

16

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 52

HON. JOSEPH L. CALL, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

No. A 267861

STEVEN GROGAN,

Defendant.

REPORTERS' DAILY TRANSCRIPT

Wednesday, July 21, 1971

APPEARANCES OF COUNSEL:

(See Volume I)

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Official Reporters

1 People v. Steven Grogan
2 No. A 267861

Volume 16, Wed. July 21, 1971
Pages 1965-2125, incl.

3 I N D E X

4 PEOPLE'S WITNESS

DIRECT

CROSS

5 SHEA, Magdalene Velma (Resumed) 1966
6 (Examination in chambers, 1999.)
7 (Resumed) 2002
8 (Resumed, P.M.) 2051 2116

9
10 E X H I B I T S

11 PEOPLE'S

FOR IDEN.

12 4 - Marriage certificate 2039
13 4-A - Photo of male person 2037
14 4-B - Photo of male person 2037
15 5 - Photo 2042
16 6 - Photo 2042
17 7 - Photo 2042
18 8 - Photo 2042
19 9-A - Revolver 2044
20 9-B - Revolver 2044
21 10 - Suitcase 2046
22 10-A - Bundle of checks (25) 2046
23 10-B - Checkbook 2047
24 10-C - Bottle of Anacin 2048
25 10-D - 2 bottles ink eradicator 2048
26 10-E - Package of Rizla cigaret paper 2049
27 10-F - Manila envelope and contents 2051
28

EXHIBITSPEOPLE'S (Continued)FOR IDEN.

11-A - Pawn ticket, Gun	2057
11-B - " " " "	2057
11-C - " " Tape recorder	2057
12-A - LAPD Pawn Broker's Report	2060
12-B - " " " "	2060
12-C - " " " "	2060
13-A - Redemption receipt for Gun	2062
13-B - " " " "	2062
13-C - " " " "	2062
13-D - " " " "	2062
14 - " " "	2066
15-A - Pawn ticket dated 1-15-69	2067
15-B - " " " "	2067
16-A, -B, -C, -D, -E, -F, -G, -H, -I, -J, color photos of automobile	2068
16-G, photo of two shoes	2070
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18 - Manila envelope containing shoe	2075
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20-H - Blue suitcase and contents	2098
20-H1 - clothing	2100
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25 (out of order) - Magazines	2110

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 21, 1971; 9:45 A. M.

2
3
4 THE COURT: Now, we will proceed in People against
5 Steven Grogan. The defendant is here, counsel for defendant
6 is here. Counsel for the People is here.

7 Now, if you will please bring in the jury, sheriff,
8 we will go ahead.

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

11 THE COURT: Now we have all of our jurors here in the
12 jury box and also the three alternates.

13 So you may proceed for the People.

14 MR. KATZ: Thank you, your Honor. The People wish to
15 call Magdalene Shea.

16 THE COURT: All right.

17
18 MAGDALENE VELMA SHEA,

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

20 THE CLERK: You step right up here, please, lady. Step
21 right over here.

22 Raise your right hand. The clerk will swear you.

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

27 THE WITNESS: I do.

28 THE CLERK: Thank you, ma'am.

Will you take the stand and be seated, please.

THE COURT: Be seated right here. And you talk to this microphone so the voice can go out throughout the courtroom. Pull that up to your mouth just like a telephone.

All right.

THE CLERK: Would you state your name, please.

THE WITNESS: Magdalene Velma Shea.

THE CLERK: Will you spell your first name.

THE WITNESS: Beg pardon?

THE CLERK: Will you spell your first name.

THE COURT: Talk right in there.

THE WITNESS: M-a-g-d-a-l-e-n-a.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. KATZ:

Q Mrs. Shea, I am over here. And if you don't understand any of my questions, please ask me to rephrase them. Will you do that?

A Yes, I will.

Q Mrs. Shea, directing your attention to approximately April or May of 1969 were you employed?

A Yes, I was.

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1 Q Where were you employed?
2 A At the Cab Inn on Alondra and Avalon in Carson City.
3 Q All right, what type of establishment is this?
4 A It was a beer bar where they had topless dancing
5 and waitress.
6 Q I notice you have a tendency to drop your voice at
7 the end of a sentence. Will you keep your voice up so everybody
8 can hear?
9 A Okay.
10 Q In what capacity were you employed?
11 A I was a barmaid and topless dancer.
12 Q All right. When did you first secure employment
13 at the Cab Inn Bar?
14 A The last of February.
15 Q That would be of 1969?
16 A 1969.
17 Q Now, sometime in 1969 in connection with your
18 employment at the Cab Inn Bar did you meet Donald Jerome Shea?
19 A Yes, I did. It was --
20 Q When was that that you first met Donald Shea?
21 A In May. About the last two weeks in May.
22 Q That is 1969?
23 A 1969.
24 Q At the time that you met him was he a new employee
25 of the Cab Inn Bar?
26 A Yes, he was.
27 Q Generally, in what capacity was he employed?
28 A He was the manager.

2-2

1 Q Was your boss a person by the name of Herb
2 Bromberg?

3 A Right.

4 Q How do you spell his last name, or do you know?

5 A I can't spell it.

6 Q Is it Blumberg or Bromberg?

7 A Bromberg.

8 Q B-r-o-m-b-e-r-g?

9 A I think so.

10 Q Did he operate several other bars as well as the
11 Cab Inn at that time?

12 A Yes, he did.

13 Q After first meeting Donald Shea in the last two
14 weeks of May 1969 did you begin to go with him?

15 A Yes.

16 Q You dated him?

17 Is that correct?

18 A Yes.

19 Q Sometime in the latter part of June did Donald
20 leave the Cab Inn facility or bar and go someplace?

21 MR. WEEDMAN: Excuse me, your Honor, I will object to the
22 question as leading and suggestive. Counsel persists in leading
23 this witness, and I would hope that you would tell the
24 prosecutor not to lead the witness.

25 MR. KATZ: I will be happy to withdraw it, your Honor.

26 THE COURT: Restate it.

27 Q BY MR. KATZ: All right. Can you tell us whether
28 or not Mr. Shea at sometime following your going with him in

1 the period of May and June 1969, did he leave his employment at
2 the Cab Inn?

3 A Yes, he did.

4 Q Did he go someplace?

5 A He went to Las Vegas.

6 Q All right.

7 For a short period of time did you continue to work
8 at the Cab Inn?

9 A Yes, I did.

10 Q That was again in the capacity of a topless dancer
11 and cocktail waitress?

12 Is that right?

13 A Right.

14 MR. WEEDMAN: Excuse me, your Honor. Counsel persists in
15 leading this witness. He says he is not going to do it, and
16 he does it. I object to the last question and move to strike
17 the answer so that I may interpose such an objection, your
18 Honor.

19 THE COURT: Read the question.

20 MR. WEEDMAN: It is also assuming facts not in evidence,
21 your Honor.

22 (The question was read by the reporter
23 as follows:

24 "That was again in the capacity of a
25 topless dancer and cocktail waitress?")

26 MR. KATZ: She previously testified to that.

27 MR. WEEDMAN: Well, I didn't understand anything about
28 a cocktail waitress.

1 THE COURT: It is probably leading.

2 MR. KATZ: I will be happy to withdraw it.

3 THE COURT: I don't know how fundamental the answer is.
4 If it were more fundamental, I would ask for a redirection of
5 the question. It is leading, but you may go ahead. Caution
6 yourself.

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1 MR. KATZ: Certainly.

2 THE COURT: Go ahead.

3 Q BY MR. KATZ: For Mr. Weedman's benefit, in what
4 capacity were you employed?

5 A I was a bar --

6 MR. WEEDMAN: Excuse me, your Honor. I will object to
7 counsel's remark. It is totally improper. I ask it be
8 stricken and the jury admonished to disregard it.

9 Nothing being said here is for my benefit, your
10 Honor.

11 THE COURT: Well, all right.

12 MR. WEEDMAN: It is an insulting remark, under the
13 circumstances, your Honor.

14 THE COURT: All right.

15 The jury will disregard it.

16 Ask your next question.

17 MR. WEEDMAN: Thank you, your Honor.

18 Q BY MR. KATZ: In what capacity were you employed?

19 A I was a barmaid and topless dancer.

20 Q All right.

21 Now, sometime after Shorty left the Cab Inn Bar
22 and went to Las Vegas did you join him in Las Vegas?

23 A Yes, I did.

24 Q All right.

25 Now, before going to Las Vegas to join Donald
26 Shea did Mr. Shea introduce you to some of his friends?

27 A Yes, he did.

28 Q In particular, did you meet a couple known as the

1 Binders?

2 A Yes, I did.

3 Q At that time where were the Binders living?

4 A They was living --

5 MR. WEEDMAN: Your Honor, excuse me. Counsel is persist-
6 ently leading this witness. It is not the witness' fault, your
7 Honor. She has to answer the questions that are propounded to
8 her. I have no complaint about Mrs. Shea.

9 But counsel might just as well be testifying. He
10 is just repeating a narrative he has got in his notes in front
11 of him. It is unfair to my client.

12 THE COURT: Well, let's take the latter two questions.
13 All right. Now, read the last two questions.

14 MR. WEEDMAN: Your Honor, I further submit to the court
15 Mr. Katz is muttering under his breath. It is audible to me,
16 it may be audible to the jury. It is not professional conduct.

17 THE COURT: We are picking on shadows. We are fighting
18 shadows. Let's avoid them.

19 MR. WEEDMAN: I agree, your Honor.

20 THE COURT: Read the last two questions, please.

21 (The record was read by the reporter
22 as follows:

23 "Q Now, before going to Las Vegas to
24 join Donald Shea, did Mr. Shea introduce you to
25 some of his friends?")

26 THE COURT: That is not leading. It may stand.

27 MR. WEEDMAN: I agree.

28 THE COURT: Read the next question, please.

1 (The record was read by the reporter
2 as follows:

3 "Q In particular did you meet a couple
4 known as the Binders?

5 "A Yes, I did.")

6 THE COURT: It is a partially leading question, but I
7 don't think an improperly leading question. The answer may
8 stand.

9 Ask your next question.

10 MR. KATZ: I believe I have, your Honor. There was a
11 third question.

12 THE COURT: All right. Read the third question.

13 (The question was read by the reporter
14 as follows;

15 "Q At that time where were the Binders
16 living?"

17 THE COURT: It is not leading. Answer the question.

18 MR. WEEDMAN: Sorry, your Honor. No objection to that
19 question.

20 THE COURT: All right.

21 You may answer the question. Where were the Binders
22 living?

23 THE WITNESS: On 80- -- I am not sure of the address.
24 I think it was 81- or 8807 Hollywood Boulevard.

25 Q BY MR. KATZ: In any event, it was on Hollywood
26 Boulevard, is that correct?

27 A Yes, it was.

28 Q All right.

1 And who was living at the Binders' place at that
2 time?

3 A The Binders and their children.

4 Q All right.

5 What are their names, please?

6 A Shelley, Adrian and Sherry.

7 Q Those are the children?

8 A Yes.

9 Q And what were the names of the Binders?

10 A Jerry and Marian.

11 Q All right.

12 And did Shorty at all talk about his feelings
13 toward the Binders before taking you to meet them?

14 A Yes, he did. They was --

15 Q Well, you have answered the question. We will take
16 it step by step.

17 What, if anything, did he say about his feelings
18 toward the Binders?

19 A They were very close, and Mamie and Jerry was like
20 a brother and sister to them. And the kids all called him Uncle
21 Donald.

22 Q All right.

23 Now, Mamie is Marian Binder?

24 A Yes.

25 Q That is Jerry Binder's wife, is that correct?

26 A Yes, it is.

27 Q All right.

28 Now, when you met the Binders at their home on

1 Hollywood Boulevard, did you visit them for a while?

2 A Yes, I did.

3 Q And did you see any or all of the children at that
4 time?

5 A Yes, I did.

6 Q And can you tell us how the children reacted
7 towards Shorty and how Shorty reacted towards the children?

8 A They were very glad to see him, and they all talked.
9 They talked to me. And Donald and the little girl Sherry,
10 the little baby, they got on the floor and they played. She
11 rode him like a horse.

12 And, so, I mean --

13 Q How did Donald react in that situation?

14 A Oh, he was having a ball.

15 Q All right.

16 And now, as I understand it, you did go to Las
17 Vegas at some point, is that correct?

18 A Yes, I did.

19 Q And just so the record is clear, this is after
20 Mr. Shea had left the Cab Inn Bar and went to Las Vegas?

21 A Yes.

22 Q All right.

23 And approximately when was it that you first went
24 to Las Vegas?

25 A It was in June. I don't know the exact date. I
26 can't --

27 Q Is this 1969?

28 A '69.

Q All right.

And at some point of time were you required to leave Las Vegas for a short period of time?

A Yes, I was. I came back here.

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1 Q Well, okay. You have answered that question.

2 Now, Magdalene, what was the reason for your having
3 to leave at that time?

4 A I came back because I had a death in the family,
5 and I came back for a funeral.

6 Q All right.

7 And how did you come back to California?

8 A I flew back on Air West with Jerry Binder to
9 Beverly Hills -- Burbank Airport.

10 Q All right.

11 Did somebody pick you up at the airport?

12 A Yes, Marian and Shelley.

13 Q All right. This is Marian Binder, the wife of
14 Jerry Binder?

15 A Yes.

16 Q And Shelley is one of the daughters?

17 A The baby.

18 Q Did you go someplace after that?

19 A To Jerry Binder's home.

20 Q Tell us what happened there, did you visit or what?

21 A Yeah, I went there and I visited and I stayed and
22 I talked with Marian for three or four hours before I left,
23 going up in San Joaquin Valley.

24 Q That was the place where the funeral was to be held,
25 is that correct?

26 A Yes.

27 Q All right.

28 Now, after attending the funeral what did you do,

3a-2 1 did you return someplace?

2 A I came back to Los Angeles, and I worked for two
3 or three days. And I returned back to Las Vegas and I married
4 Donald.

5 Q All right.

6 Now, you say you worked for two or three days when
7 you returned to Los Angeles. Where did you work?

8 A At the Cat Inn.

9 Q Again in the same capacity that you told us about?

10 A Yes.

11 Q And approximately when was it that you returned the
12 second time to Las Vegas?

13 A July the 29th. I mean June the 29th.

14 Q All right.

15 And you said that you got married to Donald, is
16 that correct?

17 A Yes.

18 Q When was that in relation to your return?

19 A July 1st.

20 Q In other words, the day following?

21 A Yes.

22 Q Approximately?

23 THE COURT: Pardon me. What date was the marriage?

24 THE WITNESS: July 1st.

25 THE COURT: The year?

26 THE WITNESS: Of '69.

27 THE COURT: Thank you.

28 Q BY MR. KATZ: Just so the record is clear, where

3a-2 1 was it you were married?

2 A In Las Vegas.

3 Q Was there a best man at the wedding?

4 A Yes, it was.

5 Q And who was the best man at the wedding?

6 A Jerry Binder.

7 Q All right.

8 Q Now, was Marian Binder up there at that time?

9 A No, she wasn't.

10 Q She was back in Los Angeles at her home?

11 A She was here.

12 Q All right.

13 Now, at that time when you were in Las Vegas in that
14 broad time period, the latter part of June and the first part
15 of July of 1969, did Jerry Binder have a couple of businesses
16 that he was operating?

17 A Yes, he did.

18 Q And do you recall the businesses, if you know?

19 A One was called the Swinger's Boutique, and the other
20 one was called Books and Things.

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1 Q All right, that is to the best of your recollection?
2 Is that correct?
3 A Yes.
4 Q Now, did Donald, to your knowledge, help Jerry
5 Binder out in connection with these businesses?
6 A Yes, he did.
7 Q All right. Did you make any attempt, or did Donald
8 make any attempt to find some living accommodations for you in
9 Las Vegas?
10 A Yes.
11 Q Can you tell us whether or not you had any
12 difficulties in that regard?
13 A Yes, we did.
14 Q What difficulties did you experience?
15 A Prejudice.
16 Q Well --
17 A I mean, mixed marriage.
18 Q All right. Was it easy for you to find living
19 accommodations there?
20 A Well, not exactly, but we found living --
21 Q Finally, did you rent an apartment?
22 A Yes, we did.
23 Q Where was that apartment?
24 A It was called the Sahara Motor Apartments.
25 Q Where is that located?
26 A Across from the Sahara, and on the strip.
27 Q All right. At that time was Donald still working
28 for Jerry Binder?

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A Yes, he was.

Q Was he earning enough money for you to live on?

A Well, not exactly.

Q What was the rent that you were paying at the Sahara Apartments?

A \$250 a month.

Q \$250 a month?

A I think so.

Q Now, at sometime did you return to Los Angeles?

A Yes, I did.

Q Did you return with or without Donald?

A I returned without Donald.

Q Approximately when was it that you returned to Los Angeles?

A It was about the middle of July, in 1969.

Q All right. Did you take any job at that time when you first returned?

A Yes, I did.

Q Where?

A I went back to work at the Cab Inn again.

Q Again, in the same capacity you told us about?

A Yes.

Q Did Donald come to Los Angeles shortly thereafter?

A A week later.

Q Approximately a week later?

A Yes.

Q And he joined you at that time?

A Yes, right.

1 Q Was there any reason for Donald staying Las Vegas
2 for that week?

3 A Yes, he had to let Jerry know that he was leaving,
4 and for someone to take his place, his position, at the job.

5 Q He stayed with Jerry until Jerry could have somebody
6 else?

7 Is that right?

8 A Yes.

9 Q Upon returning to Los Angeles, did you take up
10 residence at some place?

11 A He got -- when he came back we spent two days with
12 a friend, and then we moved to the Wilcox Hotel in Hollywood.

13 Q Do you recall the address of the Wilcox Hotel in
14 Hollywood?

15 A No. I know it is on Wilcox and Sunset Boulevard.

16 Q All right. How long did you stay at the Wilcox
17 Hotel with Donald?

18 A Until August 16th.

19 Q That is 1969?

20 A 1969.

21 Q All right. Now, when Shorty first returned to
22 Los Angeles to join you after you left Las Vegas, did you have
23 money on which to live?

24 A Yes.

25 Q Did Shorty have enough money to support the family
26 at that time?

27 A Yes.

28 Q Did it become necessary for Shorty to pawn any guns?

1 A Yes, he did.
2 Q How many guns did he pawn?
3 A Two.
4 Q Did he pawn them at once or separately or what?
5 A Separately.
6 Q In connection with his returning to Los Angeles to
7 join you, can you tell us approximately how soon thereafter he
8 pawned his guns, to the best of your recollection?
9 A One was one week, and the other one was another
10 week.
11 Q Did you ask him how much he got for the guns?
12 A Yes, I did.
13 Q What did he say?
14 A 40 -- I think it was 40 or \$45.
15 Q Did you have any discussion with him as to why he
16 received that amount?
17 A Yes.
18 Q What did he say?
19 A I asked him why did he pawn them only for that --
20 MR. WEEDMAN: Excuse me, your Honor, but that is calling
21 for hearsay. I will object to that on those grounds.
22 MR. KATZ: Excuse me, your Honor. I am prepared to argue
23 this.
24 MR. WEEDMAN: Obviously counsel is prepared to argue it,
25 but I am objecting on the grounds of hearsay.
26 THE COURT: Read the question back.
27 (The question was read back by the
28 reporter as follows:

1 "Did you have any discussion with him
2 as to why he received that amount?

3 "A Yes, I did.

4 "Q What did he say?")

5 THE COURT: Well, we get into hearsay with that.

6 MR. KATZ: Your Honor, it is offered for the state of
7 mind evidence, and circumstantial evidence --

8 THE COURT: It is deeper than that. There is a great
9 deal of -- not a great deal, but some choice. There is some
10 choice in the court in permitting it or denying it or sustain-
11 ing the objection.

12 I am rather inclined to sustain the objection.
13 While it may or may not go to a state of mind, there is a
14 considerable amount of hearsay in there that could be detrimental.
15 I am inclined to --

16 MR. KATZ: May I have the opportunity to approach the
17 bench, your Honor?

18 THE COURT: Yes.

19 (The following proceedings were had
20 in chambers:)

21 THE COURT: We are in chambers. Counsel and the defendant
22 are here.

23 Let's get our question again.

24 (The question was read back by the
25 reporter as follows:

26 "Did you have any discussion with him
27 as to why he received that amount?

28 "A Yes, I did.

1 "Q What did he say?")

2 MR. KATZ: Your Honor, it is very important for us to
3 show that Shorty would never have voluntarily given his guns
4 to anybody, either directly or indirectly, by way of giving the
5 pawn slips which were necessary to redeem the guns to any
6 individual.

7 He, in fact, in this conversation, and this is by
8 way of an offer of proof, said that the reason why he took
9 such a small loan against them was because that he intended to
10 redeem them when, in fact, he needed to use them in connection
11 with his stunt work. Secondly, under no circumstances did he
12 intend to sell them. Now, this goes to the heart of our theory
13 in regards to the circumstantial evidence later that will show
14 that Danny De Carlo, a member of the family, redeemed these
15 guns and signed the false name of Richard Allen Smith, and
16 later that Manson was found to be in possession of them at
17 Barker Ranch, as well as Bruce Davis.

18 This goes right to the heart of the case.

19 THE COURT: All right, let's concede that for a minute.

20 Your conversation or statements from Shorty are
21 basically hearsay.
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1 MR. KATZ: Your Honor, it is not offered for the truth
2 of the assertions, it is offered --

3 THE COURT: What is it offered for?

4 MR. KATZ: It is offered for circumstantial evidence in
5 regards to his treatment of the guns, the fact that he would
6 under no circumstances get rid of those guns.

7 THE COURT: You are attempting to show the circumstances
8 by hearsay, then, are you not?

9 MR. KATZ: Well, your Honor, no. I think your Honor is
10 confusing hearsay with --

11 THE COURT: All right, you are putting in conversations
12 to establish a factual position.

13 MR. KATZ: No, his state of mind. Now, his state of
14 mind is important.

15 If I can show circumstantially that his state of
16 mind was such that he would never get rid of the guns under
17 any circumstances, that he would not sell them to anybody, then
18 it is material to one of the main issues in the case, and you
19 can do so by his direct statements.

20 The best manifestation of a state of mind, if your
21 Honor pleases, would be his statements concerning the guns,
22 concerning his feelings of the guns.

23 If you cut us off here, you are cutting off an arm
24 of our case, your Honor.

25 THE COURT: What is your objection, Mr. Weedman?

26 MR. WEEDMAN: Well, the fact that the prosecutor has a
27 particular theory that he is trying to prove up has nothing
28 whatever to do with the rules of admissibility.

1 All Mr. Katz has told us is that he is very
2 anxious to get this into evidence. It is only being offered
3 for one thing, and I am sure your Honor appreciates that. It
4 is being offered to prove a fact.

5 It is being offered for the truth of the matter
6 that is contained in that statement. We don't know anything
7 about the value of these guns. To permit Mr. Katz to get into
8 evidence inferentially that these guns had a greater value or
9 that he could have pawned them for more money is obviously
10 hearsay. Mr. Katz has all kinds of other ways of proving it,
11 your Honor.

12 THE COURT: Let's wait a minute. Section 1250 and 1251.

13 MR. KATZ: That was the exact section that I had in mind,
14 your Honor, 1250.

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1 THE COURT: Now, do you have the question.

2 All right. Just a minute now. You can sit down.

3 Sit down over there. Anywhere.

4 I want to take my time with that. Pull up a chair.

5 MR. KATZ: Thank you, your Honor.

6 THE COURT: You can sit down.

7 Now, let's see where we are here.

8 (Short pause.)

9 THE COURT: Now, give me the question would you please,
10 Mr. Reporter.

11 (The record was read by the reporter
12 as follows:

13 "Did you have any discussion with him
14 as to why he received that amount?

15 "A Yes, I did.

16 "Q What did he say?"

17 THE COURT: I would like to get the answer in here for
18 purposes of my ruling, for one thing, out of the presence of
19 the jury.

20 Is there any objection for the moment?

21 MR. WEEDMAN: No, your Honor.

22 MR. KATZ: No, your Honor.

23 THE COURT: All right.

24 MR. KATZ: May I get my notes? There is something I
25 forgot to bring in.

26 THE COURT: Yes.

27 MR. KATZ: Thank you.

28 (Short pause.)

1 THE COURT: Now, if you will please, lady, you sit right
2 over here.

3
4 EXAMINATION

5 BY THE COURT:

6 You are a witness. You have been sworn.

7 And we are in chambers. I want it outside of the
8 presence of the jury. I want to take some answers to questions.

9 You may restate them later on or not, depending on
10 my ruling.

11 Now, read the question to this lady, will you,
12 please. Now, this is the question that you are going to be
13 asked. You listen to the reporter here. This is the district
14 attorney asking this question.

15 You read it.

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

18 "Q Did you have any discussion with
19 him as to why he received that amount?

20 "A Yes, I did.

21 "Q What did he say?")

22 THE COURT: Now, this is deemed objected to.

23 MR. WEEDMAN: Yes, your Honor.

24 THE COURT: Now, you may answer the question.

25 Q What did Shea say to you at that time?

26 A He said the reason that he pawned them for the
27 amount of money that he did, because he pawned them for a lower
28 amount so he would be sure that he could get them back.

1 MR. KATZ: There was a further question, your Honor, that
2 will follow.

4 EXAMINATION

5 BY MR. KATZ:

6 Q Was there a conversation at the same time concern-
7 ing whether or not he intended to sell the guns?

8 A He never intended to.

9 Q No, answer that yes or no first.

10 A No.

11 Q There was no conversation?

12 A Was -- I didn't understand.

13 Q All right.

14 Was there a conversation, Magdalene, concerning
15 with or not Shorty intended to sell his guns? First answer
16 that yes or no.

17 A Yes.

18 Q And did he say something at that time concerning
19 that?

20 A He said that he would never sell his guns.

21 MR. KATZ: All right.

22 Your Honor, I submit this is --

23 THE COURT: All right.

24 MR. KATZ: All right.

25 THE COURT: I think that the testimony is admissible.
26 The court should instruct the jury possibly right at this time
27 that this is done for the specific purpose of showing, not
28 necessarily the truth at all of the statements, but for showing

1 a state of mind such as the jury may desire to derive or may
2 extract from the answer to show the state of mind of Shea.

3 I think that should be stated to the jury.

4 MR. KATZ: I fully concur, your Honor.

5 MR. WEEDMAN: Your Honor --

6 MR. KATZ: Excuse me, Mr. Weedman.

7 I was going to ask your Honor to give that limiting
8 instruction.

9 MR. WEEDMAN: I object to any such limiting instruction
10 at this time. I think this whole area is one which is clearly
11 calling for hearsay because what we are saying here, your Honor,
12 is that Mr. Shea could have pawned these guns for more than he
13 received. That is the truth that is involved here for which
14 this statement is being offered.

15 THE COURT: Well, -- Mr. Weedman --

16 MR. WEEDMAN: If the prosecutor can produce some evidence
17 that Mr. Shea could have gotten more than \$45 for these guns,
18 why, fine. But to try and prove that up through this kind of
19 hearsay to me is objectionable, your Honor.

20 THE COURT: Well, there is merit to your objection, but
21 I am ruling against you. I think that the law permits the
22 questions on the state of mind. It is close in my own mind,
23 but I think it is there.

24 I will rule against you.

25 MR. WEEDMAN: Very well, your Honor.

26 MR. KATZ: Thank you, your Honor.

27 THE COURT: All right.

28 (The following proceedings were had

1 in open court in the presence of the
2 jury:)

3 THE COURT: Now, we are back in court with the defendant
4 and all counsel here. The witness is in the witness stand.

5 Now, Mr. Reporter, read that question to the
6 witness, please.

7 You listen to this question again, please.

8 (The record was read by the reporter
9 as follows:

10 "Q Did you have any conversation
11 with him as to why he received that amount?

12 "A Yes, I did.

13 "Q What did he say?")

14 THE COURT: This is objected to by the defendant. The
15 jury should know that. The objection is overruled.

16 You may answer that. You answer that.

17 THE WITNESS: He said that the reason he pawned them for
18 a small amount was because he would be sure that he would get
19 them back.

20
21 DIRECT EXAMINATION (Resumed)

22 BY MR. KATZ:

23 Q All right.

24 Now, did you have a further conversation with him
25 concerning whether or not he intended to sell his guns?

26 A Yes.

27 Q And what did he say in that regard?

28 A No, that he would never sell his guns.

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

2 THE COURT: Now, ladies and gentlemen of the jury, at
3 this time respecting these last two answers of the witness, of
4 what Shea said to her, the statements of Shea to this lady that
5 she is telling us are hearsay statements of Shea. They are not
6 admissible for the truth of the matter but they are admissible
7 for a specific purpose of showing the state of mind of Shea at
8 that time. What was the state of mind respecting the guns at
9 that time.

10 What the state of mind of Shea was, is for the jury
11 to determine. This answer is being given for your considera-
12 tion. You may accept it, reject it. It is for you to pass
13 on what may ultimately be the materiality of the answers of
14 this witness, of Shea. It goes to the state of mind, what was
15 Shea's state of mind about those guns.

16 Is that clear?

17 I am not trying to argue the matter. I am just
18 trying to get the thought over to you, file this -- why and
19 under what answers the Shea which are hearsay answers are
20 being admitted. That is the basis for it.

21 You may proceed.

22 MR. KATZ: Thank you, your Honor.

23 THE COURT: Yes, sir.

5A

1 Q BY MR. KATZ: Mrs. Shea, did Shorty carry the guns
2 in any kind of container?

3 A An attache case, Brown. With his name on the back
4 of it, Reverend Donald Jerome Shea.

5 Q Reverend Donald Jerome Shea?

6 A Yes.

7 Q Did Shorty have in possession with him any kind of
8 certificate with reference to this?

9 A Yes, he did. He had a certificate where he was,
10 I guess, ordained.

11 Q All right. He said he was ordained?

12 A Yes, but he had a certificate showing Reverend
13 Donald Jerome Shea on it.

14 Q All right.

15 Now, did he carry anything else in that attache
16 case besides those two guns?

17 A A knife.

18 Q And can you describe the knife, as best you can
19 for us.

20 A It was about that long (indicating).

21 Q Would you please hold your hands up?

22 A It was about that long (indicating).

23 MR. KATZ: Mr. Weedman, how long would you say, about
24 ten inches?

25 THE COURT: All right.

26 That would be -- well, twelve inches.

27 MR. KATZ: Roughly ten to twelve inches.

28 That is a fair statement, or not?

1 MR. WEEDMAN: Yes, your Honor. Thank you.

2 THE COURT: All right.

3 Thank you, lady.

4 Q BY MR. KATZ: And was this a fixed blade knife?

5 A Well, it had a -- I don't know about a fixed blade.
6 But it was supposed to match the set. It looked like what the
7 Indians used to carry. Something like that.

8 Q Something like a buck knife?

9 A Yes.

10 Q All right.

11 And can you tell us whether or not you saw Shorty
12 ever do any demonstrations with the guns?

13 A Yes. He used to demonstrate for me fast draws and
14 tricks with the fingers. And he used to do fast draws and
15 tricks like Western, you see in the movies, for me.

16 Q And how did he react towards the guns? What was
17 his attitude towards the guns?

18 A He was very proud of those guns just like they was
19 something that he had possessed, and it was really his. And
20 he would never get rid of them.

21 Q All right.

22 Now, Magdalene, can you tell us whether or not you
23 can describe from your memory the guns that Shorty had?

24 A Yes, I can.

25 Q And in particular was there anything unusual about
26 the guns that assist you in identifying them?

27 A Yes.

28 Q Would you tell the court and jury what that was.

3

1 A They were a matched set. And they had the patent
2 number, it was Colt .45's. One was .22 and one was .21.

3 Q In other words, they were consecutive numbers on
4 the guns?

5 A Yes.

6 Q All right.

7 What kind of guns were they? Can you tell us what
8 they looked like at all? You said Colt .45's.

9 A Well, I thought they was. They are about this long
10 (indicating).

11 MR. KATZ: Again about twelve inches, your Honor?

12 THE COURT: Well, I guess it could be twelve, thirteen
13 inches.

14 MR. KATZ: Ten inches?

15 THE COURT: Just a minute. I will measure that.

16 Now, all right. Is that about it?

17 THE WITNESS: Yeah.

18 THE COURT (measuring): Well, it is eleven and a half
19 inches.

20 Thank you.

21 Q BY MR. KATZ: All right.

22 Now, when you were living at the Wilcox address,
23 did Shorty work in any other location other than in the Cab
24 Inn Bar where he had previously worked?

25 A Yes, he worked out in Norwalk at a place called
26 Sam's. It was a bar.

27 And then he worked out in the Valley trimming trees.
28 I don't know who he was trimming trees for.

4

1 Q Now, with respect to this Sam's, was this also
2 operated by somebody you knew?

3 A Bromberg.

4 Q This was again Herb Bromberg?

5 A Yes.

6 Q That is the same gentleman who operated the Cab
7 Inn?

8 A Yes.

9 Q All right.

10 And between the time that you returned in July,
11 1969, until August 16, 1969, did you meet other friends of
12 Shorty's?

13 A Yes, I did.

14 Q And did you meet people known as the Babcocks?

15 A Yes.

16 Q And can you tell us when it was approximately that
17 you met the Babcocks?

18 A August 11th.

19 Q Now, you say August 11. Is there any reason why
20 you are able to say that that is the date that you met the
21 Babcocks?

22 A Because that date we went to Maurice Kosloff's
23 studio that was on Robertson and Wilshire. And we read for a
24 part in a movie.

25 Q All right.

26 And this was on what date that you saw Maurice
27 Kosloff?

28 A August 11th.

5

1 Q All right.

2 And you say you read for a part in the movie. Did
3 you actually read a script?

4 A Yes.

5 Q And did somebody present you something to read?

6 A Yes.

7 Q Who presented you something to read?

8 A The lady -- a lady that was working with Maurice
9 Kosloff presented it to us.

10 Q This was at Mr. Kosloff's office, is that correct?

11 A Yes.

12 Q Did you yourself ever meet Mr. Kosloff?

13 A Yes.

14 Q All right.

15 And did Shorty also read for a part?

16 A Yes, he did.

17 Q And incidentally, when you were in Las Vegas did
18 Shorty ever discuss with you the movies in general?

19 A Yes, he did.

20 Q In particular was there any discussion concerning
21 his appearing in a forthcoming Bob Bickston movie?

22 A Yes, it was. That was --

23 THE COURT: Just a minute.

24 Sheriff, tell the alternate juror not to talk or
25 discuss this case at all. Don't talk about anything at all.

26 Keep your mouth sealed.

27 All right, go ahead. Ask your question.

28 MR. KATZ: Thank you, your Honor.

6 1 THE WITNESS: Yes. He met a guy in Las Vegas that told
2 him that --

3 Q BY MR. KATZ: Well, my question is this: Was
4 there any discussion between you and Mr. Shea in regards to
5 a forthcoming Bob Bickston movie?

6 A Yes.

7 Q All right.

8 And can you tell us what Shorty's attitude was
9 with respect to his possible participation in this movie?

10 A Well, he knew --

6 fls

#6 1 MR. KATZ: Again, your Honor, this is offered not for
2 the truth of the assertions. It is offered only as state-of-
3 mind evidence.

4 I think the jury should be instructed.

5 THE COURT: That is correct.

6 MR. KATZ: Thank you.

7 THE WITNESS: He was going to get in touch with Bob
8 Bickston to see if he could work in the movie, and he knew
9 Bob Bickston because he had made -- worked with him before,
10 and they was filming in Arizona some place.

11 Q BY MR. KATZ: What was his attitude towards this,
12 as he expressed it to you?

13 A Well, he knew that he could get a part, and he
14 was happy about it.

15 Q He told you this in Las Vegas?

16 Is that right?

17 A Yes.

18 Q That is before you returned to California?

19 A Yes, it was.

20 Q Now, going back to this date, August 11, 1969, you,
21 as I understand it, read for some parts in a Maurice Kosloff
22 production?

23 Is that right?

24 A Yes.

25 Q Now, was there any discussion with Mr. Kosloff or
26 his representative at the office concerning yourself and Shorty
27 appearing in one of his movies?

28 A Yes.

1 The lady that we read for, she told Mr. Kosloff
2 that Donald was perfect for a speaking part, but I could be
3 used as an extra.

4 MR. KATZ: Again, your Honor, I think the jurors should
5 be admonished that this is only for state-of-mind evidence,
6 and not offered for the truth of the assertions.

7 THE COURT: Well, you have made the statement and it is
8 a correct statement of law. I don't want to confuse more than
9 I have to.

10 Go ahead.

11 MR. KATZ: I appreciate that.

12 THE COURT: But the statement is correct.

13 MR. KATZ: Thank you, your Honor.

14 Q When you left there was it your understanding that
15 you and Shorty had a part in this forthcoming Kosloff movie?

16 A Yes, he -- He took down the size of --

17 THE COURT: You say "he." Who do you mean?

18 THE WITNESS: Mr. Kosloff. He wanted my dress size and
19 Donald's size for costumes, plus he told Donald that he would
20 have to come back and read for someone else.

21 Q BY MR. KATZ: All right. Now, in the same time
22 period, that is, say, between the time he returned in July of
23 1969 until August 16, 1969, did Shorty ever take you to
24 Universal Studios?

25 A Yes, we went out there on four occasions.

26 Q In particular, did Shorty take you to see something
27 or somebody?

28 A The stunt -- the Western stunt show.

1 Q On all four occasions did you see so-called
2 Western stunt performances?

3 A Yes.

4 Q Can you tell us as you were viewing them whether or
5 not -- strike that, that was leading.

6 What did Shorty say to you, if anything, in regards
7 to what you were observing at Universal Studios?

8 A Well, things that the stuntmen was doing. He
9 pointed out different things, how it was supposed to be did
10 and what they were doing.

11 Q What was his attitude?

12 What was his feeling at that time?

13 Was he happy, or was he sad, or what?

14 A He was very happy.

15 Q How did he talk about it?

16 Was it in a matter-of-fact way, or an excited way
17 or what?

18 A He was excited because like he likes -- he likes
19 Westerns, and this was what we did.

20 Q I am sorry, had you finished your answer, or had I
21 cut you off?

22 A I had finished.

23 Q All right. Now, using this date of around the time
24 that Shorty returned from Las Vegas to join you in the latter
25 part of July, 1969, did you go to Spahn Ranch with Shorty?

26 A I went the following Sunday after he got back that
27 Saturday night from Las Vegas.

28 Q Incidentally, had you worked that Saturday night?

1 A Yes, I had.

2 Q Where was that?

3 A At the Cab Inn.

4 THE COURT: Now, may I stop you?

5 MR. KATZ: Yes, your Honor.

6 THE COURT: Are there any other statements of Shea that
7 you expect to bring in from this lady?

8 MR. KATZ: Not at this point, your Honor.

9 THE COURT: Well, I'm not trying to overplay this or to
10 repeat this excessively, but basically, again, the statements
11 of Shea that the lady has testified to are being admitted for
12 the specific purpose or the sole purpose of showing to what
13 extent the statements may show the state of mind of Shea.
14 That is the purpose of all of these statements, and not neces-
15 sarily for the truth of the items or the collective portions
16 of the statements.

17 It is for the sum total of what, if anything, those
18 statements show the state of mind of Shorty Shea to be.

19 That about covers it, I think.

20 MR. KATZ: Thank you so much. I appreciate that.

21 THE COURT: Well, go ahead.

22 MR. KATZ: Would you like to take the recess, your Honor?

23 THE COURT: Let's take a short recess.

24 Do not discuss the case or come to any opinion or
25 conclusion and we will proceed in a few minutes.

26 (Recess.)
27
28

6a-1

1 (The following proceedings were had
2 in open court out of the presence
3 of the jury:)

4 THE COURT: People against Steve Grogan. The defendant
5 is here. The defendant's counsel is here. The People's
6 counsel is here, and the witness is on the witness stand.

7 You can bring in the jury, sheriff.

8 (The following proceedings were had
9 in open court in the presence of the
10 jury:)

11 THE COURT: Now all 12 jurors are in the jury box, and
12 the three alternates are here.

13 The People may continue.

14 MR. KATZ: Thank you so much, your Honor.

15 THE COURT: The witness is on the witness stand.

16 Q BY MR. KATZ: Mrs. Shea, you were telling us the
17 fact that when Shorty returned from Las Vegas to California
18 you had worked, apparently, at the Cab Inn?

19 Is that correct?

20 A Yes, I had.

21 Q In connection with that date, as a frame of
22 reference, did you thereafter go to the Spahn Ranch?

23 A The following day, which was a Sunday, we went out
24 to the Spahn Ranch.

25 He wanted me to meet Ruby Pearl and George Spahn.

26 Q All right, let's stop there for a moment.

27 Had Shorty told you about Ruby Pearl and George
28 Spahn?

6a-21

A Yes, he had.

Q What did he say about his relationship with Ruby and George?

A His relationship with Ruby and George was very close.

He looked upon George as a father, because he told me at one time when he was with his previous marriage that they had stayed out to George Spahn's Ranch, and he had worked out there occasionally.

He had been out -- been familiar with them for a number of years.

Q How about Ruby?

A Number of years too, and he looked upon her as a mother.

Q All right. Now, when you went out on that occasion in the latter part of July 1969, did you meet anyone out there?

A Yes, I did.

Q Who did you meet out there?

A A guy by the name of Charlie Tuna.

Q Did you later learn his true name?

A Charles Manson.

MR. WEEDMAN: Your Honor, I wonder if the witness might not take the microphone a little bit away from her mouth.

THE COURT: Yes.

Did you get the last question? Is it clear to you or would you like to have it reread?

MR. WEEDMAN: Oh, no. I have it. Thank you, your Honor.

THE COURT: All right.

6a-3

1 Q BY MR. KATZ: Yes. Now, Mrs. Shea, I want to go
2 back, if I may, to this August 11th date, where you went to
3 Maurice Kosloff Studio and read some scripts.

4 Thereafter did you go someplace to visit some
5 people?

6 A We went out to Jim Babcock's out -- I think it was
7 in Topanga Canyon.

8 It was in the Valley.

9 Q Someplace in the San Fernando Valley?

10 A Yes, it was.

11 Q When you say Jim Babcock, was there somebody else
12 there?

13 A His wife.

14 Q Do you recall her name?

15 Don't guess, if you don't know.

16 A I can't recall.

17 Q Did they have any children?

18 A Yes, they did.

19 Q How many, if you recall?

20 A One at the time.

21 Q All right. When you went out to see the Babcocks,
22 did you visit for a period of time?

23 A Yes, we did.

24 Q What was Shorty's attitude toward the Babcocks,
25 and in particular toward the child of the Babcocks?

26 A Him and the little girl, they got on the floor and
27 they played, you know.

28 He rolled her on his back like he was a horse, and

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we sit down and we talked with Jim and his wife for quite a
long time.

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7-1

1 Q And how did he appear to get along with the
2 Babcocks?

3 A Very good. Like they were very good friends.
4 Everybody was happy.

5 Q And had he told you about the Babcocks before
6 bringing you out to meet them?

7 A Yes.

8 Q And what did he say about the Babcocks?

9 A He told me that he had some friends that was very
10 close to him, that he wanted me to meet.

11 Q All right.

12 Now, did you go to the Spahn Ranch on another
13 occasion?

14 A Yes, I did.

15 Q And can you tell us approximately when it was that
16 you returned to the Spahn Ranch?

17 A It was the Tuesday night following -- following
18 that Monday we was at the Babcocks and Maurice Kosloff Studio.

19 Q In other words you are saying that Monday was
20 August 11, 1969?

21 A Yes.

22 Q So approximately August 12th?

23 A 12th.

24 Q 1969.

25 You returned to Spahn Ranch?

26 A Yes.

27 Q On the first occasion when you met Charles Manson
28 had you met Ruby Pearl and George Spahn?

1 A No, we didn't. We waited for about two hours,
2 two or three hours. Could have been longer because I was tired
3 and half asleep.

4 And she had taken him to eat --

5 Q Well, you can answer that question. In other words
6 you didn't meet them on that occasion?

7 A No, on that occasion I didn't.

8 Q Now, what was your purpose for going back to Spahn
9 Ranch on the second occasion?

10 A To meet them, to meet Ruby Pearl and George Spahn.

11 Q All right.

12 And on a second occasion did you see some people
13 at the Spahn Ranch?

14 A Yes, I did.

15 Q Who did you see out there?

16 A I saw a girl by the name of Squeaky. And Charles
17 Watson. I remember --

18 Q Anything unusual about Charles Watson?

19 A Yes. I remember him because on one side -- he had
20 a gun on one side and a knife on the other. And he kept coming
21 out -- they have the old studio. We were sitting out there,
22 and he kept coming out asking me for a cigarette.

23 Q Is there a boardwalk which fronts some makeshift
24 buildings at Spahn Ranch?

25 A Yes. It was there where we were sitting.

26 Q This occurred in that approximate area of Spahn
27 Ranch, is that right?

28 A Yes.

1 Q All right.

2 Besides Squeaky and Charles Watson who else did you
3 meet on this second visit?

4 A I met three other girls, but I can't recall the
5 name. But I remember Squeaky because she had painted a picture
6 of George Spahn. It was hanging in his house.

7 Q All right.

8 Now, did you meet George Spahn and Ruby Pearl
9 finally on that second visit?

10 A Yes, I did.

11 Q Approximately how long did you stay at Spahn Ranch
12 before leaving?

13 A Three, three and a half, four hours.

14 Q All right.

15 Now, was there a girl known as Bridgett or a lady
16 known as Bridgett who worked for Herb Bromberg?

17 A Yes, it was.

18 Q And in what capacity did she work for Herb
19 Bromberg?

20 A She hired the girls, and she took care of the
21 clubs, the chain of clubs that he had.

22 She would pick up the receipts. And she made out
23 the checks for the girls. And she would hire girls for
24 different bars.

25 Q Now, on some occasion did Shorty bring Bridgett
26 out to the Spahn Ranch for the purposes of buying a horse?

27 A Yes, he did. 'Cause she did have horses.

28 Q All right.

1 And was this before or after you returned to Spahn
2 Ranch on the occasion which would have been --

3 A It was before.

4 Q All right.

5 And as a result of his bringing Bridgett out to the
6 ranch did he come home with some money?

7 A Yes, he did.

8 Q How much money did he come home with?

9 A \$45.

10 Q And what did that represent?

11 A He told me that the horse was sold for -- he got
12 10 percent of what the horse was sold for.

13 Q Did you go out and celebrate?

14 A Yes, we did.

15 Q And incidentally, had you met an individual who
16 was a bartender on Vine Street?

17 A Yes, we did.

18 Q Did you have some kind of a bet with regard to how
19 long you would remain married to Shorty?

20 A We had a bet with the bartender. He said that we
21 wouldn't be married six months. And we bet that we would.

22 And at the end of six months then he was going to
23 pay for our dinner and everything, you know. If we was
24 married --

25 THE COURT: Well now, wait. This is conversation, this
26 is statements.

27 MR. KATZ: It is a state of mind only, your Honor, yes.

28 THE COURT: I don't know the materiality of those

1 statements.

2 MR. KATZ: Your Honor, I can withdraw it. I don't think
3 it is that material. Thank you.

4 THE COURT: I have a question about the statements of the
5 bartender as to the marriage.

6 MR. KATZ: Well, I had something particular in mind, but
7 that is all right, your Honor. If the court has objection I
8 would be happy to withdraw and ask the jury be admonished to
9 disregard it.

10 THE COURT: Strike it would be better.

11 MR. KATZ: Yes. No problem at all.

12 THE COURT: I think it would be better.

13 MR. KATZ: Yes, indeed.

14 THE COURT: I will strike the statement. It may go out.
15 The jury will disregard it.

16 Go ahead.

17 Q BY MR. KATZ: Now, on August 16, 1969 did you have
18 some quarrel with Shorty in the early morning hours?

19 A Yes, I did.

20 Q All right.

21 And can you tell us the nature of the quarrel?

22 And again, your Honor, at this time it is offered
23 for state of mind evidence and circumstantial evidence, not for
24 the truth of the assertions.

25 A We quarreled about our financial situation. And
26 he didn't want me to work.

27 Q What did he say in that regard?

28 A He said he was the man of the house and he was

1 supposed to take care of his wife.

2 Q What did you say?

3 A Well, I told him that since our financial state
4 was as it was, I felt as if I was supposed to help.

5 Q And did you intend to work in a certain occupation
6 such as the one you had been previously working at?

7 A Well, I was going back because I had talked to Herb
8 Bromberg, and I was going to go back to one of his clubs. If
9 it was permitted with him. And we argued about that.

10 Q In other words, you and Shorty argued about your
11 going back and working as a topless dancer and a barmaid, is
12 that right?

13 A Yes. He didn't want me to work, period, whether
14 topless dancer or anything.

15 But he was really dead on the topless dancer. He
16 didn't want me to have that. But he didn't want me to have a
17 job at all.

18 Q All right.

19 Did you quarrel about anything else other than
20 that, such as Shorty drinking?

21 A His drinking.

22 Q All right.

23 And in any event as a result of this argument on
24 the morning of August 16, 1969 did Shorty leave the house?

25 A Yes, he did.

26 Q Now, just so I understand you, you were still
27 living at the Wilcox address?

28 A Yes.

#8

1 Q All right. Sometime thereafter in that same day,
2 August 16, 1969, did you receive a telephone call from Shorty?

3 A Yes, I received one the afternoon he called.

4 He was calling from the Spahn's Ranch and he called
5 to tell me that he was going to stay out there because they
6 had had a raid that Saturday morning for an auto theft ring,
7 and it was nobody there, and he was waiting for someone to
8 come.

9 Q Did he make any mention of George Spahn?

10 A Yes, he said --

11 Q In that regard, what did he say?

12 A He said he was waiting for him to come back,
13 because he wasn't there, and there was nobody there, and he was
14 going to stay there and take care of the place.

15 Q All right. Now, I take it that you did not remain
16 home all day?

17 Is that correct?

18 A No, I didn't.

19 Q When did you next return to your Wilcox address?

20 A It was late that night, like Sunday morning, and --

21 Q In other words, in the early morning hours, say,
22 of August 17, 1969?

23 Is that right?

24 A Yes.

25 Q At that time did you notice anything unusual when you
26 returned to your place?

27 A Yes, all of his belongings was gone.

28 Q Would you describe the belongings that he had?

2

1 A He had two suitcases, and the clothes that was
2 hanging in the closet was gone.

3 Q Well, when you say "suitcases," would you describe
4 them to us?

5 A He had a brown one and a gray one that we kept
6 upstairs.

7 Q Now, did he have any footlockers?

8 A He had two footlockers that was kept in the car,
9 because we only had a room, and we didn't bring those up.

10 Q Did he have anything in these footlockers, if you
11 know?

12 A Clothes.

13 Q All right, can you describe those footlockers to
14 us?

15 A Yes, they were red and green with -- on the top of
16 them "Donald Jerome" painted.

17 Q In other words, the name "Donald Jerome" was on top
18 of the footlockers?

19 A Yes.

20 Q All right. Incidentally, before you had this
21 quarrel on August 16, 1969, did Don buy a car?

22 A Yes, he did.

23 Q What kind of car was it, if you know?

24 A A 1963 Comet, I think.

25 Q What color was it?

26 A White.

27 Q Approximately when was it that he bought the car
28 in relation to when he returned to California from Las Vegas?

3

1 A About four days after we moved to the Wilcox,

2 Q All right. Can you tell us whether or not -- do you
3 know from whom he bought it?

4 A John Enfield.

5 Q Did you also acquire at the same time some dishes
6 which were in the car?

7 A Yes, we did.

8 Q In other words, when you got the car from John
9 Enfield there were some dishes in the car, also?

10 Is that right?

11 A Yes. He gave us some -- he gave us the dishes.

12 Q When you noticed Shorty's possessions missing during
13 the early morning hours of August 17, 1969, at the Wilcox
14 address, were those dishes there or were they gone?

15 A No, they wasn't there.

16 There was a plate, I think -- I'm not going to
17 think. There was a plate, but the rest of the dishes was in
18 the car.

19 Q All right. Did he have any gun cleaning equipment
20 at all?

21 A Yes, in the footlockers.

22 Q All right. Did you see those?

23 A No, there wasn't -- the footlockers was gone.
24 Everything was gone that we had together.

25 Q In other words, that Shorty had?

26 Is that right?

27 A Yes.

28 Q Now, did you receive a communication, written or

otherwise, from Shorty in that same time period at all?

A Yes, I did.

I went downstairs in the Wilcox Hotel in our box
of our room. There was a letter from him.

Q All right. Did you recognize the writing on the
letter?

A It was from him.

Q From whom?

A Donald.

Q From Donald Shea, your husband?

A Yes, my husband.

Q All right. Can you tell us what he said in that
letter?

Again, this is not offered for the truth of the
assertions, but offered as circumstantial evidence as to his
state of mind.

THE COURT: Read the question.

Give me the question again, please.

(The reporter read the last question
as follows:

"Q All right. Can you tell us what he
said in that letter?")

THE COURT: And what was the objection?

MR. KATZ: There is no objection.

THE COURT: I thought you had objected.

MR. WEEDMAN: No, your Honor. Thank you, anyway.

THE COURT: All right. Answer the question.

THE WITNESS: Yes, he told me that he was leaving, and

5
1 he was sorry about our difficulties and his drinking, and he
2 was going to try to stop.

3 He gave me a telephone number where I could get in
4 contact with him if I needed him.

5 Q BY MR. KATZ: Did he give you someone else's
6 telephone number?

7 A Yes, he gave me Jim Babcock's telephone number.

8 Q All right, did he, in the letter, tell you how
9 he felt about you?

10 A Yes, he did.

11 He told me that he loved me very much and the mis-
12 understanding that we had -- he was going to try to do better,
13 and make it up.

14 Q All right. At the time you had that quarrel in
15 the morning of August 16, 1969, did you intend to leave Shorty?

16 A No, not really.

17 I mean -- wasn't no intention.

18 Q All right. Did you intend to try and reconcile
19 your differences with Shorty?

20 A Yes.

21 Q And continue your marriage?

22 A Yes.

23 Q Now, did you make any efforts after this communica-
24 tion of August 17, 1969, to locate Shorty?

25 A Yes, I did. I called Jim Babcock's house.

26 Q All right.

27 A And I talked with his wife, and asked her if I
28 could find -- if she could tell me where he was, and she told

1 me that she had a number, and she would call for me.

2 I told her that I would call her back.

3 Q All right.

4 A And she called the number that she had.

5 Q Well, don't tell me what she told you.

6 Now, approximately when was it that you called the
7 Babcocks in and attempted to locate Shorty in relation to
8 this August 16th date?

9 A About a week and a half or two weeks later.

10 Q All right. Did you call her back more than one
11 time in an attempt to locate Shorty?

12 A Yes, I did.

13 Q Were you successful in locating Shorty?

14 A No.

15 Q Did you, yourself, call the Spahn Ranch?

16 A Yes, I did.

17 Q Approximately on how many occasions did you call
18 the Spahn Ranch?

19 A The first time I called, they told me --

20 Q Well, first of all, on how many occasions do you
21 think you called the Spahn Ranch in an effort to locate Shorty?

22 A Three times.

23 Q Three times in all?

24 A Three times.

25 Q All right. When, approximately, was the first
26 time you called the Spahn Ranch in an effort to locate Shorty?

27 A The first time I called was the same day that I
28 called Mrs. Babcock.

1 Q All right. This is approximately a week and a
2 half to two weeks following the 16th?

3 Is that right?

4 A Yes.

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1 Q Did you talk to somebody on the phone at Spahn
2 Ranch?

3 A I talked to some lady.

4 Q In other words, a female voice answered?

5 A Yes.

6 Q Is it fair to say that you didn't recognize the
7 voice?

8 A No, I didn't recognize it.

9 Q All right, did you ask for Shorty?

10 A Yes, I did.

11 Q Tell us what you said.

12 A I asked to speak to Shorty Shea, and the female
13 said, "Well, he is not here right now."

14 So I asked what time did she think he would be
15 back, and she said she didn't know for sure.

16 I said, "Would you give him a message? Tell him
17 that his wife called, and she will call back at 6 o'clock that
18 following afternoon."

19 THE COURT: Now, what date did you set for that conver-
20 sation again?

21 What was that date?

22 THE WITNESS: I don't remember the date.

23 THE COURT: After the 16th of August, what date,
24 approximately?

25 THE WITNESS: About the 26th or 27th.

26 THE COURT: Of August?

27 THE WITNESS: Of August.

28 THE COURT: Go ahead.

8aQ2

Q BY MR. KATZ: Now, did you call a second time?

A Yes, I did.

Q When did you call the second time in relation to the first phone call to the Spahn Ranch?

A 10 o'clock the next morning.

Q Did somebody answer the phone?

A Yes.

Q Was this a male or female?

A A lady.

Q Do you know whether or not that sounded like the same voice or different voice?

A It sounded like the same voice.

Q What did you say and what did the lady say?

A I asked to speak to Shorty Shea, and she said, "Wait just a minute."

She laid the phone down, and came back about four minutes -- four and a half minutes later, and she said, "Shorty is not here any more. He left going to San Francisco."

THE COURT: Now, you say that was right after the 27th phone call?

MR. KATZ: The 27th phone call.

THE COURT: Get it from the witness.

What date?

THE WITNESS: The 27th.

THE COURT: All right.

Q BY MR. KATZ: All right. Now, did you call an additional time, a third time?

A Yes, I did.

8a-3

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Q Approximately when was that?

A That was in September.

Q When in September, the first part, the middle part, the latter part?

A It was about the first part of September.

THE COURT: Can you set it any better than the first part?

By "the first part," you don't mean the 1st of September?

THE WITNESS: Not the 1st, it was -- it was the first week in September.

I don't know exactly what date. Can I continue?

Q BY MR. KATZ: That is all right.

Now, were you able to locate Shorty through that phone call?

A No, the party said that he wasn't there any more.

Q You say "the party said." Was this a male at this time?

A It was a lady, still a female.

Q Still a female.

Now, after August 17, 1969 did you stay at Wilcox or did you move to some other address?

A I moved down on La Brea.

Q Was that at your family's place?

A Yes.

Q Had Shorty been there?

A Yes.

Q On how many occasions had Shorty been there?

A About three occasions.

Q All right.

Incidentally, did Shorty have any peculiar markings on his body at all?

A Yes, he did.

Q Would you please describe to the court and jury what peculiar markings he had on his body.

A On his chest he had horses, three horses. A father horse. In the middle it was a mare. And then over here (indicating) it was a -- a baby horse.

Q When you say "over here" you mean above your heart, is that right?

A Yes.

And then on his heart he had a heart right above his heart. He had a heart shaped with "I love Nikki" tattooed in it. That had been recently tattooed.

Q Stop there for a moment. Do you have a nickname?

A Nikki.

Q Did Shorty refer to you as Nikki?

A Yes.

Q And your friends?

A Yes.

Q All right. Would you please continue. You were telling about some other markings.

A And on this arm he had a rose (indicating) with "Marie," I think the name was Marie. And then he had a lady's face.

Q You mean you are indicating your left arm?

A Yes.

1 Q All right.

2 Now, you are moving to your right arm?

3 THE COURT: Now the right.

4 THE WITNESS: And on this arm he had a ship anchor, I
5 think.

6 Q Can you characterize these markings? Were these
7 tattoos? Is that what you are talking about?

8 A Yeah, I am talking about tattoos.

9 Q All right.

10 Now, did he have any scars or any unusual inden-
11 tations in his body?

12 A Yes. In his mouth he had gold fillings at the
13 top.

14 Q Well, let's stay at his mouth for a moment. Did
15 he have a large number of fillings?

16 A Yes, he did.

17 Q And what kind of fillings were these?

18 A Gold.

19 Q I see.

20 And were these just on the upper part, or were they
21 on the upper and lower, or what?

22 A Well, I mostly noticed the upper part. But I know
23 he had the whole top mostly was the gold fillings.

24 Q And was this easily discernible or visible?

25 A You could see it somewhat.

26 Q All right.

27 Now, any other unusual markings or physical charac-
28 teristics of Mr. Shea?

1 A Yes. On his hips he had, I guess had surgery, and
2 an accident or something. And he had scars.

3 And then in the lower part of his back he had had

4 a --

5 Q Referring to the small of the back?

6 A Yes. It was like a hole sunk in, where he had had
7 surgery did on it.

8 Q In other words, he had a surgical indentation in
9 that area?

10 A Yes. And then he had a scar, which it wasn't quite
11 visible but his eye had been busted open all the way across.

12 Q Do you know which eye that was, if you recall?

13 A The left.

14 Q The left eye? And was there anything unusual about
15 his ankles, if you know?

16 A Yes. His feet had been -- he told me they had
17 been broken once. And they were awful flat and you could see,
18 like, you know --

19 Q Were they unusual? Did they look like normal
20 ankles?

21 A No. They didn't.

22 Q How would you characterize the physical appearance
23 of his ankles?

24 A Well, they are not like mine. You could see the
25 bones, looked like they had been crushed or something.

26 Q I see. So, in other words, they were distinctive
27 and easily identifiable, is that right?

28 A Yes.

1 MR. KATZ: Your Honor, may I approach the witness now?

2 THE COURT: Yes.

3 MR. KATZ: Thank you.

4 Your Honor, I have two black and white photographs
5 which I have previously shown to counsel.

6 THE COURT: All right.

7 MR. KATZ: And because we have already somewhat marked
8 the exhibits --

9 THE COURT: Now, let's see. We are up to 3, is it?
10 Where are we, Mr. Clerk?

11 MR. KATZ: Yes, we have marked three exhibits for iden-
12 tification.

13 I was going to ask, since we already have a
14 continuity in regards to previous markings that we retain
15 that and accordingly, I would ask these two photographs be
16 marked respectively People's 4-A and 4-B.

17 THE COURT: All right. We will do that. 4-A and 4-B,
18 identification.

19 MR. KATZ: Thank you. And I will make the indications,
20 at this time.

21 THE COURT: All right. You can put that on there.

22 MR. KATZ: Thank you.

23 Mr. Weedman, would you like to see these at this
24 time?

25 MR. WEEDMAN: No, thank you.

26 Q BY MR. KATZ: Mrs. Shea, let me first direct your
27 attention to exhibit No. 1, a photograph of a male individual.
28 (Handing.) Do you recognize that individual?

4A&4B Id

1 A Yes, that's my husband, Donald Shea.

2 Q And incidentally, do you know when that picture
3 was taken?

4 A It was taken the day he was married.

5 Q That was when?

6 A July 1, 1969.

7 Q All right.

8 And is this a portion of a picture which has been
9 blown up?

10 A Yes, it is.

11 Q And did you provide the entire picture to the
12 Los Angeles Police Department?

13 A Yes, I did.

14 Q All right.

15 Now, showing you People's 2 for identification,
16 who is that a picture of?

17 A That is my husband, Donald Jerome Shea.

18 Q Is that approximately the way he looked in life?

19 A Yes, but not as it was before he left.

20 Q All right.

21 Showing you -- going back to People's 1, did he
22 look more like that?

23 A That's what he looked like.

24 Q In other words, People's 1 is a fair and accurate
25 depiction of how Shorty Shea appeared in life as you knew
26 him, is that correct?

27 MR. WEEDMAN: Excuse me, your Honor. I'm going to object
28 to counsel's repeatedly using the phrase "in life." It is

argumentative. There is no evidence Mr. Shea is dead.

MR. KATZ: No objection to reframing it, your Honor.

THE COURT: All right. Strike it out.

Go ahead. It will be stricken.

Q BY MR. KATZ: With reference to People's 1, is this how he looked when you last saw him, basically?

A Yes, it was.

Q Thank you, ma'am.

Going on to People's 4 for identification -- I'm sorry, your Honor. This has not been at this time marked. I have a marriage certificate bearing No. A272876 and I would ask that this be marked People's 4 for identification.

THE COURT: It may be so marked 4 for identification. You can put that on.

MR. KATZ: It is already on. Thank you.

THE COURT: All right, it may stand marked, so marked.

MR. KATZ: We are keeping these in order, your Honor.

THE COURT: All right.

Q BY MR. KATZ: Now, with reference to this marriage certificate which I am showing you, do you recognize this as pertaining to some marriage in which you participated?

A Yes, it is.

Q What does this reflect, please?

A That is our marriage license, or when we got married in Las Vegas July 1, 1969.

Q And that indicates ~~the~~ presence of Jerry Binder?

A Binder.

Q And the girl, Brenda Williams, is that right?

P4 Id

Q. Yes.

Q And it also has your maiden name, is that correct?

3. A Yes.

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9a

Q Now, showing you 4-A for identification, a black and white photograph showing a male and a female, do you recognize the person in that photograph?

A Yes. That is Donald and myself.

Q Where was this taken?

A In the chapel in Las Vegas when we got married.

Q This was again July 1st, 1969?

A July 1st, 1969.

Q Showing you 4-B for identification, what does this photograph show?

A That is us, Donald and myself, Jerry Binder and Brenda Williams, when we was in the chapel when we got married July 1st, 1969.

Q All right.

So in other words, in the center there is a picture of Donald and yourself, is that correct?

A Right.

Q To Donald's right, or our left as we look at it. this is a picture of Jerry Binder, his friend, is that correct?

A Yes.

Q To your left, or the right of the picture as we look at it, that is Mrs. Williams?

A Yes.

THE COURT: May I see those, if you don't mind.

MR. KATZ: (Handing) yes, sir, certainly, your Honor.

THE COURT: Thank you.

(Short pause.)

THE COURT: All right. Go ahead.

9a-1 1

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

2 I have four photographs which are mounted on
3 11 by 14 board, and I ask that they be respectively marked
4 People's 5 through 8.

5 THE COURT: Have you shown them to counsel?

6 MR. KATZ: Counsel has previously seen them, but I will
7 show them at this time.

5 - 8
id.

8 THE COURT: They may be so marked for identification.

9 Better get a marking on them if you are going to
10 refer to them individually. Have they been marked?

11 MR. KATZ: They have all been previously marked.

12 THE COURT: All right. The markings may stand.

13 MR. KATZ: Yes, your Honor.

14 (Short pause.)

15 MR. WEEDMAN: Thank you (handing).

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

17 THE COURT: Yes, sir.

18 Q BY MR. KATZ: Showing you first of all --

19 THE COURT: I will return these to your file, the file.

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

21 THE COURT: Thank you.

22 Q BY MR. KATZ: Now, showing you People's 5 for
23 identification, do you recognize that individual as having
24 seen him before?

25 A Yes, I do.

26 Q And who is that individual?

27 A Charlie Tuna, Charles Manson.

28 Q All right.

9a-3

1 That is the person that was first introduced to
2 you as Charlie Tuna, is that right?

3 A Yes.

4 THE COURT: Did you mention the number?

5 MR. KATZ: Yes, your Honor. That is People's 5?

6 THE COURT: 5. All right. For identification.

7 Q BY MR. KATZ: And going on to People's 6 for
8 identification, do you recognize the individual depicted in
9 these two photographs, that is a front view and side view?

10 A Yes. Charles Watson.

11 Q All right.

12 This is the gentleman you previously referred to
13 having met on the second occasion?

14 A Yes. That had the gun and the knife.

15 Q All right.

16 Going on to People's 7, do you recognize this girl
17 as having seen her before?

18 A Yes. But I don't recall her name.

19 Q All right.

20 And where had you seen this girl before?

21 A At Spahn Ranch.

22 Q When was it that you seen this girl?

23 A The second occasion.

24 Q And this was with the other persons you mentioned,
25 including Squeaky, is that right?

26 A Yes.

27 Q Showing you People's 8 for identification, do you
28 recognize that girl as having seen her before?

9a-4

1 A Yes.

2 Q And who is that girl, if you know?

3 A Squeaky.

4 Q You saw her on the second occasion when you saw
5 Tex Watson and this girl that's depicted in People's 7, is that
6 right?

7 A Yes.

8 Q Now, incidentally, did you see more girls than the
9 pictures that I have shown you on the second occasion you
10 visited Spahn Ranch?

11 A Yes. There was more girls.

12 MR. KATZ: All right.

13 Your Honor, I have two revolvers. Each in a manila
14 envelope. I ask that the first revolver be marked People's
15 9-A for identification and the second revolver be marked 9-B
16 for identification.

17 THE COURT: Well, have you shown them to counsel.

18 MR. KATZ: I certainly will, your Honor.

19 THE COURT: All right.

20 They will be so marked for identification.

21 (Short pause.)

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

23 Q BY MR. KATZ: Mrs. Shea, would you kindly look at
24 People's 9-A and 9-B for identification, paying particular
25 attention to the serial numbers which appear near the trigger
26 on the bottom, 2421 and 2422.

27 Do you recognize these exhibits as having seen
28 them before?

9A-9B id.

9a-5

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A Yes.

Q And where had you seen them?

A In Donald's attache case. They belonged to him.

Q All right.

And as you sit there now is there any doubt that these are the guns that Donald had?

A No.

Q And you had seen him exhibit these guns on many occasions, is that correct?

A Yes.

MR. KATZ: Perhaps if I remove these at this end.

THE COURT: Yes.

MR. KATZ: We won't confuse the exhibits.

THE COURT: Thank you.

MR. KATZ: Thank you, your Honor.

Your Honor, I have a brown attache case and some contents therein. Some checks with the name William Rex Cole and some other miscellaneous items.

And I ask that these items be collectively marked People's next in order, which would be People's 10 for identification. I will show them to counsel.

10

#10

1 THE COURT: First I will show them to counsel.

2 MR. WEEDMAN: Your Honor, I would prefer, I think, in
3 the interest of an orderly record, that all exhibits be marked
4 separately, unless perhaps if it is a collection of documents.

5 THE COURT: What do you have in the suitcase there again,
6 if you will?

7 Let's see where we are.

8 MR. KATZ: I have the aforementioned brown attache case--

9 THE COURT: Now, turn the suitcase so that I can see
10 what you are talking about.

11 MR. KATZ: Certainly, your Honor.

12 THE COURT: Now, what do you have?

13 MR. KATZ: A number of checks, all payable in the amount
14 of \$137.35, to a person who is known as William Rex Cole,
15 and all purportedly signed by George C. Spahn.

16 Imprinted in the checks are "Spahn's Movie Ranch,
17 Motion Picture Livestock, Equipment and Transportation.
18 Highway 118," with a phone number and "Chatsworth, California,
19 91311," and they are all dated "10-3-69."

20 THE COURT: Now, may I stop you a minute?

21 Make the suitcase -- what is the next number for
22 identification, the basic number?

23 MR. KATZ: 10, your Honor.

24 THE COURT: The suitcase is exhibit 10 for identifica-
25 tion.

26 We will make the bundle of bundle of checks 10-A.
27 Counsel is very properly asking for individual designations.

28 MR. KATZ: I understand, your Honor.

p10 Id

1 THE COURT: 10-A will be the included checks. 10-A
2 for identification is the checks.

3 MR. KATZ: May we have a separate envelope for these
4 so we will not --

5 THE COURT: We can put them in the suitcase, but identify
6 them separately. 10-A.

7 MR. WEEDMAN: Your Honor, I wonder if we could determine
8 how many checks there are.

9 THE COURT: All right, count them, please.

10 That is a fair question.

11 MR. KATZ: 34 checks, your Honor.

12 THE COURT: Are you satisfied with that count?

13 MR. WEEDMAN: Yes, your Honor.

14 THE COURT: All right, 34 checks will be marked 10-A
15 for identification.

16 Now, your next item?

17 MR. KATZ: Yes, your Honor. I have a checkbook bearing
18 the inscription, "The First National Bank and Trust Company
19 in Steubenville," and with respect to the checks that are
20 contained therein, they bear the imprint "Duane E. Schwarm,"
21 7340 Northeast Sandy Boulevard, Portland, Oregon, 97213."

22 THE COURT: How many checks are there?

23 MR. KATZ: Well, your Honor, it is a whole book. It
24 would appear to be approximately 25 checks.

25 THE COURT: Are you satisfied with that estimate?

26 MR. WEEDMAN: Yes, your Honor.

27 THE COURT: They will be marked, then, as a unit. That
28 will be 10-B for identification.

10-B Id
chekbk

1 ID, meaning identification.

2 MR. KATZ: Your Honor, I have a bottle of Anacin

3 THE COURT: Well, let's make them separate.

4 Do you want the pills counted?

5 MR. WEEDMAN: No, your Honor. The reason that I wanted
6 the checks --

7 THE COURT: I'm not trying to be facetious.

8 MR. WEEDMAN: The reason I wanted the checks counted
9 originally was because they were loose, but if it is something
10 in a container --

11 THE COURT: As a unit, let's mark the aspirin as People's
12 10-C for identification.

13 MR. KATZ: Thank you, your Honor.

14 I have here two bottles of Sanford's Double-Action
15 Ink Eradicator, and I will ask that that be marked People's
16 10-D.

17 THE COURT: The two bottles just referred to as a unit
18 will be marked plaintiff's 10-D for identification.

19 MR. WEEDMAN: Your Honor, I am sorry, but in the middle
20 of trying to examine these exhibits and keeping track of the
21 numbers -- I'm sorry, I don't know what 10-C is.

22 THE COURT: Take your time.

23 MR. WEEDMAN: Oh, I see. Yes, sir.

24 THE COURT: We will slow it down. I'm going too fast.
25 10-D was two bottles of aspirin.

26 MR. WEEDMAN: Apparently that is ink eradicator, your Honor. It
27 seems to be a tin with two bottles inside.

28 THE COURT: All right, that is 10-D for identification.

10-C id

10-D

1 MR. KATZ: Mr. Weedman, are you ready?

2 May I proceed?

3 MR. WEEDMAN: Yes, thank you.

4 MR. KATZ: All right. I have a package of licorice
5 cigarette paper, bearing the name "Rizla," and I would ask
6 that be marked People's 10-E.

7 THE COURT: That will be marked 10-E for identification.

10E id 8 MR. KATZ: And lastly, your Honor, I have a manila
9 packet which contains a Hytone Bond Finish writing tablet
10 with some writing thereon, and some miscellaneous papers and
11 envelopes, together with a street map of Burbank, Los Angeles
12 County. 10-F

13 I would ask that these documents in this manila
14 envelope packet be marked as a unit.

15 THE COURT: Yes. Firstly, let Mr. Weedman see them.

16 MR. KATZ: I certainly will.

17 THE COURT: All right, let's repair that. The bottom
18 is falling out.

19 Let's get some help on the bottom, Mr. Clerk.

20 All right, now, if you are satisfied, Mr. Weedman,
21 we will make that a unit. You tell me if you are satisfied
22 on that unit marking.

23 MR. WEEDMAN: I'm sorry, your Honor, there are numerous
24 items in there.

25 THE COURT: That is all right, you take your time.

26 MR. KATZ: Your Honor, while I have no objection to the
27 delay, I wish to state for the record that these exhibits
28 have been previously available for inspection.

1 MR. WEEDMAN: I don't think counsel's gratuitous remarks
2 are necessary, your Honor. I have lost track of the hundreds
3 of hours that I have spent on this case.

4 Counsel is criticizing me for critically examining
5 each one of these items, your Honor, and he has no right to
6 say that.

7 THE COURT: Take all the time you want.

8 MR. KATZ: Your Honor, may I confer with my witness for
9 one second while counsel was looking at the exhibits?

10 THE COURT: Yes.

11 (Discussion off the record.)

12 THE COURT: Gentlemen, pardon me. Mr. Weedman, you are
13 entitled to fair time to examine. Let's recess until 2 o'clock
14 and you go ahead and look through the exhibits.

15 We will go until 2 o'clock, ladies and gentlemen.

16 Remember, this is important. Do not discuss
17 the case at all or come to any opinion or conclusion, and
18 if you will please return promptly at 2 o'clock, we will go
19 right ahead.

20 Thank you very much. We are in recess.

21 (At 11:45 a.m. adjournment was taken to 2:00 p.m.
22 of the same day, Wednesday, July 21, 1971.)
23
24
25
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28

LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 21, 1971

2:00 P.M.

THE COURT: Well now, gentlemen, we will go ahead here. People against Grogan. The defendant is here. Defendant's counsel is here. People's counsel is here.

If you will bring in the jury, sheriff, we will go right ahead.

(The following proceedings were had in open court in the presence of the jury:)

THE COURT: You can be seated and state your name again, please, to the reporter. You have been sworn.

THE WITNESS: Magdalene Velma Shea.

THE CLERK: Thank you.

THE COURT: Now we have all of our jurors in the jury box and all of our three alternates. The People may proceed.

MR. KATZ: Thank you, your Honor.

I think we had recessed at that point where we had asked that certain papers be marked collectively People's 10-F.

And Mr. Weedman at that time was perusing that material. May it be so marked at this time.

THE COURT: Yes.

MR. KATZ: For identification.

THE COURT: It may be.

MR. KATZ: Is there any objection, Mr. Weedman?

MR. WEEDMAN: No.

MR. KATZ: Thank you.

1 May I approach the witness, your Honor.

2 THE COURT: Yes, sir.

3
4 MAGDALENE VELMA SHEA,

5 resumed the stand and testified further as follows:

6
7 DIRECT EXAMINATION (Continued)

8 BY MR. KATZ:

9 Q First of all, showing you what has been marked
10 People's 10 for identification, do you recognize this
11 briefcase as having seen it before?

12 A Yes.

13 Q And where had you seen it?

14 A With Don.

15 Q And did this house anything?

16 A Yes, it did.

17 Q What did it house?

18 A He kept his two guns and a knife in it.

19 Q Those are the two guns and the knife you previously
20 described in your testimony, is that correct?

21 A Yes.

22 Q And you made reference that the briefcase had the
23 inscription Reverend Donald Jerome Shea, is that correct?

24 A Yes.

25 Q As you look at this does this appear in all
26 respects on the outside to be the briefcase that Donald had?

27 A Yes.

28 Q All right.

1 Now, opening the briefcase is it in the same
2 condition that you remember seeing it when Donald carried the
3 guns and the knife in it?

4 A No.

ERASABLE

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6 ERASABLE

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8 ERASABLE

#12

1 Q All right, What is different about it?

2 A There was padding in the bottom where the guns --
3 each gun had a place to lay, and the knife had a place to lay.

4 It is green, not blue.

5 Q In other words, there was an insert which permitted
6 the guns to rest in?

7 Is that right?

8 A Yes.

9 Q Quickly showing you this ten series of 10-A through
10 10-F, I want you to tell me whether or not you have seen any
11 of these before.

12 For example, 10-A contains a series of checks with
13 the name William Rex Cole, drawn on an account of Spahn's
14 Movie Ranch.

15 Have you ever seen that before?

16 A No.

17 Q Going on to 10-B for identification, this is a
18 checkbook with a name inscribed Duane Schwarm, and Duane is
19 D-u-a-n-e.

20 Have you ever seen that before?

21 A No.

22 Q Incidentally, do you know a Duane E. Schwarm?

23 A No, I don't.

24 Q Do you know a William Rex Cole?

25 A No, I don't.

26 Q Do you know a Bill Vance?

27 A No, I don't.

28 Q Going on to 10-C for identification, do you

1 recognize this particular bottle of Anacin as having seen it
2 before?

3 A No.

4 Q 10-D, showing you a can which contains two bottles
5 of Sanford's ink eraser.

6 Have you ever seen this before?

7 A No.

8 Q Going on to 10-E, this little packet of licorice
9 paper.

10 Have you ever seen this before?

11 A No.

12 Q Lastly in the series, going on to 10-F, do you
13 recognize, if you will peruse the material in here and see
14 whether you have ever seen any of this stuff before.

15 For example, the envelope with the name "Duane E.
16 Schwarm," and a receipt in the amount of \$275?

17 A No.

18 Q Have you seen that before?

19 A No.

20 Q This Hytone writing tablet with writing on it,
21 have you seen that before?

22 A No.

23 Q These other miscellaneous envelopes that have
24 inscribed on it "\$10 bills, \$20 bills, \$1 bills," have you
25 ever seen that before?

26 A No.

27 Q And the writing on these envelopes, have you ever
28 seen that before?

1 A No.

2 Q And the name "James P. Haught," have you ever
3 seen that before?

4 A No.

5 MR. KATZ: With your Honor's permission, may I put
6 these back so we don't confuse the exhibits?

7 THE COURT: Yes.

8 MR. KATZ: Thank you, your Honor.

9 Q Incidentally, Mrs. Shea, when Shorty pawned one of
10 the two guns in the approximate time period of July, 1969,
11 did you accompany him on one occasion?

12 A Yes, I did.

13 Q Where did you go, do you recall?

14 A To a pawnshop on Vine Street.
15 I think it is on Salem and Vine.

16 Q Was it in Hollywood?

17 A In Hollywood.

18 Q And you were there, then, on one of the two
19 occasions when he pawned the gun?

20 Is that right?

21 A Yes.

22 Q That was one of the guns that you have previously
23 identified as either 9-A or 9-B?

24 Is that correct?

25 A Yes.

26 Q Do you recall whether it was the first time or the
27 second time?

28 A It was the second time.

13-1

Q And these two transactions concerning the pawning of the guns were within several days of one another, is that correct?

A Yes.

MR. KATZ: Your Honor, I have at this time three documents, and I would ask that each of the documents be respectively marked 11-A, 11-B and 11-C.

THE COURT: Have you shown them to counsel?

MR. KATZ: Yes. I will be happy to do so.

THE COURT: All right. They may be so marked.

MR. KATZ: While counsel is looking may I ask a question.

THE COURT: Go ahead.

MR. KATZ: Yes, thank you.

Q Incidentally, Mrs. Shea, have you seen the handwriting of your husband before -- Mr. Shea?

A Yes.

Q On many occasions?

A Yes.

Q And have you seen his signature?

A Yes.

Q Are you familiar with his signature?

A Yes, I am.

Q Are you able to recognize his signature?

A Yes, I am.

(Short pause.)

Q Incidentally, Mrs. Shea, while we are waiting can you tell me where Shorty or Donald Shea kept his cartridges and his holster?

1 A In one of the footlockers.

2 Q That was one of the two footlockers which he took
3 with him on or about August 16, 1969?

4 A Yes.

5 (Short pause.)

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

7 THE COURT: Yes, sir.

8 Q BY MR. KATZ: Mrs. Shea, let me, if you will, show
9 you some documents. The first has been marked 11-A for
10 identification and bears the inscription "Collateral Loan
11 Association." The address being 1612 North Vine Street,
12 Hollywood, California.

13 And I am going to ask you to look at 11-A for
14 identification, and I direct your attention to the left-hand
15 corner of the document where there is purportedly a signature
16 by Donald J. Shea.

17 A That's his signature.

18 Q All right.

19 Do you recognize that as his signature?

20 A Yes.

21 MR. KATZ: And for the record, your Honor, I would like
22 the record to reflect that this document has reference to a
23 Brown Colt Dakota .45 caliber 7-1/2 inch barrel, blue in color,
24 serial No. 2421.

25 THE COURT: Did you or did you not identify the number
26 on the exhibit?

27 MR. KATZ: Yes, 11-A.

28 THE COURT: All right.

13-3

1 MR. KATZ: All right.

2 Q Going on to 11-B for identification, which pertains
3 again to the date of February 3rd, 1969 and which bears a
4 serial number pertaining to that which appears on a revolver
5 Colt Dakota .45 caliber 7-1/2 inch barrel, blue in color,
6 serial No. 2422, I direct your attention to the lower left-hand
7 portion of that document which is 11-B for identification and
8 ask you whether or not you recognize that signature as being
9 your husband's?

10 A

Yes.

11 Q And going on to 11-C for identification, which
12 again pertains to a Hollywood Collateral Loan transaction,
13 and again this is dated February 11, 1969 pertaining to a
14 portable cassette tape recorder which was apparently pawned,
15 I direct your attention to the left-hand lower portion of the
16 document where there is purportedly a signature Donald J. Shea.
17 Do you see that signature?

18 A

Yes.

19 Q Do you recognize that signature as having seen it
20 before?

21 A

Yes.

22 Q

And whose signature is that?

23 A

Donald's.

24 Q

25 When you say Donald, that is your husband Donald
26 Shea?

27 I

Yes, sir. Donald Shea.

28 MR. KATZ: Your Honor, I have two documents -- excuse
me, three documents. Each of which I will ask to be marked

1 respectively 12-A, 12-B and 12-C.

2 THE COURT: All right. They may be so marked for
3 identification.

4 MR. KATZ: And which bear the inscription at the very
5 bottom Los Angeles Police Department Pawn Broker's Report.
6 12-A bearing serial No. 40727. 12-B bearing serial No. 40726.
7 And 12-C bearing serial No. 40974.

8 And I will show them to counsel.

9 THE COURT: Have you shown them to counsel?

10 MR. KATZ: I certainly will.

11 THE COURT: Thank you.

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

2 THE COURT: Yes, sir.

3 Q BY MR. KATZ: Showing you, Mrs. Shea, three
4 documents, the first of which is 12-A, which is a Los Angeles
5 Police Department Pawn Broker's Report.

6 There is a carbon signature. Here again, this is
7 in the lower left-hand corner. Do you recognize that
8 signature?

9 A Yes, that is Donald's signature.

10 Q Again, going quickly to 12-B, in the lower left-
11 hand corner do you recognize that signature?

12 A That is Donald's signature.

13 Q Going to 12-C, do you recognize that signature?

14 A Yes.

15 Q Whose is that?

16 A Donald's.

17 Q When you say "Donald" you mean Donald Shea?

18 Is that correct?

19 A Donald Shea.

20 MR. KATZ: Your Honor, I have four documents at this
21 time, the first of which bears a transaction date of July 25,
22 1969, pertaining to a Colt Dakota .45 caliber, 7-1/2" barrel,
23 and bearing the serial number 2422, and the serial number of
24 46386 with respect to the document.

25 I ask that that be marked People's 13-B.

26 THE COURT: Yes, sir, it may be so marked.

27 MR. KATZ: Thank you.

28 The next document, I have here pertains to a

2
1 revolver, Colt Dakota .45 caliber, 7-1/2 inch barrell,
2 transaction date July 28, 1969, serial number of the revolver
3 being 2421, and the serial number of said document being 46467.

4 I ask that that be marked People's 13-A.

5 THE COURT: So marked.

13A 6 MR. KATZ: I have two carbons of the aforementioned
7 documents, the first one bearing serial number 46467, and
8 pertaining to a revolver bearing serial number 2421, and
9 indicating the redemption date in September of 1969.

10 I ask that that be marked People's 13-C for
11 identification.

13C 12 THE COURT: It may be so marked.

13 MR. KATZ: (13-D) your Honor, is a carbon bearing serial
14 number 46386 with respect to said document, and pertaining
15 to the Colt revolver heretofore mentioned bearing serial
16 number 2422, and again showing the redemption date of
17 September 2, 1969.

18 I ask that this be marked People's 13-D for
19 identification.

13B 20 THE COURT: So marked.

21 Have you shown the exhibits to defense counsel?

22 And for the sake of clarification, your Honor,
23 with respect to document No. 46467, which has been marked
24 People's 13-A, and also the carbon thereof, which has been
25 marked 13-C, there is also a transaction involving a brown
26 attache case, as reflected in the documents.

27 THE COURT: All right.

28 MR. KATZ: May I show these to counsel?

1 THE COURT: Show them to defense counsel.

2 MR. KATZ: Thank you, your Honor.

3 May I approach the witness, your Honor?

4 THE COURT: Yes.

5 MR. KATZ: Thank you, your Honor.

6 Q Mrs. Shea, first of all showing you 13-A for
7 identification, which relates to the Dakota revolver bearing
8 serial number 2421, and a brown attache case, I direct your
9 attention to the lower left-hand corner of that document where
10 there is purportedly a signature of Donald J. Shea.

11 Do you recognize that signature?

12 A No -- yes.

13 15 fls

15-1

Q All right.

And whose signature is that?

A Donald's.

Q All right.

Now, again, in the center section of this same document, People's 13-A where there is an address given, 8010 Hollywood Boulevard, Hollywood, California, and above there is the signature of a purported person, Donald J. Shea, do you recognize that signature?

A Yes.

Q And whose signature is that?

A Donald's.

Q Incidentally, that address 8010 Hollywood Boulevard, do you know that address?

A Yes, I do.

Q Whose address was that?

A Jerry Binder's.

Q That was Jerry and Marian Binder's?

A Yes.

Q All right.

Going on to 13-B for identification, which pertains to the Dakota revolver, serial No. 2422, I direct your attention to the lower left-hand corner, where there purports to be a signature of Donald J. Shea. Do you recognize that signature?

A Yes.

Q And whose signature is that?

A Donald's.

Q And to the center portion where again there is the

15-2

1 name Donald Shea and the address 8010 Hollywood Boulevard, is
2 that your husband's signature also?

3 A Yes.

4 Q All right.

5 Going on to these carbons 13-C for identification,
6 I am going to direct your attention to what purports to be a
7 signature of R. A. Smith on the front portion of this document.
8 Do you recognize that as having seen it before?

9 A No.

10 Q Do you know an R. A. Smith?

11 A No.

12 Q Do you know a Richard Allen Smith, as appears on
13 the back of this document?

14 A No.

15 Q Do you know anyone who resides at 8350 Colegio
16 Drive, L.A. 45?

17 A No.

18 Q Colegio spelled, C-o-l-e-g-i-o.

19 And going on to 13-B for identification I direct
20 your attention once again to the center portion of that
21 document where it says there is a name that appears to be in
22 writing R. Smith. Have you ever seen that name before?

23 A No.

24 Q Have you ever seen that signature before?

25 A No.

26 Q I take it you know no such person that resides at
27 Colegio Drive in Los Angeles, is that correct?

28 A No, I don't.

1 Q Had you ever seen your husband's Dakota .45's
2 after the time he pawned them?

3 A No. Not until I saw them (pointing).

4 Q In court you mean?

5 A Yes.

6 MR. KATZ: Your Honor, I have here a Los Angeles Police
7 Department Pawnbroker's report bearing serial No. 46386
8 pertaining to a transaction of July 25th, 1969 with reference
9 to a Dakota revolver bearing serial No. 2422. I ask that that
10 be marked People's 14 for identification.

11 THE COURT: It may be so marked.

12 Did you show it to counsel?

13 MR. KATZ: I certainly will.

14 THE COURT: Thank you.

15 Q BY MR. KATZ: Mrs. Shea, showing you People's 14
16 for identification, a Los Angeles Police Department Pawnbroker's
17 report bearing serial No. 46386, and then looking at the carbon
18 signature in the lower left-hand corner, do you recognize that
19 as being your husband's?

20 A Yes.

21 MR. KATZ: Your Honor, I have two documents from the
22 Loan and Jewlery Company address, 228 Broadway, Santa Monica.
23 The first of which pertains to a loan against a Dakota
24 revolver and it is dated January 15th, 1969.

25 And the second document, your Honor, is dated
26 January 15th, 1969 and pertains to another Dakota revolver
27 bearing serial No. 2422.

28 I ask that these be marked People's 15-A and 15-B

1 for identification.

2 THE COURT: May be so marked.

3 Has the defendant seen it?

4 MR. KATZ: I am going to show it once again, your Honor.

5 May it be so marked, your Honor.

6 THE COURT: Yes, sir.

7 MR. KATZ: Thank you.

8 (Short pause.)

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

10 THE COURT: Yes, sir.

11 Q BY MR. KATZ: Showing you 15-A for identification,
12 I direct your attention to the bottom portion on the right-hand
13 side to what purports to be a signature of Donald J. Shea
14 pertaining to a loan against a Dakota revolver pawned on
15 January 15th, 1969. Do you recognize that signature?

16 A Yes.

#16

1 Q Whose signature is that?

2 A Donald's.

3 Q Showing you 15-B for identification, dated the
4 same date, January 15, 1969, and pertaining to a Dakota
5 revolver, serial number 2422, do you recognize this signature
6 in the center portion as having seen it before?

7 A Yes.

8 Q Whose signature is that?

9 A Donald's.

10 Q By "Donald," you mean your husband, Donald Shea?

11 A Yes.

12 MR. KATZ: Your Honor, I have a series of color photo-
13 graphs depicting a white Mercury Comet, bearing license
14 number NLM 841, and I ask that they be respectively marked
15 16-A through 16-J.

16 I will show them to counsel.

17 THE COURT: They will be so marked.

18 Q BY MR. KATZ: Mrs. Shea, showing you some photo-
19 graphs of an automobile, I am going to ask you to look at
20 this 16 series, 16-A through 16-J for identification.

21 I will ask you whether or not you recognize the
22 automobile which is depicted, for example, in the first four
23 photographs, 16-A through 16-D.

24 A Yes.

25 Q Where have you seen that automobile before?

26 A Don bought the car when we came back from Las Vegas.

27 Q This is the car that he purchased from John Enfield?
28 Is that correct?

16A- 16-J
Id

2

1 A Yes.

2 Q And you said that his footlockers were kept in the
3 trunk of some automobile?

4 Is that correct?

5 A Yes.

6 Q Which automobile?

7 A This one, 1963 Comet.

8 Q In other words, that is the one that is depicted
9 in the first four photographs that I have shown you, 6-A
10 through 6-D?

11 Is that correct?

12 A Yes.

13 Q Excuse me. 16-A through 16-D for identification.

14 A Yes.

15 Q Incidentally, sometime later did you give a
16 description of that car and the license number to the police?

17 A Yes, I did.

18 Q Now, going on to 16-E and 16-F for identification.
19 Do you recognize the interior of that car as
20 having seen it before?

21 A Yes.

22 Q Is that the interior of the car which is depicted
23 in the first four photographs, 16-A through 16-D?

24 A Yes, it is.

25 Q Did it have an air conditioning unit in the car?

26 A Yes, it did.

27 Q Was this factory air conditioning or some unit
28 that had been installed?

3
1 A No, one that had been installed.

2 Q All right. Now, going on to this photograph,
3 16-G, which depicts two mismatched shoes in the rear portion
4 of the car behind the driver's seat.

16-G
5 Do you recognize these shoes as having seen them
6 before?

7 A Yes, they belonged to Donald.

8 Q One is a kind of alligator shoe?

9 A Yes.

10 Q And the other one is a plain black shoe?

11 Is that correct?

12 A Yes, one was brown and the other one was black.
13 The alligator was brown.

14 Q The alligator was brown, and the other covered
15 with dust was plain black?

16 A Yes.

17 Q These are Donald's shoes?

18 A Yes, they are.

19 Q Going on to 16-H, is this also a picture of the
20 interior rear portion of the car?

21 A Yes, it is.

16-H
22 Q Showing you 16-I for identification, which depicts
23 an open trunk with two footlockers therein, do you recognize
24 those footlockers as having seen them before?

25 A Yes, they are Donald's.

26 He bought them and brought them back from Las
27 Vegas.

16-I
28 Q Are these the footlockers to which you previously

1 referred in your testimony?

2 A Yes, they are.

3 Q They bear the name, "Donald Jerome"?

4 Is that correct?

5 A Yes.

6 Q And this is in the car that you told us about,
7 license NIM 841?

8 Is that correct?

9 A Yes, it is.

10 Q And finally showing you 16-J, this is a closeup
11 of a portion of a footlocker in the trunk.

12 Does this appear to be one of the footlockers
13 that Mr. Shea brought back from Las Vegas?

14 A Yes, it does.

15 Q Thank you. When is the last time that you saw
16 that Mercury Comet which is depicted in the People's 16
17 series for identification?

18 A August 16th

19 Q 1969?

20 A 1969.

21 Q Have you ever seen the car again?

22 A No, I haven't.

23 MR. KATZ: Your Honor, I have here a packet which
24 contains some keys, approximately six keys, and I would ask
25 that they be marked People's 17 for identification.

26 THE COURT: All right. They will be marked.

27 What number did you say?

28 MR. KATZ: 17, your Honor.

Exh 17

1 THE COURT: So ordered. They will be so marked for
2 identification, and let the defense counsel see them.
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17 fls

17-1

1 MR. KATZ: Your Honor, there is also another item in
2 that same packet, and it is a card.

3 Thank you, Mr. Weedman.

4 Which bears the name Swinger's Boutique, giving
5 a Las Vegas, Nevada address of 709 Fremont Street. And I would
6 ask this be marked People's 17-A for identification.

7 THE COURT: May be so marked.

8 The defendant saw it.

9 MR. WEEDMAN: Yes, your Honor.

10 MR. KATZ: Yes. Thank you.

11 THE COURT: All right. May be so marked.

17A id.

12 (Short pause.)

13 Q BY MR. KATZ: Showing you first of All People's 17
14 for identification, a set of keys, do you recognize any of the
15 keys on this ring as having seen them before?

16 A Yes.

17 Q And where had you seen the keys before?

18 A I -- Donald had them, and I used to have them too.
19 This is the ignition key, and these two belongs to the
20 footlockers.

21 Q First of all you just pick up and hold up the
22 ignition key for us, will you.

23 A This one is the ignition key (holding).

24 MR. KATZ: Well, let's stop right there. And on the
25 key that has been handed to me is the No. H27 and with the
26 inscription National Key Company.

27 THE COURT: All right. Very well. Now, do you want that
28 specially identified in there in some fashion?

17-2

1 MR. KATZ: Your Honor, I think it is sufficiently
2 identified.

3 THE COURT: Is that statement sufficient? All right.

4 MR. KATZ: Counsel, do you agree to that description?

5 MR. WEEDMAN: Yes, thank you.

6 MR. KATZ: Thank you.

7 Q You also indicated there were two keys on the ring
8 which are the keys of the footlockers of Donald. Will you
9 identify those for us.

10 A These two belongs to the green and red footlocker.

11 Q They are separate keys to each of the lockers, is
12 that correct?

13 A Yes.

14 MR. KATZ: Your Honor, I have two keys which show a lion
15 embossed or impressed or stamped on the keys. And one on the
16 backside bears a No. P197, and the other key also bears the
17 same No. P197.

18 THE COURT: Thank you.

19 MR. KATZ: May the record so reflect.

20 THE COURT: Yes, it may so show.

21 Do you understand that, Mr. Weedman?

22 MR. WEEDMAN: Yes. Thank you, your Honor.

23 THE COURT: All right.

24 Q BY MR. KATZ: Incidentally, do you recognize any
25 of the other keys on the ring?

26 A No.

27 Q All right.

28 Now, showing you 17-B for identification, do you

1 recognize this card?

2 A Yes.

3 Q And where had you seen this card before?

4 A At the Swinger's Boutique in Las Vegas.

5 Q All right.

6 And that was one of the shops that was operated by
7 Jerry Binder, is that correct?

8 A Yes.

9 Q And Shorty worked for Jerry Binder at the Swinger's
10 Boutique for a short time, is that correct?

11 A Yes.

12 MR. KATZ: Your Honor, I have a manila packet which
13 contains a shoe of some sorts. May this be marked People's
14 18 for identification.

15 THE COURT: Be so marked. Show it to the defendant.

16 (Short pause.)

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

18 THE COURT: Yes, sir.

19 Q BY MR. KATZ: Showing you first of all People's 18
20 for identification, do you recognize this shoe as having seen
21 it before?

22 A Yes.

23 Q Whose shoe is that?

24 A Donald's

25 Q And with reference to this photograph 16-G for
26 identification, is this shoe, People's 18 for identification,
27 depicted in that photograph?

28 A Yes.

1 Q And which shoe is depicted therein?

2 A The plain, not the alligator, the black shoe.

3 Q I notice that of the two shoes that are depicted in
4 People's 16-G one is encircled with the initials L.V. Is that
5 the shoe which is in fact People's 18 for identification?

6 A Yes, it is.

7 Q And People's 18 is Shorty's shoe, is that correct?

8 A Yes.

9 MR. KATZ: Your Honor, I have a yellow piece of paper
10 which is entitled "Dearest Nikki." Spelled N-i-k-i. And some
11 writing thereon, signed "Love always, Don." And I ask this,
12 be marked People's 19 for identification.

13 THE COURT: Be so marked.

14 Have you shown it to counsel?

15 MR. KATZ: Yes, I will.

16 THE COURT: Thank you.

17 MR. KATZ: Thank you. (Handing.)

18 (Short pause.)

19 Q BY MR. KATZ: Mrs. Shea, showing you People's 19
20 for identification, this document which purports to be a letter,
21 do you recognize the handwriting?

22 A Yes, I do.

23 Q Whose handwriting is that?

24 A Donald's.

25 Q And you went by the name of Nikki, is that correct?

26 A Yes.

27 Q Is that the way you spelled it?

28 A That's the way he spelled it.

1 Q In other words, when he addressed you in writing
2 by Nikki he would spell it N-i-k-i, is that correct?

3 A He would.

4 Q Did you, yourself, ever receive this document?

5 A No, I never received it.

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1 MR. KATZ: All right. With counsel's permission and
2 the court's indulgence, I would ask permission to have this
3 document read.

4 The further foundation will be laid, and I am
5 asking the court to allow this to come in out of order.

6 THE COURT: Thank you.

7 Q BY MR. KATZ: Nikki, would you please read this?

8 THE COURT: You are asking her to read it verbally, or
9 read it to herself?

10 MR. KATZ: I'm asking that it be read.

11 THE COURT: Aloud? May I see it, please?

12 MR. KATZ: Yes, certainly.

13 THE COURT: When did the witness testify she received
14 this, the date?

15 MR. KATZ: No, your Honor, I indicated --

16 THE COURT: I think we should have this in here.

17 MR. KATZ: Excuse me, your Honor, I ask the court's
18 indulgence.

19 THE COURT: Well, there has to be more identification,
20 then.

21 MR. KATZ: Excuse me, your Honor, may we approach the
22 bench on this?

23 THE COURT: All right, come in here, then, and the
24 reporter, too.

25 (The following proceedings were had in chambers.)

26 THE COURT: Now we are in chambers. Counsel, the clerk
27 and the reporter are present, with the defendant.

28 MR. KATZ: May I respond to your Honor's query?

2
1 THE COURT: Now, you are asking that this be read out
2 loud, aren't you?

3 MR. KATZ: Yes, your Honor.

4 THE COURT: When did the witness receive this, today or
5 twenty years ago?

6 MR. KATZ: Your Honor, the evidence will show, and this
7 is by way of offer of proof --

8 THE COURT: All right.

9 MR. KATZ: The witness never received that letter.
10 That letter was recovered in the car which was found abandoned.
11 That is, Shorty's car which has previously been --

12 THE COURT: That is the point. I want to stop you.

13 You are going too fast for me.

14 MR. KATZ: All right, your Honor.

15 THE COURT: Who recovered the letter, and when?

16 MR. KATZ: This car was recovered pursuant to the
17 investigation of the sheriff's office in December, 1969.

18 THE COURT: Now, wait. Let's hold it there. All right.

19 MR. KATZ: Bear in mind that it is the People's position
20 that our evidence will show that Shea was missing between the
21 dates August 16, 1969, and September 1, 1969.

22 THE COURT: Right.

23 MR. KATZ: And the inference being that since it has
24 been identified as his writing, that he could not have written
25 it at any other time except during that period.

26 Now, his vehicle was immediately found missing
27 from the ranch at the latter part of August, 1969. We expect
28 our evidence, of course, to show that that car had been

3 sitting at the location where it was found for several months,
2 and therefore it is offered to show the state of mind of
3 Mr. Shea during the critical period in question when he
4 disappeared.

5 Now, our position is that we haven't laid the
6 full foundation yet, and this is why I asked for your Honor's
7 indulgence.

8 We would have to put on Sergeant Whiteley or
9 Sergeant Guenther, who would testify to the recovery of the
10 car or the recovery of the contents that he found inside the
11 car.

12 Now, this particular letter was found in one of
13 the footlockers of Shorty Shea.

14 You will recall, in addition, that the evidence
15 shows that Shorty was living out of his car at the Spahn Ranch
16 following the raid of August 16, 1969, until his disappearance.

17 THE COURT: Wait, there is a number of questions that
18 cross my mind.

19 The car was recovered where?

20 MR. KATZ: One-half block from the old Gresham Street
21 house where the Manson family resided in the latter part of
22 1968 and the first part of 1969.

23 Mr. Grogan had lived at that location.

24 THE COURT: How far was that location from the ranch
25 itself?

26 Is this on the ranch itself, where the car was
27 found?

28 MR. KATZ: No, sir.

1 THE COURT: How far is it?

2 MR. KATZ: I would estimate it must be, and I am just
3 guessing now, roughly seven miles, eight miles.

4 But of course our evidence, by way of statement,
5 will tend to show that one of the family members, i.e., Gypsy,
6 drove the car to that location, and where she abandoned the
7 car and left the car.

8 THE COURT: Where do you expect to show that she abandoned
9 it?

10 At this location.

11 MR. KATZ: Well, by circumstantial evidence we expect
12 to show at or about the time of the disappearance of Mr. Shea,
13 which would be between the critical dates August 16, 1969, and
14 September 1, 1969.

15 THE COURT: So the car theoretically was at one spot
16 for -- well, let's see, September, October, November, December,
17 some three months in there?

18 MR. KATZ: That is correct, your Honor, and we will
19 bring in the garage owner, Mr. Ewert, who will testify, Paul
20 Ewert, who will testify as to the condition of the car, and
21 what he had to do to make the car operable.

22 THE COURT: So apparently we have the car discovered
23 some three months after the time that you expect to show that
24 it was left by this girl?

25 MR. KATZ: Yes.

26 THE COURT: Is that correct?

27 MR. KATZ: Now, let me state in addition, your Honor, and
28 I think Mr. Weedman will agree, our evidence will show that

1 there was recovered in that same car some magazines, which
2 had the approximate dates of June through July of 1969, and
3 they were all basically current magazines.

4 This is contemporaneous with the period in which
5 we allege Mr. Shea to have disappeared, and again circumstan-
6 tial evidence that his life had ceased within that period,
7 had terminated within that period, and what he had done was
8 current up to that date.

9 Therefore, the inference from all of the things
10 I have told you about, and additional evidence which will be
11 presented, would be that this letter was written in the
12 period of time immediately following the separation and
13 showing his state of mind, his intent, his want, his need to
14 get back with his wife, whom he adoringly called Nikki.

15 That is my reason, and that is my offer of proof.

16 THE COURT: All right. Now, let's wait a minute. Some
17 other matters cross my mind at this point.

18 It is your position, then, that this letter was
19 written to the wife at some time in between the dates of
20 July 16th --

21 MR. KATZ: August 16th.

22 THE COURT: I beg your pardon. I stand corrected.
23 August 16th and September 19th, is it?

24 MR. KATZ: September 1st.

25 THE COURT: All right. Well, the date is alleged.

26 The letter was written at some time between those
27 two dates, or prior to August 16th?

28 MR. KATZ: No, it would be in between those dates.

1 THE COURT: All right.

2 MR. KATZ: In that our evidence has established from
3 Mrs. Shea that they separated on August 16, 1969, and it is
4 our contention that between the dates and prior to his dis-
5 appearance, of course, what we will later argue to be disappear-
6 ance caused by a criminal agency --

7 THE COURT: Wait a minute, I am not trying to be rude.

8 I want to get your chronology.

9 At some time between August 16th and September 29th--

10
11 19 fls

19-1

1 MR. KATZ: September 1st.

2 THE COURT: All right. The letter was written by Shea.

3 MR. KATZ: That's right.

4 THE COURT: And at all times remained in the possession
5 of Shea, either in his physical possession or in the automobile?

6 MR. KATZ: Correct.

7 THE COURT: In his constructive possession or actual
8 physical possession.

9 MR. KATZ: Yes, your Honor.

10 THE COURT: Was found in the auto on the date you have
11 indicated in December of '69.

12 MR. KATZ: Of 1969.

13 THE COURT: Obviously, then, of course, the letter could
14 never be mailed to the girl, to the wife; isn't that obviously
15 that would follow as a matter of fact?

16 MR. KATZ: Yes, your Honor. Absolutely.

17 In other words, it is here to show his state of
18 mind, his intention to return to her. That he didn't want to
19 leave her. He didn't want to abandon her. He would not have
20 abandoned her had he lived.

21 Of course, circumstantial evidence since it is
22 not --

23 THE COURT: Now, getting to the ultimate point -- I am
24 groping in my mind -- the purpose then would be to show then
25 by the letter -- the ultimate purpose would be the attempt to
26 show or to show the state of mind of Shea that -- well, to put
27 it literally, he didn't want to leave the wife, he wanted to
28 be with the wife. He didn't want to disappear, he didn't want

19-2

1 to go away. He wanted to be with the wife.

2 MR. KATZ: Exactly.

3 THE COURT: Rather crudely stated.

4 MR. KATZ: That is very well stated. That is precisely
5 the point.

6 THE COURT: But that is about it. All right. I think
7 you can go ahead.

8 MR. KATZ: Thank you. All right.

9 THE COURT: All right.

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

13 THE COURT: Now, we are back in court.

14 The witness may read -- all right, let's first
15 get the letter read, then I will talk to the jury.

16 MR. KATZ: Thank you.

17 This is People's exhibit No. 19, your Honor.

18 THE COURT: Yes.

19 Q BY MR. KATZ: Would you please read that out loud
20 and slowly, if you will (handing).

21 A "Dearest Niki:

22 "I cannot figure out why you left me.

23 I only know I love you and nothing you could
24 have done would have been unforgiven including
25 topless dancing. I guess maybe I was a little
26 rough on you about some of the things you
27 wanted to do. But it was only because I love
28 you so much. If I find you and can convince

1 you to come home please excuse a poor
2 fool for drinking. I love you more
3 than life itself. The other day you
4 said you would never do anything to
5 hurt me. But now you have walked out,
6 and I have only pain left. The reason
7 you left must be something I did or
8 said. So now it is like a tomb. My
9 body is alive, but I am dead. Please
10 come home. Love always, Don."

11 THE COURT: Now, at this time, ladies and gentlemen, I
12 want to more or less reaffirm or restate the statement of law
13 that I made this morning.

14 These statements that the wife is reading of Shea,
15 these statements you have just heard are hearsay statements of
16 Shea repeated by the wife. Those statements may be considered
17 for the purpose only of showing the state of mind, the mental
18 state of Shea at the time the statements were made.

19 The statements are not admissible for any other
20 purpose, for any other speculation, what the law says, the
21 truth of the statements. The hearsay statement is not before
22 the jury. The statements are before the jury for the purpose
23 of the jury determining the state of mind of Shea at the time
24 of these statements.

25 It is for the jury to determine if he had a state
26 of mind as indicated here or not, the credibility of the
27 statements for the purpose of showing the state of mind is the
28 only purpose for admitting these statements to the jury.

1 I think I have substantially stated that in as easy
2 language as I can.

3 MR. KATZ: Very well stated, your Honor.

4 I appreciate it.

5 THE COURT: Now, it is 3 o'clock. Maybe we had better
6 take a short recess and go right ahead.

7 MR. KATZ: Certainly, your Honor.

8 THE COURT: Do not discuss the case, folks, or come to
9 any opinion or conclusion. Thank you.

10 (Recess.)

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

4 THE COURT: Now, we will proceed in People against
5 Grogan.

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

8 Will you state your name again for the record?

9 THE WITNESS: Magdalene Welma Shea.

10 THE COURT: Thank you. You have been sworn.

11 We will bring in the jury now, sheriff.

12 (The following proceedings were had in
13 open court in the presence of the jury.)

14 THE COURT: Now we have all of our jurors in the jury box,
15 plus the alternates, and you may proceed.

16 MR. KATZ: Thank you, your Honor.

17 Q Now, Mrs. Shea, you had previously indicated in
18 your testimony that you had called Mrs. Babcock after Shorty
19 had left the number through which he could be reached?

20 Is that correct?

21 A Yes, I did.

22 Q Approximately how many times was it that you called
23 the Babcocks?

24 A I called them -- a number of times, because I was
25 trying to get in touch with him, and I called -- I told her --
26 I called and said, "Please leave a number for me so I could
27 get in touch with him."

28 Q Did anybody representing himself to be Shorty or

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21 fls

1 your husband get in touch with you?

2 A

No

28

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1 MR. KATZ: All right.

2 Your Honor, I have a series of color photographs
3 that I ask to be marked respectively People's 20-A through 20-E.

4 THE COURT: May be so marked for identification.

5 And if you will, let the defense counsel and the
6 defendant examine them.

7 MR. KATZ: I might add, your Honor, they show two foot-
8 lockers and a blue suitcase.

9 THE COURT: Very well.

10 MR. KATZ: And their contents. (Handing.)

11 (Short pause.)

12 MR. KATZ: Your Honor, may I approach the witness?

13 THE COURT: Yes, sir.

14 Q BY MR. KATZ: Mrs. Shea, let's start with 20-A.

15 Can you see?

16 ALTERNATE JUROR NO. 3: Not too good.

17 MR. KATZ: All right, we will start with 20-A for iden-
18 tification. I will try and get out of the way of our alternate
19 juror.

20 Q Now, this depicts obviously, some footlockers.
21 That is two footlockers and a blue suitcase in the center.
22 Do you recognize the two footlockers?

23 A The two footlockers are Don's. The blue suitcase
24 in the center was not his.

25 Q Do you recognize this?

26 A I have never seen it before.

27 Q You have reference to the blue suitcase depicted in
28 the center of People's 20-A, is that correct?

1 A Yes.

2 Q The name Donald Jerome, which appears to be
3 stenciled or printed on the face of the footlockers, was there
4 when you observed them, is that correct?

5 A Yes.

6 Q Again showing you 20-B, quickly, do you recognize
7 the suitcase?

8 A No, I don't.

9 Q Or the contents, is that correct?

10 A No.

11 Q Mrs. Shea, you are sharp and going a little bit
12 ahead of me. I have got to ask the questions before you answer.
13 Will you wait until I am done?

14 A (No response.)

15 Q Sorry, I didn't hear your answer.

16 A No.

17 Q All right.

18 Let's go to 20-C for identification. This shows
19 the blue suitcase and some ledgers and some other things.
20 I take it you do not recognize that, either the blue suitcase
21 or its contents, is that correct?

22 A No, I don't.

23 Q All right.

24 And going on to 20-D for identification, this shows
25 one footlocker open and the center portion with some clothes.
26 Do you recognize any of the clothes depicted in this photograph?

27 A Yes, I do.

28 Q And whose clothes?

1 A They are Don's.

2 Q All right.

3 And do you recognize all of the items, or just
4 some of them, or what?

5 A On this photo the brown pants, the brown and brown
6 pants -- and a suit, the brown shirt and a black coat.

7 Q All right.

8 And those items which you identified in 20-D for
9 identification were Shorty's clothes, is that correct?

10 A Yes.

11 Q And again showing you some more clothes in 20-E,
12 which draped over an open footlocker, do you recognize any of
13 that clothing?

14 A Yes.

15 Q And what do you recognize?

16 A A blue -- blue and like gold something in a gold
17 shirt.

18 Q That is in the foreground?

19 A Yes.

20 Q All right.

21 A A brown suede jacket, brown shirt. And some black
22 pants.

23 Q And you recognize those items as Shorty's clothes,
24 is that correct?

25 A Yes.

26 Q And this green object, I can't identify whether it
27 is a shirt or otherwise, do you recognize that?

28 A I can't recall because I can't recognize that if

1 it is a shirt or pants. I don't remember him having a green
2 pants.

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Q All right, but in any event the prominent items depicted in 20-E, you recognize as being Shorty's?

Is that correct?

A Yes.

MR. KATZ: Now, with the help of Mr. Hogan, I have asked that the two footlockers that are presently in the courtroom, and their contents, which have now been tagged, your Honor, be respectively marked 20-F --

THE COURT: Now, there is nothing in them?

In other words, that is an empty case?

Is that right?

MR. KATZ: No, your Honor. I believe the contents that have been already reflected --

THE COURT: I understand you, but it is empty as it is? There is nothing in there?

MR. KATZ: No, your Honor.

THE COURT: You are asking that that be marked?

MR. KATZ: I am sorry. I haven't conveyed the impression correctly.

THE COURT: No, but you are going to ask that it be marked?

Is that right?

MR. KATZ: Yes, the contents of the footlocker, plus the footlockers.

THE COURT: I understand.

MR. KATZ: And the next footlocker which has been tagged, I ask the footlocker and its contents be marked 20-G for identification.

22-2

1 THE COURT: So marked.

2 Mr. Weedman, you are familiar with this, are you,
3 or at least you have seen it?

4 MR. WEEDMAN: Well, your Honor, I understood, and forgive
5 me if I am in error, but I understood that these photographs
6 are marked 20-A through 20-E.

7 MR. KATZ: That is correct.

8 MR. WEEDMAN: Are we now assigning similar numbers to the
9 lockers themselves?

10 MR. KATZ: I am asking to go on in that series, since we
11 have other exhibits.

12 MR. WEEDMAN: I don't think a physical object and the
13 photographs should bear the same number.

14 Well, unless it is absolutely necessary.

15 THE COURT: Well, it is a question of simplification.
16 That is what we are trying to do.

17 MR. WEEDMAN: It is going to make a very confusing record,
18 your Honor.

19 MR. KATZ: Your Honor, the problem being that we have
20 some 80 exhibits, and they have already been previously marked,
21 and I would appreciate --

22 THE COURT: I think it would be better. I will follow
23 your procedure.

24 MR. KATZ: Thank you, your Honor.

25 THE COURT: Very well.

26 MR. KATZ: Mr. Weedman, would you like to see these
27 objects?

28 Your Honor, lastly I have a blue suitcase which is

22-3

1 is somewhat intact, and I would ask that this be marked 20-H
2 for identification.

3 THE COURT: Now, before I answer your question, there is
4 something in there?

5 MR. KATZ: That is correct, that and its contents.

6 THE COURT: We will get to that later.

7 You are asking that the bag itself, the physical
8 bag, not the contents, be marked?

9 Is that correct?

10 MR. KATZ: No, your Honor. I was asking both the bag and
11 the contents, as I did in the two other previous exhibits.

12 THE COURT: Well, the contents need to be segregated
13 and broken down.

14 Counsel has already objected and said it should be
15 broken down to parcels, so therefore the bag as a whole
16 without talking about the contents probably should be marked
17 as an exhibit, and then the other documents or pictures in
18 there should be made a part of the exhibit.

19 For instance, as an illustration --

20 MR. KATZ: I understand.

21 THE COURT: For example, exhibit X-1, 2, 3, 4 and that
22 is the contents.

23 MR. KATZ: Then we will have to change the numerical
24 designation of all of these subsequent exhibits. We will be
25 happy to do that.

26 THE COURT: How are you going to identify the contents
27 of that suitcase if you make it one exhibit?

28 How are you going to identify it?

22-4

1 Do you follow me?

2 MR. KATZ: I do, your Honor, but the contents --

3 THE COURT: How are you going to do it?

4 MR. KATZ: I don't like to argue in front of the jury,
5 your Honor.

6 THE COURT: This isn't the facts, this is procedural.

7 This has nothing to do with the case, other than
8 procedure. I will take it in chambers, if it will help you
9 any.

10 MR. KATZ: Your Honor, I am just suggesting that the
11 contents that we recover within the locker itself, or the blue
12 suitcase, for example, should be kept together. That is the
13 easiest way of keeping track of them.

14 I suggest that it is commonly done.

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1 THE COURT: Let's start it this way. Let's start with a
2 number. You may change it.

3 What is your number on that?

4 MR. KATZ: Well, I had previously asked, for example,
5 one of these footlockers be marked 20-F.

6 Now, if you prefer to make it 21 --

7 MR. WEEDMAN: I'm sorry, your Honor. Excuse me.

8 THE COURT: All right.

9 MR. WEEDMAN: I had interrupted earlier, and of course
10 it is only a procedural matter. Perhaps I misunderstood counsel.

11 I thought he had started in the 20-A or 20-E series,
12 and had used one of these designations for these lockers.

13 Am I in error in that?

14 MR. KATZ: No, I had not used one of those designations,
15 Mr. Weedman.

16 MR. WEEDMAN: All right. We are going on, then, with a
17 distinct number, for example 20-F for the footlocker, that is
18 all right.

19 THE COURT: That is satisfactory?

20 MR. WEEDMAN: Yes, it certainly is, your Honor.

21 THE COURT: All right.

22 MR. KATZ: Thank you, Mr. Weedman. I appreciate it.

23 THE COURT: Now, your next exhibit?

24 MR. KATZ: All right. Now, we are back again, and the next
25 one would be 20-G and its contents. That is the footlocker and
26 its contents.

1 THE COURT: All right. Now, we have to talk about the
2 contents at a later time, we can give them additional identifi-
3 cation.

4 MR. KATZ: Yes, we can give them numerical designations,
5 20-G1, 20-G2.

6 THE COURT: All right. When we get to that point, that is
7 the way we will mark them.

8 Now, your next exhibit?

9 MR. KATZ: And the blue suitcase I would ask be marked
10 with its contents at the present time as 20-H?

11 THE COURT: So marked.

12 MR. KATZ: Thank you so much.

13 THE COURT: All right. Now, we start back again.

14 MR. KATZ: Yes, I appreciate it.

15 May I approach the witness with this?

16 THE COURT: Yes, sir. Go ahead.

17 MR. KATZ: Thank you so much, your Honor. I am going to
18 step aside in one moment.

19 Q I am going to ask you first of all whether or not
20 you recognize this exhibit 20-H, the outside of it, the name
21 "Donald Jerome" and the footlocker itself?

22 A Yes, sir.

23 Q Is that one of Donald's footlockers?

24 A Yes, it is.

25 Q Opening the footlocker, I am going to ask you to
26 look and just see generally whether or not you can identify some
27 of the clothes as being that of your husband, Donald Shea?

28 A Yes.

THE COURT: Now, you look at them, lady.

Q BY MR. KATZ: Take your time, please.

A This (indicating) I recognize.

Q You are holding some items of clothing in your hand?

Is that correct?

A Yes.

Q And you recognize these items as being your husband's?

Is that correct?

A Yes.

23
1 MR. KATZ: All right.

2 THE COURT: Now, let's just stop right here.

3 There should be some identification at this juncture
4 either by taking the clothes she has in her hand and
5 making a bundle of it --

6 MR. KATZ: Exactly, your Honor.

7 THE COURT: As an independent portion of the suitcase, if
8 you follow me. This is H, isn't it?

9 MR. KATZ: Yes.

10 THE COURT: 20-H1. 20-F1

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11 MR. KATZ: Exactly, your Honor.

12 THE COURT: They should be wrapped up in some way.

13 MR. KATZ: I was going to ask Mr. Hogan if he could be
14 kind enough to secure a cellophane container in which to place
15 the clothes Mrs. Shea is holding and now handed to me.

16 THE COURT: Well, better get a string. We don't have
17 any string, do we?

18 MR. KATZ: You are not handing me any more, are you,
19 Mrs. Shea?

20 THE COURT: Now, the district attorney has what you say
21 you recognize as your husband's clothing, is that right?

22 THE WITNESS: Yes.

23 THE COURT: Thank you.

24 Now, let's get a string around it some way. We
25 can't keep it intact unless we get a string around it some way.

26 JUROR NO. 6: Tie it up.

27 THE COURT: Wait a minute, lady. Just keep out of this,
28 please. You are not supposed to talk at all.

23-2

Now, would you kindly put the clothes down.

MR. KATZ: Certainly, your Honor. Thank you.

THE COURT: Now, do we have any string or anything?

THE CLERK: No, sir. I am going to try to secure some.

THE COURT: Now, I am not trying to interfere.

MR. KATZ: I appreciate your help, your Honor.

THE COURT: The balance of the clothing in the Exhibit 20-H for identification, this trunk, you do not recognize?

THE WITNESS: No.

THE COURT: Is that a correct statement?

THE WITNESS: Yes.

THE COURT: Now, that should be segregated, it seems to me, tied up as an independent exhibit.

MR. KATZ: May that be marked 20-H2 for identification.

THE COURT: Yes. We will mark that 20-H2.

MR. KATZ: Yes, your Honor.

THE COURT: Can you remember that? Are you going to have trouble?

MR. KATZ: All right.

Q I take it what you are saying is that the remaining items in this trunk 20-H you do not recognize as having seen Shorty with them before, is that right?

A I haven't.

MR. KATZ: All right.

THE COURT: All right. Now, where are we there?

MR. KATZ: All right.

Q Showing you 20-G for identification, first of all do you recognize the --

20-H2

1 THE COURT: Let me get H, this is 20-G?

2 MR. KATZ: This is 20-G. Thank you, your Honor.

3 THE COURT: Now, I'm sorry. Have you got it marked 20-G
4 there?

5 MR. KATZ: Yes, your Honor, we do.

6 THE COURT: All right, go ahead.

7 Q BY MR. KATZ: Do you recognize this footlocker as
8 having seen it before?

9 A Yes, I do.

10 Q Is that the second of Shorty's two footlockers, is
11 that correct?

12 A Yes.

13 Q And again opening the footlocker, would you please
14 quickly observe the --

15 THE COURT: Mr. Weedman, feel free to step up here if you
16 want to.

17 MR. WEEDMAN: Thank you very much, your Honor. I
18 appreciate that.

19 THE COURT: That is perfectly all right.

20 Q BY MR. KATZ: Observe the contents therein and
21 tell me whether or not you recognize any of these things as
22 having seen them before.

23 A This (handing), I can't see what is in there.

24 MR. KATZ: All right. Let me open -- Your Honor, may the
25 record reflect that there is --

26 THE WITNESS: That was this (handing).

27 MR. KATZ: All right.

28 May the record reflect that I have a green cuff link

1 case inside of which is the name Mark Antony. And there are
2 two mismatched jewelry items. One is a cuff link and the
3 other appears to be some sort of necktie pin.

4 THE COURT: Well, now, what are you going to do with
5 that, put it back in the exhibit box?

6 MR. KATZ: No, I'm going to ask a question concerning
7 this for a moment.

8 THE COURT: All right.

9 Q BY MR. KATZ: Do you recognize the cuff link and
10 the pin as being that of your husband?

11 A Yes, it is.

12 MR. KATZ: All right.

13 And, your Honor, for purposes of clarity of the
14 record, I have a second green case.

15 THE COURT: All right.

16 MR. KATZ: Again which contains some form of cuff links
17 which have some stones in them, and again it bears the inscrip-
18 tion Mark Antony.

19 Q Do you recognize that?

20 A Yes.

21 Q And was that your husband's, too?

22 A Yes, it was.

23 MR. KATZ: All right.

24 May I replace them --

25 THE COURT: Now, let's stop right here. Now, the ques-
26 tion is whether to put them back in the box loose or whether
27 they should be marked 20- -- this is H, is it?

28 MR. KATZ: 20-G, your Honor.

1 THE COURT: This is the G series. With an independent
2 number. I don't know the importance it may or may not play in
3 here, you see. I hesitate to put these back loose in here
4 without them being bound in some way. They are going to be
5 lost.

6 MR. KATZ: May we do this, your Honor. I have a sugges-
7 tion. 20-G1 should refer to the clothing which Mrs. Shea --

8 THE COURT: That is the clothes in her arms.

9 MR. KATZ: Right.

10 Q Mrs. Shea, with respect to the clothes that you
11 are holding right now, is that the clothes which you can
12 identify as that of Shorty, is that correct?

13 A These are his clothes.

14 THE COURT: Put them down here some place so we won't --

15 MR. KATZ: May this separate bundle be marked 20-G1.

16 THE COURT: That is 20-G1. All right. That's it.

17 Segregate them.

18 Now, do you recognize anything else in there,
19 Mrs. -- well, you ask the question.

20 MR. KATZ: Your Honor, if I may just with respect to the
21 two cuff link cases, may these be marked 20-G2?

22 THE COURT: As one unit?

23 MR. KATZ: As one unit.

24 THE COURT: Do you have any adhesive tape there, Frank?

25 Yes. They will be so marked.

26 MR. KATZ: Thank you so much, your Honor.

27 THE COURT: As we go along, Mr. Weedman, I realize this
28 is direct examination. If you have any objections to make,

20-G1.

20-G2

1 you make them.

2 MR.WEEDMAN: Thank you very kindly, your Honor.

3 THE COURT: Yes.

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Q BY MR. KATZ: All right.

2 Now, his Honor was asking the question whether or
3 not there was anything else in this trunk 20-G which you
4 recognize as having seen before.

5 A This (handing) is panty hose that I bought. This
6 is a thing that they came in. I got them the day that we got
7 married. That is the cover they came out of.

8 Q You are talking very low. You say -- I am holding
9 now what appears to be a container which once housed some
10 panty hose, is that right?

11 A Yes.

12 Q And that has a price tag from Fredericks, is that
13 correct?

14 A Yes.

15 Q Says Fredericks of Hollywood. Where was this
16 purchased?

17 A No, not the date we got married. On Monday after
18 we came back from Vegas, the panty hose I bought at Fredericks.

19 Q You recognize this as the container which contained
20 some panty hose you bought at Fredericks, is that correct?

21 A Yeah, on Hollywood Boulevard.

22 Q That is the Fredericks on Hollywood Boulevard, after
23 you returned from Vegas to California, is that correct?

24 A Yes.

25 Q This was after Shorty had rejoined you?

26 A Yes.

27 MR. KATZ: Thank you.

28 If your Honor please, perhaps this should again

23a-2

1 be delineated 20-G --

2 THE COURT: Probably, unless you have other papers that
3 she recognizes, we can do them up as a separate number.

4 MR. KATZ: 20-G3.

5 THE COURT: Do you want this separate or does she
6 recognize others?

7 MR. KATZ: I was going to ask you that. Thank you, your
8 Honor.

9 THE COURT: All right.

10 Q BY MR. KATZ: I am holding some five books. The
11 first one is entitled "Soul Food Cookbook." Do you recognize
12 that book?

13 A Yes.

14 Q Whose book was that?

15 A Mine. He got it for me.

16 Q Shorty got that for you?

17 A Yes.

18 Q Where?

19 A In Las Vegas.

20 Q The second book is entitled "Astrological Cookbook."
21 Do you recognize that as having seen it before?

22 A Yes.

23 Q All right.

24 And where had you seen that?

25 A In Vegas.

26 Q All right.

27 And who had bought that book?

28 A He did.

23a-1
3

Q Then there is a little card here which says -- and I am not being facetious --

"I am an alcoholic. In case of accident offer me a tall glass of cold beer. If recovery is not immediate, offer me another one."

Have you seen that before?

A No, I haven't.

Q All right.

And now there is another book entitled "The Green Felt Jungle." Have you seen that book before?

A Yes.

Q And where had you seen that?

A In Vegas.

Q And there is another book "How you can stop smoking permanently."

Have you seen that before?

A Yes.

Q Where had you seen that before?

A In Vegas.

Q Lastly, amongst these books there is "Thirty Days to a More Powerful Vocabulary by Dr. William Funk and Norman Lewis." Have you seen that book before?

A Yes.

Q Where?

A In Vegas.

Q Who bought these books?

A He did. Donald Shea.

1 MR. KATZ: All right.

2 Your Honor, perhaps we can collectively mark
3 these books.

4 THE COURT: Yes, I think so. With this hosiery business.

5 MR. KATZ: Container.

6 THE COURT: Yes.

7 MR. KATZ: That would be 20-G3.

8 THE CLERK: Yes, sir.

9 THE COURT: Let's try it again. 20-G3 is right.

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

11 THE COURT: Frank, for identification, 20-G3.

12 THE CLERK: Thank you kindly.

13 THE COURT: You follow that, Mr. Weedman?

14 MR. WEEDMAN: Yes, your Honor.

15 THE COURT: Now, what about that towel in there?

16 Q BY MR. KATZ: Mrs. Shea, do you have any way of
17 identifying these two towels as being towels that you have
18 previously seen?

19 A I can't, no.

20 THE COURT: You don't recognize them?

21 THE WITNESS: No.

22 THE COURT: As belonging to anybody or know anything about
23 them?

24 THE WITNESS: We had towels, but I don't know if these
25 are, no.

26 THE COURT: You can't recognize them?

27 THE WITNESS: No.

28 THE COURT: Well, just leave them in there.

1 MR. KATZ: Thank you, your Honor,

2 THE COURT: All right.

3 MR. KATZ: Your Honor, lastly with the court's indulgence
4 I have a series of magazines here, and I would ask that they
5 be marked out of order at this point People's 25.

6 THE COURT: All right.

7 MR. KATZ: For identification.

8 I will show them to counsel at this time.

9 THE COURT: All right. Go ahead.

10 MR. KATZ: May they be so marked.

11 THE COURT: Show it to counsel.

12 MR. KATZ: Yes. Thank you.

13 (Short pause.)

14 Q MR. KATZ: Mrs. Shea, while we are looking at some
15 of the exhibits, as far as you know were these basically all
16 of the clothes that you knew Shorty to own or had seen him
17 wear?

24 A No, that's not all of them.

1 Q All right. What other items of clothing did he
2 have?

3 A He had a brown luggage that was larger than the
4 blue one that you have.

5 Q Yes.

6 A And it contained clothes.

7 He had a bluish-gray luggage that was smaller than
8 that blue one over there (indicating), and it had a few clothes.

9 Q Fine. Thank you.

10 A He also had some of my clothes in the footlockers,
11 which are not there now.

12 Q That is, you have never seen that clothing again?
13 Is that correct?

14 A Right. No.

15 Q Incidentally, did Mr. Shea own any boots?

16 A Yes, he did.

17 Q What kind of boots were they?

18 A He had two pair. One pair was black, tall, cowboy
19 boots.

20 He had a brown and yellow pair, also. One was not
21 as tall as the other one.

22 Q Now, this brown and yellow pair, was this a pair
23 of boots that he wore?

24 A It was Westerns, yes. Western style.

25 They was made like Western style, and he wore those
26 more than he wore the black ones.

27 Q What was his attitude towards those boots?

28 A Well, he was very proud of them, because he told me

2

1 that once someone jumped on him because they didn't want --
2 they wanted his boots, and he wouldn't pull them off.

3 Q Don't tell us what he told you about them, but
4 he was very proud of those boots?

5 Is that right?

6 A Yes, he wore them more than he wore his shoes.

7 Q Have you ever seen those boots since August 16,
8 1969?

9 A No, I haven't.

10 THE COURT: Mr. Weedman, we have such a quantity of
11 exhibits marked for identification, if you need time you are
12 entitled time to make your markings or notes.

13 MR. WEEDMAN: I appreciate that so very much, your Honor.

14 I think I am pretty well caught up, though.

15 THE COURT: All right.

16 MR. WEEDMAN: Thank you so much, your Honor.

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

18 THE COURT: All right.

19 Q BY MR. KATZ: All right, showing you this series,
20 People's 25 for identification, I want to show you some
21 magazines.

22 We will start out with Ebony, which is dated
23 by publication June 1969.

24 Do you recognize having seen a magazine similar
25 to this?

26 A Yes.

27 Q That is that issue?

28 A Yes.

1 Q All right. Do you know who bought this?

2 A Donald.

3 THE COURT: What is the date of that?

4 MR. KATZ: June 1969.

5 THE COURT: All right.

6 Q BY MR. KATZ: You had seen him with an issue which
7 was similar to that?

8 Is that correct?

9 A Yes.

10 Q Had you read it yourself?

11 A I don't remember.

12 Q But with reference to this particular issue, with
13 the pictures on the front, you recognize having seen Don with
14 it?

15 Is that correct?

16 A Yes.

17 Q Going on very quickly to this Gun World, which is
18 dated August 1969 by publication date, do you recognize this
19 as one of the magazines Don had?

20 A Yes.

21 Q If you recall.

22 A Yes.

23 Q And, again, looking at this magazine titled Guns
24 and Hunting, July, 1969, the publication date, does this
25 appear to be similar to a magazine that Shorty had?

26 A Yes.

27 Q And looking again at a magazine which is titled
28 Gun Facts, and a publication date of July 1969, do you recognize

1 this magazine as having seen this in the possession of Shorty,
2 if you recall?

3 A I don't recall.

4 Q All right. Going on to this magazine, Shooting
5 Times, which bears a publication date of August 1969, do you
6 know whether or not you saw Shorty with that?

7 A I don't recall.

8 Q Going on to Guns and Ammo, which bears a publica-
9 tion date of July 1969, do you recall whether or not you
10 observed your husband in the possession of that?

11 A I don't recall.

12 Q Lastly, showing you this magazine, Shooting Times,
13 bearing publication date July 1969, do you recognize this
14 magazine as having been in the possession of your husband?

15 A I don't recall.

16 Q I take it that he did take -- that is, buy a
17 number of gun magazines.

18 Is that correct?

19 A He had a number of mixed magazines.

20 He had a lot of horse magazines, and I don't
21 remember all of them guns, but I do remember the horse maga-
22 zines because he worked at this store, and the books -- he
23 would just bring them home.

24 But I don't remember that many gun books.

25 MR. KATZ: Thank you, no further questions. -- well, one last
26 question, your Honor, just to be clear.

27 THE COURT: Go ahead.

28 Q BY MR. KATZ: Mrs. Shea, have you heard or seen

1 from your husband, Donald Jerome Shea, since the date you
2 talked with him on the phone, July 16, 1969?

3 A I have not heard or seen from Donald since that
4 date.

5 THE COURT: The answer is "No"?

6 Is that correct?

7 THE WITNESS: No.

8 MR. KATZ: Excuse me. I said July. I meant August 16,
9 1969.

10 THE COURT: That is what threw me.

11 You mean August 16th as charged in the information?

12 MR. KATZ: Yes, I do.

13 THE WITNESS: No, I haven't.

14 MR. KATZ: No further questions.

15 THE COURT: That is all the direct?

16 MR. KATZ: No further direct at this time.
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1 THE COURT: I am perfectly willing to proceed right now,
2 or you may proceed at 9:30 tomorrow. There is 10 minutes to
3 go.

4 MR. WEEDMAN: We may as well utilize the time, your
5 Honor.

6 THE COURT: Would you like to go over until 9:30 tomorrow?

7 MR. KATZ: I have no objection.

8 MR. WEEDMAN: Well, we have 10 minutes.

9 THE COURT: That is what I say.

10 MR. WEEDMAN: We might as well start.

11 THE COURT: Would you like to go over until tomorrow at
12 9:30, or do you want to start now?

13 MR. WEEDMAN: Well, that is agreeable.

14 THE COURT: I will do it either way you want to.

15 I would say the same to the People.

16 MR. WEEDMAN: I guess I am trying to kind of guess what
17 your Honor might like to do in this connection.

18 THE COURT: Well, I am right here. The question is
19 whether you want to be interrupted in your examination.

20 MR. WEEDMAN: I don't mind being interrupted, your Honor.

21 THE COURT: Go ahead, then.

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CROSS-EXAMINATION

22
23
24 BY MR. WEEDMAN:

25 Q Mrs. Shea, may I just say preliminarily to you that
26 we are just trying to find out your best recollection.

27 I may ask you some questions, and you may not know
28 the answers. If that is so, would you please so reply, and if

24a-2

1 you don't precisely remember something would you please indicate
2 that to me?

3 Do you understand?

4 A Yes.

5 Q All right.

6 Mrs. Shea, may I ask how old you were when you
7 married Donald Shea?

8 A 25.

9 Q Had you been previously married, Mrs. Shea?

10 A Yes, I had.

11 Q Had you any children by a previous marriage?

12 A No, I haven't.

13 Q When were you divorced from your former husband?

14 MR. KATZ: I object to that as immaterial.

15 Your Honor, there is an objection on the grounds
16 that it is immaterial.

17 THE COURT: Well, I don't know. A great field has been
18 covered in direct.

19 The objection is overruled. You may answer.

20 THE WITNESS: My husband, my first husband, I don't know
21 where he is. I haven't seen him in a period of 10 years.

22 I was only married to him two months. I didn't
23 even live with him the two months.

24 Q BY MR. WEEDMAN: Were you married here in
25 California, Mrs. Shea?

26 A No, I wasn't.

27 Q May I ask what state you married your first husband
28 in?

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A In Illinois.

Q How old were you at that time, Mrs. Shea?

A 17, I think.

I was young.

Q Surely.

A At that time.

Q Well, in any event, up until the time you met Donald Shea you were not living with anyone as a married woman?

A No.

Q Is that a fair statement?

A Yes.

Q May I ask where you are from?

Is it Illinois?

A Yes.

Q When did you first come to California, Mrs. Shea?

A 1968.

Q What did you do for a living when you first came to California?

A I worked at a hospital. I worked at Ohrbach's. I worked at a pharmacy.

I've had several different jobs since I have been here.

Q All right. When did you begin working as a topless dancer?

A February 1969.

Q So that that job, I take it, at the Cab Inn was your first job as a topless dancer?

A Yes, it was.

24a-4

1 Q So we will be clear about it, Mrs. Shea, is a
2 topless dancer one who dances nude or naked from the waist up,
3 essentially?

4 A Yes, it is.

5 Q All right. Now, at the same time were you also
6 serving beer in connection with your employment at the Cab Inn?

7 A Yes, I was a barmaid.

8 Q Was this also done while you were topless, or were
9 you attired differently?

10 A I had on a top.

11 Q So that the topless aspect of your employment was
12 only when you were dancing?

13 Is that correct?

14 A Yes, it was.

15 Q What were your normal working hours at the Cab Inn,
16 if you had any regular hours there, Mrs. Shea?

17 A Sometimes from 6 to 2, and sometimes from 10 to 6.

18 Q During this 10 to 6, I take it you are talking about
19 10 in the morning until 6 at night?

20 A Yes.

21 Q I take it that during that period of time you were
22 both topless dancing and working as a barmaid?

23 A Sometimes.

24 Q Would you do the same thing during a given day?

25 That is, would you be both a barmaid and also a
26 topless dancer during the day?

27 A Sometimes.

28 Q I take it, then, that when you became a barmaid

1 again, to do that, why, you would put something on your top?

2 Is that correct?

3 A When I became a barmaid?

4 Q Yes.

5 A Yes, I had a top on.

6 Q Then you would take that off if you resumed your
7 topless dancing?

8 Is that correct?

9 A If I would go up on the stage to dance, I would pull
10 my top off because that was my job.

11 Q All right.

12 Were there girls working along with you as topless
13 dancers during the time you were at the Cab Inn?

14 A Yes, there was.

15 Q How many girls?

16 A Well, they had a number of girls, because girls
17 come and go. I don't remember.

18 Q When did you meet Mr. Shea for the first time?

19 A In May of 1969.

20 Q Is it a fact, then, that Mr. Shea came to work at
21 the Cab Inn after you were already employed there?

22 A Yes, he did.

23 Q What did Mr. Shea begin doing there by way of
24 employment?

25 A He was the manager.

26 Q What did the manager do?

27 A Takes care of the money that is -- the receipts
28 that is brought in, takes the responsibility for the girls that

1 works for him.

2 If anything is wrong, he has the responsibility
3 for that.

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1 Q And did someone else act at the location over
2 Mrs. Shea at this time?

3 A No.

4 Q Now, Mr. Shea was also the bouncer at the location,
5 wasn't he, Mrs. Shea?

6 A No, he wasn't a bouncer. I mean if they started
7 a fight or somebody started something, it was his job to see
8 that wasn't started.

9 Q Well, was there a regular bouncer there in
10 addition to your husband?

11 A Yeah.

12 Q And what was his name?

13 A I don't recall.

14 Q How long did he work there, the bouncer I mean?

15 A Till I left, I guess. I don't recall 'cause he
16 wasn't there that long. They didn't have a regular bouncer.

17 Q I see.

18 Okay. Are you familiar at all or can you tell us
19 anything at all about the circumstances under which Mr. Shea
20 came to this location in May and became the manager?

21 A No. All I know is I called to work one day to tell
22 them that I was -- that Don -- not this -- not my husband, that
23 I was going to be late. And he answered the phone.

24 Q That is your --

25 A My husband answered the phone.

26 Q Your husband, Donald Shea, answered the phone?

27 A Yes.

28 Q That is the first time you learned that he was

25-2

1 going to be working there?

2 A Yes, it was.

3 Q How long did he work there as the manager, Mrs.
4 Shea?

5 A Till sometime in June.

6 Q Well, was it as long as a month?

7 A Yeah.

8 Q Was there any particular reason why your husband
9 left his employment as the manager of this place?

10 A Yes. He went to Las Vegas to work for Jerry Binder.

11 Q Had he been working for Jerry Binder here in Los
12 Angeles at least part time during the time that he was working
13 out at the Cab Inn?

14 A Not that I recall.

15 Q Didn't he send some materials from Los Angeles
16 up to Las Vegas for use in the Swingers Boutique Shop up there
17 in Vegas?

18 A My husband?

19 Q Yes.

20 A No.

21 MR. KATZ: Wait a minute. Excuse me. There is a motion
22 to strike only for the purpose of interposing an objection.
23 There is ambiguity as to what time period. I have no objection
24 to the basic question.

25 MR. WEEDMAN: I will withdraw the question and start
26 over.

27 THE COURT: All right. It is withdrawn.

28 Q BY MR. WEEDMAN: During the period of time your

1 husband, Donald Shea, was working at the Cab Inn, was he
2 doing any work, to your knowledge, for Jerry Binder, and
3 particularly was he sending materials from Los Angeles to
4 Las Vegas?

5 A My husband I knew only worked for Herb Bromberg
6 at the time he was working at the Cab Inn. No other -- nobody
7 else, did I know that he worked for.

8 Q When did you learn that Mr. Shea intended to go
9 to Las Vegas and work for Jerry Binder?

10 A When he told me.

11 Q Well, when was that?

12 A It was in June sometime. I don't remember the
13 exact date.

14 Q When had you agreed to marry Mr. Shea?

15 A When had I agreed to marry Mr. Shea?

16 Q Yes.

17 A Well, we talked about it before he left in June.

18 Q How long was Mr. Shea away presumably in Las Vegas
19 before you joined him in Las Vegas?

20 A I went over there a couple of days after he went
21 once. And I came back here.

22 Q Well, now, you were married July 1st?

23 A Yes.

24 Q In Las Vegas?

25 A Yes.

26 Q Had you made more than one trip to Las Vegas before
27 you were married in Las Vegas?

28 A No.

1 Q Did Mr. Shea go to Las Vegas then without you?

2 A Yes.

3 Q And then you followed Mr. Shea to Las Vegas?

4 A Yes.

5 Q And then you were then married on July 1st in
6 Las Vegas?

7 A Yes. I flew from here on a Sunday or Monday
8 morning and I was married the next day.

9 Q How much did you earn at the Cab Inn, Mrs. Shea?

10 A I don't recall.

11 Q How much did Mr. Shea earn at the Cab Inn?

12 MR. KATZ: If she knows. I have no objection.

13 THE WITNESS: I don't know.

14 MR. WEEDMAN: That is true, by the way, Mrs. Shea, of all
15 the questions I ask you. If you know.

16 THE WITNESS: I don't know.

17 MR. WEEDMAN: Okay.

18 THE COURT: Pardon me, gentlemen. I think we are up to
19 4:00 o'clock.

20 MR. WEEDMAN: Thank you.

21 THE COURT: Let's recess till 9:30 tomorrow.

22 Now, ladies and gentlemen, remember, do not
23 discuss the case at all with anybody or come to any opinion
24 or conclusion. And we will commence tomorrow morning at 9:30.

25 Thank you.

26 (At 4:00 p.m., July 21, 1971, adjournment was had
27 until 9:30 a.m. of the next day, Thursday, July 22, 1971.)
28