in Defiance, Ohio?

A Right.

Q I take it, then, by your answer that you became  
separated from Mr. Shea in 1965?

1 Is that correct?

2 A Right.

3 Q Now, between the period that you married Mr. Shea  
4 in 1961 until 1965, did you work and stay during periods of  
5 time at Spahn Ranch with Mr. Shea?

6 A Quite often.

7 Q Quite often.

8 What would you and Mr. Shea do for George Spahn  
9 and Ruby Pearl at Spahn Ranch?

10 A Well, when he would send horses to Corriganville,  
11 we would take care of them. Don would take care of them,  
12 and I would collect the money, and just a little bit of every-  
13 thing. Take care of horses.

14 Q You would, say, send horses to Corriganville.

15 What happened in connection with Corriganville?

16 A Well, we had a stagecoach and horses for people to  
17 rent, and burros and ponies and things.

18 Q Now, is Corriganville located in Simi Valley?

19 A Right.

20 Q That was the Corriganville Movie Ranch?

21 Is that correct?

22 A Right.

23 Q Can you tell us whether or not they had any live  
24 Western shows performed at Corriganville?

25 A Yes, they did.

26 Q Do you know whether or not Donald participated in  
27 any of them?

28 A He did a little bit when I was married to him.



1 Q All right, we are talking about between the  
2 period of 1961 to 1965.

3 Is that correct?

4 A Right.

5 Q Where did you live or where were your quarters at  
6 Spahn Ranch when you stayed with Donald Shea?

7 A It was a house down in the valley, below the ranch.  
8 It was on the ranch property, but we refer to  
9 the ranch as the actual group of buildings.

10 Q In other words, where the boardwalk is and the  
11 saloon?

12 A Right, on the other side.

13 Q When you say the other side, was that some place  
14 west of the main buildings?

15 A Well, when you talk about the boardwalk, that was  
16 not really a completed building but across the horse trail  
17 was a big rock building.

18 Q All right. Now, did you go back to Massachusetts  
19 with Don Shea in 1965, or was that the time when you separated  
20 from Don Shea?

21 A I was separated from him at that time.

22 Q All right. Now, did Don Shea visit you sometime  
23 in 1965?

24 A Yes.

25 Q Was that the last time you saw him?

26 A Yes.

27 Q When was it in 1965 that you saw Donald Shea?

28 A June, 1965.

1 Q All right. Where was it that you saw Donald  
2 Shea?

3 A He came to my house in Simi Valley.

4 Q Now, was this after you became separated from  
5 Mr. Shea?

6 A Yes.

7 Q Had you become legally divorced from Mr. Shea?

8 A Yes.

9 Q Were you married at this time?

10 A Yes.

11 Q To whom?

12 A To my present husband, Gene Harmon.

17 fls

17-1

1 Q BY MR. KATZ: Mrs. Harmon, at the time that Donald  
2 visited you in approximately June of 1965 at your residence in  
3 Simi Valley did you have a discussion with him concerning your  
4 desire or willingness to permit Shorty to see and continue to  
5 see his children?

6 A Definitely.

7 Q And what conversation took place in that regard?

8 A I told him I didn't want him coming around. No  
9 contact at all.

10 Q And did you make any mentions with regard to child  
11 support payments?

12 A I told him I didn't want him around nor any money  
13 from him.

14 Q And how did Donald Shea react to this?

15 A He was trying to get me to leave my husband to come  
16 back to him, and I told him no, it was impossible. I wouldn't  
17 do it.

18 Q All right.

19 And how, visually, did he react?

20 A He broke down and cried.

21 Q And did you convey a firm opinion to Shorty that he  
22 was not to see his children or you again?

23 A Yes, I did.

24 Q And when he left did he appear to understand that  
25 and accept it?

26 A Yes. He said he wouldn't bother me. Let me be.

27 Q Thereafter did you move out of California?

28 A Yes. That's when I moved to Ohio.

17-2 1

Q That was with your present husband, is that correct?

2

A Right.

3

Q All right.

4

Now, with respect to the dissolution of your marriage with Mr. Shea, was there any particular and primary reason why you divorced Mr. Shea?

6

7

A I wanted nothing to do with the movies. And that's all he wanted.

8

9

Q Can you tell us a little bit more about Shorty's desire to be in the movies?

10

11

A Well, it was tremendous. That was all, all he wanted. He wanted to be in the movies. He wanted -- he worked mainly to get his actor's card.

13

14

And the whole time we was married, that was his one thought, was to get that card so he could be in the movies.

15

16

Q I take it you would have no part of that, is that correct?

17

18

A I -- no. I want none of it.

19

MR. KATZ: Thank you.

20

May I have a moment, please.

21

THE COURT: Yes.

22

(Short pause.)

23

MR. KATZ: May I approach the witness, your Honor.

24

THE COURT: Yes, sir.

25

MR. KATZ: Thank you, your Honor.

26

Q Mrs. Harmon, quickly showing you People's 1 for identification, do you recognize the individual depicted therein as having seen him before?

28

17-3

1 A Yes.

2 Q Who is that?

3 A Shorty.

4 Q And that is Donald Jerome Shea, the man you were  
5 married to between 1961 and '65, is that correct?

6 A Yes.

7 Q Thank you, ma'am.

8 Incidentally, during the period of your association  
9 both prior to your marriage and during your marriage to Mr.  
10 Shea, was Shorty close to Ruby Pearl and George Spahn?

11 A They were like a second home.

12 Q And would Shorty frequently return, during the  
13 period of your marriage, to Spahn Ranch and live there and be  
14 with these people?

15 A Constantly.

16 MR. KATZ: Thank you.

17 No further questions.

18 THE COURT: Cross-examine.

19 MR. WEEDMAN: Thank you, your Honor.

INDEX

## CROSS-EXAMINATION

22 BY MR. WEEDMAN:

23 Q Mrs. Harmon, how old were you when you met Mr.  
24 Shea in 1957?

25 A I was working at the ranch when I was 13.

26 Q Are you telling us that you were 13 years old when  
27 you met Mr. Shea?

28 A Yes.

17-4

1 Q Okay. And then a few years later in 1961 you  
2 married Mr. Shea?

3 A Right.

4 Q When were you divorced from Mr. Shea?

5 A In '65.

6 Q What month in 1965 was your decree -- strike that.  
7 Were you divorced here in California?

8 A Yes.

9 Q When was your decree final, Mrs. Harmon?

10 A In April.

11 Q April of 1965?

12 A Right.

13 Q And then when did you remarry?

14 A In May.

15 Q Okay. And it was the following month, that is,  
16 the month after you remarried that Mr. Shea came to your home  
17 in Simi Valley and wanted you to come back with him, is that  
18 correct?

19 A Right.

20 Q How long had you been separated from Mr. Shea  
21 prior to your final decree in May of 1965?

22 A Three months.

23 Q Well, were you living with Mr. Shea after you had  
24 gotten your interlocutory decree?

25 A No.

26 Q So you actually got your interlocutory then  
27 sometime in 1964, is that correct?

28 A No. I received it at the same time I received my

17-5 1 final decree in April of 1965.

2 Q Do you recall when you instituted -- strike that.  
3 Did you, yourself, institute divorce proceedings?

4 A Yes.

5 Q In what year did you begin those proceedings?

6 A 1965.

7 Q You got a final decree at the same time that you  
8 got your interlocutory in 1965?

9 A Right.

10 Q Had Mr. Shea been around to see your three children  
11 very often prior to June of 1965?

12 A We separated in February, and he was continually  
13 coming around asking me to stay with him.

14 Q No, my question is did he come around to see his  
15 own children?

16 A Yes, he did.

17 Q Okay. But in June of 1965 he stopped seeing them  
18 altogether?

19 A Yes.

20 Q And to the best of your knowledge never saw them  
21 again?

22 A No, he didn't.

23 Q What were their ages at that time, if you can  
24 recall?

25 A Approximately one and a half, two and a half and  
26 three and a half.

27 Q Now, you indicated, Mrs. Harmon, that you didn't  
28 want Shorty around. Why was that?



A Because like I said, I wanted nothing to do with the movie industry or anything concerning it, and I didn't want my children brought up like that.

Q Why was that, Mrs. Harmon?

MR. KATZ: Excuse me. I will object as being immaterial at this point.

THE COURT: Well, I think she mentioned it on -- her answer brought it out on direct.

MR. KATZ: I have no objection. I think the further question is argumentative. That is all, your Honor.

**THE COURT:** Well, you may answer the question.

Do you want to repeat it?

MR. WEEDMAN: Yes.

Q Mrs. Harmon, why was it you were so opposed to Shorty's interest in the movies?

A I was raised in a very religious family, and some of the things of the movies I did not like. I did not like having the people around me or my children.

#18

1 Q What kind of movies are we talking about?

2 A Movies movies.

3 Q Can we be a little bit explicit about that?

4 A Well, they were rough people, foul-mouthed, vulgar.

5 Q Well, what kind of movies, if you will, so far as  
6 you know, involved your husband with these vulgar, foul-mouthed  
7 people?

8 A My version of "foul-mouthed" is just plain, simple  
9 cussing. Nothing that was, what you would call, dirty.

10 No, there was nothing like that. If I was -- if it  
11 was just Don and I, it would have been fine, but I did not  
12 care to have my children in what I consider an unstable  
13 occupation as movies.

14 Q And this is because of the people that you met  
15 that were, perhaps, associating with Mr. Shea at that time?

16 A It wasn't the people from the movie industry that  
17 was the troublemakers. It was the other egotistic people  
18 trying to get into it, if you know what I mean.

19 Q Were there any particular such persons?

20 That is, can you name any such person?

21 A No, there was no one in particular.

22 Q This was the only reason, Mrs. Harmon, that you  
23 wanted to get a divorce from Donald?

24 A In the movie industry we would have been hoofing  
25 around, and as a child I have had enough of that.

26 Q Well, he wasn't really working in the movies in  
27 1964 and 1965, was he, Mrs. Harmon?

28 MR. KATZ: I would object to that, your Honor. It is

18-2

1 argumentative.

2 MR. WEEDMAN: Well, I will reframe the question.

3 THE COURT: All right, reframe it.

4 Q BY MR. WEEDMAN: Was Mr. Shea working in the movies  
5 in 1964 and 1965?

6 A We were supplying horses for some -- a couple small  
7 movies.

8 There was a -- one that he went work on, and I  
9 can't even recall what it was. He was gone about four days.

10 Q Now, apart from his being away for four days during  
11 that -- as I understand your testimony, 1964 and 1965, what  
12 other movie work did he do during that period of time?

13 A Things through the ranch. This -- I was referring--  
14 I don't know if I can, but I was referring to somebody in the  
15 trial.

16 THE COURT: Well, you just answer the question, if you  
17 can.

18 THE WITNESS: Bill Bickston, Bill Humphrey and them.  
19 He would go with them.

20 Q BY MR. WEEDMAN: So he was going, perhaps, with  
21 Mr. Bickston?

22 That is, working at Mr. Bickston's films in 1964  
23 and 1965?

24 A He was trying to -- they was trying to get him in  
25 one. They were trying to work helping him.

26 Q Well, Mrs. Harmon, I don't want to confuse you.  
27 I'm just trying to find out what actual movie work  
28 Donald was doing and then, of course, in connection with your

1 statement that you wanted to leave him because of his movie  
2 work or movie interests.

3 A Well, he had a couple of times that he could have  
4 gone, say, like on occasion as a herder. You know, taking care  
5 of the horses. Only this would have meant he would have been  
6 gone. There would have been no facilities for me and the  
7 kids.

8 He would have been gone for an indefinite length  
9 of time. Therefore, he would have been around the people he  
10 needed to be around to get into the movies.

11 Q Well, did he actually go off as a herder?

12 A I wouldn't let him.

13 Q So I am just trying to be clear about it,  
14 Mrs. Harmon.

15 I realize we are going back quite a few years, but  
16 are you telling us that you divorced Mr. Shea not particularly  
17 for what he actually had done, as far as the movies are  
18 concerned, but because of what he wanted to do?

19 A That is correct.

20 Q So actually during the course of your marriage,  
21 he had only, perhaps, been in actual movie work just a few  
22 days?

23 Is that correct?

24 A Over the four years it was more than that, but it  
25 was scattered.

26 Q Well, did he actually appear in more than one film  
27 per year during the time you were married?

28 MR. KATZ: Excuse me, I'm going to object as to the

1 ambiguity of the term "actually appear."

2 THE COURT: It might be ambiguous. Can you reframe it?

3 MR. WEEDMAN: Yes, your Honor.

4 Q Was Donald ever on camera?

5 That is, was his photograph actually taken with a  
6 movie camera in connection with any motion pictures that were  
7 being produced during the time that you were married?

8 A Gee, I can't tell you the film. He went off this  
9 one time, for example, the four days.

10 He said he actually got into the picture, only he  
11 was taking some stuntman's place, but then they dropped it  
12 out because they got the stuntman.

13 Q All right. Now, in addition to that four-day  
14 period, Mrs. Harmon, what other days did he actually appear  
15 on camera during the four years of your marriage?

16 A Well, the one was over in Simi Valley. I can't  
17 give you the exact date.

18 That was like within the first year we were married.  
19 I took care of the horses, and he did a few shots with the  
20 guys.

21 Q Do you recall about how many days that took?

22 A Oh, we were down there off and on a couple of weeks.

18A

18a-1

1 Q So there were two weeks, then, about, off and on  
2 during the first year of your marriage, and there was a four-day  
3 period during 1964 and 1965 again during your marriage.

4 Were there other movies that Shorty appeared in?

5 A He was always going, or wanting to go to these  
6 parties down in Hollywood, and I -- he was living under the  
7 threat that I was going to divorce him.

8 Q Well, Mrs. Harmon, was there something about Mr.  
9 Shea's associations that you objected to which did not pertain  
10 directly to the movie business?

11 A Everybody we knew seemed to be connected with it,  
12 except like when we went up to Boston and when I tried to get  
13 him out of California.

14 Q Now, you indicated a moment ago, Mrs. Harmon, that  
15 these movies that you were talking about were not dirty movies.

16 Did you expect, perhaps, your husband might be  
17 involved in such films?

18 A Films themselves were not dirty. They were just  
19 rough people.

20 No worse than anybody that works around horses.

21 Q May I ask where you lived for the most part during  
22 the time you were married to Donald?

23 A Well, for the most part -- the majority of the time  
24 I would say at the ranch.

25 Q Did you pay rent there, or was this part of your  
26 pay?

27 A Well, we would -- well, when we needed money Pearl  
28 give it to us.

18a-2 1 As far as actual salary, there was no salary but we  
2 were supplied with everything that we needed.

3 Q What did you use, for example, to -- that is, what  
4 did you and Donald use for money for clothing during that period  
5 of time?

6 A Pearl gave it to us.

7 Q What did you use for medical expenses, if you had  
8 any, during that period of time?

9 A I didn't when we were at the ranch.

10 Q What about the three children?

11 Who paid for those, if there were medical costs?

12 A Well, one was born in Arizona and he paid for it.

13 Q When was that, Mrs. Harmon?

14 A In Arizona, we were in -- 1963.

15 Q Was that in connection with a movie?

16 A No, that is when I got him out of California.

17 Q Was that your idea, to get him out of California?

18 A That, plus my little boy was asthmatic and they  
19 said that that would be the best place to take him, but it  
20 wasn't.

21 Q Well, who supported you over in Arizona, Mrs.  
22 Harmon?

23 A He did.

24 Q What did he do for a living in Arizona?

25 A He drove truck for a while, and he worked down at  
26 the stockyards, and there were some farm workers there, friends  
27 of his that had a place there, and he took care of their stuff  
28 while they did their traveling.



18a-3

2 Q But while you were at Spahn Ranch you were not paid  
any salary?

3 A Actual salary, no, but what we needed we were given.

4 Q What about your other two children? Were they born  
5 in California?

6 A Yes.

7 Q Were they born while you and Mr. Shea were staying  
8 at the Spahn Ranch?

9 A No, my oldest -- I lived in San Fernando.

10 Q Oh, I see. Would you tell us, for example, what  
11 you did for a living at that time?

12 A He was working with Bill Humphreys at a furniture  
13 store in Van Nuys.

14 Q Mr. Humphreys was working in a furniture store --

15 A They both were, yes.

16 Q -- of some kind at that time?

17 A Yes.

18 Q How long did that job last, approximately, Mrs.  
19 Harmon?

20 A Six months.

19

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1 Q And then did you move back to Spahn, or what?

2 A No, we went to Boston. My father had just died,  
3 and my mother gave us some money, and he wanted to go to  
4 Boston because my oldest was his mother's namesake.

5 Q About how long were you in Boston?

6 A Around a year.

7 Q Did you visit his mother at that time?

8 A Constantly.

9 Q Okay. What did you do for money in those days,  
10 Mrs. Harmon?

11 A He was working.

12 Q What was he doing in Boston?

13 A The one place was some kind of company that  
14 supplied, like, oxygen for hospitals. And then his brother  
15 got him a job in some type of factory. I can't tell you what  
16 kind it was.

17 Q Did he stick with that job for long?

18 A He was doing real good in Boston.

19 Q But you left Boston?

20 A Yeah, he wanted to come back to California.

21 Q All right.

22 And I take it from your expression that you  
23 perhaps didn't approve of that at that time?

24 A I don't like California.

25 Q Okay. Now, how long had you been living in Simi  
26 Valley -- bringing you up now to 1965 when you last saw Donald --  
27 how long had you been living in Simi Valley as of June of  
28 1965?

19-2

1 A Don and I had been living there before we  
2 separated. I guess maybe December in Simi Valley.

3 Q Had Donald lived there with you in Simi Valley?

4 A Yes, we were living together in Simi Valley.

5 Q Then you separated around February of '65?

6 A Yes.

7 Q And then you got your interlocutory and you filed  
8 divorce decree at the same time, sometime in May of 1965?

9 A April.

10 Q In April. Forgive me.

11 And then the following May you were married?

12 A Yes.

13 Q And then the following month you saw Donald for the  
14 last time?

15 A I had seen him in the process of the divorce  
16 several times.

17 Q Finally, Mrs. Harmon, you told us that when you  
18 told Shorty you didn't want him around he broke down and cried.  
19 Was there anything unusual about him being so emotional?

20 A He loved his kids.

21 Q Was that the first and only time you told him that  
22 he had to stay away from the kids?

23 A No, it wasn't. And he cried before, too.

24 Q Okay. But notwithstanding his doing that and his  
25 love for the children, he left and never to be seen again by  
26 you or the children?

27 A He knew when I said something I meant it.

28 Q How long had you known Mr. Harmon at this time?

19-3

1 A I only knew him -- I met him --

2 MR. KATZ: Objection. As being immaterial, your Honor.

3 THE COURT: You may answer the question. Go ahead.

4 Is it clear?

5 THE WITNESS: About two days before I got my complete  
6 divorce.

7 Q BY MR. WEEDMAN: Well, this is the last area of  
8 my inquiry, Mrs. Harmon. And we appreciate your being here.

9 Did you have these discussions about Donald not  
10 seeing your children any more before you met your present  
11 husband?

12 A Yes.

13 Q So that you were alone without a husband, really,  
14 essentially living alone with your three children, and at  
15 that time you told Shorty that he was not to see your children  
16 any more?

17 A Yes.

18 Q Was there any particular reason for that,  
19 Mrs. Harmon, that is not reflected in the things that you have  
20 already told us about your difficulty with Shorty?

21 A I believe, if I'm going to leave him and I'm not  
22 going to have anything to do with him, I don't want him around.  
23 I don't want his money.

24 Q Such as it was, the money, you mean?

25 A Well, we ate, and we had always had a place to  
26 live.

27 MR. WEEDMAN: Thank you, Mrs. Harmon.

28 THE COURT: Is that all, gentlemen?

19-4

1 MR. KATZ: I just have just a few questions on redirect,  
2 your Honor.

3 THE COURT: All right.

4 MR. KATZ: With your permission, your Honor.

5 THE COURT: Go ahead.

6 REDIRECT EXAMINATION

7 BY MR. KATZ:

8 Q Mrs. Harmon, how many times did you go back to  
9 Massachusetts with Shorty during the period of your marriage,  
10 if you recall?

11 A One time.

12 Q One time. And when was that?

13 A Oh, it would be -- Betty was about six weeks old --  
14 September -- October -- about -- we was out there before  
15 Thanksgiving of '61.

16 Q Of '61. And when you talked about this person  
17 about Bickston, did you mean Bob Bickston?

18 A Yes. I am awful on names.

19 Q All right.

20 And you knew Bob Bickston to be a movie producer  
21 and actor out of Corriganville?

22 A Uh-huh.

23 Q I am sorry. You said uh-huh. Does that mean yes?

24 A Yes.

25 Q Bob Bickston was close friends with Shorty, is that  
26 correct?

27 A Yes.  
28

19-5

1 Q So was Bill Humphrey?

2 A Yes.

3 MR. KATZ: Thank you, ma'am.

4 No further questions.

5 THE COURT: Is that all, gentlemen?

6 MR. WEEDMAN: Well, just very briefly, your Honor.

7  
8 RECROSS EXAMINATION

9 BY MR. WEEDMAN:

10 Q Were Bill Humphrey and Bob Bickston persons that  
11 you objected to as far as their being among those foul and  
12 vulgar persons that your then-husband was associating with?

13 A Bob Bickston was always a very nice man.

14 Q I see. And what about Mr. Humphrey?

15 A Bill Humphrey was a little wild. He was a good  
16 guy.

17 Q I take it you had no objection to those two men?

18 A They were just rough like anybody I knew that  
19 worked around horses.

20 Q My question is whether or not those two men figured  
21 in your feelings and in your desire to leave Donald.

22 A Aside from the movies, no, they wouldn't.

23  
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28  
19A

19a-1<sub>1</sub>

Q Only insofar as those two men were connected with the movies you had some objection to them as well as perhaps to others?

A And the movies.

MR. WEEDMAN: And the movies. All right.

Thank you once again, Mrs. Harmon.

That is all I have.

THE COURT: Is that all, gentlemen?

MR. KATZ: Yes, your Honor.

May Mrs. Harmon be excused?

MR. WEEDMAN: I have no objection, your Honor.

THE COURT: That is all. Thank you, lady.

Watch that step.

Do you have another witness?

MR. KATZ: We do, your Honor. Whatever your pleasure is.

THE COURT: Let me ask you then how long will your witness be?

MR. KATZ: I would say the next witness' testimony would take approximately 45 minutes on direct.

THE COURT: On direct.

MR. KATZ: Yes, just direct.

THE COURT: Then cross. Well, it probably would be better, I think really, if we were to take it as a unit than to take 10 minutes now and break it up.

MR. KATZ: May we have Magdalene Shea brought in and have her ordered back for tomorrow.

THE COURT: Yes.

(Short pause.)

19a-2

1 THE COURT: This is the lady?

2 MR. KATZ: Yes, your Honor.

3 THE COURT: All right. State your name, please.

4 MRS. SHEA: Magdalena Shea.

5 THE COURT: Thank you.

6 Now, lady, we are going over because the People  
7 cannot take all of your testimony this afternoon. We will take  
8 it as a unit.

9 If you will please be here at 9:30 tomorrow morning  
10 you will be put right on the stand tomorrow morning in this  
11 courtroom. You will be the first witness called and put right  
12 on the stand.

13 We will recess then, that takes care of everybody.

14 MR. KATZ: Yes. Thank you very much, your Honor.

15 THE COURT: Until 9:30 tomorrow. Kindly be on time,  
16 ladies and gentlemen, and do not discuss the case or come to  
17 any opinion or conclusion. Thank you very much.

18 (An adjournment was taken to Wednesday,  
19 July 21, 1971, at 9:30 a.m.)  
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