

✓ 606 DICKSTON BINDER

SUPERIOR COURT OF THE STATE OF CALIFORNIA

20

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

TUESDAY, JULY 27, 1971

APPEARANCES:

(See Volume 1)

VOLUME 20

Pages 2511 - 2674 incl.

Reported by:

VERNON W. KISSEE, C.S.R.
REGIS TAYLOR, C.S.R.
Official Reporters

COPY

3
4
5 I N D E X

6
7 PEOPLE'S WITNESSES

DIRECT CROSS REDIRECT RECROSS

8 BICKSTON, Robert

2513

2569

2500

2608

2613

2614

9
10 BINDER, Jerry

2616

2654

11
12
13
14 E X H I B I T S

15 PEOPLE'S EXHIBITS

FOR IDENT.

16 53 --*piece paper with typing, dated 5/20/69
17 titled N.I.D. Productions, Inc.

2547

18 54 --*Letter by John Ivy N.I.D. Productions, Inc.
19 dated 5/28/69

2548

20 55 --*Western Union telegram, dated 7/22/69

2605

21 56 --*Western Union telegram, dated 7/29/69

2605

22 24 - Knife with broken handle

2612

23 26 - Check #125, Jerry Binder to Don Shea

2648

24 (*Out of order.)
25
26
27
28

LOS ANGELES, CALIFORNIA, TUESDAY, JULY 27, 1971

9:40 A.M.

THE COURT: All right, gentlemen. In People against Grogan, defendant is here, defendant's counsel is here, People's counsel is here.

Now, we may be short a juror I find after I opened court. I didn't realize that.

Do you want to check again, sheriff.

THE BAILIFF: I will see, yes, your Honor.

(Short pause.)

THE BAILIFF: One is still missing, your Honor.

THE COURT: All right.

I will have to recess long enough to get the juror.

Is that a regular or an alternate?

THE BAILIFF: It is juror No. 7, your Honor.

THE COURT: All right.

Thank you very much.

MR. KATZ: We will be ready to proceed, your Honor.

THE COURT: All right. We will recess at this time.
Thank you.

(Recess.)

2-1

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

THE COURT: People against Grogan. The defendant is here,
and his counsel is here. The district attorney is here.

Sheriff, if you will bring in the jury we will go
ahead. All right, let's see where we are now.

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

THE COURT: Now, gentlemen, we have all of our regular
jurors plus the three alternates, so the People may proceed.

MR. KATZ: Thank you.

Mr. Robert Bickston.

THE COURT: Now, you come right over here.

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

ROBERT BICKSTON,

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

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

THE WITNESS: I do.

THE CLERK: Thank you, sir. Take the stand and be seated,
please.

THE COURT: Pull the chair up and talk through this

2-2

1 telephone here so all the jurors may hear you.

2 Keep your voice up so these folks can all hear you,
3 and state your full name, please.

4 THE WITNESS: Robert Bickston.

5 THE COURT: Did you hear that? We are going to have
6 trouble.

7 THE WITNESS: Robert Bickston.

8 THE COURT: Excuse me, I don't want to hit you. Pull
9 that back a little bit.

10 THE CLERK: Would you be kind enough to spell your last
11 name, please?

12 THE WITNESS: B-i-c-k-s-t-o-n.

13 THE COURT: Thank you. We may have trouble because of
14 that brace you have on, so take your time but keep your voice
15 up. All right.

16
17 DIRECT EXAMINATION

18 BY MR. KATZ:

19 Q Mr. Bickston, up until a day or so ago you were
20 working at a gun shop owned by Mr. Anderson?

21 Is that correct?

22 A Mr. Andrews.
23
24
25
26
27
28

#3

1 Q And that is property owned by your brother, is
2 that correct?

3 A Yes, sir.

4 Q And the last several days you have been up all
5 night, is that correct?

6 A Yes, sir.

7 Q Are you presently under sedation?

8 A Yes, sir, I am.

9 Q All right.

10 So if you don't understand any of my questions or
11 if I move too quickly, or you want a recess, will you please
12 tell us so and I am sure the court will give us a short recess.

13 Will you do that?

14 A Yes, sir, I will.

15 Q Incidentally, have you produced some movies in the
16 past?

17 A Yes, sir, I have.

18 Q And have you also engaged in the acting profession
19 as such?

20 A Yes, sir.

21 Q Are you the holder of any union cards?

22 A Yes, sir. Screen Actors Guild.

23 Q When did you receive your Screen Actors Guild card?

24 MR. WEEDMAN: I don't think -- well, excuse me, your
25 Honor. I won't object.

26 THE COURT: Well, I will sustain objection to the last
27 question.

28 I think it might not be material.

2 1 MR. KATZ: I think it is.

2 THE COURT: Unless you have some real materiality for it.
3 If you do, tell me.

4 MR. KATZ: Yes, I do.

5 THE COURT: All right.

6 Answer the question.

7 Q BY MR. KATZ: All right.

8 A Approximately 1962.

9 Q All right.

10 And I want to direct your attention to the person
11 by the name of Donald Jerome (Shorty) Shea. Did you know that
12 person?

13 A Yes, sir.

14 Q When did you first meet Shorty Shea?

15 A Approximately 1957 at Corriganville.

16 Q All right.

17 Is this Corriganville Movie Ranch?

18 A Yes, sir, it is.

19 Q And in 1957 when you met Donald Shea, what were
20 you doing at Corriganville?

21 A I was stunt coordinator and stuntman, myself.
22 Laying out -- I have to put it this way: We reenacted Western
23 history, the day it happened. We tried to show what happened
24 in a certain day in a certain man's life.

25 And we reenacted it for the public. It was open
26 for the public.

27 Q In other words, what you are talking about is live
28 performances for paid admission, is that right?

3
1 A Yes, sir.

2 Q You would pick various classic events in Western
3 history and reenact them, is that correct?

4 A Yes, it is.

5 Q Can you give us an example of the kind of thing
6 you reenacted?

7 A The O. K. Corral Gunfight in Tombstone, Arizona in
8 1882, for example, with Wyatt Earp, Doc Clanton, Mike McCloud,
9 et cetera.

10 Q You are talking again very fast.

11 A I am sorry.

12 Q Would you go real slow for us.

13 A For example, the O. K. Corral Gunfight which took
14 place in 1882 which involved Wyatt Earp, Doc Holliday, the
15 two Earp brothers, Ike Clanton, Frank McClory, Billy Clanton,
16 Billy Claymore and a few others.

17 Q When you met Shorty in 1957 at Corriganville, was
18 Shorty involved in performance in live shows?

19 A Yes, he was.

20 Q In what capacity was he performing?

21 A Well, he was performing in what we call background,
22 that is, new people that just came out there worked in until
23 we could weed out and find out what kind of ability they had
24 for stunts.

25 Q In other words, at the time you first met Shorty,
26 was he a kind of apprentice stuntman, is that correct?

27 A Yes, sir.

28 Q You say you weeded out certain individuals in

1 connection with stunt work; is that correct?

2 A Yes, it is.

3 Q What do you mean by that?

4 A Well, you watch them. We rehearsed every morning
5 before shows, and we tried different people in different parts
6 to see how agile and how well they moved. We did an awful
7 lot of horse work so we had to be very particular about who
8 we put on horses because if a horse got away from a man, you
9 have a liability thing with the public, you know, being there
10 roped off.

11 Q Now, in that connection did you observe Shorty?

12 A Yes, sir, I did.

13 Q How would you characterize Shorty's performance at
14 the time you met him in '57 at Corriganville?

15 A Well, I would describe him as a natural horseman
16 and a very agile individual, as far as doing stunts.

17 Q Now, did Shorty remain at Corriganville for a
18 period of time assisting in the performance of live shows?

19 A Yes, sir, he did.

20 Q Under whose direction?

21 A Under both Charlie Aldridge and myself.

22 Q Charlie Aldridge, you said?

23 A Yes, sir, he was general manager of Corriganville
24 at that time.

25 Q Mr. Bickston, in the course of your career as a
26 producer, what films have you produced?

27 A I have three TV pilots that we have worked on.

28 Q Let's start with those. First of all, when was it

1 that you produced these three TV pilots?

2 MR. WEEDMAN: I will object, your Honor, as immaterial
3 at this point.

4 MR. KATZ: Your Honor, it is foundational, number one,
5 to show Shorty worked in these TV pilots, and actually was
6 employed as a stuntman and actor.

7 MR. WEEDMAN: Maybe counsel can ask those questions.

8 THE COURT: I will overrule the objection.

9 You may answer.

10 Q BY MR. KATZ: Yes. First of all, when was it that
11 you produced these TV pilots? What period of time?

12 A Between 1965 and 1966.

13 Q Give us the names of those three TV pilots.

14 A Well, this is in the order that they were shot.
15 The first one, the title was Stinking Springs.

16 Q What did that have reference to?

17 A I have to explain it a different way.

18 Q Yes, please.

19 A All of those shows are Western Americana. It was
20 a Western documentary to show how things were, rather than the
21 way somebody has written them.

22 Q In other words, they are supposed to be authentic?

23 A Yes, they are supposed to be as close to authentic
24 as you can get.

25 Q All right.

26 Now, tell us about this Stinking Springs. What did
27 this relate to?

28 A Stinking Springs is when Pat Garrett and the posse

6

1 surrounded Billy the Kid, Dick Brewer, Tom Pickett, at the
2 Stinking Springs, New Mexico, and when they literally starved
3 them out. They gave up because they had no food or water.
4
5
6

4 fls

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

ORIGINAL
REPRODUCIBLE

4-1

1 Q All right. This is the famous event when Pat
2 Garrett shot Billy the Kid?

3 A No, sir. It is not.

4 It is when he captured him before he broke jail.

5 Q This was the first of the three TV pilot documen-
6 taries to be made between the period 1965 and 1966?

7 Is that correct?

8 A Yes, sir.

9 Q Did Shorty appear in that?

10 A Shorty did not appear in that one. He appeared in
11 the next two.

12 Q Tell us about the next one that was produced, the
13 next TV pilot.

14 A The next TV pilot was titled The Lawman, which was
15 a day in the life of Wyatt Earp.

16 This is when he was in Wichita, Kansas, May 18,
17 1871, and a couple of bad outlaws -- a couple of outlaws, Billy
18 Thompson and Ben Thompson, which were notorious, had killed
19 the sheriff and he was supposed to have backed them down and
20 brought them to trial.

21 This was the reenactment of that event.

22 Q Now, did Shorty appear in The Lawman?

23 A Shorty appeared in one of the co-starring roles.

24 I, myself, played Ben Thompson. Neil Pontico
25 played --

26 Q Could you spell that for us?

27 A P-o-n-t-i-c-o -- I think it is i-c-o. I'm not sure of
28 the spelling right now.

4-2

1 Q All right.

2 A And Don Shea were the principals in it.

3 Q Incidentally, was Lance Victor in that movie?

4 A I beg your pardon, Lance Victor played Wyatt Earp.

5 Q All right. Was there -- how many roles did Shorty
6 play in The Lawman?

7 A In The Lawman just one, but in the next one, the
8 third one that we did was Joaquin Murrieta, the California
9 bandit.

10 We tried to show his life from the time that his
11 wife was ravished by the miners until his demise.

12 Q All right, did Shorty appear in that?

13 A Shorty appeared in approximately five different
14 parts in that picture.

15 Q What kind of roles did he play in that picture,
16 Joaquin Murrieta?

17 A Oh, he did character, like a man in the posse.

18 He did character jobs where he could also do the
19 stunt.

20 You see, we put him in every part that there was
21 a stunt involved on account of his capability, you see. If
22 we wanted a man to get shot off a horse, we only had two men
23 at that time that were good enough to do a running saddle fall,
24 so we had to put Don in one of the places because he was
25 capable of doing it.

26 Q Now, at the time you shot Joaquin Murrieta, did
27 you regard Don Shea as a good stuntman?

28 A Very good stuntman.

4-3

1 Q Was he able to handle horses that other people
2 could not handle?

3 A Yes, sir.

4 Q Was that demonstrated in your presence in some
5 circumstances in which you were shooting some movies?

6 A Well, that was demonstrated twice.

7 In Joaquin Murrieta we had to have somebody drive
8 the stagecoach, and not too many people can drive a coach with
9 two horses or four horses, you know, and Don did the stagecoach
10 driver, plus got shot from the stagecoach.

11 But as far as his ability on raunchy horses, you
12 know, bad horses, he showed good form and good judgment in the
13 next picture we did, but not in that picture.

14 Q Now, let's just stay with these three documentaries
15 that were shot between 1963 and 1966.

16 You say these were TV pilots. Were they made for
17 a specific purpose?

18 A Yes, they were made as demonstrators, as a format
19 to distribute around the studios to see who would be
20 interested in a series of 26 Western Americana epics.

21 Q In that connection had you drawn up any contracts
22 with respect to the actors and stuntmen?

23 A Yes, I had.

24 Q What was the nature of those contracts, especially
25 with reference to Mr. Shea?

26 A The nature of the contract was that if the TV pilots
27 were sold, that we would use the undersigned for a minimum of
28 five episodes to be shot out of the 26.

1 Q All right. Now, with reference to these three
2 documentaries, where were they shot?

3 A At Spahn's ranch and at Iverson's, directly across
4 the road from George Spahn's.

5 Q All right. I take it they were not shot at
6 Corriganville?

7 Is that right?

8 A No, sir. They were not.

9 Q All right. Now what is the next film that you
10 produced following those documentaries?

11 A Hang Fire was the name of it.

12 Q Who starred in that picture?

13 A Lindsey Crosby.

14 Q That is Bing Crosby's son?

15 A Yes.

16 Q Who else?

17 A Bob Toulersa.

18 Q Can you spell that for us?

19 A No, but I think it is T-o-u-l-e-r-s-a, as close
20 as I can get to it, Woody Arnold, myself, Jerry Vance.

21 Q Well, that is good enough.

22 Was Donald Shea in that picture?

23 A Yes, and Donald Shea.

24 Q What part did Donald Shea play in Hang Fire?

25 A Don Shea played a character role, plus stunt work.
26 He played the character Bull, which was a town
27 bully.

28 I can't think of the name of the town, but either

4-5

1 way he was -- I rode into this town, and he was the town bully,
2 and --

3 Q In other words, he appeared in the film itself?

4 Is that right?

5 A Yes, sir, he did.

4a

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

4a 6

1 Q Was there a fight scene with Donald?

2 A Yes, sir.

3 Q Was he required to handle any horses?

4 A Yes, sir, he was.

5 Q In particular was there any problem with the horse
6 that he was required to handle in that picture?

7 A Yes, sir.

8 They had a big black that was a pretty rough
9 horse. Not too many people out there could even get near him,
10 let alone ride him.

11 That is the horse that Don had to ride in the
12 picture. In the picture you can see -- anybody that knows
13 horses could see that the horse was troublesome just from the
14 way he stood, the way he moved around when you tried to mount
15 him, the way he tried to grab the bit in his mouth.

16 It is all on film. You can see it.

17 Q How did he handle that horse during the filming?

18 A Perfect.

19 Q Now, when was this Hang Fire shot?

20 A It was shot -- it started roughly in the middle of
21 1968. We finished shooting it at Spahn Ranch in the latter
22 part of 1968.

23 Then we had to go into a looping room in early
24 1969. We had bad sound.

25 Q Where did you shoot the film?

26 A ApacheLand Movie Ranch at ApacheLand, Arizona.

27 Q Is this kind of a movie ranch where westerns are
28 commonly filmed in Arizona?

4a 7

1 A Yes, sir. That is.

2 Q They have a mockup western town, and scenery is
3 a backdrop for the westerns?

4 Is that correct?

5 A Yes, sir, it is.

6 Q It is a little more expansive than the facilities
7 at Spahn Ranch?

8 Is that correct?

9 A Yes, sir, quite a bit.

10 Q In other words, quite a bit more professional?

11 Is that right?

12 A Yes, sir.

13 Q Now, you said you had some sound problems, and you
14 were required to go into the looping room in 1969.

15 Would you explain that to us?

16 What does that mean?

17 A Well, the looping room -- it is a room about this
18 size, and what they do -- they take the scene you had trouble
19 with, and they cut it into what we call a loop, one solid piece,
20 and it continually plays and you have your microphones there,
21 and then as it comes around it is like lip sinking a record.
22 You keep going and going until it comes into synchronization.

23 That is called looping.

24 Q Now, did you require some of the actors who had
25 appeared in the picture to redub the sound in the looping room?

26 A Yes, sir. We did.

27 Q Was Donald part of that?

28 A Yes, sir. He was.

4a8

1 Q When was it that Donald assisted you in redoing
2 the sound in the looping room in 1969?

3 A Well, approximately March.

4 We were in the looping room all told almost three
5 weeks, I am pretty sure it was, in the latter part of March.

6 We used approximately 18, 19 days all told.

7 Q In other words, Don worked some 18, 19 days
8 straight in the looping room?

9 A Yes, sir. Well, you see Don did his own voice.
10 Then we had some people that we hired in Arizona on location.

11 Well, it would have been more expensive to bring
12 them up here to get their natural voice back on it, so two or
13 three men did -- you know, one man did two or three voices.

14 Q All right. Now, did Don do more than one voice?

15 A Yes, he did.

16 Q Approximately how many voices did he do?

17 A Well, he did background, which was a group.

18 Everybody did that. Then he did the bartender, and then he
19 did his own voice as Bull.

20 Q All right. Now, how would you characterize at
21 that time Don's development as a character actor?

22 A Very good.

23 Q After you had finished the redubbing sequence in
24 the looping room in the March period of 1969, were you planning
25 to make a movie in Phoenix, Arizona?

26 A Yes, sir. I was.

27 Q When was this movie scheduled to begin, initially?

28 A Around the 15th of July was a tentative starting

4a9

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

Q What year are we talking about?

A 1969.

Q All right, so that is the 15th of July 1969?
Is that correct?

A Yes, sir. It is.

Q Now, did you at about the time that you saw Don
in March of 1969 following the redoing of the sound for the
picture Hang Fire discuss with him this forthcoming movie?

A Well, it wasn't in March. It was in the latter
part of May, because in May we had a showing at my home for
all people that were in the picture.

Q All right.

A We had a showing at my home for the picture before
I took it on the road to show distributors.

5

#5

1 Q All right.

2 Now, let's stop there. Which picture are we
3 talking about --

4 A Excuse me.

5 Q I will have to finish my question and then you can
6 answer.

7 Which picture are we talking about that was shown
8 in your home in the period of May, 1969?

9 A Hang Fire.

10 Q The cast, in other words, was present during that
11 showing?

12 A Yes, sir, they were.

13 Q And do you recall the approximate period in May of
14 1969 that you had this showing at your home?

15 A Approximately the 20th.

16 Q This is May, 1969?

17 A Yes, sir.

18 Q In this time period, May 20, 1969, or thereabouts,
19 were you planning or were you in the planning stages of making
20 a forthcoming movie in Phoenix, Arizona?

21 A No, sir. It wasn't until I came back at the latter
22 part of May.

23 See, it was while I was in Phoenix having a showing
24 for my picture that I met the producers from N.I.D. Productions.

25 Q N.I.D. Productions?

26 A Yes, sir. And they screened my picture for me and
27 liked the work that was in it and signed the contract with me.

28 So may I continue?

5-2

Q Yes.

A Well, I have my contract.--

MR. WEEDMAN: Well, excuse me, your Honor. This is not responsive to the question, and I will move to strike it as irrelevant to any issue in the case.

All very interesting but it's irrelevant, your Honor.

THE COURT: I will strike it out.

MR. KATZ: Excuse me, your Honor, once again, it is not irrelevant.

THE COURT: It is voluntary, for one thing. It may go out on that basis.

MR. KATZ: Yes.

THE COURT: Get a proper foundational question.

MR. KATZ: Yes, your Honor.

Q Sometime in the latter part of May, 1969, you went to Phoenix, Arizona, is that correct?

A Yes, sir.

Q Now, at that time you were showing to some distributors the film that you had previously shot, "Hang Fire," is that correct?

A Yes, sir.

Q Now, at or about that time did you enter into negotiations with respect to making a new movie in Phoenix, Arizona?

A Yes, sir, I did.

Q With whom?

A N.I.D. Productions.

#5-3

1 Q Who is involved in N.I.D. Productions, if you know?

2 A Mr. John Ivy. Mr. Thomas Knudsen. Mr. James
3 Dix.

4 Q All right.

5 What kind of a film were you to shoot in Phoenix,
6 Arizona?

7 A Well, it was a Western movie with a mixed cast.

8 THE COURT: Now, pardon me.

9 Was Shea in this picture you are talking about?

10 THE WITNESS: He was going to be in it, yes, sir.

11 THE COURT: Was going to be?

12 MR. WEEDMAN: Excuse me. I am going to object to that
13 as a conclusion on the part of this witness without any
14 foundation.

15 THE COURT: The way it is answered, it could be possibly
16 conclusional.

17 Would you develop it one way or the other so I
18 can get it clear?

19 MR. KATZ: Yes. I am trying to get the background, then
20 we are going to go directly into it.

21 THE COURT: All right.

22 Q BY MR. KATZ: In any event you had a contract with
23 N.I.D. Productions to make a Western film involving a mixed
24 cast in Phoenix, Arizona, is that correct?

25 A Yes, sir, it is.

26 Q All right.

27 Now, did you return to -- excuse me. Where were
28 you to make the film, particularly, in Phoenix, Arizona?

5-4

1 A At Apacheland Movie Ranch.

2 Q Is this where you had previously shot Hang Fire?

3 A Yes, sir, it is.

4 Q All right.

5 Now, who was to appear in that film?

6 A This new film? Otis Young. Roy Calhoun. Joe
7 Wills. Bob Wilke. Lindsay Crosby. Bob Touliera. Don.

8 Q By Don --

9 THE COURT: Don what?

10 THE WITNESS: Donald Shea.

11 THE COURT: All right.

12 THE WITNESS: Myself, Robert Bickston. Jeanell --
13 Janice -- I'm sorry, excuse me. Janice Masseau.

14 And I don't have the rest of the cast with me at
15 this time.

16 Q BY MR. KATZ: All right.

17 In any event, with that understanding you returned
18 to Los Angeles in the latter part of May, 1969, is that
19 correct?

20 A Yes, sir.

21 Q Now, sometime thereafter did you see Shorty and
22 discuss with him this film?

23 MR. WEEDMAN: Excuse me, your Honor. I will object to
24 counsel leading the witness. Again I think we are entitled
25 to just a simple narrative of what happened, your Honor,
26 between this witness and Mr. Shea, if anything.

27 MR. KATZ: I have no objection.

28 THE COURT: Read the question. Let's get the question

5-5

1 again.

2 MR. KATZ: I will withdraw it, your Honor.

3 THE COURT: All right. It is withdrawn.

4 Q BY MR. KATZ: All right.

5 Now, after returning from Phoenix, Arizona in the
6 latter part of May, 1969, when did you next see Shorty, if
7 you recall?

8 A It was at the latter part of May in 1969 at my
9 home.

10 Q All right.

11 And at that time was there any discussion about
12 your forthcoming movie?

13 A Yes, sir, there was.

14 Q Now, you tell us in your own words what you said
15 about the movie, what Shorty said in response and what his
16 attitude was towards this forthcoming movie. Just take your
17 time.

18 A Well, we discussed the forthcoming picture, and
19 the problem with rewriting a script that they gave me. I had
20 to rewrite.

21 And I asked Shorty one question, as I asked quite
22 a few other actors involved, did they mind working with a
23 mixed cast? And he said "No, why?"

24 And then I told him, "We are getting ready to
25 shoot a picture on the 15th of July," and that I would like
26 to have him working in it and do some stunts, plus he would
27 be doing a character role by the name of Vince.

28 And at that point he was -- well, in my own words,

5-6

1 like a kid with a new toy. You know, just very exuberant,
2 very excited.

3 I told him this picture would get him his union
4 card. He would have to get a letter from the producer, take
5 that to the guild, in return, pay his own money and he would
6 get his union card for the picture.

7 Q What did Shorty say in response to this?

8 A He didn't believe it. He said, "I don't believe
9 it. After all this time working, I just don't believe it."

5A

5a-1

1 Q All right.

2 Did I cut you off?

3 A No. It's okay.

4 Q Mr. Bickston, before this conversation had you
5 discussed on many occasions Shorty's feelings about making
6 movies?

7 A Yes, sir, I had.

8 Q What had Shorty told you about his feelings
9 towards movies?

10 A Well, his -- in my own words again, this was his
11 life. This is how he felt. He couldn't understand why he just
12 wasn't what we call opening doors, getting into where he could
13 really show the talent that he had.

14 And there were things we discussed.

15 Q All right.

16 Now, let's move on with this movie we were talking
17 about to be shot in apparently July 15, 1969 in Phoenix,
18 Arizona at Apacheland.

19 Did you ascribe a name to that film?

20 A Yes, sir.

21 Q What was the name you gave to it?

22 A The Unknown Outlaw.

23 Q All right.

24 And when did you -- strike that.

25 Did you have any understanding with Shorty as to
26 when you would make final arrangements for his appearance in
27 Phoenix, Arizona in accordance with your shooting schedule?

28 A Yes, sir.

5a-2

1 I was in transit most of the month of July,
2 August and early part of September. And so I told Donald Shea
3 to keep in touch with my wife, and she would keep him posted
4 to a tentative date that I did need him.

5 Q That was Madge Bickston, your wife?

6 A Madge Bickston, yes.

7 Q All right.

8 Did you have any delays in the filming of this
9 Unknown Outlaw?

10 A Yes, sir, we did.

11 Q How many delays did you have?

12 A Roughly maybe five.

13 Q Well, your first date was July 15, 1969, is that
14 correct?

15 A Yes, sir.

16 Q Then did you have a rescheduled date for shooting?

17 A Well, it was -- I am pretty sure we put it up a
18 month to the 15th of August. Then put it up again until about
19 the latter part of August. And then to the beginning of
20 September.

21 Q All right.

22 Now, Mr. Bickston, incidentally did you ever get
23 off the ground on the movie?

24 A No, sir. The people with the money pulled out.

25 Q And why?

26 A Too many delays. The movie ranch had burned down
27 and the people were rebuilding. And they would give us a date
28 that they would have it ready as such and such a date, and we

5a-3

would go out there and they had construction problems. It was never done.

Q All right.

So this is the movie ranch at Apacheland?

A At Apacheland.

Q In Phoenix, Arizona?

A Yes, sir.

Q When is the last time you saw or heard from Shorty Shea, if you recall?

A Oh, approximately June of 1969.

Q Once again, did you discuss the forthcoming movie The Unknown Outlaw?

A Yes, I did.

Q What did you say and what did he say about it?

A He asked me how it was coming, and I told him it was coming along fine. We were just finishing up the script and we were going back to Arizona to check on location and local people, you know, for extra work.

And again I told him to keep in touch with my wife.

Q All right.

Now, Mr. Bickston, between the period when you first met him and I mean Mr. Shea in 1957 at Corriganville, until, say, August of 1969, how often would you see or hear from Shorty?

A Well, I would see him roughly every -- no longer than a five-week period. I would see him anywhere between one and five weeks, or he would be in telephone touch with me within every three weeks.

5a-4

1 Q All right.

2 Was there an exception to that?

3 A Yes. I don't know exactly what date it was but he
4 had broken a leg, and he was with his mom back in Massachusetts.

5 Q All right.

6 And he stayed there for an extended period of time?

7 A Yes.

8 Q Incidentally, were you in contact with Shorty when
9 he was back in Massachusetts?

10 A Only once when he told me that he was going to his
11 mom's.

12 Q Was there a reason why he was always in contact
13 with you once every three weeks?

14 A Yes, sir. I know a lot of independent producers,
15 and he used to call me and ask me if any of them had any work
16 for him or if I would keep him in mind if something came up.
17 And that was the reason for the telephone calls.

18 Q All right.

19 Now, when he would leave town would he leave
20 forwarding addresses with you?

21 MR. WEEDMAN: Excuse me, your Honor. That is so leading
22 and so suggestive, your Honor. Can't counsel just refrain from
23 this, then I won't have to be jumping up and being the bad guy
24 here every day.

25 THE COURT: Let me have the question again.

26 MR. KATZ: Your Honor, no way does that question suggest
27 the answer.

28 (The question was read by the reporter

5a-5

as follows:

"Q Now, when he would leave town would he leave forwarding addresses with you?"

THE COURT: Let me think it over here.

(Short pause.)

5a-6 1

THE COURT: Well, it is partly leading, but it takes a yes or no. He didn't, or he did.

I think it is a proper question. You can answer that question.

Q BY MR. KATE: Mr. Bickston, did he?

A He left phone numbers for me.

Q All right.

So when he left town he would leave phone numbers where he could be reached, is that correct?

A Yes, it is.

Q Was this for a specific purpose based on an understanding you had with Mr. Shea?

A Yes, sir.

Q What was the purpose?

A In case a job came up with an independent producer that they could use a stuntman or a character actor.

Q Now, Mr. Bickston, did Shorty have any guns?

A Yes, sir, he did.

Q Do you remember what kind of guns he had?

A Yes, sir.

Q What kind of guns did he have?

A Two 7-1/2 inch-barrel Italian-made Dakotas with hardened frames, .45 long Colt calibers.

Q How did Shorty treat these guns in your presence? What did he say? What did he do?

A He handled the guns in my presence like that of a newborn baby. They were something that he had always wanted and never had. When he picked the gun up and showed it to me

5a-7

1 and I handed it back to him, he took a rag out of the box and
2 wiped them off again before he put them away.

3 Q All right.

4 Now, with reference to these Dakota replicas of
5 the frontier .45 Colt revolvers, had he ever used other guns
6 in movies that he appeared for you in and with you?

7 A Yes, sir, he has.

8 Q Had he ever used any of your guns?

9 A Yes, sir, he has.

10 Q Can you contrast the way he treated your guns in
11 those movies and the way he treated his guns?

12 A Well, there is no contrast. My guns were never
13 cleaned when he gave them back to me.

14 Q Well, would he, for example, polish your guns off
15 before handing them back?

16 A No, sir, he would not. It was just he used the
17 guns, handed them back to the man who was holding the props.

18 Q All right.

19 Now, did Shorty ever do tricks with his guns in
20 front of you?

21 A Well, gun spinning, you know. Spinning in and out
22 of the holster. Normal gun manipulation.

23 Q When you say normal gun manipulation you mean as
24 a stuntman or somebody familiar with guns?

25 A Well, no, all -- I have to put it -- may I put this
26 in my own words?

27 Q Certainly.

28 A Well, most stuntmen or most western actors figure

5a-8

1 themselves fast draw individuals, you know. The code of the
2 West. And they are forever snapping the gun out, spinning it
3 back into the holster and stuff like that. That is gun
4 manipulation.

5 Q Shorty did this quite a bit in your presence?

6 A Yes, he did.

7 Q Did Shorty carry these guns in any container at all?

8 A Yes, sir. He had an attache case that I had made
9 inserts for. Styrofoam -- no, I beg your pardon. Foam rubber.
10 And they were cut out for two guns and his Bowie knife.

11 Q Can you describe the attache case to us?

12 A It's right in front of me (pointing).

13 Q Well, would you point it out then.

14 A It was a brown attache case with two flaps on either
15 side. It had two pieces of foam rubber in the bottom. One
16 solid piece, one piece on the top with the cutout for the two
17 guns and the knife. There was a piece in the top lid. There
18 is a little blue paint on the outside edge where I slipped with
19 the paint gun putting the paint on it.

20 MR. KATZ: Your Honor, may I approach the witness.

21 THE COURT: Yes, you may.

22 Q BY MR. KATZ: Showing you first of all these two
23 Dakota revolvers, 9-A and 9-B, (handing) would you please look
24 at these revolvers and tell us whether you recognize these guns
25 as having seen them before?

26 A Yes, sir, I have.

27 Q And where had you seen those guns before?

28 A In Don's attache case.

5a-9

1 Q In other words, these were Don's Dakotas?

2 A Yes, sir, they were.

3 Q Now, you will note the condition of the handle and
4 the fact that the bluing apparently is wearing off. Was the
5 gun in this condition when Don had them in his possession, or
6 are the guns deteriorated since then?

7 A May I ask you to ask me that again, please.

6

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q Yes, sir. I'm asking you to look at the guns as
2 they now appear now with the scratches and nicks on the handle,
3 the wood handle here, and the imperfections now that appear
4 somewhere along it.

5 MR. WEEDMAN: I think counsel's question is so leading
6 and so suggestive as to just be without precedent in my
7 experience.

8 Could counsel just repeat the question? That is
9 really just what the witness asked for, your Honor.

10 MR. KATZ: Without speeches from Mr. Weedman, your Honor;
11 I don't need his help nor his assistance.

12 THE COURT: Read back the question.

13 (The reporter read the question back
14 as follows:

15 "Q Now, you will note the condition
16 of the handle and the fact that the bluing
17 apparently is wearing off. Were the guns in
18 this condition when Don had them in his possession?"

19 THE COURT: You may answer the question "yes" or "no."

20 MR. WEEDMAN: I have no objection to that question.

21 Q BY MR. KATZ: If you understand the question,

22 A Yes.

23 Q Do you understand the question, Mr. Bickston?

24 A Yes, I do.

25 THE COURT: Next question.

26 MR. KATZ: I don't think he answered the question yet.

27 THE WITNESS: The answer is "no."

28 THE COURT: All right, it was a negative answer.

6-2

1 MR. KATZ: I asked him whether he understood the ques-
2 tion, to which he said "yes," and now he has answered the
3 question "no."

4 Q What is the difference now as the guns appeared
5 before you as compared with when you saw Shorty with the guns?

6 A Well, the guns are filthy. The guns are worn off,
7 scraped and everything on the hand grips, and overall care of
8 the guns.

9 There is rust on the hammers. That is the dif-
10 ference in what it looks like from the last time I seen them.

11 MR. KATZ: All right. Thank you, sir.

12 Your Honor, may we take a short recess?

13 THE COURT: Yes, we will take a short recess.

14 Do not discuss the case at all or come to any
15 opinion or conclusion. Thank you.

16 (Short recess.)

6A fls

17
18
19
20
21
22
23
24
25
26
27
28

66A

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

THE COURT: Gentlemen, we will go right ahead. People versus Grogan.

The defendant is here and both counsel are here. Bring in the jury, sheriff.

(Following proceedings were had in open court within the hearing of the jury.)

THE COURT: Now we have here all of our jurors, plus the three alternates. Now, you have been sworn and I will ask you again if you will state your name.

The clerk has to have that, and then be seated, if you will.

THE WITNESS: Robert Bickston.

THE COURT: Sit right here, and pull the chair up to the telephone.

Thank you. Now the People may proceed. Ask your next question.

Q BY MR. KATZ: Now, as I understand it, it was some time in June of 1969 in Los Angeles, California, that you last saw or heard from Shorty yourself?

Is that correct?

A Yes, sir.

Q Since that time period in June of 1969, is it fair to say you have neither seen nor heard from Shorty again?

Is that correct?

6A-2

1 A Yes, sir, it is.

2 Q Did Shorty ever tell you that he was going to
3 voluntarily absent himself from California or Los Angeles
4 permanently?

5 A No, sir, he did not.

6 Q Now, Mr. Bickston, you were telling us that you
7 had a contract with, I believe, N.I.D., is that correct?

8 A Yes, sir.

9 Q All right. Would you please produce it at this
10 time, and also the letter of confirmation in connection there-
11 with?

12 A Yes.

13 MR. KATZ: May I show these to Mr. Weedman first?

14 THE COURT: Yes, show them to counsel, please.

15 Do you have a photostat to work from there?

16 MR. KATZ: No, your Honor.

17 Mr. Hogan, may I inquire of you as to the last
18 numerical exhibit we have?

19 THE CLERK: No. 23.

20 MR. KATZ: No, I have reference to --

21 THE CLERK: I beg your pardon. 52.

22 MR. KATZ: Your Honor, I have a piece of paper with some
23 typing on it dated May 20, 1969, with the title "N.I.D.
24 Productions, Incorporated" addressed to Mr. Robert Bickston,
25 and I ask that it be marked People's 53 for identification.

26 THE COURT: Yes, it may.

27 MR. KATZ: Out of order.

28 THE COURT: It may be of assistance to the witness --

P 53 ID

66A3

1 is he going to need that contract?

2 MR. KATZ: May I inquire of Mr. Bickston off the record?

3 THE COURT: Find out. Let's try to help him out.

4 (Discussion off the record.)

5 MR. KATZ: May I confer with Mr. Weedman?

6 THE COURT: Yes.

7 (Discussion off the record.)

8 MR. KATZ: Your Honor, I have conferred with Mr. Weedman,
9 and he has been very gracious in assisting us in this connec-
10 tion.

11 At the present time since we do not have Xerox
12 copy of the documents that I have in my possession, we will
13 mark them for identification, but it is understood by stipu-
14 lation that we will then substitute full and correct Xerox
15 copies.

16 THE COURT: Let's put it this way. When will you have
17 the Xerox?

18 MR. KATZ: This afternoon.

19 THE COURT: All right, that is fine because he may need
20 those.

21 MR. KATZ: I appreciate your Honor's consideration.

22 THE COURT: Let's mark them now for identification.

23 What is the next number?

24 MR. KATZ: All right, the next one is a letter, once
25 again written by a John Ivy, N.I.D. Productions, Incorporated,
26 and that is dated May 28, 1969.

27 THE COURT: That is number what?

28 MR. KATZ: That would be People's 54, for Identification.

P 54 ID

6A24

1 THE COURT: It will be so marked.

2 MR. KATZ: Thank you, your Honor.

3 May I approach the witness?

4 THE COURT: Yes, sir.

5 Q BY MR. KATZ: Now, showing you People's 53 for
6 identification, Mr. Bickston, this letter dated May 20, 1969,
7 what is this? You don't have to read it, just characterize
8 it for us.

9 A This is a contract between N.I.D. Productions
10 and myself to write a script, lay out all production, produc-
11 tion work itself, and post production work on one picture
12 known as The Unknown Outlaw.

13 Q And this was the picture that you intended to make
14 at Apacheland in Phoenix, Arizona, in 1969?

15 Is that correct?

16 A Yes, sir.

17 Q All right. Going now to People's 54 for identifi-
18 cation, which is dated May 28, 1969, what does that document
19 show?

20 A This document shows my authorization to act in
21 behalf of N.I.D. Productions with negotiations for contracts
22 between actors, extras, crew and production staff.

23 Q So in a sense you were saying that you were under
24 contract, and had the authority from N.I.D. Productions to
25 hire whom you desired in connection with the production and
26 presentation of the movie, The Unknown Outlaw?

27 Is that correct?

28 A Yes, sir.

6A5

1 Q We will have those Xeroxed for you and give you
2 back the originals, Mr. Bickston.

3 Now, as I understand it, between the period, say,
4 the end of May, 1969 until sometime in September, 1969, you
5 were commuting back and forth from Arizona to Los Angeles?

6 Is that correct?

7 A Yes, sir. I was.

8 Q How would you characterize your relationship, sir,
9 with Mr. Shea?

10 A Well, I consider Donald Shea a very good friend
11 of mine. He was always courteous and good with my kids.

12 My mother-in-law thought a lot of him.

13 Q How did you feel about Donald Shea?

14 A I considered Don one of my best friends.

15 Q And that was a relationship which developed over
16 the period between 1957 through 1969?

17 Is that correct?

18 A Yes, sir, it is.

19 MR. KATZ: If I may have one moment, your Honor?

20 THE COURT: Yes, sir.

21 (Short pause.)

7 fls

7-1

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

2 THE COURT: Yes, sir.

3 MR. KATZ: Your Honor, I have a photograph, I think it
4 has been previously marked, which depicts Mr. Shea with some
5 guns strapped across his chest. And if it hasn't been previously
6 marked I would ask it be marked People's 23 for identification.

7 THE COURT: Will that fit in all right?

8 THE CLERK: It has been marked, sir, on the 26th.

9 THE COURT: All right. Very well.

10 MR. KATZ: Thank you, Mr. Hogan.

11 Q First of all, showing you People's 10 for identifi-
12 cation, this attache case with the inscription Rev. Donald
13 Jerome Shea, have you ever seen this attache case before?

14 A Yes, sir, I have.

15 Q Where had you seen it, sir?

16 A At my home.

17 Q And had you done something with the insides of
18 People's 10?

19 A Yes, sir. I put the foam rubber inside the case.
20 Three pieces, to be exact. One on the top and two separate
21 pieces on the bottom. And one was cut out for his two pistols
22 with the Bowie knife in the center.

23 Q Good. Would you describe this knife to us, this
24 Bowie knife?

25 A The Bowie knife was a Salenger made Bowie knife
26 with a bone handle, and brass. Approximately 10-inch blade.

27 Q What was the overall length of the Bowie knife?

28 A Maybe 12, 12-1/2 inches overall.

7-2

1 Q Did Shorty use this in the stunt work, too?

2 A Yes, sir, he did.

3 Q Had he ever used that knife in movies in which he
4 had appeared with you or for you?

5 A Yes, sir. He used that knife in a fight that him
6 and I did in the picture called Hang Fire.

7 Q That is the one that was shot in 1968 and redubbed
8 in the looping room in 1969?

9 A Yes. Yes, sir, it was shot in Arizona in '69.
10 Pickup shots at Spahn Ranch at the latter part of '69 and then
11 dubbed the latter part of -- I beg your pardon. Excuse me.

12 It was shot the latter part of '68 and dubbed the
13 early part of '69.

14 Q All right.

15 Now, let me approach you with exhibits 21 and 22
16 series for identification. We will start out with exhibit
17 series 21.

18 I notice at the bottom of the first photograph that
19 is visible, 21-M for example, it there says R-West Productions.
20 Who is R-West Productions?

21 A That is our company.

22 Q You were part of that production company, is that
23 correct?

24 A Yes, sir, I was.

25 THE COURT: That has been identified?

26 MR. KATZ: Yes, sir, it has.

27 THE COURT: All right.

28 MR. KATZ: I appreciate it, your Honor.

7-3

1 THE COURT: All right.

2 Q BY MR. KATZ: We will start in sequential order.
3 Then 21-A for identification, where it says R-West Productions
4 in the foreground where many people are depicted, do you
5 recognize that photograph?

6 A Yes, sir, I do.

7 Q You recognize the people that are in that photo-
8 graph?

9 A Yes, sir.

10 Q Who are these people generally?

11 A By name, sir?

12 Q No, just who are these people?

13 A Oh, these are the people that worked in the TV
14 pilot called The Lawman.

15 Q This was shot when, sir?

16 A Approximately '66.

17 Q And where was it shot?

18 A At Spahn's Movie Ranch.

19 Q Of course Donald appeared in that, is that correct?

20 A Yes, sir, he did.

21 Q He also is shown here in the photograph where his
22 face is encircled and the initials D.S. appear above, is that
23 correct?

24 A Yes, sir, it is.

25 Q You are also depicted in that photograph?

26 A Yes, sir, I am.

27 Q Going on to 21-B quickly, again this photograph at
28 the bottom has R-West Productions. What does this show?

7-4

1 A This is a still from one of the scenes in the
2 pilot The Lawman.

3 Q And Donald She once again appears in this picture
4 with yourself, is that correct?

5 A Yes, sir, he does.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7-5

1 Q And going on to 21-C, what does this photograph
2 show us?

3 A The inside of the jailhouse at Spahn's Movie Ranch
4 which is also a still while the scene was being taken.

5 Q The gentleman who is facing us to the right of the
6 photograph, who is that?

7 A Lance Victor.

8 Q And going on to 21-D for identification, this is a
9 picture of a gentleman. Do you recognize him?

10 A Yes, sir.

11 Q Who is that?

12 A Lance Victor.

13 Q Lance Victor worked for you, too, in connection
14 with these documentaries?

15 A Yes, sir, he did.

16 Q This is for what film?

17 A The Stinking Springs. Stinking Springs.

18 Q It was about Billy the Kid, is that right?

19 A Yes, sir.

20 Q Going on to 21-E quickly, what does this show us?

21 A That's also from a scene, still picture from the
22 scene of The Lawman.

23 Q So in other words, these photographs in the 21 series
24 were basically made during the actual filming, and these are
25 still photographs of specific scenes, is that correct?

26 A Yes, sir, they are.

27 Q All right.

28 And this picture depicts Donald on a horse, is that

7-6

1 correct?

2 A Yes, sir, it does.

3 Q Going on to 21-G, what does this R-West Production
4 photograph show us?

5 A That -- that is what we call behind the scenes.
6 We were taking a break while they were reloading the camera,
7 and the still cameraman just took shots of all of us standing
8 around.

9 Q That shows yourself and Shorty among others, is
10 that correct?

11 A Yes, and Lance Victor.

12 Q Where is Lance Victor?

13 A Right there.

14 Q His back is to us, is that right?

15 A Yes, sir.

16 Q Going on to 21-G for identification, here is a
17 photograph. What does that show us?

18 A We are setting up a scene, and that was the
19 director telling us what to do. That was also from The Lawman.

20 Q All right.

21 I noticed that there was a gentleman who has what
22 appears to be a shotgun. Is that you?

23 A Yes, sir, it is.

24 Q Donald Shea is to your right, is that correct, or
25 behind you?

26 A Yes, sir, he is behind me.

27 Q All right.

28 Now, this was shot where?

7-7

1 A At Spahn Movie Ranch. The title is on the picture.

2 Q All right.

3 I see the name George Spahn Properties or something
4 like that at the top, is that correct?

5 A Yes, sir.

6 Q Going on to 21-H for identification, here is a
7 photograph that apparently shows Donald Shea. What is he
8 doing?

9 A Putting on his makeup.

10 Q This is in preparation for a scene, is that correct?

11 A Yes, sir, it is.

12 Q In what film was this shot?

13 A The Lawman.

14 Q This is 21-H for identification.

15 And going on to 21-I for identification, here is
16 a shot apparently showing Lance Victor. From what movie was
17 that shot?

18 A The Lawman, sir.

19 Q Once again going on to 21-J for identification,
20 here is a picture of Donald Shea. What does this show us?

21 A This is a wardrobe picture from The Lawman.

22 Q When you say a wardrobe picture, what is a wardrobe
23 picture?

24 A Well, wardrobe picture is what a man is wearing,
25 exactly how many buttons he has buttoned, whether he has got
26 the sleeves rolled up or rolled down.

27 So if you cut and have to go back to the scene, he
28 can get in the same position.

7-8 1 Q In other words, you can match the scenes that have
2 to be made out of order, is that correct?

3 A Yes, sir.

4 Q Going on to 21-K, what is that?

5 A That is a scene from the picture Wyatt Earp riding
6 into town meeting the blacksmith.

7 Q That is Lance Victor?

8 A Yes, sir.

9 Q I notice on the back it says Lawman 1966. Was this
10 Wyatt Earp or The Lawman?

11 A The Lawman. The name of the series was The Lawman.
12 It was a day in the life of Wyatt Earp.

13 Q I see.

14 Q Going on to 21-L for identification, there is a
15 gentleman in the background who is staring towards the viewer
16 of this photograph. Who is that?

17 A Donald Shea.

18 Q Was this taken during the shooting, or was this --

19 A This was a preparation for a scene.

20 Q All right.

21 Q Going on to 21-N for identification, there are
22 three gentlemen that are depicted in that photograph. Who are
23 they?

24 A Bob Bickston --

25 Q That is yourself?

26 A Yes, sir.

27 Q Who is the middle one?

28 A Neil Pontico and Donald Shea.

7-9

1

This is a scene from the picture.

2

Q That is shot during the filming?

3

A Yes, sir, it was.

4

Q Lastly, 21-N, in the 21 series, is a picture of Lance Victor on the left. Was this shot during a scene?

5

A Yes, sir, it was.

6

Q Which film?

7

A The Lawman.

8

Q Do these pictures comprise a portfolio for the productions that you engaged in, or what? What is the significance of these photographs?

9

A Well, it is a story in pictures, is what it is, we have a big album. We have pictures of wardrobe first, camera equipment setting up second. And then the third half of the book is the picture, the motion picture in a still picture form.

10

11

12

13

14

Q All right.

15

Now, Mr. Bickston, you have a very large portfolio which shows various stages of the productions, is that correct?

16

17

A Yes, it is.

18

Q You provided me with only a small portion which basically show Mr. Shea, is that correct?

19

20

A Yes, sir, it is.

21

Q You have considerably more pictures in connection with these productions, is that right?

22

23

A Yes, sir.

24

Q Going on to People's 22 for identification, let's start out with 22-A. What does this picture show us?

25

26

7-10

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

A Donald Shea.

Q What is the purpose of this picture?

A Wardrobe.

REDACTED

REDACTED

REDACTED

#8

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

Q Going on to this R-West Production photograph, 23-B, what does that photograph show us?

A Wardrobe. The one part he played in Joaquin.

Q Just so that we know that this is Joaquin Murrieta, would you please take my pen and on the back write down the name, if you can, Mr. Bickston, "Joaquin Murrieta"?

A Yes.

Q And you have placed your initials underneath that designation to indicate that you placed it there, is that correct?

A Yes, sir.

Q And on the front this is a picture of Shorty Shea? Is that correct?

A Yes, sir.

Q I will place, since it is difficult for you to reach it, the initials "D.S." for the name "Donald Shea."

Is that correct?

A Yes, sir, it is.

Q Let's go on to 22-C.

Here is an R-West Productions photograph which appears to be a picture of Shorty Shea.

What was this photograph in connection with?

A In connection with Joaquin Murrieta.

Q All right. On the back I will write it down, then. Again, placing on top of the sombrero he appears to be wearing, the initials "D.S."

Is that correct, Mr. Bickston?

A Yes, sir.

Q And going on to 22-D, this is apparently a picture of Mr. Shea on a horse.

Where was that picture taken, and for what purpose?

A The picture was taken at the latter part of 1968, and it was in connection with a picture called "Hang Fire."

Q Is there anything significant about that particular horse that he is on?

A Yes, sir.

Q Can you tell us about that horse?

A That horse here was what we call a raunchy animal. It is the one I told you earlier that very few people could handle, and that Don used in our picture.

I think it was three weeks after these pictures were taken that horse was done away with because they considered him a killer.

Q And Donald Shea was able to handle him adequately for the purposes of "Hang Fire"?

Is that correct?

A Yes, sir.

MR. KATZ: Once again, your Honor, may the record reflect that I am placing the initials above the gentleman on the horse, "D.S.," to indicate Donald Shea?

THE COURT: Yes, you may do so.

Q BY MR. KATZ: Going on to 22-E. That is this photograph of Mr. Shea on that same horse depicted in 22-D.

Is that correct?

A Yes, sir, it is.

8-3

1 Q Once again I will place the initials "D.S." above
2 the head of Mr. Shea, and on the back of the photograph I
3 will place the designation, "Hang Fire" to indicate that was
4 the film in which Mr. Shea appeared.

5 Is that correct?

6 A Yes, sir. It is.

7 Q Now, was this photograph taken during the actual
8 filming or was this just a production photograph?

9 A No, sir. That was taken during the actual filming.

10 He was heading out for the tree area to ambush
11 the wagon that was coming down the road.

12 Q Was this photograph shot here in California, or
13 was it shot at Apacheland area in Arizona?

14 A No, sir. This was shot at Spahn's Movie Ranch
15 back and down by all them trees, past that little town they
16 had.

17 Q Was any portion of "Hang Fire" shot in Arizona?

18 A Ninety percent of "Hang Fire" was shot in Arizona
19 with our pickup shots at Spahn's movie Ranch.

20 Q Was it common for you to use Spahn's Movie Ranch
21 for pickup shots when you couldn't complete filming in other
22 locations?

23 A Yes, sir, it was.

24 Q Let's stop there for a moment.

25 With respect to the forthcoming film you were to
26 make in 1969, The Unknown Outlaw, did you negotiate with George
27 Spahn and Ruby Pearl concerning the use of Spahn Movie Ranch
28 for pickup shots?

8-4

1 A Yes, sir. I went out and talked to George and
2 Pearl both about making sure we could match up some sorrel
3 horses, and that when we were done down there we would be
4 using Spahn's Ranch for pickups.

5 We negotiated whether it would be the same price
6 we always had or not.

7 Q So you intended to use Spahn's Ranch for pickup
8 shots after shooting ninety percent of the film, then, in
9 Arizona?

10 Is that correct?

11 A Yes, sir.

12 Q And you have reference to the film, The Unknown
13 Outlaw, to have been shot in the summer of 1969?

14 Is that correct?

15 A Yes, sir. I did.

16 Q Lastly, showing you 22-F, which shows a picture
17 of several men on horses, can you tell us what this photograph
18 depicts?

19 A This was getting ready for a scene, and Don and
20 the other men were -- that scene was from Joaquin Murrieta.

21 Q All right, I will place the initials over
22 Mr. Shea.

23 This was shot at Spahn Ranch?

24 Is that correct?

25 A Yes, we got our horses from Spahn's, and had to
26 ride them across the highway to Iverson's because we had to
27 use both locations at that time.

8A

28

8A

1 Q Approximately how much acreage is involved in
2 Spahn Ranch that you use in connection with your filming?

3 A I don't -- I really can't say.

4 I don't know how much acreage. We use from the
5 town to the back end where the Eucalyptus trees, I think it
6 is, are.

7 I'm not sure as far as acreage is concerned.

8 MR. KATZ: May the record reflect I have placed the
9 designation "D.S." just above the head of Mr. Shea?

10 THE COURT: It may so show.

11 Q BY MR. KATZ: Again, this was during the filming
12 of Joaquin Murrieta, did you say?

13 A Yes, sir.

14 MR. KATZ: May the record reflect I have placed that
15 designation on the back, "Joaquin Murrieta"?

16 THE COURT: All right.

17 MR. KATZ: I might add that I probably haven't spelled
18 it correctly.

19 Q Showing you 23 for identification, can you tell us
20 what this photograph depicts?

21 A Yes, this is Don standing in front of the saloon
22 at Spahn's Movie Ranch, and it was just a picture that we
23 put together for him for his album which, you know -- charac-
24 ter shot is what it was.

25 Q Was this taken in connection with the film
26 of any documentary or other film?

27 A This was taken in between the scenes of "Hang
28 Fire."

8A2

1 This was the outfit that he wore in "Hang Fire,"
2 and we stopped for lunch and we took that picture while he
3 had his guns over his shoulder.

4 MR. KATZ: With your Honor's permission, may I place a
5 designation on the back, "Hang Fire"?

6 THE COURT: Yes.

7 MR. KATZ: Thank you, your Honor.

8 Q Again, these were the pickup shots that were shot
9 at Spahn Ranch in connection with the film "Hang Fire"?

10 Is that correct?

11 A Yes, sir, it was.

12 Q Lastly, if you can tell us, how many parts did
13 Donald Shea play in Joaquin Murrieta?

14 A Five.

15 Q What were those parts?

16 A First he played a miner who was -- one of the
17 miners that ravished Joaquin's wife. He had to do a saddle
18 fall. He got shot off his horse when the bandits caught up
19 with them.

20 Secondly, he played another miner in a gold mine
21 camp that Joaquin and his men overran.

22 Third, he played the stagecoach driver.

23 Fourth, he played one of the Mexicans in a raid
24 where the Mexicans made at another mining camp.

25 Fifth, he played in the last scenes of the picture
26 where him and I have a chase through some real rugged mountain
27 rocks, and him and I in the picture by -- he chased me, roughly,
28 two and a half miles, and then he shot me, you know -- shot

8a3

1 me off the horse.

2 Q Now, did you ever do any TV appearances with
3 Shorty?

4 A Yes, I did.

5 Q In 1957 and 1958?

6 A Yes, I did.

7 Q What were those in connection with?

8 A They were in connection with advertisement for
9 Corriganville.

10 We appeared on a children's show by the name of
11 Uncle Luther. That was on Channel 5.

12 We appeared on Chucko the Clown. We appeared at
13 night on Larry Findlay's Strictly Informal.

14 We had worked on Red Roe's Panorama Pacific.

15 MR. KATZ: Thank you, sir.

16 I think, your Honor, that is all. May I just
17 have one moment to confer?

18 THE COURT: Yes.

19 (Short pause.)

20 MR. KATZ: Thank you, your Honor. I have no further
21 questions.

22 THE COURT: Cross?

23 MR. KATZ: I have conferred with Mr. Weedman, and he
24 indicated I might inquire.

25 Mr. Bickston, would you like a short recess?

26 THE WITNESS: I would like to rest a little while, if
27 it is all right.

28 MR. KATZ: Just a short recess, your Honor.

8a 4

1 Excuse me, your Honor, I am through questioning,
2 but I had asked Mr. Weedman whether I could inquire of
3 Mr. Bickston whether he needs a short recess.

4 THE COURT: Oh, I understand.

5 Well, did you want a short recess?

6 Do you? I will pose the question.

7 Do you want a short recess, Mr. Weedman?

8 MR. WEEDMAN: It is agreeable, if Mr. Bickston needs
9 it.

10 THE COURT: All right, we will take a short recess.

11 Do not discuss the case, ladies and gentlemen.
12 We will proceed in a few minutes. Do not discuss the case.

13 (Short recess.)

9 fls

1 THE COURT: All right. Now, gentlemen, we will proceed.
2 People against Grogan.

3 All counsel are here and the defendant is here.

4 You have been sworn. Will you tell us your name
5 again, please?

6 THE WITNESS: Robert Bickston.

7 THE COURT: Thank you. You sit right there.

8 And bring the microphone up to you.

9 Cross examine.

10 MR. KATZ: Excuse me. We don't have the jury here.

11 THE COURT: You are right.

12 Bring in the jury, by all means..

13 MR. KATZ: Thank you, your Honor.

14 THE COURT: That's right.

15 (Following proceedings were had in
16 open court in the presence of the jury.)

17 THE COURT: All right. We have all of our regular
18 jurors, plus three alternates.

19 Now you may cross examine.

20 MR. WEEDMAN: Yes. Thank you very much, your Honor.

21
22 CROSS EXAMINATION

23 BY MR. WEEDMAN:

24 Q Mr. Bickston, you indicated of course a couple
25 of times that you were under some kind of sedation. Do you
26 feel that you have been able to understand all the questions
27 that have been asked you by Mr. Katz, and do you feel that
28 your replies are as accurate as they would be if perhaps

1 you were not under sedation?

2 A Well, I -- they are pretty accurate, sir.

3 Q In other words, do you feel personally that you
4 are competent to testify as a witness?

5 The word competent, you know what I mean, just
6 do you feel up to testifying here, Mr. Bickston?

7 A Yes, sir, I do.

8 Q All right. Fine. Well, I will try and be brief,
9 Mr. Bickston, so that you won't have to be up there too much
10 longer.

11 Mr. Bickston, you were shown a whole series of
12 photographs by Mr. Katz. Those are People's exhibits 21 and
13 22. As a matter of fact, there are some total of some 20
14 photographs here.

15 Let me just show them to you again and
16 ask you a question (handing). Now, with respect to all these
17 photographs, there are some fourteen here which comprise
18 People's 21 for identification. Isn't it true that those
19 photographs represent three pictures that you made, one of
20 which was Joaquin Murrieta?

21 A No, sir, they do not.

22 Q Are there other pictures that you made that are
23 reflected among those photographs?

24 (Short pause.)

25 A One.

26 Q And what is that picture?

27 A Is the picture of Lance Victor in black. His black
28 clothes, with a badge on his chest.

9-3

1 And that actually was from the Billy the Kid at
2 Stinking Springs.

3 Q Did Mr. Shea have anything to do with that, with
4 either one of those?

5 A With that picture, he did not, sir.

6 Q Okay. Is it true, then, that Mr. Shea in 1968,
7 appeared in three pictures that you made?

8 A No, sir, he did not.

9 Q How many did he appear in, in 1968?

10 A One.

11 Q And what picture was that?

12 A Hang Fire.

13 Q What about 1967? Is it true that he appeared in
14 three pictures that you made in 1967?

15 A No, sir, it is not.

16 Q Well, what is the case, then?

17 A The case was the latter part of '66 and the early
18 part of '67.

19 Q All right. How many pictures, then, did he appear
20 in, in 1966, that you made?

21 A Two.

22 Q And what were their names?

23 A The Lawman, and Joaquin Murrieta.

24 Q In 1967, how many pictures did he appear in, that
25 you made?

26 A The early part of '67 we finished up the -- no,
27 in '66 he appeared in -- the early part of '67 is when we
28 were in the cutting room on Joaquin Murrieta.

9-4

1 Q Well, apart from the cutting room, can you perhaps
2 tell us how many pictures he appeared in, that is, he acted
3 in or did some kind of work in, that is, stunt work where
4 he was on camera?

5 A Two TV pilots and one full-length motion picture.

6 Q That was in 1967?

7 A No. I beg your pardon. I thought you said in
8 all total. In 1967 it was -- there wasn't any pictures.

9 Q Well, perhaps my questions have confused you.
10 Do you know Lance Victor?

11 A Yes, sir, I do.

12 Q Did you see Lance Victor yesterday?

13 A No, sir, I did not.

14 Q Did you make a picture or pictures that were
15 referred to as Wyatt Earp Series?

16 A I have to answer that The Lawman, The picture, the
17 name, the TV pilot we did, the Lawman. That showed a day in
18 the life of Wyatt Earp. But not a series called Wyatt Earp,
19 no, sir.

20 Q If I told you that Lance Victor indicated that he
21 made a documentary picture with you called or referred to as
22 part of the Wyatt Earp series, would that then be this picture
23 that you have referred to as The Lawman?

24 A Yes, sir, that would.

10 fls

10-1

1 Q All right.

2 Mr. Victor, then, would be talking about the same
3 picture?

4 A Yes, sir.

5 Q Now, with respect to a picture called Billy the
6 Kid, did you make such a picture?

7 A Yes. That was called Stinking Springs, which was
8 a day in the life of Billy the Kid.

9 Q If I told you that Lance Victor told us he made
10 a picture with you called Billy the Kid, that would be the same
11 picture as Stinking Springs?

12 A Yes, sir.

13 Q You only made one picture called Joaquin Murrieta?
14 Is that correct?

15 A Yes, sir.

16 Q Did Mr. Shea appear in each of those films you
17 made?

18 A He appeared in The Lawman, the story of Wyatt Earp,
19 and he appeared in Joaquin Murrieta.

20 Q Did he appear in Billy the Kid also known as
21 Stinking Springs?

22 A No, sir. He did not.

23 Q What year were those three pictures which you have
24 already referred to as television pilots made?

25 A Billy the Kid was -- Stinking Springs was made in
26 1965, the latter part of 1965.

27 The other two were made during the year of 1966.

28 Q Now, the pictures that were made in 1966, The Lawman

10-2

1 and Joaquin Murrieta --

2 A Yes.

3 Q And Mr. Shea appeared in these two pictures only
4 for you? Is that so?

5 A Yes, sir.

6 Q In 1966?

7 A Yes, sir.

8 Q How long were each of those in production, Mr.
9 Bickston?

10 Well, let me withdraw the question and ask you
11 another way.

12 Would it be fair to ask you that each of those
13 pictures averaged about a week and a half in shooting?

14 A No, sir. They did not.

15 If I may explain, we were --

16 Q Well, let me get more to the point, then.

17 How many days did Mr. Shea work totally on those
18 two pictures for you?

19 A Approximately 15 days.

20 Q And this was in 1966?

21 A Yes, sir.

22 Q Did he work any other days in 1966 for you,
23 Mr. Bickston?

24 A Yes, 15 days on another one.

25 Q What was that?

26 A Well, roughly 30 days total on both TV pilots we --
27 we were shooting them on weekends, see, so that we'd give it
28 two days every week.

10-3

Q You were shooting on weekends?

A Yes, sir.

Q You didn't shoot these continuously?

A No, sir. We did not.

Q Were these union pictures?

That is, were you hiring union help?

A We had union people, and we had nonunion people.

Q Well, you wouldn't consider this a union picture, would you, Mr. Bickston?

That is, where you met the requirements of the guild union in the motion picture business?

A This was an independent production. Yes, sir.

Q So you hired some union people, and you hired some nonunion people as well?

A Yes, sir.

Q And I take it when you hire such people you don't pay union scale?

That is, you don't pay as much as if it were a straight union picture, do you?

A I cannot answer that with a "Yes" or "No," sir.

Q Well, do you pay as much, or do you not pay as much? What is the situation?

A Well, we pay as much as union, but not at that time.

We used -- like we pay so much cash, and when the picture is sold --

Q Was Mr. Shea working on that kind of an arrangement for you?

That is, he wouldn't receive full pay, but he might

10-4

get some money if you were able to sell these pictures?

A Yes, sir.

Q Did you sell either one of these pictures?

A No, sir.

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

ERASABLE

BOND

FOR OFFICIAL USE

10-5

1 Q Now, you indicated that Mr. Shea worked for you
2 approximately 30 days in 1966.

3 That includes these pictures which you have called
4 television pilots? That is, The Lawman and Joaquin Murrieta,
5 and then he apparently worked in some third picture for you?

6 What was that?

7 A That was Hang Fire.

8 Q That was in 1966?

9 A No, sir. That was in 1968.

10 Q Well, how many days totally did Mr. Shea work for
11 you in 1966, Mr. Bickston?

12 A I told you approximately 30.

13 Q It took 30 days to shoot those two pictures that
14 you made that he was in, The Lawman and Joaquin Murrieta?

15 A Yes, sir.

16 Q So when I indicated to you that a week and a half
17 for shooting, that is not true, then?

18 It took longer than a week and a half?

19 A Yes, sir.

20 Q And you shoot those pictures only on weekends?

21 A Yes, sir.

22 Q Does that indicate, then, that it took approximately
23 seven weekends for each picture?

24 A Yes, sir.

25 Q Now, you indicated that not too many people can
26 drive two or four horses.

27 What do you mean by that?

28 A Well, it is real hard to explain unless you have

10-6

1 actually been on a wagon and tried to handle two or four horses.

2 Q As a matter of fact, Mr. Bickston, isn't it true
3 that there are dozens and dozens and dozens of men who appear
4 in these western movies in technical and stunt capacities who
5 can handle two horses?

6 A Yes, sir.

7 Q Well, there is nothing unusual about a man in this
8 business being able to drive two horses, is there, Mr. Bickston?

9 To be fair about it.

10 A To be fair about it, I would have to say no. No.

11 Q Isn't the same thing substantially true with respect
12 to four horses?

13 That is, that there are dozens of men in this
14 business who can handle four horses?

15 A No, sir. There is not.

16 Q How many are there, Mr. Bickston?

17 A I don't know. I would kind of have to answer --
18 most studios, if a man goes and is going to drive a four-up
19 or a six-up team, they take him on the backlot and see what he
20 can do before they hire him.

21 That is the only way I can explain that, sir.

22 Q That makes sense, doesn't it, Mr. Bickston?

23 A Yes, it does.

24 Q Surely.

25 Now, in what year was Hang Fire commenced, at
26 least?

27 A You mean finished?

28 Q Started.

10-7

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

A Started, I beg your pardon.

It was started in 1968.

Q Now, did you do any motion picture work in 1967 in which Mr. Shea appeared?

A No, sir. I did not.

Q So far as you were concerned in your end of it, you didn't work with Mr. Shea at all during the year of 1967?

A I did not work with Mr. Shea, no, sir.

Q He worked for you on weekends totaling about 30 days in 1966?

He did not work for you at all in any motion picture work in 1967, and in 1968 he started this movie called Hang Fire.

Have I summarized that correctly?

A Yes, sir.

11

11

1 Q Did you make any other movies in 1968 in which
2 Mr. Shea appeared?

3 A No, sir, I did not.

4 Q All right.

5 How many days in 1968 did Mr. Shea work on Hang
6 Fire?

7 A About eight days, sir.

8 Q And then you did some looping early in 1969 for
9 Hang Fire, is that correct?

10 A Yes, sir.

11 Q And Mr. Shea participated in that looping?

12 A Yes, sir, he did.

13 Q That took a couple of weeks to do?

14 A Yes, sir, it did.

15 Q Apart from those days did Mr. Shea do any movie
16 work for you in 1969?

17 A No, sir, he did not.

18 Q Was May of 1969 the last time that you personally
19 had any -- I am sorry. Was June of 1969 the last time that
20 you personally had any contact with Mr. Shea?

21 A Yes, sir, it is.

22 Q Okay. So when you indicated to us that you would
23 either hear from him or be in touch with him every one to five
24 weeks, did you not mean, of course, to include any time after
25 June of 1969?

26 A Can you say that again?

27 Q Yeah. That's rather -- not a very good question.
28 I take it that ordinarily you would see Shorty,

11-2

1 Mr. Shea, every one to five weeks? Ordinarily that would be
2 your contact with him?

3 A Yes, sir.

4 Q But you did not see him at all during the month
5 of July of 1969, is that correct?

6 A Yes, that's correct.

7 Q You did not see him at all during the month of
8 August of 1969?

9 A No, sir, I did not.

10 Q Isn't that correct? Or any time after June of
11 1969?

12 A No, sir, I did not.

13 Q Now, did you see him more than once in June of
14 1969, if you recall?

15 A I think it was only once in June, sir.

16 Q All right.

17 Do you know where Mr. Shea was living at that
18 time?

19 A I don't know the man's name, but I did have the
20 phone number where he was living. But I can't think of the
21 man's name.

22 Q Did you see or hear from Mr. Shea in May of 1969?

23 A Yes, sir, I did.

24 Q That's when you discussed this picture that you
25 were intending to shoot over in Phoenix, isn't that correct?

26 A Yes, sir.

27 Q So we will be clear about it, that picture never
28 went into production, isn't that so?

11-3

1 A Yes, sir.

2 Q All right. Were you aware that Mr. Shea had gone
3 to Las Vegas in -- rather, that he was in Las Vegas during
4 part of June and July of 1969?

5 A Yes, sir, I was.

6 Q How did you learn that?

7 A For a phone call from my wife.

8 Q Pardon me?

9 A Through a phone call from my wife.

10 Q Did you hear from Mr. Shea?

11 A No, sir, I did not.

12 Q To that effect, that is, that he was either in or
13 was going to Las Vegas?

14 A No, sir, I did not.

15 Q Okay.

16 When did you tell Mr. Shea that this movie was
17 going to begin, that is, this movie that you were intending
18 to shoot in Phoenix?

19 A I told him the starting date was approximately the
20 15th of July.

21 Q Of course, it didn't start on the 15th of July?

22 A No, sir, it did not.

23 Q So far as you knew, was Mr. Shea intending to come
24 from Las Vegas to begin shooting on July 15, 1969?

25 A No, sir.

26 Q Okay. Was it your understanding that he was to
27 return at some later date to begin shooting this movie?

28 A Can I explain that in my own way, sir?

11-3

1 Q Well, I would appreciate it if you could answer
2 my question and if you don't understand it, or if you can't
3 answer it, I will try and reframe it.

4 A Will you try and reframe it for me, sir.

5 Q I will try, yes.

6 Did you believe that Mr. Shea intended to return
7 from Las Vegas to begin work on this Phoenix motion picture?

8 A Yes, sir, I did.

9 Q And when did you understand that Mr. Shea was to
10 return to begin that work?

11 A August 6, 1968.

12 Q And when was the picture to commence?

13 A At that time it was supposed to go August 15, '68.

14 Q When did you -- '68?

15 A I beg your pardon. '69, sir.

16 Q When did you learn that the picture was not going
17 to go on August -- I'm sorry, August what?

18 A 15th.

19 Q August 15, 1969. When did you know that the
20 picture wasn't going to go?

21 A When the picture -- when they weren't going to
22 produce it at all, is that what you mean?

23 Q No. I'm sorry.

24 A Oh.

25 Q When did you learn that the picture was not, at
26 least, going to commence on August 15th?

27 A On the 13th of August.

28 Q Pardon me?

11-4

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

A On the 13th of August.

Q Was Mr. Shea -- did you believe that Mr. Shea was here in Los Angeles on August 6, 1969?

A Yes, sir, I do.

Q It was your understanding that he had come down from Las Vegas on August 6, 1969, in order to appear in this picture?

A Yes, sir, I did.

Q When if at all did you tell Mr. Shea that August the 15th was not going to see the commencement of this picture?

A At no time. I had at no time told Mr. Shea that the picture was not going to go on the 15th.

Q But you learned two days before the 15th that the picture was not going to go forward, isn't that so?

A Yes, sir, but --

Q Had Mr. Shea --

MR. KATZ: Excuse me, your Honor. Can the witness be allowed to answer the question? He was about to finish his answer.

11A

11a-1

1 THE COURT: Did you finish your answer?

2 THE WITNESS: No, sir, I did not.

3 MR. KATZ: Of course --

4 THE COURT: Did you finish?

5 MR. KATZ: -- he did not.

6 MR. WEEDMAN: May we have the question and answer read,
7 please.

8 THE COURT: Well, wait a minute. Read the question back
9 as far as we got.

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

12 "Q But you learned two days before
13 the 15th that the picture was not going to
14 go forward, isn't that so?

15 "A Yes, sir, but --")

16 THE COURT: Finish that, if you had not finished it.

17 THE WITNESS: Okay.

18 I could not have let Donald Shea know that the
19 picture was canceled because on the 6th of August 1969 I
20 received a phone call at Holiday Inn in Phoenix, and it was from
21 my wife, Madge Bickston, telling me that Donald Shea --

22 MR. WEEDMAN: Well, just a moment. That's not responsive
23 to my question.

24 THE COURT: It isn't an answer.

25 MR. WEEDMAN: I move to strike --

26 MR. KATZ: Excuse me, your Honor.

27 The question was how did he know.

28 THE COURT: Strike the answer. We will try it again now.

11a-2

1 First of all we will strike the answer.

2 Read the question again. Let's break it down.

3 (The question was read by the reporter
4 as follows:

5 "Q But you learned two days before
6 the 15th that the picture was not going to
7 go forward, isn't that so?"

8 THE COURT: First answer that yes or no.

9 THE WITNESS: Yes, I learned two days before that the
10 picture wasn't going to go.

11 THE COURT: Now, your next question.

12 You can elaborate on redirect if you desire.

13 Ask your next question.

14 Q BY MR. WEEDMAN: Did Mr. Shea, to your knowledge,
15 go to Phoenix in order to start that picture which you had
16 planned for August the 15th?

17 A No, sir, he did not go to Phoenix.

18 Q What is a mixed cast?

19 A A mixed cast is -- was -- we were using -- making
20 a new concept in western showing the part that the Negro had
21 in the western.

22 And so that would be a mixed cast, sir.

23 Q And in contemplating such a production you under-
24 stood, did you not, that Negroes and the black man had played
25 a very substantial part in the development of the West?

26 A Yes, sir.

27 Q And you intended to reflect this, did you not, in
28 this motion picture?

11a-3

1 A Well, it was -- yes, sir, we intended to inflect --
2 we intended to show this in the picture.

3 Q All right.

4 Has this picture -- has this idea ever been able to
5 come to fruition in your business as a movie producer?

6 MR. KATZ: Excuse me. I will object on the grounds it is
7 ambiguous. With reference to other producers, or with reference
8 to Mr. Bickston?

9 MR. WEEDMAN: I will withdraw the question.

10 THE COURT: All right.

11 Q BY MR. WEEDMAN: Have you ever been able to make
12 this kind of a picture, Mr. Bickston?

13 A Yes, sir.

14 Now, I beg your pardon. Have we been able to make
15 this kind of picture?

12

1 Q Yes, to reflect the role of the Negro, the role of
2 the black man, in the development of the West.

3 A No, sir.

4 Q What is your -- excuse me, what is your present
5 business or occupation, Mr. Bickston?

6 A I am a gunsmith.

7 Q How long have you been acting as a gunsmith as
8 distinguished from making pictures, or do you still make
9 pictures?

10 A I do both.

11 I work as a gunsmith when I am not in production
12 work, and then when I am in production work I am not doing
13 gunsmithing.

14 Q When did you last make a motion picture?

15 A Last make one? In 1968.

16 Q And that was Hang Fire?

17 A Yes, sir.

18 Q After the picture Unknown Outlaw, that is the
19 Phoenix picture that didn't get off the ground on July 15th,
20 it was continued, was it not, to August 15th?

21 A Yes, sir.

22 Q And thereafter it was continued to late August of
23 1969 for starting?

24 A Yes, sir.

25 Q Did you have any contact with Mr. Shea relative to
26 the late August starting date for Unknown Outlaw?

27 A No, sir.

28 Q Now, of course, it didn't start on late August

12-2

1 of 1969, but you had another date, sometime in September, to
2 which it was continued for starting?

3 A Yes, sir.

4 Q Did you have any contact with Mr. Shea at all
5 relative to starting sometime in September?

6 A No, sir. I did not.

7 Q With respect to either of those latter commencement
8 dates --

9 THE COURT: Set the date, counsel.

10 MR. WEEDMAN: Yes, your Honor. Late August 1969 and
11 September of 1969.

12 THE COURT: Thank you.

13 Q BY MR. WEEDMAN: Did Mr. Shea go to Phoenix, Arizona?

14 A No, sir. He did not.

15 Q Inasmuch as you would keep in touch with Mr. Shea
16 at least every one to five weeks, with the exception, of course,
17 of the time he went to Massachusetts in 1965, did you know that
18 Mr. Shea had gone up to Vallejo to work in the salt mines in
19 1968?

20 A I can't answer that "Yes" or "No."

21 Q Well, did you hear from Mr. Shea during August of
22 1968?

23 A Yes, sir. I did.

24 Q Do you know where he was when you heard from him?

25 A I heard from him in Los Angeles.

26 Q All right.

27 A And he told me he was working in San Francisco
28 doing shows.

12-3

1

Q Doing shows?

2

A Doing show work.

3

Q What does that mean, doing show work?

4

A Well, a lot of actors and stuntmen do what we call P.A., personal appearances, at market openings and, you know, parades, grand marshal type things.

7

That is what he meant.

8

Q Was that an unusual thing for Mr. Shea to be doing?

9

A No, sir.

10

Q To your knowledge had he done that on other occasions?

11

12

A Yes, he had.

13

Q Does this involve traveling a distance in order to promote -- to do some kind of promotion for a particular show or what?

16

Can you tell us a little bit more about this kind of show work?

17

18

A Well, for example, they want to celebrate the Mayor of North Hollywood, you know, a celebration at the Valley Plaza. They will contact different musicians, different showmen, to lay out some sort of a program which would only be a one-day-type program.

20

21

22

23

That is the type program I was talking about.

24

Q Where did you understand that Mr. Shea had gone in order to do this kind of work when you heard from him in August of 1968?

26

27

A I am pretty sure it was the Cow Palace.

28

I know he said San Francisco, so I assumed it was

12-4

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

Q Had Mr. Shea, to your knowledge, done similar shows outside the Los Angeles area?

A Excuse me, the county area or the city area?

Q Let's start off with the county area.

A Not that I know of, sir.

SEARCHED
SERIALIZED
INDEXED
FILED
FBI - LOS ANGELES
JAN 11 1964

12-5

1 Q So his doing that in San Francisco in 1968 would be
2 the only out of Los Angeles County appearance that you are
3 aware of?

4 A That I am aware of, yes, sir.

5 Q Knowing Mr. Shea as well as you do, would there be
6 anything unusual in your opinion about Mr. Shea in September
7 of 1969 leaving Los Angeles County in order to do this personal
8 relations show work?

9 MR. KATZ: Object on the grounds that it calls for
10 speculation, conclusion, there being no sufficient foundation
11 whatsoever, it being an ultimate fact for the jury.

12 Most strenuously do I object, your Honor.

13 THE COURT: I don't know. We have a pretty good founda-
14 tion in on the questions.

15 Read the question, please.

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

18 "Q Knowing Mr. Shea as well as you
19 do, would there be anything unusual in your
20 opinion about Mr. Shea in September of 1969
21 leaving Los Angeles County in order to do
22 this personal relations show work?")

23 MR. KATZ: Your Honor, it calls for a conclusion and
24 speculation.

25 THE COURT: I think it may be a proper question, because
26 of the background this witness has testified to over 10 years
27 or more, starting in 1957, intimate details of relationships
28 between the two, his very good friend.

12-6

1 I think he is qualified to give an answer. You
2 can argue the merits of the answer to the jury.

3 I think the witness is in a position to answer the
4 question. The jury can do as they want with the answer.

5 MR. KATZ: Thank you, your Honor.

6 THE COURT: You may answer the question.

7 Do you want a repeat on the question?

8 Is it clear now?

9 MR. KATZ: May we have the question reread so the witness
10 can hear it?

11 THE COURT: Is the question clear, Mr. Witness?

12 THE WITNESS: No, sir.

13 THE COURT: All right. Read the question to the witness.

14 (The question was read by the reporter
15 as follows:

16 "Q Knowing Mr. Shea as well as you
17 do, would there be anything unusual in your
18 opinion about Mr. Shea in September of 1969
19 leaving Los Angeles County in order to do
20 this personal relations show work?"

21 THE WITNESS: No, sir. There would not.

22 Q BY MR. WEEDMAN: Did Mr. Shea tell you that he was
23 going up to Vallejo to work at Leslie Salt mines in August of
24 1969?

25 A No, sir. He did not.

26 Q You indicated, Mr. Bickston, that Shorty was a very
27 close friend of yours.

28 I understand that he played with your children, and

12-7

1 got along very well with them.

2 Am I correct in all of that?

3 A Yes, sir.

4 Q Were you also close friends with Mr. Shea's former
5 wife, Sandra Harmon?

6 A When they first got married, yes, sir.

7 Q Were you close friends with the then Mrs. Shea in
8 1965?

9 MR. KATZ: Referring to Sandra Harmon, counsel?

10 MR. WEEDMAN: Yes.

11 THE WITNESS: No, sir. I was not.

12 Q BY MR. WEEDMAN: Did Mr. Shea seem to particularly
13 enjoy playing with children?

14 A Yes, sir.

15 Q Are you aware, or were you aware of the fact that
16 Mr. Shea had three children of his own?

17 A Yes, sir.

18 Q Do you know whether or not Mr. Shea ever saw his
19 own children after the middle of 1965 again?

20 A No, sir.

21 Q Finally, Mr. Bickston, looking at People's 23,
22 the large mounted photograph of Mr. Shea, does that photograph
23 depict the -- one of the guns, either People's 9-A or People's
24 9-B that you have previously identified here?

25 A Yes, sir. It does.

13

26

27

28

#13

1 Q And does that gun depict the condition of the
2 bluing as it was on that gun at that time?

3 A I cannot answer that yes or no, sir.

4 Q Why is that?

5 A Because that type gun did not have bluing on the
6 frame.

7 Q Am I using the wrong term, bluing? What is this
8 called back here on the --

9 A That is called the case hardening color. That
10 ran blue, gray, brown and a like, it just ran four different
11 colors because we put it in the cyanide pot and when they
12 dip it in oil it gave a reddish, brownish, bluish, gray tint
13 to it.

14 It was dipped from here to here (pointing to
15 exhibit) and that is why you notice the colors run up.

16 Q May I see it, please.

17 Are you indicating then that with respect to the
18 portion of the gun that runs from about the front of the
19 cylinder back to where the grips attach was not blued but
20 was given some other kind of color treatment?

21 A That area is called the frame. That's the frame
22 of the gun. That was hardened, not blued.

23 Q Thank you.

24 So that, if you will, kind of irregular color
25 is merely a case hardened, that is, is the result of that
26 frame being case hardened, is that correct?

27 A Yes.

28 Q What about the barrel, was it blued, in your opinion?

13-2

1 A Yes, sir, the barrel was.

2 Q Okay. So with respect to the apparent -- with
3 respect to the now color or appearance of the frame of
4 People's 9-B for identification, is that substantially the
5 way it was when you last saw this gun in Mr. Shea's possession?

6 A Yes, sir.

7 Q What about the condition of the bluing on the
8 barrel in People's 9-B for identification and particularly
9 the left portion that runs about an inch from the end of the
10 barrel?

11 A Well, again, I would have to explain I can take
12 a new gun going in and out of a holster, a Western type. The
13 barrel, the ejector tube and part of the cylinder, would be
14 worn off with a man doing fast draw, rubbing back and forth
15 in the holster, sir.

16 Q Can you tell us whether or not this gun,
17 People's 9-B for identification, had such wear marks when you
18 last saw it in Mr. Shea's possession?

19 A No, sir, it did not.

20 Q Mr. Shea, however, did have holsters for these
21 guns, did he not?

22 A Yes, sir.

23 Q And he used to take the guns, that is, withdraw
24 the guns and put the guns back in the holsters, did he not?

25 A Yes, sir.

26 Q Are you telling us that Mr. Shea in connection
27 with work that you have described and in connection with his
28 possession of these guns, didn't take them out enough in your

13-3

1 opinion to cause this lack of bluing near the end of the
2 barrel?

3 A You asked me if they were that way the last time
4 I saw them and they weren't. That could have happened since
5 the last time I saw them.

6 Q In other words, in your opinion, could Mr. Shea
7 have caused that kind of wear following your last seeing him
8 in June of 1969?

9 A No, sir, he could not.

10 Q No, sir, why is that it could not?

11 A Because it is too worn. It took an awful lot of
12 time to get it that bright.

13 You get a light color when it's used, but an
14 awful lot of excessive use to take it down where it is.

15 Q How is it that you can remember this gun parti-
16 cularly and its condition since you are a gunsmith, and I
17 presume from that you come into contact probably with
18 hundreds of guns?

19 A This particular gun I made the case for it. I
20 worked with these guns. I took them apart, I worked the
21 actions over on these guns. So I am pretty familiar with
22 what I work over.

23 Q Did Mr. Shea to your knowledge have live ammuni-
24 tion for either of these guns, 9-A or 9-B?

25 A Not that I know of, sir.

26 Q Did he ever -- Did he fire these guns, to your
27 knowledge?

28 A With live ammo, sir? Well, he fired them with

13-4

1 blanks, yes, sir.

2 Q We just have a couple of minutes before noontime.

3 Can you examine People's 9-B and tell us whether
4 or not it appears to you to have been fired with blanks?
5 In other words, is there any residue in there which in your
6 opinion could be caused by using that gun to fire blanks?

7 A (Examining exhibit.) Yes, sir. There is.

8 Q Okay. Can you tell us by looking at that whether
9 that residue represents blanks or live ammunition?

10 A From the coloring and markings on it, it looks
11 like blank powder which is used in five-in-one blanks.
12 Whether it was live ammo or not, would not leave the same
13 type residue.

14 THE COURT: Well, gentlemen, let's go over till 2 o'clock.
15 I will ask the jury --

16 MR. KATZ: Your Honor, may Mr. Weedman and I approach
17 the bench without the court reporter?

18 THE COURT: Unless there are just one or two questions,
19 let's go until 2.

20 MR. WEEDMAN: That will suffice, your Honor. We would
21 like to let Mr. Bickston go, if possible.

22 THE COURT: When I say this, I am not trying to press
23 you.

24 MR. WEEDMAN: I understand, your Honor.

25 THE COURT: If it is one or two, you can ask the
26 question. If it isn't, we will go to 2 o'clock, where you
27 wouldn't be interfered with.

28 MR. WEEDMAN: Thank you, your Honor.

1 THE COURT: All right.

2 Q BY MR. WEEDMAN: Was the use of blank cartridges
3 something that was typically part of the business of
4 Western Movies, Western movie production?

5 A Yes, sir, it is.

6 MR. WEEDMAN: All right.

7 Thank you, Mr. Bickston.

8 That's all I have.

9 THE COURT: All right.

10 MR. KATZ: May I just confer with the witness one moment.
11 I may have no questions.

12 THE COURT: Are there any questions?

13 MR. KATZ: I would like to confer with the witness for
14 a moment. I may have no questions.

15 THE COURT: Well, all right.

16 MR. KATZ: Then we can excuse the witness.

17 THE COURT: Go ahead.

18 MR. KATZ: Thank you.

19 (Short pause.)

20 MR. KATZ: Yes, I just have, I think, two questions,
21 your Honor.

22 THE COURT: Well, we are going to go to 2:00 o'clock,
23 gentlemen, if you have redirect.

24 MR. KATZ: I think you indicated two questions.

25 THE COURT: How many questions?

26 MR. KATZ: I think two, your Honor.

27 THE COURT: Well, you see, I don't want to press you
28 down. But at the same time, if you have got a question,

1 I don't mind to asking a question, obviously. But if you're
2 going to go into any kind of redirect, why, then, we should
3 have the witness back again.

4 MR. KATZ: Well, I will try my two questions.

5 THE COURT: All right. I don't want to be accused of
6 cramping you down because I am not. I am simply saying it is
7 time to adjourn. That is what I am getting at.

8 MR. KATZ: Yes, your Honor.

9 THE COURT: You want to ask the question, go ahead.
10 But I don't want to be accused of trying to cramp you or the
11 defendant down in asking the questions. Otherwise I will
12 go to 2.

13
14 REDIRECT EXAMINATION

15 BY MR. KATZ:

16 Q Knowing Shorty as well as you knew Shorty, as you
17 indicated to Mr. Weedman, would there be anything unusual
18 about Shorty not showing up in Phoenix to do the movie?

19 A Yes, there would.

20 Q Lastly, you indicated that Shorty was to contact
21 Madge to find out the starting date, is that correct?

22 A Yes, sir.

23 Q In that connection it was understood he was not
24 to contact you but to contact Madge, is that right?

25 A Yes, sir.

26 MR. KATZ: Thank you.

27 Nothing further.

28 MR. WEEDMAN: I have nothing further of Mr. Bickston.

1 THE COURT: Thank you very much.

2 Ladies and gentlemen, we will recess till 2
3 o'clock. Remember, do not discuss the case or come to any
4 opinion or conclusion.

5 Recess till 2. Thank you.

6 (At 12:02 p.m., adjournment was taken until
7 2 p.m. of the same day, Tuesday, July 27, 1971.)
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORIGINAL
ERASABLE
BOARD
SEE COURT

14-1

LOS ANGELES, CALIFORNIA, TUESDAY, July 27, 1971

2:10 P.M.

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

THE COURT: People against Grogan.

The defendant is here, both counsel are here.
All right, now we will need the jury, sheriff.
Get the jury in, please.

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

THE COURT: Now, gentlemen, we have all of the regular
jurors and the alternates, so the People may call their next
witness.

MR. KATZ: We wish to recall Mr. Bickston.

THE COURT: I take it you want to recall him, Mr. Katz?

MR. KATZ: Yes, your Honor.

THE COURT: You step up here. The People are recalling
you.

You have been sworn. Be careful, and don't fall.
People fall over that step.

State your name again, please.

THE WITNESS: Robert Bickston.

THE COURT: Thank you very much. Pull that around to
your mouth.

This is a redirect?

1-2

1 MR. KATZ: Basically, yes, your Honor.

2 THE COURT: Well, I will allow you a little extra
3 latitude. The defendant may have the same.

4 MR. KATZ: Thank you, your Honor.

5
6 ROBERT BICKSTON,
7 recalled by the People, testified further as follows:

8
9 REDIRECT EXAMINATION

10 BY MR. KATZ:

11 Q Just showing you quickly People's 53 and 54, we
12 now have what appears to be Xerox copies of these documents.

13 Will you look and tell us whether or not these are
14 true and correct copies?

15 A Yes, sir, they are.

16 Q All right.

17 Now, I notice, however, that there is seal on each
18 of the documents, the original documents.

19 They do not appear on People's 53 and 54.

20 Is that correct?

21 A Yes, sir.

22 MR. KATZ: Your Honor, at this time I would request that
23 People's 53 and 54, that is Xerox copies, now be substituted
24 for the originals.

25 MR. WEEDMAN: No objection, your Honor.

26 MR. KATZ: Thank you, your Honor.

27 THE COURT: Thank you very much. Return the originals.

28 Thank you very much, and the copies may by

1-3

2

1 stipulation be marked in lieu of the originals, and in place
2 of the same, and under those identification numbers.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COPIES
ERASABLE
2 7 10
10 10 10 10

15

1 Q Now, Mr. Bickston, I believe you were telling us
2 that you had some commitments from certain people to star
3 or participate in this Unknown Outlaw production, is that
4 correct?

5 A Yes, sir.

6 Q And you brought with you some Western Union
7 telegrams showing some confirmations as to who would be appear-
8 ing in that movie, is that correct?

9 A Yes, sir.

10 MR. KATZ: Your Honor, I have two Western Union telegrams,
11 the first of which bears the date July 22, 1969. I ask that
12 that be marked People's 55 for identification.

P 55 Id

13 THE COURT: Is that the next one?

14 MR. KATZ: Yes, your Honor.

15 THE COURT: All right, you can mark it.

16 MR. KATZ: Thank you, your Honor.

17 And the next telegram I have, your Honor, shows
18 the post date July 29, 1969.

19 THE COURT: Now, you are now asking to mark that?

20 MR. KATZ: Yes, People's 56.

P56Id

21 THE COURT: What would the marking be?

22 MR. KATZ: People's 56 for identification. And this is
23 out of order, your Honor.

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

25 MR. KATZ: May I approach the witness?

26 THE COURT: Yes.

27 Q BY MR. KATZ: Now, let's start out with People's 55,
28 this Western Union telegram dated July 22, 1969. What does

15-2

1 that show us, please (handing)?

2 A This is a confirmation that Otis Young will play
3 the title role of Sam Redding in motion picture titled
4 Unknown Outlaw.

5 THE COURT: May I see that?

6 MR. KATZ (handing): Yes, your Honor.

7 Q That was the movie you were to make in August of
8 1969, is that right?

9 A Yes, sir.

10 THE COURT: Just one moment, if you will.

11 MR. KATZ: Certainly, your Honor.

12 (Short pause.)

13 THE COURT: All right. Now go ahead.

14 MR. KATZ: Thank you, your Honor.

15 Q Now, showing you People's 56 for identification,
16 this Western Union Telegram dated July 29, 1969, what does that
17 show us?

18 A (Reading.) "This is to confirm commitment
19 from Rory Calhoun, Bob Wilke, Chill Wills,
20 and myself for your forthcoming picture,
21 Unknown Outlaw. Lindsay."

22 Q That has reference to Lindsay Crosby, is that
23 correct?

24 A Yes.

25 THE COURT: May I see that?

26 MR. KATZ: (Handing.) Yes.

27 THE COURT: Thank you.

28 Just one moment.

3

(Short pause.)

THE COURT: All right.

Q BY MR. KATZ: Now, Mr. Bickston, when did you approximately receive those telegrams?

A In July of 1969.

Q On or about the date appearing on those respective telegrams, is that correct?

A Yes, sir.

Q Now, knowing Mr. Shea as well as you do, in your opinion would Mr. Shea, no matter how broke he was, have sold his guns?

A No, sir.

Q Would he have pawned them if he was broke?

A Yes, sir.

Q And finally, Mr. Bickston, knowing Mr. Shea as well as you do, would there be anything unusual in your opinion as to Mr. Shea having not contacted you over a two-year period?

MR. WEEDMAN: I will object to that, your Honor.

I don't think that this witness can really tell us if there is anything unusual about that as such.

THE COURT: Let me have that question again the way it is worded.

(The question was read by the reporter as follows:

"Q Finally, Mr. Bickston, knowing Mr. Shea as well as you do, would there be anything unusual in your opinion as to Mr. Shea having not contacted you over a two-year period?")

1 THE COURT: Better come in chambers.

2 MR. KATZ: That is all right. I can withdraw the
3 question.

4 THE COURT: All right. Question withdrawn.

5 MR. KATZ: Thank you, Mr. Weedman. I have no further
6 questions.

7 THE COURT: Any cross or recross, I guess?

8 MR. WEEDMAN: Thank you, your Honor.

9

10

RECROSS EXAMINATION

11

BY MR. WEEDMAN:

12

13

Q Was Mr. Shea known by any names other than Shea
or Donald Jerome Shea?

14

A Yes, sir. He was called Donald Jerome.

15

16

17

Q What name did he use when he worked for you as far
as your books and records are concerned, if there were any books
and records?

18

A Donald Shea and Donald Jerome, both.

19

20

21

22

Q With respect to the some-30 days that he worked
for you that you told us about in 1966, was there any with-
holding, that is, tax withholding, in connection with his
services for you?

23

A No, sir.

24

Q Any particular reason why there was not?

25

A Well, it was a daily cash pay.

26

27

28

Q I take it, then, that there would be no Social
Security payment with respect to his services for you during
that time?

1 A No, sir. Unless he paid them himself.

2 Q What about in 1967, in that one movie where he
3 worked several days for you, called Hang Fire? Did you keep
4 any withholding tax in connection with the moneys that you
5 paid him?

6 A No, sir.

7 Q Did you make any payments into his Social Security
8 account, if he had one to your knowledge?

9 A No, sir.

10 Q Was he paid by check or otherwise?

11 A He was paid by cash.

12 Q I take it that you did not maintain any -- strike
13 that.

14 Did you maintain a checking account in connection
15 with your movie work in 1966?

16 A Can you reframe that? I don't --

17 Q Yes. What was the name of the company that you
18 worked under to produce those three little films in 1966, those
19 three short films?

20 A R-West Productions.

21 Q R-West?

22 A Yes, sir.

23 Q Did R-West have any kind of checking account?

24 A No, sir.

25 Q How were all the other people paid that worked in
26 connection with those three films?

27 A Both -- some were cash and some were check.

28 Q What kind of an account were the checks drawn on?

1 A On my own account.

2 Q Personal account?

3 A Yes, sir.

4 Q You didn't give Mr. Shea any moneys then written
5 on any of your personal checking accounts, is that correct?

6 A No, sir, I did not.

7 Q Is that true for 1967, as well as 1966?

8 A Yes, sir.

9 Q Is that true for the looping that was done, as I
10 understand it, in 1968?

11 A Yes, sir.

12 Q So whatever dealings you had with Mr. Shea were
13 cash dealings?

14 A Yes, sir.

15 Q So you have no records, then, to substantiate the
16 payment of any moneys to Mr. Shea for any of those films, is
17 that correct?

18 A Yes, sir.

19 Q Did you ever meet or know Magdalene Shea, otherwise
20 known as Nikki Shea?

21 A No, sir, I did not.

22 Q Did Mr. Shea call you and tell you that he had
23 gotten married?

24 A No, sir, he did not.

25 Q Was there anything unusual about his apparent
26 failure to do so inasmuch as you were such good friends?

27 A Well, the only way I can explain that is I was in
28 transit between Los Angeles and Phoenix for almost three and a

1 half months' period. He had talked to my wife, but --

2 Q Where were you on July 1, 1969?

3 Let me withdraw the question. You didn't leave
4 for Arizona until July 3rd or 4th, did you, of 1969? Or do
5 you recall?

6 A I don't recall. I would have to look at my
7 invoices from the Holiday Inn.

8 MR. WEEDMAN: If I may have just a moment, your Honor.

9 THE COURT: All right.

10 16 fls

16-1

Q BY MR. WEEDMAN: Where are those invoices from the Holiday Inn?

A In my home.

Q When had you last seen those, Mr. Bickston?

A About six, seven months ago.

MR. WEEDMAN: Your Honor, I have discussed this matter with Mr. Katz. The People do have an exhibit. It seems to be a knife with a broken handle.

May, for convenience of the record, that be marked People's 24 for identification?

THE COURT: That is all right.

MR. KATZ: Yes, your Honor.

THE COURT: It will be so marked.

Q BY MR. WEEDMAN: Mr. Bickston, I will show you People's 24 for identification, and ask you if you recognize this.

This is a knife blade and what appears to be a broken bone handle, and some other small piece of metal.

You can answer that just "Yes" or "No," if you would, please.

A Yes, I do.

Q Is that a knife that belonged to Mr. Shea?

A Yes, it is.

Q Is that the knife that was in the attache case along with the guns?

A Yes, sir, it was.

MR. WEEDMAN: Thank you. That is all I have.

24 id.

16-2

INDEX

REDIRECT EXAMINATION

BY MR. KATZ:

Q While you were in Phoenix you had conversed with your wife over the period of time on the telephone?

Is that correct?

A Yes, I did.

Q You did learn of Shorty's marriage to Magdalene Shea?

Is that correct?

A Yes, sir. Yes, I did.

Q You learned this through your wife?

Is that correct?

A Yes.

Q Incidentally, the knife that Mr. Weedman had shown you, People's 24 for identification, is this a knife that Mr. Shea used in his movie work and stunt work?

A Yes, sir. That is the knife he used in Hang Fire.

Q That is the production that occurred at the end of 1968 in which you had the looping problems in 1969?

Is that correct?

A Yes, sir.

Q With reference to People's 24, this knife, did somebody bring you this knife?

A Yes, sir.

Q Who brought that knife to you?

A Donald Shea.

Q When did he bring it to you?

A The latter part of June 1969.

16-3

1 Q For what purpose did he bring it to you?

2 MR. WEEDMAN: Excuse me, your Honor. That does open the
3 door for almost any kind of --

4 MR. KATZ: I will withdraw it, Mr. Weedman.

5 THE COURT: It is withdrawn.

6 Q BY MR. KATZ: Perhaps I can specifically go to the
7 point.

8 Did he ask you to repair it for him?

9 A Yes, sir.

10 THE COURT: Is that all, gentlemen?

11 MR. WEEDMAN: No, your Honor.

INDEX

RECROSS-EXAMINATION

14 BY MR. WEEDMAN:

15 Q Just so we will be clear about the knife, People's
16 24, is it in the same condition as it was when you saw it in
17 June of 1969?

18 A No, sir. It is not.

19 Q What was the difference?

20 A I polished the blade.

21 The blade was a little dirty when he gave it to me.

22 Q Dirty with what, Mr. Bickston?

23 A Your hands erode a knife.

24 When you keep handling a knife, you know, you have
25 erosive acids in your hand, and it discolors the knife.

26 I polished the knife up.

27 MR. WEEDMAN: I see. Thank you, Mr. Bickston.

28 MR. KATZ: Thank you, Mr. Bickston.

16-4

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

MR. WEEDMAN: Your Honor, I would respectfully request that Mr. Bickston remain on call as a defense witness in this case.

THE COURT: Yes. In other words, so he can hear me, you may want to call him?

Is that correct?

MR. WEEDMAN: Yes, your Honor.

THE COURT: You understand the defense counsel may want to call you, and therefore I am placing you on call.

You can go to your home, and you can go about your business, but until we finish the case you are on call.

THE WITNESS: Yes, sir.

THE COURT: If the clerk has to get you or counsel has to get you, you are actually under orders of court.

Please feel you are on call to return if we have to have you.

THE WITNESS: Yes, sir.

MR. WEEDMAN: Thank you, your Honor.

THE COURT: Thank you very much.

MR. KATZ: Thank you, your Honor.

The People wish to call Jerry Binder.

THE COURT: First we will have to swear you. The clerk will swear you. Raise your right hand, please.

JERRY BINDER,

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

THE CLERK: You do solemnly swear that the testimony you give in the cause now pending before this court shall be the

16-5

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

THE WITNESS: I do.

THE CLERK: Thank you, sir. Will you take the stand and be seated, and state your name for the record.

THE WITNESS: Jerry Binder.

THE CLERK: Spell your last name, please.

THE WITNESS: B-i-n-d-e-r.

THE COURT: You are doing it. Talk right to the telephone the way you are.

DIRECT EXAMINATION

BY MR. KATZ:

Q Mr. Binder, are you the former husband of Marian Binder?

A Yes.

Q It is fair to say you are separated?
Is that correct?

A That is correct.

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

A Yes, sir. I did.

Q When did you first meet Donald Jerome Shea?

A Approximately five and a half years ago.

Q Well, let's not use that as a frame of reference.

A 1965.

Q Were you married at that time?

A Yes, I was.

INDEX

16-6

1

Q To whom?

2

A Marian Binder.

3

Q Were you in business at that time in 1965?

4

A Yes, I was.

16a

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

ORIGINAL
RECEIVED
JAN 10 1966
FBI
NEW YORK

16a-1

1 Q What was your business?

2 A Carnivals, circuses, wild animal training.

3 Q Did you ascribe a name to that business?

4 A Frontier Circus was the name of it.

5 Q Was it sometimes referred to as Circus and Carnivals?

6 A Yes.

7 Q Did you have a partner in that business?

8 A Yes, Mr. Scott Larkin.

9 Q Would you tell us the nature of this business,
10 this carnival business?

11 A Well, we booked acts and shows into different
12 shopping centers.

13 We played fields and so forth. We exhibited wild
14 animals at different fairs. Did wild animal acts. It was a
15 complete circus.

16 We booked different carnival rides in with us.

17 Q Now, in connection with that particular business,
18 did you also provide animals for movies and other productions?

19 A Yes, we did.

20 Q How did that work?

21 A Well, we imported animals and sold our surplus
22 animals and kept the ones that were good and trained them and
23 used them in different movie jobs.

24 Well, chimps and elephants, lions, tigers, anything
25 that the movie industry called for.

26 Q Well, what kind of animals did you, in fact, have
27 in your show, what did you import for specific purposes?

28 A We had an elephant, we had several lions, we had

16a-2

1 half a dozen chimps, all types of leopards, small monkeys, a
2 complete variety -- menagerie of wild animals.

3 Q Incidentally, before 1965 in some way had you been
4 associated with the movie studios, such as Desilu?

5 A Yes. I had the commissaries at the Desilu Studios,
6 both at Cahuenga and Gower Street, the old RKO.

7 Q That was a concession, was it?

8 A Yes.

9 Q All right. Going back to this carnival business,
10 did you meet Shorty Shea in connection with that around 1965?

11 A Scott Larkin and I had just broken up our partner-
12 ship, and I went back to see Scott on a business matter, and
13 Shorty was working for Scott Larkin at the time tending the
14 elephant, Susie.

15 It was about a three-year-old elephant.

16 Q Thereafter did you become good friends with Shorty?

17 A Yes. I hired Shorty right after that to do some
18 odd jobs for me.

19 Q What were the nature of the jobs, Mr. Binder?

20 A Well, some of them were where we were supplying
21 some animals for different TV series.

22 He helped me handle quite a few of the different
23 animals.

24 Lots of times where it was a big cat or something
25 like that, and I needed another handler. If we had to do a
26 stunt job of wrestling a lion or a tiger or something like that,
27 I always had a backup man, and Shea was an idea man for it
28 because of his strength and his dependability.

16a-3

Q What was the nature of Shorty's job at that time?

A Taking care of the animals and backing me up as the second man.

There was one case where we did a show on Wild, Wild West at the CBS Studios, and there was a tiger that we had to do a bit with that had to lunge at the star of the show, and he got past me and Shorty stopped him before he got to me with a pole.

You always have to have somebody there you can really depend on. Otherwise, you can really get hurt if you are handling anything as dangerous as that.

Q In connection with that function, did you depend on Shorty quite a bit?

A With my life.

#17

1 Q And as a result of that kind of work in which you
2 were engaged and in which Mr. Shea was engaged, did you become
3 close with Mr. Shea?

4 A Very close. The man spent quite a bit of time at
5 my home. We always discuss our work the next day. There was
6 a great deal of -- oh, I don't know how to phrase it. A
7 closeness between us as two men who worked together on a
8 dangerous job.

9 Q He started working for you after he left Scott
10 Larkin in 1965, is that correct?

11 A Right.

12 Q How long did you have this particular business in
13 which you provided animals for performances in movies and
14 television series and what not?

15 A A couple of years.

16 Q All right.

17 So that would be through 1967?

18 A About 1967.

19 Q Now, did Shorty work with you in that period of
20 time?

21 A Pretty consistently.

22 Q All right.

23 Now, was there any time in '65 when Shorty went
24 back to see his mother that year?

25 A Yeah. He went back, and there was a couple of
26 times when he went back. Once when he broke his leg when he
27 was doing a TV series, a stunt job. He broke his leg on that,
28 and he went back and stayed with his mother.

2
1 I believe it was around three months, back to
2 Boston.

3 Q During that period of time did you still hear from
4 Shorty?

5 A He called me every two or three weeks. The longest
6 period he went was four weeks, without calling me.

7 Q Over how long a period of time?

8 A Over the last five years, from '65 to '68.

9 Q You say '68. Did you hear from him in '69?

10 A Yeah, he was with me at that time.

11 Q All right.

12 But let me ask you this: Between the dates that
13 you first met him in 1965 and 1969, say, using the date just
14 after he was married July 1, 1969, how often would you gener-
15 ally see him?

16 We are just talking about generally see him.

17 A Generally it was every day unless he was working
18 in and out on a job somewhere, and then he would get in touch
19 with me, at least once a week, to find out what was happening,
20 if we had anything else coming up.

21 Q During that period of time between 1965 and 1969
22 what was the longest period that lapsed when you did not hear
23 from him?

24 A Approximately 30 days.

25 Q All right.

26 Now, sometime after -- strike that.

27 You said that Shorty stayed at your house, did he?

28 A Quite often, yes.

3

1 Q All right.

2 Q Now, in 1965 where were you living?

3 A At that time we were living on Sepulveda. I had
4 a large home with a lot of acreage in the back and had a lot
5 of animals there.

6 Q That is when Shorty first came to work for me.

7 Q You stated at that time you were married. Did you
8 have any children at that time?

9 A Three.

10 Q What were their names?

11 A Michelle, Adrian and Sherry Louise.

12 Q Did Shorty ever stay over at your house?

13 A Often.

14 Q Was Shorty kind of a welcome part of the family?

15 A Like a Godfather to the kids. They were crazy
16 about him. He spent a lot of time talking to them and playing
17 with them. The baby was particularly fond of him.

18 Q What was the baby's name?

19 A Sherry Louise.

20 Q How did Shorty get along with your wife Marian?

21 A Very well. Very well.

22 Q He would do a lot of little things around the house
23 for her. Things I was always too lazy to do, like putting out
24 the trash and things.

25 Q Did you move to some other location on Hollywood
26 Boulevard?

27 A Yeah, we moved to 8010 Hollywood Boulevard.

28 Q When was this?

1 A Oh, approximately '67.

2 Q How long did you live at Hollywood Boulevard?

3 A About two and a half years.

4 Q Did Shorty ever come over and visit you there?

5 A He lived at our house for weeks at a time.

6 Q Was he welcome there at all times?

7 A All the time.

8 Q Did you make that clear to him?

9 A Quite. We had a four-bedroom house. So there was

10 always room for him.

11 Q Is that the place at 8010 Hollywood Boulevard?

12 A Right.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q Did you engage in another business after this
2 carnival business?

3 A Yeah, I went into the mail order business at that
4 time.

5 Q Did you have a partner at that time?

6 A Yeah, partner I had was Mr. Herb Bromberg.

7 Q Incidentally, did you introduce Mr. Herb Bromberg
8 to Mr. Shea?

9 A Oh, definitely.

10 Q And did you introduce Mr. Bromberg to Mr. Shea for
11 a specific purpose?

12 A One of the times that I brought him to his office
13 was to see if he could get him a job because I didn't have
14 enough work for him to do.

15 Q And at your behest did Mr. Bromberg hire Mr. Shea?

16 A He had him first as a handyman, then he put him
17 up as the manager in some of the different bars and clubs that
18 he owned.

19 Q He owned these clubs all over the city and county,
20 is that correct?

21 A All over the county, yes.

22 Q You said you had this mail order business with
23 Mr. Bromberg, was it?

24 A Yes.

25 Q All right.

26 And how long did you have that mail order business?

27 A That lasted approximately a year.

28 Q All right.

1 And when did you have that business?

2 A Around in 1967.

3 Q Did Shorty ever help you in connection with that
4 business?

5 A Yeah, he handled the mail room where we mailed out
6 brochures, plus wrapped packages, went to the post office,
7 filled the stamp machine. Just general, all-round helper.

8 Q What is the nature of that business?

9 A We handled all types of books, mostly. Ninety
10 percent of our things, and the rest were novelties.

11 Q Would these be what are regarded as adult novelties?

12 A Adult novelties, yes, sir.

13 Q Did you enter into another business following that
14 mail order business?

15 A Through the growth of the mail order business we
16 opened up into a retail store. Some of the very same people
17 who ordered from the mail order business were coming up into
18 the office. So we opened up a retail store because of it.

19 Q What was the name of the retail store?

20 A Name of that one was called the Hollywood Shopper.

21 Q Approximately when was it that you began that
22 business?

23 A That was still in '67. Beginning of '68.

24 Q All right.

25 Now, did Shorty help you in that business?

26 A He helped build the shelves, lay out the -- lay
27 the carpets. Helped stock the shelves, and he waited on
28 customers, also.

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

Q All right.

And what other capacity, if any, did he have at the Hollywood Shopper?

A That was basically it. Just general all-round helper. Whatever there was to do, Shorty would do it.

He never questioned as "that is not my job" whether it was mopping the floor or waiting on a customer or anything else.

Q What kind of an employee would you characterize Shorty as having been?

A The kind you spend your life looking for. A man who would give you a day's work for a day's pay.

Q During the period of time you knew him did he ever talk about the movies?

A Constantly.

Q What did he say about the movies?

A Well, he kept looking for that big break. What he wanted was to be seen and get credits so he could get his big break, as a character actor.

He knew he couldn't be a leading man, but he knew he could be a good character actor.

Q Did you ever discuss with him why he did these other menial jobs?

A Like anybody else in Hollywood, you do a lot of dirty things in order to stay near the business. You just stay as close to the movie industry as you can, waiting for the opportunity to come along.

The next part may be the one you are looking for.

1 MR. WEEDMAN: I will move to strike all of that as a
2 conclusion on the part of this witness, your Honor. No
3 applicability. Furthermore, --

4 THE COURT: Your objection is related to the last
5 question and answer, is that right?

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

7 MR. KATZ: I asked what Shorty said. I will withdraw
8 and reframe it.

9 THE COURT: Just a minute. Back up and read the question
10 and answer, if you will.

11 MR. WEEDMAN: Your Honor, I will withdraw any objection
12 at this time, to obviate the necessity of reading it all over
13 again.

14 But I would request that counsel lay a foundation
15 for any future questions as to this gentleman's opinion as to
16 why Mr. Shea was doing jobs other than working in the movies.

17 THE COURT: Well, all right.

18 Set a foundation in there.

19 MR. KATZ: Yes. I appreciate it.

20 THE COURT: Go ahead with your question.

21 17A fls

22
23
24
25
26
27
28
SEARCHED
SERIALS
INDEXED
FILED
JAN 10 1964
FBI - NEW YORK

XE 17A

1 Q BY MR. KATZ: Now, you told us that Shorty had
2 discussed with you this movie business continually, is that
3 right?

4 A Correct.

5 Q What did he say about the movie business and his
6 roles, if any?

7 A The sitting around rap sessions at night in the
8 house we talked about how this one got a break, just from one
9 little part, and he was able to become successful and famous.

10 He kept looking for a part he was going to be
11 doing a speaking part. But he knew somebody else in the
12 business, this guy was going to give him a break and do a
13 speaking part, and so forth. It was a constant thing, not
14 just one particular sentence. It was a constant thing over the
15 years of his talking about the movie industry.

16 Q All right.

17 Now, in regards to making his big break in the
18 movie industry, did you ever discuss with him -- now, I don't
19 want a conclusion -- did you ever discuss with him his taking
20 other menial jobs to support himself during that period?

21 A We discussed that several times. That a man has
22 a responsibility and he has --

23 THE COURT: Wait a minute. You answered it.

24 Wait till the next question.

25 Q BY MR. KATZ: Yes. What did he say to you in this
26 regard?

27 A We talked about what a man does to support his
28 family and support himself. To keep going for a bigger goal.

1 I have been in several different businesses, a
2 lot of different businesses. I have had a very varied career.
3 I washed dishes myself --

4 MR. WEEDMAN: Excuse me --

5 MR. KATZ: I agree.

6 THE COURT: All right.

7 Q BY MR. KATZ: All right.

8 Mr. Binder, let me ask you this now. In all the
9 time that you knew Shorty, that is, in 1965 through 1969, at
10 least to July of 1969, did Shorty always appear to make an
11 effort to get a job?

12 A Always.

13 Q All right.

14 Now, did you move to Las Vegas sometime in 1969
15 or did you open a business in Las Vegas?

16 A I opened a business there, yes.

17 Q At that time were you still residing at 8010 Holly-
18 wood Boulevard?

19 A Yes.

20 Q What business or businesses did you open in Las
21 Vegas in 1969?

22 A I opened up several retail adult bookstores and
23 novelty stores.

24 Q What were their names?

25 A The Swingers Boutique was one. The other two were
26 The House of Paperbacks and Book City.

27 Q Now, with respect to this Swingers Boutique, did
28 this have what might be generally regarded as erotic literature

and such?

A Part of it, yes.

Q What else did you sell at the Swingers Boutique?

A All types of novelties for tourists. Souvenirs and so forth.

Q Did you sell regular books and such?

A Definitely.

Q Magazines?

A Time, Life, Look, Readers Digest.

Q Did you sell any lingerie?

A A complete line of lingerie.

Q In other words, it was a general store which also had some adult or erotic literature, is that correct?

A Correct.

Q What about this House of Paperbacks, did you also open that?

A That belonged to someone else, but we took over as managers on a percentage basis.

Q When did you do that?

A Approximately a month after we took over our own store, the beginning of '69.

Q All right.

Now, we will get back to these two places in Las Vegas. But I want to direct your attention to 1968 and ask you whether or not there was some time in 1968 when you were unable, because of financial straits, to hire Shorty and continue to employ him.

A Well, that was the period of time that he worked

1 for Bromberg when I introduced him to Herb, and he went to work
2 as a manager of some of these clubs.

3 Q All right.

4 Now, in 1968 did you have some financial setback
5 in regards to the Hollywood Shopper?

6 A Yes.

7 Q All right.

8 And do you recall meeting an Arlene Marlatt?

9 A Yes.

10 Q Where did you meet her?

11 A Shorty and a fellow named Lance brought her to the
12 house.

13 Q Lance Victor?

14 A Lance Victor, yes. And she was in her last months
15 of pregnancy. And they had no place to go.

16 Q All right.

17 So let me ask you this, did they stay there for a
18 period of time?

19 A Yes, the three of them.

20 Q All right.

21 Now, can you tell us whether or not Lance and
22 Shorty went some place, or did they stay with you in 1968
23 continually?

24 A After the baby was born, Lance and Shorty went north,
25 up north of San Francisco, and went to work in the salt mines
26 because there was no work in the movie industry, and I didn't
27 have enough work to keep both of them busy, nor Shorty busy.

28 MR. WHEEDMAN: Move to strike, your Honor, the portion of

1 the witness' testimony there was no work in the movie industry.

2 MR. KATZ: I have no objection, your Honor.

3 THE COURT: I will strike it out. It may go out.

4 The jury will disregard that segment or portion
5 of the answer.

17AA

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

17AA

1 Q BY MR. KATZ: With respect to your own financial
2 situation at or about that time in 1968, I take it, you were
3 unable to afford to hire him, is that correct?

4 A That's correct.

5 Q It was in that time period that he went with Lance
6 Victor to the salt mines, is that correct?

7 A That's correct.

8 Q Where was Arlene Marlatt and her baby at that
9 time?

10 A Stayed at my house.

11 Q How long a period did she stay at your house with
12 the baby?

13 A Till the baby was about four -- three months old.

14 Q In other words, Arlene and the baby stayed there
15 approximately three months or so?

16 A Right.

17 Q Did somebody come down and pick the baby up?

18 A Don came back from up north and then Lance came
19 back right after that. Then Lance and the baby and Arlene
20 went back up north again. But Don stayed behind, stayed here.

21 Q All right.

22 So, roughly --

23 A With me.

24 Q Roughly three months after Arlene and the baby first
25 appeared at your house as such, Lance Victor took Arlene and the
26 baby back up north, is that correct?

27 A Correct.

28 Q And Don remained in Los Angeles then in the latter

1 part of 1968, is that correct?

2 A Yes.

3 Q Now, where did Don live after Lance went up with
4 Arlene and the baby?

5 A He stayed with me for a while.

6 Q Where were you living at that time?

7 A 8010 Hollywood Boulevard.

8 Q Did he work for you at that time?

9 A Yes.

10 Q Where did he work for you?

11 A At that time he worked for me at the Hollywood
12 Shopper.

13 Q All right.

14 What was he doing at that time?

15 A General clerk and general handyman around the
16 shop.

17 Q All right.

18 Now, did he have a key to the premises?

19 A Yes.

20 Q Did you give all your employees keys?

21 A No. Don was a rare exception. I had a full trust
22 and confidence in Don. He had full access to anything I had
23 in the place.

24 Q All right.

25 So he was the only employee that had a key, is that
26 correct?

27 A Correct.

28 Q Now, let's move on then to -- excuse me, sometime

1 in 1968, before Lance and Donald went to the salt mines.

2 Did you see a set of guns that Shorty had?

3 A Yeah. I not only saw them, I loaned him the money
4 to buy it.

5 Q Before you saw the guns, did you have a discussion
6 with Don about purchasing those guns?

7 A He talked about those guns practically daily for
8 over a month.

9 Q What did he say about those guns?

10 A He wanted them so badly he just couldn't stand the
11 thought that someone else could get them because the guy might
12 sell them if he didn't have the money to get the guns.

13 Q As a result of that conversation, what did you do?

14 A I loaned him \$100 plus I gave him a couple of
15 surplus cameras that I had from the shop to use to buy the
16 guns.

17 18 fls

18-1

Q All right. And after you gave him the money and the cameras, did you see Don with some guns?

A Definitely.

He had them at home with him and continuously was polishing them at night at the house.

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

THE COURT: Yes, sir.

Q BY MR. KATZ: Showing you People's 9-A and 9-B for identification, would you please look at these guns and tell me whether or not you recognize these guns as similar to the ones that Shorty had in 1968?

A Yes, they appear to be the guns.

Q Now, when you saw those guns did Don have them in some container or holder?

A He made a special -- he took an attache case from the store -- he took a couple, as a matter of fact, and made a cutout of styrofoam and set them in there and used it as a display for his guns.

Q You say some attache cases from the store?

Is that correct?

A Correct.

Q Showing you People's 10 for identification, do you recognize this as an attache case coming from your store?

A Well, I bought 24 of them at the same time, and this appears to be one of them.

Yes, definitely the same type.

Q You can't say whether that is exactly the one?

A Well, no, but exactly the same type.

They came in black and brown.

Q Now, after Don got the guns, what was his attitude towards these guns?

What did he say?

What did he do with them in your presence?

A Well, he got a set of holsters and he practiced quick draw constantly, hoping that he would be able to use the quick draw thing in his movie jobs.

He would sit and watch television at night and he would polish them and rub them, and he would just go ecstatic about his guns because this made a complete thing for him as far as being a western actor.

Q Is that what he told you?

A Yes.

Q Did you ever see him at any time mistreat his guns?

A Absolutely not. They were his children.

Q Now, knowing Don as long as you have, between 1965 and 1969, in your opinion would he have ever sold those guns?

A No, emphatically not.

It was a lifelong dream come true for him.

MR. WEEDMAN: I would object to that, your Honor. It is not responsive.

It is conclusion on the part of this witness. There is no foundation at all for that.

THE COURT: Read the question, please.

MR. KATZ: I agree with respect to the latter statement.

I think Mr. Weedman is correct. "Lifelong dream" should be stricken.

18-3

1 THE COURT: Is the question withdrawn?

2 MR. KATZ: Not the question, it is just the latter part --

3 THE COURT: Read the question back, please.

4 (The question was read by the reporter
5 as follows: "Q Now, knowing Don as long as you

6 have, between 1965 and 1969, in your opinion
7 would he have ever sold those guns?")
8

9 THE COURT: I think it is conclusional, but I think
10 questions can be asked that witness that would bring out facts
11 along that line. What is your opinion of Don? Did he treasure
12 those guns? Did he want those guns?

13 Those facts, I think, are matters of observation,
14 but the question as framed is very conclusional. I would be
15 inclined to sustain the objection the way it is phrased.

16 MR. KATZ: If your Honor please, there was no objection,
17 as such. There was a motion to strike the latter part of the
18 answer, which I think was not responsive.

19 I think Mr. Weedman is correct.

20 THE COURT: Read the statement, then.

21 MR. WEEDMAN: Your Honor, perhaps I can be permitted to
22 withdraw my objection to that portion of the testimony.

23 THE COURT: It may stand.

24 MR. KATZ: Thank you, Mr. Weedman.

25 Q Now, as well as you knew him in that five-year
26 period, was it your opinion that he treasured those guns?

27 A Emphatically.

28 Q Now, over the years that you knew Don, that is

18-4

1 between 1965 and 1969, had you advanced him on numerous
2 occasions loans?

3 A Oh, all kinds of money.

4 Q Did he ever fail to pay you back?

5 A No.

6 Q Or work it out in employment?

7 A He would work it out, take out so much each week
8 out of his pay or if he worked someplace else he could come
9 and bring me the money before he went away to do another movie
10 job or whatever.

11 Q But on those occasions he always paid you back or
12 worked it out?

13 Is that correct?

14 A Correct.

15 Q I want to direct your attention to July 1st, 1969
16 and ask you whether or not you were present during the marriage
17 of Donald and Magdalene Shea?

18 A I was his best man.

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

20 THE COURT: Yes.

21 Q BY MR. KATZ: Showing you People's 4-B which shows
22 four people, including Donald and Magdalene, do you recognize
23 yourself as being in the picture?

24 A That is me.

25 Q That is the gentleman on the left side of the
26 picture?

27 Is that correct?

28 A Yes.

18-5

1 Q Do you know the girl at the right side of the
2 picture?

3 A Yes. She is a secretary that did work for us at
4 one of the stores.

5 Q Do you recall her name?

6 A I will think of it. I really can't at the moment.

7 Q But this was a picture that was taken following
8 the wedding ceremony?

9 Is that correct?

10 A Yes.

18a

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

18a-1

1 Q Now, after the marriage of Shorty to Magdalene,
2 July 1st, 1969, did they reside or make an attempt to reside
3 in Las Vegas?

4 A Yes, they stayed in Vegas for a while.

5 He was working at the House of Paperbacks for me.

6 Q You were kind of supporting him?

7 Is that correct?

8 A No, he was supporting himself. He was drawing a
9 salary.

10 I had advanced him some other money to help him
11 find an apartment, to use as a down payment. I can't say I
12 supported him. The man always carried his own self.

13 Q In other words, he was earning his own keep?

14 Is that correct?

15 A Right.

16 Q Did he have any experience, to your knowledge, of
17 finding a place to stay with Nikki?

18 A He had quite a bit of trouble.

19 Q As a result of this trouble do you know whether or
20 not Nikki stayed or left Las Vegas?

21 A Well, you might say it is a conclusion on my part,
22 but --

23 MR. WEEDMAN: That is certainly true, your Honor, and I
24 am going to object to it on those grounds.

25 THE COURT: Well, let's get our transcript straight.

26 MR. KATZ: I withdraw the question.

27 THE COURT: Do you withdraw the question?

28 MR. KATZ: Surely, your Honor.

18a-2

1 THE COURT: Strike the answer.

2 The question is withdrawn. Restate it.

3 MR. KATZ: Thank you, your Honor.

4 Q Shortly after the marriage, within several weeks,
5 did Nikki leave Las Vegas?

6 A Yes, she did.

7 Q Now, before she left Las Vegas for good, did she
8 return to Los Angeles by way of airplane with yourself?

9 A Yes, she went to a funeral, and I happened to be
10 going in that weekend, and we traveled together.

11 Q Were you picked up at the airport?

12 A By my wife.

13 Q That is Marian Binder?

14 A Yes.

15 Q Thereafter did you drive someplace from the airport?

16 A We went directly to my home at 8010 Hollywood
17 Boulevard.

18 Q Did Nikki visit with you for a while?

19 A She stayed most of the afternoon.

20 Q And you talked about various things and visited
21 socially?

22 A That is correct.

23 Q And thereafter did Nikki leave?

24 A Yes.

25 Q Now, I take it you returned to Las Vegas?

26 Is that correct?

27 A Correct.

28 Q Donald was still in Las Vegas?

18a-2

1 Is that correct?

2 A That is correct.

3 Q Some time Nikki left, and I am referring to Mrs.
4 Shea, left Las Vegas for good?

5 Is that correct?

6 A Yes.

7 Q Approximately how much time elapsed from the time
8 she was married, July 1st, 1969 until she left, if you recall?

9 A It wasn't very long.

10 It was a couple or two weeks. I don't recall the
11 exact time.

12 Q Now, did Don a short time thereafter leave also?

13 A Yes. He told me he was going back to join her
14 in Los Angeles.

15 THE COURT: Pardon me? There is a little confusion.

16 The witness has stated it was about two weeks
17 after, as I understand it, in substance, July 1st that he left
18 Las Vegas.

19 Is that correct?

20 MR. KATZ: That she left Las Vegas.

21 THE COURT: Let's get the date.

22 In other words, without me drawing the conclusion,
23 set the date, if you will.

24 Q BY MR. KATZ: When you said July 1st, you were
25 talking about July 1st, 1969, the date they were married?

26 A Right.

27 Q You said, as I understand it, roughly two weeks
28 after July 1st, 1969 Nikki returned to California?

18a-3

1 Is that correct?

2 A As far as I can remember. It was unimportant just
3 when she left at the time.

4 I don't recall the exact date.

5 THE COURT: That would be something like the 14th day
6 of July?

7 As I understand it, he left Las Vegas --

8 MR. KATZ: Not he, your Honor, she, Mrs. Shea.

9 THE COURT: I beg your pardon.

10 MR. KATZ: Thank you, your Honor.

11 THE COURT: That is the correct date?

12 THE WITNESS: Approximately. A couple of weeks after
13 they were married.

14 Q BY MR. KATZ: All right. Now, how soon thereafter
15 did Shorty leave Las Vegas?

16 A A week or 10 days after that.

17 Q Now, during that period of time --

18 THE COURT: Set the date. A week -- I know a week is
19 seven days, but let's try to approximate it in the transcript.

20 Q BY MR. KATZ: Just as best as you can recall, a
21 rough approximation.

22 A Approximately the 25th -- no, wait a minute. It
23 had to be around the 30th.

24 It was two weeks.

25 Q That is your best recollection?

26 Is that right?

27 A Yes.

28 MR. WEEDMAN: I'm sorry, your Honor. Now I am confused.

1 Around the 30th what happened, your Honor?

2 THE COURT: All right, I want this clear.

3 Restate your question, then, would you?

4 MR. KATZ: I would like to, yes, sir.

5 THE COURT: Clarify it.

6 Q BY MR. KATZ: Were you keeping a calendar as to
7 the exact date these individuals left?

8 A No, I had a lot of employees. I couldn't keep
9 track of everybody.

10 Q So you are just giving us the benefit of your
11 best recollection?

12 Is that correct?

13 A That is correct.

14 Q Now, as I understand it, you believe around July
15 14th Nikki left Las Vegas and went to California?

16 Is that correct?

17 A Correct.

18 Q Now, I believe you thereafter stated roughly seven
19 to ten days following Nikki leaving July 14th that Shorty
20 returned to California?

21 Is that correct?

22 Q It was maybe even two weeks later.

23 THE COURT: From Las Vegas?

24 Q BY MR. KATZ: From Las Vegas?

25 A From Las Vegas.

26 Q This is 1969?

27 Is that correct?

28 A Correct.

18a-5 1

2 Q Now, during the period of time between Nikki
3 leaving Las Vegas around July 14th, 1969 and Shorty leaving
4 Las Vegas to return to her in California, did he continue to
work for you?

5 A Yes, he owed me some money which I had advanced
6 him to find an apartment with, and he stayed long enough to
7 pay that off.

8 Q All right.

9 Now, before leaving Las Vegas to return to Nikki
10 in California, did you loan him any additional money?

11 A I loaned him \$100 because I knew he would need it
12 when he got back to Los Angeles to have any eating money until
13 he found something.

18b

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

18b-1

1 Q In what form did you give Shorty the \$100?

2 A In a check.

3 Q Was this check cashed?

4 A Yes.

5 MR. KATZ: Excuse me, your Honor. I would like to show
6 this to Mr. Weedman.

7 THE COURT: Yes. We had better mark it.

8 Show it to counsel, and we will mark it for
9 identification.

10 (Short pause.)

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

12 THE COURT: You had better identify it.

13 MR. KATZ: I have a check, your Honor, which bears the
14 imprinted matter "Jerry Binder or Miri m," and that is spelled
15 M-i-r-i-a-m, with the address "356 Desert Inn Road, Las Vegas,"
16 bearing the No. 125, to the order of Don Shea, in the amount
17 of \$100, with what purports to be a signature of Jerry Binder.

18 May this be marked People's 26 for identification?

19 THE COURT: Yes, it may.

20 MR. KATZ: May I approach the witness?

21 THE COURT: Yes.

22 MR. KATZ: Thank you, your Honor.

23 Q Mr. Binder, would you carefully look at this check
24 and tell me whether you recognize this check as having seen it
25 before?

26 A Yes, it is my signature and it is my handwriting,
27 and it is my check.

28 Q And you indicated before that Donald returned to

26 id.

18b-2

1 California from Las Vegas, and you gave him \$100?

2 Is that correct?

3 A That is correct.

4 Q This is the \$100 you have reference to?

5 A Yes.

6 Q And this check was, in fact, cashed?

7 Is that correct?

8 A Yes.

9 Q Now, this address here that appears on the check,
10 356 Desert Inn Road, Las Vegas, Nevada, what is that address?

11 A That is the apartment we were living in in
12 Las Vegas.

13 Q Now, how long did you stay at that address?

14 A Approximately eight, nine months.

15 Q How long did you stay in Las Vegas?

16 A I am still in Las Vegas. It is still my home.

17 We still -- I have been there now for three years,
18 going on three years.

19 Q Now, with reference to the period of July of 1969,
20 say, till roughly a year later, July of 1970, where did you
21 live in Las Vegas?

22 A There, and then we moved to another apartment
23 house on Central Park West.

19

#19

1 Q And how many times did Don go to this address at
2 356 Desert Inn Road?

3 A Many, many times. Every time he was in Las Vegas
4 when we lived there, he was at our house quite a bit.

5 We moved to the other house, we were still using
6 that checkbook even though we had already moved to the Central
7 Park West house.

8 Q Had Don been to the Central Park West house?

9 A Yes, sir.

10 Q When you gave him the check which is dated 7/10/69
11 in the amount of \$100, were you living at this new address?

12 A Yes.

13 Q All right.

14 And what was the name of that, again?

15 A Central Park West.

16 Q How long did you live at that address, Central Park
17 West?

18 A Nine months after that.

19 Q Did you hear from Shorty during that period of time
20 at all?

21 A Yes.

22 Q When?

23 A When I called my wife in Los Angeles, he was there
24 at the house.

25 After he had left Las Vegas and went back to look
26 for Nikki, and just a few days after I gave him the check.

27 Q In other words, after he left Las Vegas, Shorty,
28 you thereafter called your home at 8010 Hollywood Boulevard?

1 A Yes. He was at my home.

2 Q And you talked to your wife Miriam Binder at that
3 time, is that correct?

4 A That's correct.

5 Q Did you talk with Shorty at that time?

6 A Yes.

7 Q After that time did you see or hear from Shorty
8 again?

9 A I had not heard another word from him.

10 Q Did Shorty ever tell you that it was his intention
11 to leave Los Angeles or California for good?

12 A No.

13 Q Did he ever tell you that he was going to volun-
14 tarily absent himself from California or the United States?

15 A He did not.

16 MR. KATZ: If I may have one moment, your Honor. I think
17 I may be through.

18 THE COURT: Yes.

19 (Short pause.)

20 Q BY MR. KATZ: Knowing Shorty as well as you did
21 and being as close to him as you were, in your opinion would
22 it be unusual for him not to have contacted you over a period
23 of two years?

24 A Definitely.

25 MR. WEEDMAN: Object to that, your Honor. I don't
26 believe there is a sufficient foundation shown for that kind
27 of opinion evidence from this witness.

28 MR. KATZ: I will withdraw the question, then, your Honor.

1 THE COURT: Well, I think maybe the objection is well
2 taken to the last question. The other questions are properly
3 put, I believe.

4 I will sustain the objection to the last question
5 and strike the answer.

6 MR. KATZ: Thank you, your Honor.

7 I have no further questions.

8 THE COURT: All right.

9 Let's take a short recess, folks.

10 Do not discuss the case or come to any opinion or
11 conclusion.

12 I am speaking to the jury.

13 We will proceed in a few moments. Thank you.

14 (Recess.)
15
16
17
18
19
20
21
22
23
24
25
26
27
28

19 A fls

19a-1

1 THE COURT: All right.

2 People against Grogan. Defendant is here. Both
3 counsel.

4 And you can bring in the jury, if you will, please.
5 Now, you have been sworn. State your name again,
6 please.

7 THE WITNESS: Jerry Binder.

8 THE COURT: Thank you.

9 We will wait till the jury gets in.
10 (The following proceedings were had
11 in open court in the presence of the
12 jury.)

13 THE COURT: Now, all right. We have all of the jurors
14 plus the three alternates. You go ahead with your cross-
15 examination.

16 MR. KATZ: Excuse me, your Honor. I told Mr. Needman
17 I had just a couple of questions, with your permission.

18 THE COURT: All right.

19 MR. KATZ: Thank you.

20 Q You said you moved from the Desert Isle to some
21 other location, is that correct, in Las Vegas?

22 A Central Park West Apartments.

23 Q Did you retain the same phone number you had, or
24 did you get a different phone number?

25 A The same phone number has been with me all these
26 years.

27 Q That number was known by Shorty, is that correct?

28 A That's correct.

19a-1

1 Q Now, do you still operate the Swinger's Boutique?

2 A No, I don't operate the store any more, but I still
3 own part of the building that the store is in. And I still
4 use the store as a mailing address no matter where I travel
5 now.

6 Q All right.

7 Now with respect to the phone number at the
8 Swinger's Boutique, is this the same or different one at this
9 period of time as opposed to when you first opened the store?

10 A No, it's the same number we got when we first
11 opened the store.

12 Q You never changed the phone number of the Swinger's
13 Boutique, is that correct?

14 A Absolutely not.

15 Q It is still in existence at this time?

16 A Correct.

17 MR. KATZ: Thank you, Mr. Weedman.

18 No further questions.

INDEX

CROSS-EXAMINATION

20 BY MR. WEEDMAN:

21 Q Mr. Binder, would it be fair to say that during the
22 period of time that you knew Mr. Shea, that he had followed you
23 in different cities where you went to work?

24 A Only Las Vegas.

25 Q Do you recall testifying before the grand jury in
26 connection with this matter?

27 A Yes.
28

19a-3

Q Do you recall making this answer to the following question, this question directed to you by Mr. Katz when you were before the grand jury:

"Since that period of time would you regard yourself as being very close to Donald Shea?

"A Quite. He stayed at my house. He ate food with me. He followed me in different cities I went to do work."

A That's correct.

Q And what did you mean by that testimony, Mr. Binder?

A Las Vegas. Santa Monica.

One time we went to Bakersfield together to put on a performance.

Q So there wouldn't be anything unusual, would there, generally speaking, about Mr. Shea leaving the Los Angeles area in order to work?

MR. KATZ: Well, excuse me. I will object as calling for a conclusion unless it's connected to Mr. Binder's activities.

THE COURT: Well, overruled. Overruled.

THE WITNESS: No, he did leave.

THE COURT: Answer the question.

THE WITNESS: He did leave. Once he went up to San Francisco north of Sausalito to work in the salt mines.

Q BY MR. WEEDMAN: To your knowledge did Mr. Shea leave the greater Los Angeles area to work in San Francisco in connection with some personal -- well, in connection with some P.R. work?

19a-4

1

A Not to my knowledge.

2

3

Q Now, when was it, Mr. Binder, that you no longer were working with lions and elephants and other such animals?

4

A The end of '67.

5

6

7

8

9

10

20

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

COPIED
ERASABLE
3030
NO. 10/11/17

#20

1 Q And at that time had you yet started any of the
2 stores that you told us about?

3 A We went directly from lion business into the
4 retail type businesses.

5 Q Mr. Binder, were you, yourself, up until the time
6 you went into these bookstores and variety stores, such as
7 they may have been, involved at all in making motion pictures?

8 A Myself? No.

9 Q Were you involved in any way in the production of
10 any kind of movies?

11 A No.

12 Q Of course, by my question I mean were you involved
13 in any respect?

14 Not necessarily actually filming them, producing
15 them, playing for them, selling them, anything of that sort?

16 A No, sir.

17 Q Now, you indicated on direct examination,
18 Mr. Binder, that not only had Mr. Shea worked with lions, but
19 that he had great strength?

20 A That is correct.

21 Q And I believe that you told us a little bit about
22 an incident where he literally stopped a lion?

23 A It was attacking. With a pole.

24 Q Would you say, then, that Mr. Shea during the
25 period of time that you were associated with him, had considera-
26 bly greater strength than perhaps the average man of his size?

27 A He was a large man, and he had simple strength
28 for a large man.

1 Q How large was he, Mr. Binder?

2 Do you know?

3 A Oh, six foot, six foot one.

4 Q With respect to your apparently many observations
5 of him, did you ever know him to be afraid of anything?

6 A No, he had no fear. He had discretion, but no
7 fear.

8 Q Now, after you ceased working with these various
9 animals, did Mr. Shea continue to work with you or to work for
10 you?

11 A Yes.

12 Q Was that a continuous thing, or was there a gap
13 in his working with you at the end of the lions and the tigers
14 and the like, and the beginning of the book business?

15 A There was always a gap of a couple or three weeks.

16 Q What did Mr. Shea do for a living in that interven-
17 ing period, if you know?

18 A He would work getting part-time stunt work.

19 He would work doing movie bits wherever he could,
20 or anything else. Of course, there was one period of time
21 when he was working for my ex-partner, Mr. Bromberg, as a
22 manager of bars.

23 Q Well, that, of course, was after you began at the
24 Hollywood Shopper?

25 Is that correct?

26 A Yes.

27 Q Now, it is true, of course, is it not, Mr. Binder,
28 that Mr. Shea did odd jobs for you, including handyman jobs?

1 A That is correct.

2 Q What kind of handyman jobs would Mr. Shea do for
3 you?

4 A He built the shelves. He built cabinets, display
5 cases.

6 Q Was that for the Hollywood Shopper?

7 A Yes.

8 Q Did he do any handyman jobs for you when you were
9 with Mr. Scott Larkin in the animal business?

10 A That was mainly handling the animals, cleaning up
11 the cages, moving the animals from one cage to another, or
12 transporting them to different places.

13 Q Would one of Mr. Shea's jobs, then, in connection
14 with the animals have been to clean out the animal cages?

15 A When necessary, and so did I.

16 Q All right. Now, when did you first enter into any
17 kind of business association with Herb Bromberg?

18 A Sometime in 1967. I don't remember the exact date.

19 Q What kind of mail order business was that,
20 Mr. Binder?

21 A We advertised in different periodicals and fulfill
22 the orders that would come in through the mail.

23 Different types of books and novelties.

24 Q What kind of books and what kind of novelties?

25 A They were adult books.

26 Q What do you mean by adult books?

27 A Most of them were sexual instruction books.

28 Q Sexual what?

- 1 A Instruction.
- 2 Q What was the name of that mail order business?
- 3 A Vista La Vie. It is French for View of Life.
- 4 Q What kind of novelties did you mail-order?
- 5 A Prosthetic devices.
- 6 Q Like what, for example?
- 7 A Artificial penises.
- 8 Q Anything else?
- 9 A No, that was the basic item.
- 10 Q Were any of these artificial penises mechanically
- 11 operated in any fashion?
- 12 A No.
- 13 Q Electrically operated?
- 14 A Vibrators.
- 15 Q Electrically operated vibrators?
- 16 A Not electrically operated; battery operated.
- 17 The same type they sell in Thrifty Drug Stores.
- 18 Q You are telling us that Thrifty Drug Stores sells
- 19 battery operated penises?
- 20 A No, I said they sold battery operated vibrators.
- 21 Q My question to you, so we will be clear about it,
- 22 is whether or not any of those artificial penises that you sold
- 23 through the mail were electrically or otherwise battery operated?
- 24 A And I said no.
- 25 Q Now, with respect to these sexual instruction books,
- 26 didn't you sell other kinds of books in the mail which were
- 27 of an erotic nature?
- 28 A Well, it depends on what you call erotic.

1 Q Well, what do you call erotic, Mr. Binder?

2 A I find nothing erotic.

3 Q So to clear up that term, then, perhaps a book, a
4 fictional account which describes the sexual activity between
5 persons, would not be erotic, as far as you use the term?

6 A You are describing passages out of the Bible.

7 Q Are you telling us that you were in the mail order
8 business of selling bibles, Mr. Binder?

9 A No. We sold sexual instruction books.

21 fls

21-1

1 Q As a matter of fact, Mr. Binder, you began in 1967
2 and have continually been in the business not only of mail
3 order but of selling retail pornography?

4 MR. KATZ: Excuse me. I am going to object and move to
5 strike and ask the jury be admonished about the characteriza-
6 tion that such subject matter is pornography in fact. It's
7 argumentative in form.

8 THE COURT: Well, your direct examination was rather
9 extensive.

10 Now, read the question again the way it is directed,
11 if you will, please.

12 (The reporter read the question
13 as follows:

14 "As a matter of fact, Mr. Binder, you
15 began in 1967 and have continually been in
16 the business not only of mail order but of
17 selling retail pornography?"

18 MR. KATZ: My objection is to the term and the argumenta-
19 tive characterization pornography.

20 THE COURT: It was gone into, the question is what this
21 man did.

22 MR. KATZ: What is pornography, your Honor?

23 THE COURT: It was gone into from the original date you
24 went consistently through the testimony. I think that it is
25 probably a matter of proper cross-examination.

26 MR. KATZ: Your Honor, we are only talking about a
27 conclusional term. I have no objection to eliciting anything
28 he sold during that period of time. But our Supreme Court has

21-2

1 already made an attempt to define obscenity and pornography.
2 They haven't succeeded, your Honor. This is the 20th Century.

3 THE COURT: Well, objection overruled.

4 You can ask your question.

5 MR. WEEDMAN: Well, I will withdraw the question.

6 THE COURT: All right.

7 It is withdrawn. Restate it.

8 Q BY MR. WEEDMAN: Mr. Binder, weren't you in the
9 business in these book stores and this mail order business,
10 of selling, among other things, pornography?

11 A I don't know. I can't answer that question because
12 I don't know what pornography is either.

13 Q Did these books, for example, that you sold have
14 photographic illustrations in them, any of them?

15 A Yes. Most of them do.

16 Q Did any of them depict men and women without their
17 clothes on?

18 A Yes.

19 Q Did any of these pictures depict men and women
20 in the act of copulation?

21 A Yes.

22 Q Did any of those photographs depict women with
23 women in acts of sexual --

24 A I presume so. I didn't read every book that we
25 ever got our hands on that we sold.

26 Q Is that because you had so many books, Mr. Binder?

27 A Yes. We sold thousands of them.

28 Q Thousands of the books of the kind that I am

21-3

1 describing?

2 A Uh-huh.

3 Q Did you also sell books which showed in explicit
4 detail acts of sexual conduct between naked men? Homosexuality?

5 A I presume so.

6 Q Pardon me?

7 A I presume there were books.

8 Q As a matter of fact you know such books were sold
9 by you, isn't that true?

10 A That's correct.

11 Q When you said "I presume so" what did you mean by
12 that?

13 A I said I didn't read every book we sold, and I
14 didn't look through the pictures of the books we sold.

15 Q You did see some books you sold?

16 A I agree to that.

17 Q Excuse me. That depicted homosexuality, is that
18 so?

19 A That's correct.

20 Q Now, did you also sell what you called adult
21 novelties at the Swinger's Boutique?

22 A Yes.

23 Q And that means, among other things, artificial
24 penises, does it?

25 A That's correct.

26 Q Did you sell such devices in connection with any
27 other businesses that you had participated in?

28 A Yes. Vista La Vie.

1 Q Of course we have already talked about Vista La Vie.

2 A Uh-huh.

3 MR. KATZ: Excuse me, your Honor. We are getting an
4 uh-huh. That isn't a response.

5 THE COURT: Is there an objection in there? I have
6 nothing to rule on.

7 MR. KATZ: I would like an answer. There is no answer at
8 this point.

9 THE COURT: Motion granted.

10 THE WITNESS: Yes.

11 MR. KATZ: Thank you.

12 Q BY MR. WEEDMAN: What did Mr. Shea do for you,
13 Mr. Binder, in connection with the Hollywood Shopper as far as
14 sales are concerned?

15 A Waited on both men and women who came into the
16 store.

17 Q And by waiting on men and women who came into the
18 store are you indicating that Mr. Shea sold the kinds of items--

19 A He sold merchandise that we had in the store.

20 Q Including such books and photographs we have been
21 talking about?

22 A That's correct.

23 Q Including the adult novelties we have been talking
24 about?

25 A That's correct.

26 Q And was that likewise true in your Las Vegas store,
27 Swinger's Boutique?

28 A That's correct.

21-5

1 Q Now, you indicated that Mr. Shea worked as a
2 general clerk and a handyman and at the same time he was the
3 only employee who had a key. Did you have someone who was
4 acting as your manager at that time?

5 A At one time Donald Shea was the manager of that
6 particular store, the House of Paperbacks.

7 Q Now, when he was working as a general clerk,
8 however, was he also working as a manager?

9 A No.

10 Q When he was working as a handyman was he working as
11 a manager?

12 A No.

13 Q Do I understand then that you had someone else who
14 was acting as your manager at that time?

15 A When I owned the Swinger's Boutique I had --
16 excuse me. When I had the Hollywood Shopper I was the only
17 one else who had the key. I opened and closed each day.

18 At Swinger's Boutique he had the key to the House
19 of Paperbacks, which was another store completely.

20 The only other one who had the key to the store
21 was myself and my partner.

22 Q Who was your partner?

23 A T. J. Underwood.

24 Q Are you still in some partnership with Mr.
25 Underwood?

26 A Only in the ownership of a building.

27 Q I see. Do you recall when Mr. Shea was hired by
28 Mr. Bromberg for the first time to work in one of his beer bars?

21-6

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

A I can't recall the exact date, no.

Q If I told you that it was around May of 1969 would that be --

A I couldn't.

Q -- substantially correct in your judgment?

A No, I don't think it was that late. It was earlier than that.

Q What business were you in in May of 1969, Mr. Binder?

A In May of 1969 I was in the Swinger's Boutique in Las Vegas.

Q Mr. Shea joined you in Las Vegas that year, did he not?

A That's correct.

Q About what month was that that he came up there?

A The end of May.

Q He went to work for you in what capacity at that time?

A As a clerk and for training as manager for the House of Paperbacks.

Q How long did he stay with you in Las Vegas?

A A little over a month.

Q And he left in order to look for his wife who had--

A To join his wife.

Q Find his wife?

A No, join his wife.

Q To join his wife?

On direct examination, Mr. Binder, I understood you

1 to say that he went back to look for Nikki.

2 A Well, he didn't know exactly where she was living.
3 She had several places where she could have been.

4 Q So as far as you know when Nikki had returned to
5 Los Angeles Mr. Shea didn't really know exactly where she was
6 living?

7 A I really can't answer that question. I don't know
8 for sure.

9 Q Oh. As a matter of fact, to your knowledge, they
10 were having marital problems, were they not, at the time
11 Nikki left to come back to Los Angeles to go to this funeral?

12 A Not to my knowledge.

13 Q How about at the time you lent him some money to
14 get an apartment in Las Vegas? Were they having marital
15 difficulties, to your knowledge?

16 A They were having racial discrimination problems
17 in Las Vegas.

18 Q Are you telling us that marriage, however, apart
19 from that, was a happy marriage?

20 A They appeared to be very happy together.

21 Q Did Nikki return to Las Vegas after coming down to
22 Los Angeles to attend this funeral?

23 A Yes.

24 Q And when was that?

25 A I don't recall. It was about a week or so after
26 we both went into Los Angeles that day.
27
28

#22

1 Q All right. And when she returned, I take it, she
2 left Las Vegas again?

3 A That is correct.

4 Q Now, how long was she in Vegas before she again
5 came to Los Angeles?

6 A Again, I can't give you an exact time. A week,
7 ten days, two weeks. I don't know.

8 Q And it was a week, approximately, or two weeks
9 after she left Vegas for the second time that Mr. Shea --

10 A Went to join her.

11 Q Himself left?

12 A Correct.

13 Q Do you recall making these answers to these
14 questions when you testified before the grand jury:

15 "Q And after they got married did
16 Shorty remain with you for a short period of time?

17 "A Yes..

18 "Q Where did he work?

19 "A A place called the House of Paperbacks,
20 which we had on a lease-management arrangement.

21 "Q Did he still work at Swingers
22 Boutique?

23 "A No.

24 "Q How long did he stay there from the
25 time of his marriage until he left?

26 "A The marriage was on rocky ground
27 at that time, and I loaned him some money to
28 get an apartment."

1 A Well, that was the problem, was the racial dis-
2 crimination, about getting an apartment.

3 Q Is that what you meant by your testimony, "the
4 marriage was on rocky ground"?

5 A That is basically it.

6 That was the root cause, apparently, of their
7 arguments.

8 Q What arguments, Mr. Binder?

9 A About staying there in Vegas.

10 The town was hostile towards Negroes.

11 Q Las Vegas is well known for that, would you say,
12 Mr. Binder?

13 A In certain areas.

14 Q They did get an apartment, didn't they, Mr. Binder?

15 A I don't really know how to answer you.

16 They were staying at a motel.

17 Q Are you telling us that you cannot tell us whether
18 or not Mr. Shea and Magdalene got an apartment in Las Vegas?

19 A I really don't know.

20 Q Do you recall lending him a sum of \$250?

21 A I lent him a lot of money over a long period of
22 time.

23 Q Well, particularly do you remember lending him
24 the sum of \$250 after he was married on July 1st, while you
25 were still in Las Vegas?

26 A Not \$250, no.

27 Q Do you remember lending him any money that he
28 might secure an apartment?

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

A Yes.

Q How much was that?

A I don't recall the exact amount.

It has been some time back. Don borrowed as much as \$500 from me at times.

Q Now, when you loaned him this money to get an apartment, are you telling us that you don't know whether or not he used that money to get an apartment?

A Whether he used it for an apartment, I don't know.

Q Now, among other moneys you advanced him, you gave him some money to buy a gun or to buy these guns?

How much money was that?

A I gave him \$100 plus a couple of cameras.

Q Didn't you give him \$150 to buy those guns?

A No, it was \$100.

Q Do you recall making this -- these answers to these questions?

"Q When Shorty brought Lance Victor over, and thereafter brought this girl Arlene to your house, did you observe some guns that Shorty had?

"A I gave Shorty the money to buy the guns, and some cameras to use for a trade for those guns.

"Q I see. How much money did you give him?

"A I gave him \$150 at that time."

Does that refresh your memory at all?

A Yes, quite. I told you the \$100 was for the guns,

1 and that is how you worded it.

2 \$50 was for him to live on.

3 Q How about the value of the cameras that you gave
4 him?

5 Can you place any value on those?

6 A I don't recall what kind of cameras they were.
7 We had quite a big selection at the store.

8 Q Did Mr. Shea ever repay you that \$150?

9 A Yes.

10 Q How did he do that?

11 A Part of it in partial payments for work rendered.

12 Q Can you tell us whether or not Mr. Shea actually
13 ever finished paying for those guns?

14 A No.

15 Q No?

16 A No, that was his personal business.

17 Q What about the cameras?

18 Did he repay you for the cameras?

19 A No, I gave him the cameras.

20 Q To your knowledge, did Mr. Shea really practice
21 quick draw with these guns, People's 9-A and 9-B, for identi-
22 fication?

23 A To my knowledge?

24 Q Yes.

25 A I seen him do it constantly.

26 Q All right. Over approximately what period of time
27 overall, Mr. Binder?

28 A Oh, weeks and months on end.

1 Q All right. By quick draw, you mean he takes the
2 gun out of the holster, and then puts it back in?

3 A Yes.

4 Q And he takes it out and puts it back in?

5 A Yes.

6 Q And he does that with both guns?

7 A Both guns.

8 He used to have my daughter clock him with a stop-
9 watch to see how fast he got them out.

10 Q In your opinion, was he pretty fast in doing this?

11 A Yes.

12 Q In your opinion, was that the result of such
13 extensive practice in quick drawing?

14 A That is correct.

15 MR. WEEDMAN: That is all I have, Mr. Binder. Thank you.

16 THE COURT: Is this all, gentlemen?

17 MR. KATZ: Yes, your Honor. May Mr. Binder be excused?

18 THE COURT: Yes. Thank you very much.

19 MR. KATZ: Your Honor, I think we have run out of
20 witnesses at this time.

21 THE COURT: Do you want to call your next witness now?

22 MR. KATZ: Your Honor, we have no witnesses that are
23 available at this time.

24 May we reconvene tomorrow?

25 THE COURT: Yes, that is a point.

26 Are you satisfied to go until tomorrow?

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

28 THE COURT: Because it might break right into your

1 testimony. It might happen to the defendant. Either way, I
2 would be willing to give a little time here rather than crack
3 into the middle of the testimony.

4 MR. KATZ: It would be preferable to go until tomorrow.

5 THE COURT: Do you want me to instruct the witness
6 to return tomorrow?

7 MR. KATZ: We are through with this witness, your Honor.

8 THE COURT: Oh, you will handle the witness.

9 MR. KATZ: Yes, your Honor.

10 THE COURT: Ladies and gentlemen, we will recess
11 until tomorrow at 9:30. Kindly return promptly.

12 Do not discuss the case with anybody at all, and
13 do not come to any opinion or conclusion. Thank you very
14 much.

15 (At 3:45 p.m., adjournment was taken
16 until 9:30 a.m., of the next day,
17 Wednesday, July 28, 1971.)
18
19
20
21
22
23
24
25
26
27
28