

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

24

DEPARTMENT NO. 52

HON. JOSEPH L. CALL, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

STEVE GROGAN,

Defendant.

No. A 267861

REPORTERS' DAILY TRANSCRIPT

MONDAY, AUGUST 2, 1971

APPEARANCES:

(See Volume 1)

CAMPBELL
BAKER
EWART
PEARL

VOLUME 24

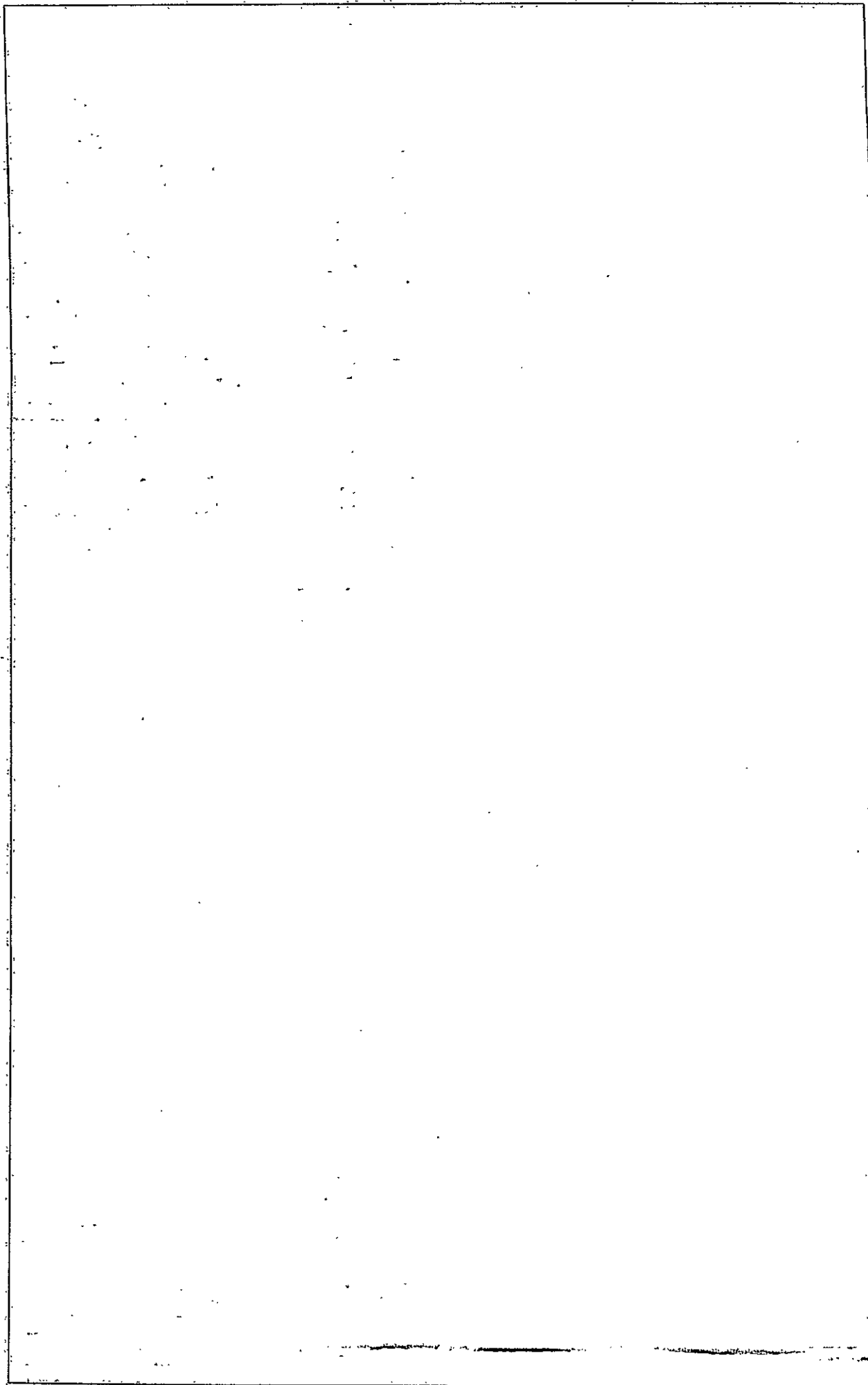
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1 PEOPLE v. STEVEN GROGAN
2 No. A 267861

VOLUME 24 - Pages 3022 -3192 inc.
Monday, August 2, 1971

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4 I N D E X

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6 <u>PEOPLE'S WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>THE COURT</u>
7 CAMPBELL, Herbert L. 8 (Con't.)	3022 3036	3044	3047		3030
9 BAKER, Dalma Eugene	3048	3058	3058		
10 EWART, Paul (Recalled)		3068	3072		
11 PEARL, Ruby 12 (Con't.)	3073 3115				

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16 E X H I B I T S

17 PEOPLE'S EXHIBITS

FOR IDENT.

18 35 - Document, Loan #C 3070 signed
19 By Richard A. Smith

3037

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1971 AUG 11 10 11 AM
SPRINGFIELD

LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 2, 1971

9:35 A.M.

THE COURT: Now, before we get in the jury, People against Grogan. Defendant is here. Both counsel are here.

Now, you can bring in the jury if you will, Sheriff.

THE BAILIFF: Yes, sir.

THE COURT: We have just sworn Mr. Campbell.

HERBERT L. CAMPBELL,
resumed the stand, having been previously sworn, and testified as follows:

THE COURT: Yes. Now, you have been sworn, Mr. Campbell. You take the witness stand.

State your name again to the reporter, please.

THE WITNESS: Herbert L. Campbell. C-a-m-p-b-e-l-l.

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

THE COURT: Now we have all of our regular jurors plus the three alternates.

So you may proceed.

DIRECT EXAMINATION

BY MR. KATZ:

Q Sgt. Campbell, I am over here. And I notice that you have a tendency to drop your voice. Would you please speak right in the microphone so all of us can hear you.

1 A All right.

2 Q There you go. That is fine.

3 What is your business or profession, Sergeant?

4 A I am examiner of questioned documents assigned to
5 the crime lab of the Los Angeles County Sheriff's Department.

6 Q How long have you been so assigned?

7 A Approximately eight and a half years.

8 Q And can you tell us what training and experience you
9 had in the area of comparison of questioned documents with known
10 exemplars with a comparison of writing exemplars, that is, known
11 exemplars with questioned signatures and the like?

12 A Yes. For the past eight and a half years I have
13 devoted my full time to this study and examination and comparison
14 of questioned documents.

15 My training was under the supervision of the
16 departmental document examiner William L. Bowman. In addition
17 to that I read and studied many books and articles by the
18 recognized authorities in the field of questioned documents.
19 Books that are considered basic texts for this field of
20 document examination.

21 In addition to examining document cases for the
22 sheriff's department I also examine cases for 39 other police
23 departments within the County of Los Angeles, for various
24 agencies of the United States Government, for various agencies
25 of the State of California, various county agencies. Occasion-
26 ally for the district attorney's office, public defender's
27 office, county auditor's office and coroner's office at the
28 request of various local courts.

1 I have testified and qualified in municipal court,
2 superior court, U. S. district court and before state boards
3 a total of 248 times. Approximately two and a half years ago
4 I was accepted into membership by the American Academy of
5 Forensic Sciences, Questioned Documents Section.

6 Approximately three years ago I trained another
7 sergeant who has since qualified in all the courts in Los
8 Angeles County as qualified document examiner.

9 Basically that is my background.

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1 Q All right. Now, Sergeant Campbell, when you are
2 called upon to testify in connection with your expertise in
3 the courts of this state and the federal courts, have you
4 testified specifically as an expert in connection with whether
5 or not certain signatures have been signed by one and the same
6 person when compared with the known exemplar?

7 A Yes.

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

9 THE COURT: Yes, sir.

10 Q BY MR. KATZ: Sergeant Campbell, at my request did
11 I ask you to look at certain documents and tell me whether or
12 not they were signed by one and the same person?

13 A Yes.

14 Q In connection with that request I would like to
15 show you first of all 11-A, -B and -C, and direct your attention
16 to what purports to be signatures in the middle and bottom
17 portion of each of those said documents -A, -B, and -C, Donald
18 J. Shea.

19 Have you seen those documents before?

20 A Yes.

21 Q All right.

22 THE COURT: Would you like to step up?

23 MR. WEEDMAN: Thank you, your Honor. I think I can see
24 from here.

25 I just wanted to check. Thank you.

26 THE COURT: All right.

27 Q BY MR. KATZ: Then did you also look at 13-A and -B
28 for identification, and once again I direct your attention to

2
1 the center portion of each of said documents 13-A and -B, and
2 the bottom portion which contains what purports to be the
3 signature of Donald J. Shea?

4 A Yes.

5 Q Additionally, did you also look at 15-A and 15-B?
6 15-A being a receipt from Art's Loan and Jewelry
7 Company at 228 Broadway in Santa Monica.

8 Directing your attention to 15-A at the bottom
9 right-hand portion of the document where there purports to be
10 a penciled signature, "Donald J. Shea." Have you looked at
11 that document, also?

12 A Yes.

13 Q Then going on to 15-B, again a form from Art's
14 Loan and Jewelry Company in Santa Monica, and directing your
15 attention to the bottom of 15-B, which once again appears to
16 contain an ink signature of "Donald J. Shea."

17 Have you looked at that document, also?

18 A Yes.

19 Q Going on to what has been marked People's 36 for
20 identification, the Leslie Salt Company records, and in par-
21 ticular the employment application which has some printing
22 thereon with the name "Donald Jerome Shea."

23 Have you also looked at that printing on that
24 document?

25 A Yes.

26 Q Lastly, with respect to this Donald Shea, I show
27 you People's 19 for identification, which appears to be a
28 letter imprinting addressed, "Dearest Niki," and then with a

signature "Don."

Have you looked at that document, People's 19 for identification?

A Yes.

Q Now, did you form an expert opinion as to whether or not 11-A, 11-B, and 11-C, the Hollywood Collateral Loan pawn tickets, and 13-A and 13-B, once again Hollywood Collateral Loan certificates, and 15-A and 15-B, Art's Jewelry and Loan pawn certificates, and People's 36, the employment application with the name "Donald Jerome Shea" for the Leslie Salt Company, and lastly, People's 19, which purports to be a letter written to one Niki, which is spelled in the letters N-i-k-i, have you formed an expert opinion, first of all as to whether or not these documents were signed, that is, the signatures that appear thereon were signed, by one and the same person?

A Yes.

Q What is your opinion, sir?

A It is my opinion the signature "Don" appearing on Exhibit 19 and the "Donald Shea, Donald J. Shea," signatures appearing in exhibits 11-A, -B and -C, exhibits 13-A and -B, and exhibits 15-A and -B, were all by the same person.

Q And that, of course, includes the signature "Don" on People's 19?

Is that correct?

A Yes, that would include that signature.

Q And did you also form an expert opinion as to whether the printing -- let me backtrack for a moment, if I may.

1 I will withdraw the question.

2 I take it you compared the printing on People's 19
3 with the printing which appears in the employment application
4 to Leslie Salt Mines?

5 Is that correct?

6 A Yes.

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1 Q And after comparing the printing which appears on
2 both of these documents, that is, People's 36 and People's 19,
3 did you form some tentative opinion as to whether or not one
4 and the same person executed the printing which appears on both
5 of these documents?

6 A Yes.

7 Q And what was your tentative opinion?

8 A It was my qualified opinion that the printing
9 appearing on the letter, or note exhibit 19 and that appearing
10 on the employment application --

11 Q People's 36.

12 A People's 36 --

13 THE COURT: May I see the letter there for a minute.

14 MR. KATZ: Yes, your Honor. (Handing)

15 THE WITNESS: -- that all the printing was probably by
16 the same person.

17 Q BY MR. KATZ: All right.

18 Now, with respect to the signatures that you said
19 were signed by one and the same person, including the signature
20 which is on that printed letter, People's 19, in the form of
21 the name "Don" and of course "Donald J. Shea" appearing on the
22 other documents you have alluded to, you have a positive
23 and qualified opinion that they were written by one and the same
24 person, is that correct?

25 A Yes.

26 Q Now, with reference to the printing which appears
27 on People's 19 and also the printing which appears in the
28 employment records of Leslie Salt Company, People's 36, you have

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1 a qualified expert opinion that the printing was made by one
2 and the same person, is that correct?

3 A Yes.

4 Q I take it you are not saying positively that the
5 printing was in fact made by one and the same person, is that
6 correct?

7 A That's correct.

8 THE COURT: Well, I want to slow you down here a minute.

9 MR. KATZ: Yes.

10 THE COURT: I am a little ambiguous about it.

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

12
13 EXAMINATION

14 BY THE COURT:

15 Q Now, I am showing you plaintiff's 19. This is the
16 letter that has the name of Don at the bottom.

17 A Yes.

18 Q Now, you have testified that the signature "Don",
19 that is the signature of Don Shea; that's your opinion?

20 A Yes.

21 Q Are you able to state who, in your opinion, who is
22 the author of the body of that letter?

23 A Only to the point where in my opinion it is
24 probably the same as the person who completed the printing on
25 exhibit 36, the employment application.

26 Q Let me see that then, if you will.

27 MR. KATZ: Yes, your Honor. (Handing)

28 Q BY THE COURT: Now, I have in my hand People's

3-3

1 exhibit 36, application for employment.

2 You say that the party, in your opinion, who
3 printed the contents of that letter that is signed by "Don" --

4 A Yes.

5 Q -- is the same person who placed the printing in the
6 application for employment, which is People's exhibit 36, is
7 that correct?

8 A Yes. In all probability. I can't say positively,
9 due to the fact, number one, that the employment for applica-
10 tion -- or the application for employment, I am sorry, is a
11 Xerox copy and some of the letters and letter formations did
12 not copy well.

13 And, number two, it is a rather limited amount of
14 printing appearing on the application itself.

15 Q Well then, is it your opinion that the printing in
16 the letter signed by Don is or is not made by the same person
17 who placed the printing in the application for employment;
18 can you answer that or not?

19 A I can't answer that positively.

20 Q It's a summation on your part?

21 A Yes.

22 Q You don't know positively?

23 A That's correct.

24 Q But it's your opinion that it could be by the same
25 person, is that it?

26 A I would go stronger than that and say that it is
27 probably by the same person. There are sufficient similarities
28 in my opinion to say that it is probably the same rather --

1 opposed to "could be" which would be a lesser degree of
2 certainty.

3 Q Now, would you kindly show me the other signatures
4 that you have testified to in your opinion are the signatures
5 of Don Shea?

6 A Yes. On exhibit 11-A, for example, there are two
7 signatures --

8 Q Now, wait.

9 Now, I have in my hands exhibit 11-A for the
10 People. This is the Collateral Loan Association. I am
11 identifying it more.

12 Receipt for the \$20 and the pledge agreement.
13 That's 11-A and dated February 3rd of 1969. Revolver.

14 Now, this is repetitious, I understand.

15 MR. KATZ: I appreciate your concern, your Honor.

16 THE COURT: But I want to go through it.

17 Q Bearing the signature of Donald Shea.

18 A Yes.

19 Q You said that is the signature of Donald Shea in
20 your opinion?

21 A Yes.

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1 Q And the same party who subscribed the name of Don
2 on this letter --

3 MR. KATZ: People's 19.

4 Q BY THE COURT: -- which is designated as exhibit
5 19?

6 A Yes.

7 Q Now, what other exhibit, in your opinion, bears the
8 name of -- signature of Donald Shea?

9 A Exhibit 11-B.

10 Q All right. 11-B. That's the pledge agreement and
11 receipt dated February 3rd. That's also in your opinion the
12 signature of Donald Shea?

13 A Yes.

14 Q And anything else there?

15 A 11-C.

16 Q 11-C. \$10. Pledge agreement, February 11th.
17 Receipt, \$10.

18 That also contains the signature in your opinion
19 of Donald Shea, is that right?

20 A Yes.

21 Q Were there any further documents?

22 MR. KATZ: Yes, your Honor.

23 THE COURT: What --

24 THE WITNESS: Yes, sir.

25 Q BY THE COURT: What else do you have there,
26 Officer?

27 A 13-A.

28 Q 13-A, \$25 receipt, pledge receipt. Donald Shea.

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And what else do you have?

A 13-B (handing).

Q 13-B. Exhibit B -- B is the way it is indicated --

MR. KATZ: 13-B, your Honor.

THE COURT: Oh, 13-B. All right.

THE WITNESS: 13-B.

Q BY THE COURT: All right.

Donald J. Shea. That's it?

A No, sir, there are two others.

Q All right.

A 15 and 15-A (handing).

Q Thank you. 15-A. 15.

And 15 and 15-A in your opinion also contains the signature of Donald Shea?

A Yes.

THE COURT: All right.

Now, I want to say again, ladies and gentlemen, I will probably repeat this many times. The fact I asked some questions here, I again repeat, is not to be construed one way or the other -- it is just for my own information. I am entitled to satisfy myself with respect to testimony.

The questions are not asked nor the answers drawn from the witness in any sense of advocating, pushing or promoting one side as against the other. I am a middleman in here and both the People and defendant are entitled to a fair trial.

But I, myself, if I am unclear on certain facts, I have a right to ask the questions. And that is the reason

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1 I am doing it.

2 You are the judges of the facts. You make up your
3 own opinion respecting the facts, the strength of the testimony,
4 credibility of the witnesses and the substantiality of the
5 case as a whole.

6 All right. Go ahead.

7 MR. KATZ: Thank you, your Honor.

8 May I return these exhibits to their proper place
9 before we confuse the exhibits.

10 THE COURT: All right.

11 Go right ahead.

12 MR. KATZ: Thank you.

13 THE COURT: Yes, sir.

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DIRECT EXAMINATION (Continued)

1 Q BY MR. KATZ: Now, Sergeant Campbell, did I also
2 ask you to compare certain signatures and determine whether
3 the signatures, Richard A. Smith, Richard Allen Smith, and
4 R. A. Smith, were written by one and the same person?

5 A Yes.

6 Q In particular did you examine 13-C and 13-D, which
7 are redemption certificates bearing a signature, first of all
8 on 13-C of "R. A. Smith" on the front side of the document,
9 and on the back side the full name, "Richard Allen Smith," with
10 the middle name spelled A-l-l-e-n, and 13-D which, once again,
11 on the front side contains the signature, "R. Smith."

12 Did you examine those two documents?

13 A Yes.

14 THE COURT: Let me have that back.

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

16 THE COURT: Now, just one minute here.

17 MR. KATZ: Certainly, your Honor.

18 THE COURT: All right, go ahead.

19 MR. KATZ: Thank you, your Honor.

20 Q Did you compare 13-C and 13-D, the redemption
21 certificates with the names I have mentioned, "Richard Allen
22 Smith" and "R. A. Smith" with People's 51 for identification,
23 which is the Los Angeles County Sheriff's Department booking
24 and property record with typing which appears thereon with the
25 prisoner's name, "Richard Allen Smith", and on the back thereof
26 which shows two signatures and two boxes, "Richard A. Smith" and,
27 once again, "Richard A. Smith"?

28 Did you look at that document?

1 A Yes.

2 Q Did you also compare 13-C and 13-D with the signa-
3 tures that appear on People's 52, which is the handwritten
4 Los Angeles County Sheriff's booking and property record with,
5 once again, what appears to be signature on the upper right-
6 hand portion, "R. A. Smith" and with a deputy's signature
7 below, Deputy Sheehan, and then below that there is another
8 signature, "Richard Allen Smith."

9 Once again the middle name Allen is spelled
10 A-l-l-e-n.

11 Did you have an opportunity to view People's 52
12 as well?

13 A Yes.

14 Q Showing you also People's 35 for identification
15 which -- excuse me, your Honor, People's 35 is not marked, as
16 I recall.

17 I would respectfully request that this document
18 I have with the name "Richard Allen Smith" bearing loan number
19 C3070, and pertaining to two Dakota 7-1/2-inch barrel single-
20 action .45's, bearing consecutive serial numbers 2421 and 2422,
21 at the bottom of which purports to be a signature of "Richard
22 A. Smith," be marked People's 35.

23 I will show it to counsel.

24 THE COURT: Yes, show it to counsel.

25 (Short pause.)

26 Q BY MR. KATZ: Sergeant Campbell, showing you
27 People's 35 for identification, the document I have previously
28 referred to, have you also examined this and paid careful

P.35 Id

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1 attention to a carbon signature in the lower left-hand corner,
2 "Richard A. Smith"?

3 A Yes.

4 Q Were you able to form an expert opinion as to
5 whether or not the person who signed the names "Richard A.
6 Smith" and "Richard Allen Smith" and "R. A. Smith" appearing
7 on 13-C, 13-D, 51, 52 and People's 35 for identification were
8 signed by one and the same person?

9 A Yes.

10 Q What is your expert opinion?

11 A My opinion, the signatures "R. A. Smith" on
12 exhibit 13-C, "R. Smith" on 13-B, "Richard A. Smith" on exhibit 35,
13 and the "Smith" signatures appearing on exhibit 51 and exhibit 52
14 were all by the same person.

15 Q Is that a positive identification in your expert
16 opinion?

17 A Yes,

18 MR. KATZ: Does your Honor wish to see 35?

19 THE COURT: Yes, let me ask you this.

20 Did you form an opinion as to whether the person
21 who signed the name, "Smith," as you have just indicated in
22 three different fashions is or is not the same person that
23 signed the name "Shea"?

24 THE WITNESS: No, sir. That comparison cannot be made
25 due to the fact that there is no similarity in the --

26 THE COURT: Well, let me ask you this.

27 Could the man that signed the name "Shea" sign the
28 name "Smith"?

THE WITNESS: That cannot be determined on the basis of the two signatures alone.

THE COURT: Well, you had better have an opinion there, I think.

MR. KATZ: Well, I am sorry. I am sort of confused as to the court's question.

Perhaps I can ask the sergeant a couple of questions.

THE COURT: I think you should have an answer as to whether the man who signed the name "Shea" signed the name "Smith." That is a point you should have clarity on.

Q BY MR. KATZ: Sergeant Campbell, have you formed an opinion as to whether or not the person who signed the signature "R. A. Smith," "Richard Allen Smith," and "R. Smith" also signed the name "Donald J. Shea"?

A No.

Q Is there anything that indicates that there are dissimilarities in the writing?

A About all I could say in regard to the two signatures is that the style of writing is completely different, but that is about the extent of any opinion you could have on two such dissimilar names.

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1 Q On what do you base that conclusion?

2 A On the style of writing alone, the size and the
3 slant, the formation of what few letters there are that are
4 similar.

5 Q So based on what is available to you, that is
6 the limited writing "Richard A. Smith" or "Richard Allen Smith"
7 or "R. A. Smith" and the signature "Donald J. Shea," is it fair
8 to say that it is your opinion that because of the dissimilarity
9 of writings that they were not written by one and the same
10 person?

11 A I would be inclined to think so.

12 I don't think it would be the same person, based on
13 what little we have to compare.

14 Q I take it it is fair to say, obviously, that you
15 would like to have quite a bit more by way of exemplars.

16 Is that correct?

17 A Yes. That would be necessary.

18 Q All right. So talking rather in terms of positive
19 statements and in terms of probabilities, based on the
20 dissimilarity of handwriting appearing in the "Smith" signature
21 as opposed to the "Shea" signature, what is your opinion as to
22 whether or not they are written by one and the same person?

23 I am talking about probabilities now.

24 A Well, as I have stated, I wouldn't have an opinion
25 based on the comparison of those two signatures.

26 It is not possible to compare the signature "Richard
27 A. Smith" which for the most part is large, vertical backhand
28 writing, with that of "Donald J. Shea" which is definitely a

4a-2

1 right-handed slant to the writing, and the smaller letters are
2 written much smaller in proportion to the capital letters as
3 opposed to the writing in the "Smith" signature.

4 Q So what you are saying is that there is definitely
5 a marked dissimilarity between the "Smith" signatures and the
6 "Shea" signatures?

7 A Yes, pictorially there is quite a difference.

8 Q Incidentally, I just want to clarify one point.
9 You were talking about a forward handwriting, and
10 a backward handwriting.

11 Now, with respect to People's 19 for identification,
12 you will note the printing here.

13 Would you regard that as forward or backward?

14 A The printing on exhibit 19 for the most part is
15 vertical. A few letters are written with a backward or
16 left-handed slant -- printed, I am sorry.

17 Q This is printed as opposed to written material?
18 Is that correct?

19 A That is correct.

20 Q With respect to People's 36, the Leslie's employment
21 application, once again I have reference to the printing.

22 Is the printing in the same vein or similarity as
23 the printing which appears, then, on People's 19?

24 A Yes, that characteristic slant also is true of the
25 application for employment, exhibit 36.

26 Q All right.

27 So in other words, what we are talking about at
28 this point is the similarity of the printing as opposed to any

4a-3

1 signature?

2 Is that right?

3 A Yes.

4 Q And it was the similarity of printing which caused
5 you to make the expert conclusion that in all probability the
6 person who printed the material on People's 19 also printed the
7 application for employment, People's 36?

8 Is that correct?

9 A Yes.

10 THE COURT: Well, I have a question I can't get clear.

11 I would like you to give me an answer, if you can,
12 Officer.

13 Are you able to give me an opinion as to whether the
14 man who signed the name "Donald Shea" on those exhibits is also
15 the same man or not that signed -- that executed the name of
16 "Smith" on the three documents?

17 THE WITNESS: No, sir. I cannot make that determination.

18 Just drawing on my experience based on many years
19 of experience in comparison of handwriting, taking into con-
20 sideration the letter formations and slant, I would doubt that
21 the same person wrote that, wrote the "Smith" signature as
22 wrote the "Shea" signature, but without extensive exemplars of
23 the suspected persons' writing in the forward and backward
24 slant, I could not make a determination.

25 It would be impossible.

26 THE COURT: You mean because one name is written in a
27 backward slant and one is in a forward slant you can't make
28 such a diagnosis or an opinion?

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1 THE WITNESS: In this case because the signatures are not
2 the same name, they do not have many of the similar combina-
3 tions.

4 Identification of handwriting -- one factor is on
5 the combination of writing similarities and connecting strokes
6 of the same letters, and the name "Smith" and in the name
7 "Shea" we don't have those characteristics.

5

1 THE COURT: Well, then, you are unable to tell me whether
2 the man that signed, in your opinion, the man that signed the
3 name "Shea" is the same person, or not, who signed and with-
4 drew the guns under the name "Smith"; you can't tell me that;
5 is that right, or not?

6 A Yes, that's correct.

7 MR. KATZ: I have nothing further.

8 THE COURT: Anything else?

9 MR. KATZ: No.

10 THE COURT: Cross.

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

12 CROSS EXAMINATION

13 BY MR. WEEDMAN:

14 Q Sergeant Campbell, did you find any signatures on
15 any of the documents presented to you this morning which
16 appeared to have been made by my client, Steven Grogan?
17

18 MR. KATZ: Excuse me. I am going to object on the
19 grounds that there has been no exemplar of Mr. Grogan submitted
20 to Sergeant Campbell.

21 THE WITNESS: I don't know that --

22 MR. KATZ: Accordingly, assuming facts not in evidence.

23 THE COURT: Read the question, please, Mr. Reporter.

24 (The reporter read the question as
25 follows:

26 "Q Sergeant Campbell, did you find any
27 signatures on any of the documents presented to
28 you this morning which appeared to have been made

2
1 by my client, Steven Grogan?")

2 THE COURT: You may answer the question.

3 THE WITNESS: No, sir. To my knowledge, I have not seen
4 any writing purported to be that of Mr. Grogan's.

5 Q BY MR. WEEDMAN: All right.

6 So to be clear about it, then, Sergeant Campbell,
7 when they are talking about a person's signature and handwriting
8 we are talking about persons distinct and separate and apart
9 from my client, Steve Grogan?

10 A As far as I know.

11 Q All right.

12 What do you mean, as far as you know? Did you see
13 anything on any of these documents, Sergeant, that looks like
14 my client's handwriting?

15 MR. KATZ: Excuse me. I will object. It assumes facts
16 not in evidence, namely, this witness saw anything from
17 Mr. Grogan.

18 MR. WEEDMAN: If he can't answer the question, let him
19 say so, your Honor.

20 THE COURT: Well, all right. Let's have the question,
21 please.

22 (The reporter read the question as
23 follows:

24 "Q All right. What do you mean, as far
25 as you know? Did you see anything on any of these
26 documents, Sergeant, that looks like my client's
27 handwriting?")

28 THE COURT: You may answer the question.

1 THE WITNESS: Well, by way of clarification, I should
2 say again I have not seen any writing that I know to be the
3 writing of Mr. Grogan. I have seen writing which has been
4 represented to be that of Mr. Shea and a writing which is
5 represented as belonging to a Mr. Smith.

6 On that basis I compared the handwriting. I have
7 no knowledge as to who actually has -- had written the
8 signatures "Donald J. Shea" or "Richard Allen Smith."

9 Q BY MR. WEEDMAN: Did the district attorney's office
10 submit anything to you which purported to be a signature or
11 handwriting of my client?

12 A No.

13 Q So that in that respect, then, you did not
14 determine that any of the handwriting belonged to my client,
15 Mr. Grogan?

16 A No.

17 Q All right.

18 In light of the court's questions to you I would
19 like to clear up something. Is there anything about all of
20 the signatures and handwriting that you have examined in connec-
21 tion with this case that suggests to you at all that someone
22 forged Mr. Shea's handwriting?

23 A No. The signatures do not appear to be anything
24 other than natural handwriting which would rule out a forged
25 signature.

26 Q All right.

27 In other words, it's not your position that, for
28 example, someone signed Mr. Shea's name on any of these

1 documents? In other words, the person whose handwriting
2 identified as Mr. Shea's that was submitted to you is found
3 on all of these documents where it purports to be Mr. Shea's
4 signature?

5 A Yes. They are all very consistent. Good quality
6 writing which again would rule out any attempts to copy, for
7 example.

8 Q All right.

9 So we are not talking about any kind of a forgery
10 with respect to any of these signatures, is that correct?

11 A That's correct.

12 MR. WEEDMAN: Thank you, that is all.

13 INDEX

14 REDIRECT EXAMINATION

15 BY MR. KATZ:

16 Q Would the same hold true with respect to the hand-
17 writing which has been identified as Richard Allen Smith?

18 A Yes. There again those are very consistent, all
19 practically identical.

20 MR. KATZ: Thank you. Nothing further.

21 THE COURT: That's all. Thank you very much.

22 MR. KATZ: Delma Baker.

23
24 DELMA EUGENE BAKER,

25 a witness on behalf of the People, being first sworn,
26 testified as follows:

27 THE COURT: You kindly step over here and raise your
28 right hand and be sworn.

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

5 THE WITNESS: I do.

6 THE CLERK: Thank you, sir. Will you be seated, please.
7 Will you be kind enough to state your name for
8 the record.

9 THE WITNESS: Delma Eugene Baker.

10 THE CLERK: Will you spell your first name.

11 THE WITNESS: D-e-l-m-a.

12 THE CLERK: Thank you.

13
14 DIRECT EXAMINATION

15 BY MR. KATZ:

16 Q Mr. Baker, in 1969, were you the owner of Baker's
17 Gun Shop?

18 A Yes, I am.

19 Q And where is that located, sir?

20 A 4041-1/2 Sepulveda.

21 Q And in connection --

22 A Culver City.

23 Q All right, Culver City?

24 A Yeah.

25 Q In connection with your ownership of that shop, is
26 it your habit in the ordinary course of business, to buy guns
27 from customers who come in?

28 A Yes, it is.

1 Q All right.

2 And are you required to keep any records of those
3 purchase-sale transactions?

4 A Oh, yes.

5 Q And tell us what you are required to do in that
6 connection with respect to the filling out of reports?

7 A When I buy a -- a gun, a used gun, I fill out a
8 report for the Culver City Police Department which in this
9 book here (indicating), which we call a "buy book" and it
10 gives -- it's required the man's driver's license, what we
11 use for identification. The description of him, and his
12 license number. Also description of the guns.

13 Q All right.

14 Now, how many forms do you fill out in that connec-
15 tion?

16 A There's three copies. Two copies go to the Police
17 Department.

18 Q What happens to the other copy?

19 A It's retained in my book for records.

20 Q All right.

21 Now, do you keep a book which shows consecutive
22 transactions that occur on a given day?

23 A Yes.

24 Q All right.

25 And when somebody presents to you sufficient iden-
26 tification, do you then compare that identification with the
27 physical description of the person standing before you?

28 A Usually, yes.

1 That's your habit in the ordinary course of
2 business?

3 A Right.

4 Q Is that correct?

5 And if you were to find any major discrepancies
6 between the identification that is reflecting the personal
7 description of the individual and the individual himself who
8 was trying to sell some guns to you, I take it that you would
9 not go through with the sale transaction, is that correct?

10 A Right.

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Q All right.

Now, did you bring a book with you which reflects some transactions in which you have bought certain merchandise?

A Yes, I did.

Q Would you produce it at this time.

A (Handing.)

Q And what is this book that you have before you?

A This is called a buy book. It's furnished by the Culver City Police Department, Pawn Shop Detail.

Q All right.

And you testified before the grand jury, did you not, in December of 1970; is that correct?

A That's correct.

Q And you produced the buy book which is entitled "Book No. 3, Baker's Gun Shop, 4041-1/2 Sepulveda Boulevard" --

A Right.

Q -- "Culver City, California", is that correct?

A Right.

Q At my request did you tear out a sheet in book No. 3 which purported to be a transaction with a Richard Allen Smith?

A That's right.

Q Now, I have here People's 35 for identification. Can you tell us from where this document came?

A Page 3070. It came out of this book right here.

Q All right.

The book you are referring to is this book No. 3 that I have previously described, is that correct?

A Yes.

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1 THE COURT: Pardon me. Has that been marked yet or not?

2 MR. KATZ: No, your Honor.

3 THE COURT: All right.

4 You may have confusion in your transcript.

5 MR. KATZ: We are not intending to mark this. We are
6 intending to return it to this gentleman.

7 THE COURT: All right.

8 Go ahead.

9 MR. KATZ: Thank you.

10 Q Page 3070 of this book that you have, book No. 3,
11 which I previously described there, was this document which is
12 now People's 35 inside the book, is that right?

13 A That's correct.

14 Q At the grand jury you just ripped it out of the
15 book so we could have access to it, is that correct?

16 A That's correct.

17 Q Now, I notice in the upper right-hand corner of
18 People's 35 for identification it says "Loan No." Was this
19 a loan transaction?

20 A No. It was a purchase. I bought it for resale.

21 Q All right.

22 And at the time you bought it can you tell us the
23 circumstances surrounding the purchase of some guns?

24 A Well, a man came in the store with two Dakotas,
25 single actions.

26 THE COURT: Did you set the date? Better get our date
27 in there again.

28 MR. KATZ: Yes. Thank you, your Honor. I appreciate it.

5a-3

Q I want to direct your attention to the date which appears on the document, People's 35 for identification "10-10-69." That's October 10th, 1969, and ask you whether or not the transaction which is reflected in People's 35 occurred that date?

A Yes, it did.

Q All right.

THE COURT: Let's see. 10-10- -- that's September --

MR. KATZ: No, that's October, your Honor.

THE COURT: October 10th, 1969.

MR. KATZ: Yes, your Honor.

THE COURT: All right.

Q BY MR. KATZ: Now, on October 10th, 1969, tell us what happened in connection with the transaction which is reflected in People's 35.

A A man came in with two Dakota single-action revolvers wrapped in a cloth and wanted to sell them to me.

And as I remember, I offered him \$60, or \$30 apiece. And he thought they should be worth more.

And I finally raised my price to \$75.

Q All right.

Now, did you finally agree upon the price of \$75 for the two Dakotas described in People's 35?

A Yes.

Q And did they bear consecutive serial numbers?

A Yes, they did.

Q Is that reflected in the document?

A Yes, it is.

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Q What serial numbers did they bear?

A 2421 and 2422.

Q All right.

And did you take some identification from the person who sold you the guns on October 10th, 1969?

A I used his driver's license, the driver's license that he produced.

Q Did he present it to you?

A Yes, he did.

Q Did you take some information which you were required to do and place it on the document, People's 35?

A Yes, I did.

Q And of course two copies, you said, of People's 35 must be sent to the Culver City Police Department?

A Culver City Police Department.

Q All right.

And what information did you obtain from the individual who sold you the two Dakota revolvers bearing serial No. 2421 and 2422?

A I took his name, Richard Allen Smith, and his date of birth.

Q Would you tell us the information you took down.

A "Richard Allen Smith. Sex is male. Hair brown. Eyes brown. Height 5'5". Weight 130. Date of birth 6-20-42".

Q And address?

A "8350 Colegio."

Q Colegio?

A "Colegio Drive, L.A., California 90045. Driver's

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1 license is CC 225346. And the date was 10-10-69."

2 Q All right.

3 And did you require this person to sign his
4 signature in your presence?

5 A Yes, I did.

6 Q Does that appear in the lower left-hand portion of
7 People's 35?

8 A Yes, it does.

9 Q And that is Richard A. Smith, is that correct?

10 A That's correct.

11 Q And when this driver's license or temporary license
12 was presented to you did you compare the information in regards
13 to the physical description of the individual who was selling
14 you the guns with his appearance?

15 A As I remember probably not real close.

16 Q Well, going by what you do in the ordinary course
17 of business had the person been five eleven or six feet, would
18 you have --

19 A I would have noticed the difference, yes.

20 Q All right.

21 And would you have gone through with the transaction
22 based upon someone who purported to be five feet five and
23 weighing 130 pounds had the person who in fact presented the
24 guns been five eleven or six feet and weighed 160 or a 170
25 pounds?

26 A I would have noticed the difference, yes.

27 I wouldn't --

28 Q Well, my question --

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A I wouldn't have went through the transaction, no.

Q All right.

So in other words you are required to determine whether the information, as best you can --

A Yes.

Q -- is reasonably accurate and then submit such information in the form of the document provided by the Culver City Police Department to the Culver City Police Department, is that correct?

A That's true.

Q And incidentally did you turn the guns, People's -- well, strike that.

Did you turn the guns over to the Los Angeles County Sheriff's office, 2421 and 2422?

A Yes, I did.

Q And as far as you know they are still in their possession, is that right?

A As far as I know.

Q (Handing) I wish to show you People's 9-A and 9-B for identification. I am going to ask you whether or not you recognize these guns as the ones you purchased from this person who purported to be Richard Allen Smith on October 10th, 1969?

A Yes, I do.

Q Would you look also at the other gun (handing).

A Yes, sir.

Q And are those the same guns which you purchased from this man who purported to be Richard Allen Smith on

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1 October 10, 1969?

2 A Yes, they are.

3 Q These are the guns you turned over to the Los Angeles
4 Sheriff's Department, Homicide Division?

5 A That's correct.

6 MR. KATZ: Thank you.

7 No further questions.

8 THE COURT: Cross.

9 MR. WEEDMAN: Yes, thank you, your Honor.

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CROSS-EXAMINATION

BY MR. WEEDMAN:

Q Mr. Baker, did you pay \$75 each for these guns?

A No, sir.

Q Or 75 --

A 75 total.

Q Total amount?

A Total.

Q Both guns?

A Right.

Q \$75?

A Right.

MR. WEEDMAN: All right.

Thank you, Mr. Baker.

That's all.

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REDIRECT EXAMINATION

BY MR. KATZ:

Q Mr. Baker, I have a question, with his Honor's permission.

Was that a retail price or wholesale price?

A That was what I considered a wholesale price.

Q Had you sold this guns, did you intend to sell them for more?

A Yes, I did.

MR. WEEDMAN: I will object to this, your Honor. It is irrelevant and immaterial and incompetent to any issue in this case. The whole thrust of the prosecution's case has been the

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1 great value of these guns.

2 THE COURT: Well, I think it is immaterial what he
3 intended to do as far as this case is concerned.

4 MR. WEEDMAN: Thank you, your Honor.

5 THE COURT: I will sustain the objection.

6 I don't think it is material.

7 MR. KATZ: I have nothing further.

8 THE COURT: Is that all?

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

10 THE COURT: That is all. Thank you very much.

11 THE WITNESS: Thank you.

12 MR. KATZ: We recall Paul Ewart.

13 Mr. Ewart was ordered back by the court today.

14 THE COURT: Yes.

15 (Short pause.)

16 THE COURT: Let's just take a short recess, gentlemen.
17 A few minute recess. And we will go right ahead.

18 MR. KATZ: Surely, your Honor.

19 THE COURT: Yes.

20 Do not discuss the case or come to any opinion or
21 conclusion. We will proceed in just a few minutes.

22 (Recess.)

6

#6
1 (The following proceedings were had in
2 the court's chambers.)

3 THE COURT: We are in chambers. The defendant and coun-
4 sel are here. The district attorney is here.

5 Go ahead.

6 MR. WEEDMAN: Your Honor, we would like to make a state-
7 ment and motion for the record.

8 THE COURT: All right.

9 MR. WEEDMAN: It appears as though Charles Tex Watson is
10 being tried right across the hall from us in Judge Alexander's
11 court.

12 THE COURT: Watson. Well he is down the hall.

13 MR. WEEDMAN: Well, he is just one courtroom removed.
14 He is across the hall, and one courtroom down from us.

15 Outside that courtroom are numerous television
16 cameras and newsmen, apparently both from television, newspapers
17 and radio. The case is, in addition, receiving considerable
18 attention from the press. I saw a long article in this morn-
19 ing's Times about the Watson case.

20 Of course, Mr. Watson is being charged for the Tate-
21 La Bianca murders, the same matters in which Charles Manson
22 and the girls have already been convicted and all sentenced to
23 die.

24 We feel that it is a denial of due process for
25 my client to have to come into this courtroom today when it is
26 in such close proximity to Mr. Watson's trial.

27 We feel that the jurors in my client's case are
28 very apt to be unduly influenced and unduly prejudiced against

1 my client by virtue of the proximity of the Watson trial.

2 We have no idea if it is just a fortuitous assign-
3 ment of the case. We are not assigning any bad motives to
4 anyone in the absence of obviously some affirmative evidence,
5 but the fact remains that these jurors are now, in a sense,
6 bombarded, or at least there is an impact on these jurors each
7 morning as they come into the courtroom.

8 There is only one way to get to this courtroom,
9 and they must inevitably see at a very short distance, or pass
10 right by Judge Alexander's courtroom, and it seems to me in
11 view of the fact -- I believe one of the jurors today walked
12 into the courtroom with a newspaper.

13 It seems to me that some remedies might be made.
14 I would therefore have the following motion.

15 Number one, we seek to examine each of the jurors
16 in our case privately. This is in the absence of the others,
17 to determine whether or not they are, in fact, being influenced
18 or have formed any opinions relative to my client, based on
19 what is going on across the hall in Mr. Watson's case.

20 Secondly, we would particularly hope that the
21 court would request the Sheriff's Department not make quite
22 such a display outside your Honor's courtroom with respect to
23 security in this matter.

24 Day after day after day there have been no fewer
25 than four deputy sheriffs standing at the door. It seems to
26 me that it is one thing for the sheriff to have a custody
27 problem, but Mr. Grogan is here all by himself.

28 In addition to the four men at the door, there are

3
1 two deputy sheriffs, one of whom, of course, is your bailiff,
2 inside the courtroom. In addition to that, there is an
3 investigator from the district attorney's office who, I
4 presume, is armed. Sergeant Gleason, Bill Gleason, is here
5 acting as Mr. Katz's investigator, and I presume that he is
6 likewise armed and participating in the security.

7 That is a total of seven people in full view of the
8 jury who are here every day for the obvious purpose of guarding
9 my client.

10 I think it acts to my client's detriment, and I
11 would move that such security precautions be tempered somewhat
12 so as not to risk improperly, although perhaps unwittingly,
13 influencing the jury against my client, your Honor.

14 THE COURT: Well, I tell you, I don't think that the
15 precautions are unusual.

16 You have a situation that has carried a great deal
17 of aftermath throughout Southern California, and throughout
18 the whole country perhaps.

19 Now, as far as Mr. Grogan is concerned -- I have
20 come to the opinion -- I have made up my mind that he is not
21 motivated by trying to, which you might say -- he is not a
22 troublemaker.

23 He is behaving himself out in the courtroom. That
24 is all I ask. That is why I am willing to extend him all the
25 latitude I can.

26 I told the Sheriff's Department when they said that
27 he wanted to talk to you, I said he can talk all he wants to
28 his lawyer. He can brief his case. He can act in part himself.

4
1 I give him all the liberties I can.

2 When it came to the question of possible problems
3 that might present themselves, I told them that I think
4 Grogan -- because certain people have caused trouble doesn't
5 mean everybody causes trouble, and I don't think we have to
6 exercise any more restraint than is necessary.

7 I think we are getting along all right. It
8 doesn't bother us. I don't say that -- I don't need any more
9 strength in here than we have.

10 I have warded them off, and that is the reason
11 we are not cordoned off out there, because I did it. I stopped
12 all that. I don't want it.

13 I pulled off all the possible pressures or thinking
14 or worry that might enter into it, but you see, you are
15 dealing with other people. There are a lot of people on trial.
16 You have Watson down there before another judge, before
17 different problems, different questions, different issues.

18 I don't know the internal makeup of Watson.
19 As I say, I feel that there is no question in my mind Grogan
20 is properly conducting himself. That is all I ask.

21 If he conducts himself properly, that is fine.
22 That is all I ask, but I can't control what Watson does because
23 he is not here. He is not before me. I don't know what
24 Watson would do or wouldn't do, or Manson.

25 We might have all kinds of problems. I don't know,
26 if Manson were here, what the issue would be.

27 I don't know, you see, so I can't control the
28 situation with other courts or other judges.

1 I say that only because I don't want to start
2 a problem. I would rather put it this way. I wouldn't want
3 to attempt to tell the Sheriff's Department how to run their
4 business as far as other courtrooms.

5 As far as this courtroom is concerned, I am pretty
6 well running it as I think is right. I don't like the words
7 "to suit myself," because that is not a fair statement.
8 The way I think it is right that each individual case can be
9 handled, that is why I pulled as much pressure off here as
10 I can, pulled it away, out, to try the case.

11 I can't control another man. I can't control
12 the other courtrooms.

13 It wouldn't help me to go down to say to the
14 Sheriff's office, "Well, there is too much of a display of
15 force," and so the sheriff would say to me, "Well, you are
16 running Department 52. You have asked us not to put too many
17 men around there. We are not trying to do it. We are only
18 trying to maintain enough order that might arise."

19 He has certain responsibilities himself. He has
20 people in the hallway. You don't know where problems would
21 come.

22 So he says, "I have got certain duties I have to
23 perform inside the courtroom. You are pretty much your own
24 judge in there."

25 But I think that we are doing pretty well here,
26 gentlemen. That is my opinion.

27 I wouldn't be inclined to proceed any further on
28 the matter.

1 MR. WEEDMAN: Your Honor, my client has expressed to
2 me his gratitude to your Honor for the privileges and the
3 very nice amenities that you have extended to him during the
4 trial.

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1 THE COURT: Well, I appreciate it.

2 MR. WEEDMAN: He is truly and genuinely grateful for it.

3 THE COURT: If he wants to eat his sandwich or his lunch
4 here, I don't care. He can talk to you at the same time.

5 Actually, it gives him a chance to talk to you,
6 express his opinions, eat his lunch here. He is not confined
7 in the county jail.

8 I have no issue. I have no objection, so what
9 latitude I can give because -- I say again because he restrains
10 himself that at the same time he is not hurting his case.
11 He is very efficient in his own case, and you are efficient
12 and very capable in the way that you present his case.

13 The two together, I think you are entitled to fully
14 consult constantly, and he may assume valuable legal suggestions
15 he may want to give you, and he is entitled to do it.

16 So in that sense I am putting no restraints in there
17 on the fact that he is in custody, but give as much latitude
18 as I can.

19 I think that he has built up a mountain in his own
20 mind about Watson that he is unnecessarily bringing over to
21 this courtroom.

22 He is carrying Watson in here and he doesn't have
23 to. I don't think so.

24 MR. WEEDMAN: Well, we certainly hope that is the case,
25 your Honor.

26 THE COURT: I am inclined to say that we should proceed
27 as we are.

28 The record will note your position.

1 MR. WEEDMAN: Thank you very kindly, your Honor.

2 THE COURT: Thank you.

3 (The following proceedings were had in
4 open court out of the hearing and presence of
5 the jury.)

6 THE COURT: Well, now, let's see.

7 You were sworn yesterday, Mr. Witness.

8 State your name again for the court reporter.

9 THE WITNESS: Paul Ewart.

10 THE COURT: People against Grogan. The defendant is here,
11 both counsel are here.

12 (The following proceedings were had in
13 open court in the presence of the jury.)

14 THE COURT: Now we have all twelve of our regular jurors,
15 plus the alternates, so you may proceed with your questioning.

16 MR. KATZ: Your Honor, I believe we have Mr. Ewart back
17 at the request of counsel, who wanted to continue cross
18 examination.

19 THE COURT: To bring those records, yes.

20 Go right ahead.

21 MR. WEEDMAN: May I examine whatever records Mr. Ewart
22 has brought with him, your Honor?

23 THE COURT: Yes, and you can come up, too, if you want
24 to.

25 MR. KATZ: I have already seen them, your Honor.

26 MR. WEEDMAN: Your Honor, may the record reflect Mr. Ewart,
27 and we thank you, by the way, Mr. Ewart, for this, has given
28 me what appears to be a Calabasas Garage and Body Shop work

1 order, a shop order.

2 I have had an opportunity now of examining it.

3 Your Honor, perhaps this could be marked -- no,
4 that may not be necessary. Let's not mark it for now.

5 THE COURT: Do you want it marked?

6 MR. WEEDMAN: No, perhaps we can do without it.

7
8 PAUL EWART,

9 a witness on behalf of the People, being previously sworn, was
10 recalled and testified further as follows:

11
12 CROSS EXAMINATION (Continued)

13 BY MR. WEEDMAN:

14 Q Mr. Ewart, this document that you have shown me,
15 does it reflect the work that was done on the automobile which
16 is the car you testified about earlier?

17 A Yes, it does.

18 Q Would you tell us, please, Mr. Ewart, what work was
19 done on that car?

20 A The work order shows replacing idler arm bushings,
21 and replacing the front brakes and overhauling the front brake
22 wheel cylinders.

23 Q Would you tell us, please, what parts were used in
24 this connection, and the items of labor that were performed.

25 A All right. The parts are two wheel-cylinder kits,
26 and a set of front wheel brakes, and idler arm bushings.

27 The labor was -- it says, "Work on Comet and re-
28 place idler bushing, \$15.00." And the front brakes is \$20.40.

7-1

1 Q All right.

2 Now, have you indicated to us all the parts that
3 were utilized in connection with the work that was done on this
4 car?

5 A On this vehicle in this month, yes.

6 Q Well, forgive me, but I see things on here, for
7 example, spark plugs, points, condensor, water pump, rod
8 bearings, mains, rings, gaskets, timing chain, lifts and so
9 on. What do those all refer to?

10 A All right. This shop ticket reflects all work done
11 on all of our own vehicles for the month of March 1970.

12 Q I see.

13 A Which would mean our tow trucks, our own vehicles,
14 of any kind.

15 Q So those items I have just referred to having
16 nothing to do with what we will call Mr. Shea's automobile --

17 A No, sir.

18 Q -- is that correct?

19 What was the total amount of money that was
20 allocated or spent on the Shea automobile by you folks?

21 A Our actual costs would have been 7.50; 10.20; 2.28;
22 and 6.50 -- oh, and 4.66.

23 Those would be actual cost items on that vehicle.

24 Q All right.

25 Is there anything indicated there about a new
26 battery for the Shea automobile?

27 A No, sir.

28 Q All right.

7-2

1 And have you given us all of the charges that you
2 had against that vehicle, Mr. Ewart?

3 A At that time, yes.

4 Q Well now, are you indicating that there were some
5 charges at some later time?

6 A Well, we still own the vehicle. In fact, we still
7 have it, and still use it.

8 So there has been charges since then. You know,
9 it wears out.

10 Q And up to the time of your lien sale then you have
11 given us all of the charges that were allocated --

12 A Up to the time of the lien sale?

13 Q Yes.

14 A This was after the lien sale.

15 Q Pardon me?

16 A I am trying to recall when the lien sale was
17 actually effected.

18 Q Well, let's say then that up to the time --

19 A Let me put it this way: --

20 Q Let me withdraw that question so we will have a
21 clear record, Mr. Ewart.

22 A All right.

23 Q Mr. Katz has handed me what appears to be a copy
24 of a registration certificate, and it appears as though this
25 automobile is now registered to the Calabasas Garage. And
26 this bears the date September 14, 1970, and this is People's
27 exhibit 47 for identification.

28 Would you examine this exhibit, Mr. Ewart, and tell

7-3

1 me if that indicates to you the date on which Calabasas Garage
2 acquired title to this automobile?

3 A It reflects the date which we transferred our
4 lien sale papers, and got the actual title to it, yes.

5 Q That was in September of 1970?

6 A Correct.

7 Q The work on the brakes, though, I take it was done
8 prior to that time or not? What is the case?

9 A Well, let me explain a lien sale procedure may
10 have --

11 Q Excuse me. Mr. Ewart, I really don't care about
12 the lien sale, I am trying to find out when the brake work was
13 done. Do you know?

14 A The brake work was done in March of 1970.

15 Q That is the work that you have indicated already
16 to us, is that so?

17 A That's correct.

18 Q All right.

19 So my question is then, let's say up to the time of
20 the brake work that you did or that you completed on the car,
21 have you told us all the work that was done on the car by
22 Calabasas Garage?

23 A Up to the time we did the brake work?

24 Q Yes.

25 A Yes.

26 MR. WEEDMAN: All right.

27 That is all I have, Mr. Ewart. Thank you.

28 THE COURT: Is that all?

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INDEX

1 MR. KATZ: Just one question.

2
3 REDIRECT EXAMINATION

4 BY MR. KATZ:

5 Q I understand you are still using that car in your
6 business, is that right?

7 A That's correct.

8 MR. KATZ: Thank you. Nothing further.

9 THE COURT: You are excused. Thank you.

10 MR. KATZ: People wish to call Ruby Pearl.

11 THE COURT: All right.
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RUBY PEARL,

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

THE COURT: Right up here, lady, if you will, please.
Right over here.

And first raise your right hand and be sworn,
please. The clerk will swear you.

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, ma'am. Will you take the stand
and be seated, please.

THE COURT: You sit right here, lady, if you will.
Excuse me, I am sorry.

And you talk in here like a telephone.

THE WITNESS: Yes.

THE COURT: The jurors all must hear you so speak right
up.

THE CLERK: Will you be kind enough to pull that
microphone down below your mouth a little. Thank you, ma'am.

State your name for the record.

THE WITNESS: Ruby Pearl.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. KATZ:

Q Pearl, you see the gentleman that is sitting in

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1 front of you doing some things with his hands?

2 A Yes.

3 Q All right.

4 He is a gentleman who is going to take down
5 everything that you and I say and discuss, you understand that?

6 A Yes.

7 Q So therefore, it is very important for you to talk
8 very slowly and very clearly. Will you do that?

9 A I will.

10 Q Do friends call you Pearl?

11 A Yes.

12 Q You don't mind if I call you Pearl, do you?

13 A Not at all.

14 Q All right.

15 Pearl, how long have you known George Spahn?

16 A Oh, about 20 years.

17 Q 20 years? And how old a man is he?

18 A He is 82.

19 Q And is he blind?

20 A Yes.

21 Q And do you presently take care of him?

22 A Yes.

23 Q Now, did you know a person by the name of Donald
24 Jerome Shea?

25 A Yes.

26 Q Did you know him by a nickname?

27 A Shorty.

28 Q All right.

7-7

1 And how long ago did you meet Shorty?
2 A 15 years, approximately.
3 Q Approximately 15 years ago?
4 A Yes.
5 Q And where was it you met Shorty?
6 A Right at the Spahn Ranch.
7 Q Did you continue to keep in touch with Shorty
8 through and including 1969, at least the summer months of
9 1969?
10 A Yes.
11 Q How would you characterize your relationship with
12 Shorty?
13 A He was a ranch hand, and we got to know him so
14 well we trusted him.
15 And he was already around when we needed him. We
16 could depend on him.
17 Q How did you feel about Shorty?
18 A I liked him.
19 Q All right.
20 Was he a friend of yours?
21 A Yes.
22 Q And was he always welcome where you were?
23 A Yes.
24 Q Did you make that clear to him?
25 A Very clear, yes.
26 Q And I take it he would visit you quite frequently
27 during the 15 years that you knew him, is that correct?
28 A Yes.

7-8

1 Q Now, did Shorty have any kind of relationship with
2 Mr. Spahn?

3 A Yes.

4 Q And what was that?

5 A Very good friend.

6 Q And would Shorty come up to the Spahn Ranch
7 frequently and see George?

8 A Yes. He was like a son.

9 Q All right.

10 And do you know a Dawn Quant?

11 A Yes.

12 Q And are you close friends with Mrs. Dawn Quant?

13 A Yes.

14 Q Let's spell that for a moment. D-a-w-n. Then
15 Q-u-a-n-t.

16 A Yes.

17 Q Is Mrs. Quant friendly with Mr. Spahn as well as
18 yourself?

19 A Yes.

20 Q And can you tell us whether or not Shorty knew
21 Mrs. Quant?

22 A Yes.

23 Q And were all of you kind of social friends?

24 A Yes.

25 Q And over the years when Shorty would leave town
26 would he tell you where he was going?

27 A Yes.

28 MR. WEEDMAN: Well, your Honor, I think counsel has led

1 this witness enough. I wish counsel would just be instructed
2 to ask questions and let the witness do the testifying in this
3 case, your Honor.

4 THE COURT: Well, let's see.

5 Let me think a minute. Read the question again,
6 will you, please, Mr. Reporter.

7 (The question was read by the reporter
8 as follows:

9 "Q And over the years when Shorty
10 would leave town would he tell you where he
11 was going?")

12 THE COURT: You may answer the question. Overruled.

13 MR. KATZ: The answer is in, your Honor.

14 THE COURT: The answer may stand. That is what I meant
15 to say.

16 MR. KATZ: Thank you, your Honor.

17 Q What was the longest period of time up to August
18 of 1969 that you would be out of contact with Shorty?

19 A Not more than a month or two.

20 Q All right.

21 Now, did you do any work for George Spahn over the
22 years at Spahn Ranch?

23 A Yes.

24 Q And what was the nature of your duties there?

25 A I was overseer. What you would call a foreman.
26 Bookkeeper.

27 And I did all the arranging. Waited on people,
28 customers.

1 Q You also handled the books for George Spahn?

2 A Yes.

3 Q All right.

4 Now, I want to bring your attention up to around
5 1969, the first part of '69. What was the character of the
6 ranch? How would you characterize the Spahn Movie Ranch?

7 A There was a lot of people around. Lots of
8 customers.

9 Q What type of services did the ranch offer at that
10 time?

11 A We were making motion pictures. Locations came
12 there.

13 THE COURT: How big a place was it in acreage, lady?

14 THE WITNESS: It was 27 acres.

15 THE COURT: Thank you.

16 Go ahead.

17 Q BY MR. KATZ: All right.

18 But going back to my question, in other words they
19 offered movie facilities and rented horses and the like?

20 A Yes. We had horses. Equipment. Wagons, props.
21 Animals.

22 Q All right.

23 And at some point in 1969 did Charles Manson arrive
24 at the ranch with some people?

25 A Yes.

26 Q And can you tell us whether or not he began to live
27 there at the ranch?

28 A Yes.

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1 Q Who began living at the ranch with Mr. Manson?

2 MR. WEEDMAN: Well, I am going to object to any testimony
3 concerning Charles Manson, your Honor, in this case, absent
4 some showing of relevancy and materiality, your Honor.

5 THE COURT: The questions may go to questions of possible
6 conspiracy. Ultimate statements, I don't know.

7 MR. WEEDMAN: Well, your Honor, I will respectfully take
8 exception to the court's remarks with respect to conspiracy
9 in this case.

10 THE COURT: I don't know. I say I don't know.

11 MR. WEEDMAN: May we approach the bench, your Honor?

12 THE COURT: All right. Come in chambers if you desire.

13 (The following proceedings were
14 had in chambers:)

15 THE COURT: Now we are in chambers with defendant and
16 both counsel.

17 Maybe better before we go forward make a statement
18 of what you expect to show by this witness.

19 MR. WEEDMAN: Your Honor, may I be heard before counsel
20 does that?

21 THE COURT: Go ahead.

22 MR. WEEDMAN: Your Honor, there has been no evidence of
23 a conspiracy here. I think that your Honor certainly was
24 acting so as to inform the jury perhaps accurately, of Mr.
25 Katz' intentions in this matter.

26 But I think that -- and I say this with all due
27 respect and respectfully, your Honor -- I think the jury will
28 take your Honor's remark now to mean that perhaps there was a

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1 conspiracy in this case even though your Honor didn't say that.

2 THE COURT: All right.

3 MR. WEEDMAN: You know, and before any evidence which is
4 offered under a theory of conspiracy here, is received here, I
5 respectfully move for an out-of-the-presence of the jury,
6 evidentiary hearing.

7 The Evidence Code provides for this. My client has
8 a right to it. And we will hopefully, your Honor, insofar as
9 we may say so, respectfully insist upon it.

10 THE COURT: Now, before I make any ruling, state your
11 position, will you, Mr. Katz.

12 MR. KATZ: Well, certainly, your Honor.

13 First of all, let's put aside any element of
14 conspiracy as such or any issue of conspiracy. We intend to
15 show through this witness the persons that were living and
16 occupying Spahn Ranch during 1969 through and including August
17 of 1969 when our evidence will show that Shorty Shea was
18 discovered to be missing from the Spahn Ranch.

19 In particular our evidence is going to show that
20 the co-principals in this killing -- and I am putting aside
21 any conspiracy theory as such. We can go aiding and abetting,
22 or just simple common law co-principals as such.

23 The evidence will show that Bruce Davis, Steve
24 Grogan the defendant, Charlie Manson -- I believe I mentioned
25 Bruce Davis, Tex Watson and many of the girls about whom the
26 testimony has referred by way of previous testimony, will be
27 shown to have been living in the critical period of the summer
28 of 1969 at Spahn Ranch.

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1 This witness will testify that she was there on
2 a daily basis. That she was a very trusted employee of George
3 Spahn. George Spahn depended on her because he was blind and
4 that she overseed the operation there and accordingly, every
5 day was there and would see Clem there almost every day.
6 Would see Manson there almost every day. Would see Bruce
7 Davis there almost every day. Would see Tex Watson there
8 almost every day, and the other members of the family.

9 One of the issues is whether or not the person
10 has the opportunity to commit the crime. He wouldn't have the
11 opportunity to commit the offense unless he had some access
12 to the victim. I think that is self-evident. Now, if we can
13 show these people, putting aside any conspiracy theory at this
14 point, were living at the ranch then, of course, they had
15 access to Mr. Shea because our evidence has clearly shown he
16 was living out of his car following the raid of August 16, 1969.
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1 Bearing in mind forthcoming, assuming your Honor
2 permits us to put in the confession of Clem Grogan's statement
3 will say that he, meaning Mr. Grogan and Charlie Manson and
4 Tex Watson and Bruce Davis killed Shorty Shea.

5 Now, the evidence that I am establishing is
6 certainly corroborative of that statement and reinforces that
7 confession because we are showing indeed these people were
8 living at Spahn Ranch during the critical period.

9 Now, let's go to a conspiracy issue now. I have
10 set the other argument apart from any conspiracy.

11 On a conspiracy issue the cases are clear, your
12 Honor, that one of the critical things that a prosecutor may
13 show in establishing whether or not there is evidence to
14 support a conspiracy is the social and business relationships
15 of the various alleged members of the conspiracy.

16 For example, if we can show that there was a
17 strong social bond between the alleged members of the
18 conspiracy that is evidence, as such, of the conspiracy.

19 More importantly, if we can show as we can by way
20 of my offer of proof, establish that they were living together
21 as a family unit, it is even more supportive of the conspiracy
22 that will follow.

23 So you see you have two bases to show this. Now,
24 this witness, and I am referring to Ruby Pearl, by way of
25 offer of proof, will further testify that in the latter part
26 of August 1969 following the Spahn Ranch raid, which occurred
27 August 16, 1969, at approximately 11 p.m., she observed Shorty
28 to be surrounded by Charles Manson, by Steve Grogan, by Bruce

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1 Davis, by Tex Watson and possibly Bill Vance, though she is
2 not sure.

3 And never ever saw Shorty again. Indeed prior to
4 that event happening at approximately 11 p.m. in the latter
5 part of August 1969 Shorty expressed tremendous fear and
6 anxiety and asked Ruby whether or not he could stay with her
7 that evening and stay at her place.

8 So this is coming right in full fold with our
9 conspiracy. In addition we will have, and I will make this
10 by way of offer of proof -- we will have statements that
11 Mr. Grogan made to various witnesses, "If anybody asks you
12 where Shorty is tell them he went to San Francisco."

13 In addition we will have statements by Mr. Manson
14 to, for example, a cowboy by the name of John Swartz in which
15 he told Mr. Swartz, "I sent Shorty up to San Francisco to
16 get a job. It was better than the job that Frank Retz
17 offered him as a security job. And therefore he liked the
18 pay better in San Francisco and went up there."

19 All right.

20 In addition -- and it shows that here you have a
21 common design and a motive to conceal, a conspiracy to
22 conceal the fruits of the actual killing as such by putting
23 people off the track.

24 Now, there is a third reason to establish this.
25 Motive evidence. We are getting into the area now of the
26 motive for the killing. The People may show other acts and
27 statements which serve to establish, one, a motive for the
28 killing.

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1 And, two, would serve to identify any of the
2 co-principals in the killing. We need not rely, for example,
3 on a conspiracy theory, though we believe that we can
4 establish sufficiently evidence to support a prima facie
5 showing of conspiracy.

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1 But, for example, the evidence is going to show a
2 strong motive on the part of Manson and the entire family.

3 Indeed, just as background, that Clem was a strong
4 inherent to the philosophical tenets of Manson, and supported
5 Manson in his thinking by way of acts and deeds, and that the
6 Manson family had a strong motive to kill Mr. Shea, because he
7 was being hired as a security guard by Frank Retz for the
8 specific and express purpose of throwing the Manson people off
9 the ranch, and they were extremely aggravated over the fact
10 that Frank Retz was buying George Spahn's property, and had
11 told Manson, and indeed Clem, and indeed Frank Retz will testify
12 to this, to get off of his property.

13 THE COURT: Well, those statements that may be detrimental
14 to Grogan, and that may be binding on Grogan, obviously could
15 only be admitted in the showing of some type of conspiracy
16 to commit a public offense, unless they are taken out of order.

17 MR. KATZ: Not necessarily, your Honor. Let me say this.

18 Suppose that you have A, B and C who commit a
19 crime. Suppose the People's theory is that the motive for the
20 killing is because those three people were to be thrown off
21 of some property owned by the victim.

22 I am just taking this as a hypothetical.

23 Now, if we can show that the motive, for example,
24 of A was to kill, and he is a co-principal by independent
25 evidence, the motive of A was to throw -- to kill Shorty, for
26 example, because he was going to throw them off of the
27 property, that is admissible as motive for the killing.

28 It is also admissible to show the intent with which

1 the act was done, whether it is first or second degree.

2 If the independent evidence, and it will in this
3 case, shows that Clem was a co-principal in the killing, you
4 don't have even to proceed by way of conspiracy theory. It
5 is just simply because of an aiding and abetting that would
6 allow the evidence to come in.

7 THE COURT: Do you want to say anything?

8 MR. WEEDMAN: Oh, yes, your Honor.

9 Again, I am sure your Honor will understand that
10 I am offering this in good faith, certainly.

11 I would at this time, your Honor, respectfully
12 move for a mistrial on the grounds that the jury has been told
13 directly or inferentially that evidence relating to Charles
14 Manson is material here, because of a possible conspiracy
15 between Mr. Manson and my client.

16 I think that now that that has been rather locked
17 into the minds of the jurors at this time so as to preclude
18 my client from having a fair trial.

19 Then I would submit for the record, your Honor,
20 that it is a denial of due process to my client.

21 THE COURT: Well, motion denied.

22 MR. WEEDMAN: Secondly, your Honor, in view of your
23 Honor's denying my motion, I would respectfully request that
24 your Honor instruct the jury that they are to disregard any
25 statement relative to any possible conspiracy that may or may
26 not exist in this case at this time, your Honor.

27 THE COURT: Well, I am inclined to deny the motion
28 because the People have stated in their opening statement,

1 and have indicated here, that they are attempting to prove a
2 conspiracy.

3 My statement to them didn't say that it is going
4 to prove a conspiracy. You read my statement. I was very
5 cautious.

6 I said it may be offered by the People in an
7 attempt to prove a conspiracy. Now, let's see how far wrong
8 I have misquoted.

9 Did you have that statement?

10 THE REPORTER: No, your Honor.

11 THE COURT: It is an explanatory statement. Otherwise
12 the jury doesn't know what is going on here. That is the
13 reason I made the statement, that it may or may not prove any-
14 thing.

15 It might prove nothing. I don't know. Let's wait
16 and see.

17 (Pause.)

18 THE COURT: I made a statement there, the last question
19 the district attorney asked of the witness.

20 I made a brief statement. Would you read it
21 again, please?

22 (The reporter read the record as follows:

23 "THE COURT: The questions may go to questions
24 of possible conspiracy. Ultimate statements, I
25 don't know.")

26 THE COURT: I don't think anybody is hurt by the state-
27 ments I made.

28 MR. WEEDMAN: I am simply trying to protect the record

1 here. I'm sure your Honor appreciates that.

2 THE COURT: Yes. The motion is denied.

3 I think some of the testimony of the People may
4 be admissible. I am not altogether satisfied on your state-
5 ments.

6 Your statement respecting admissions or statements
7 that may incriminate Grogan, for instance, until you have a
8 showing of conspiracy I will not allow them to be taken out
9 of order.

10 The charges are serious, capital punishment is
11 involved.

12 Now, if you control conspiracy between A, B and
13 C, and then show incriminating statements, I think they are
14 admissible even though made outside of the presence of Grogan.

15 That is your basic principle of law.

16 MR. KATZ: That is correct, your Honor.

17 THE COURT: There are exceptions when the court can
18 allow them in first, but I'm not inclined to do that.

19 You can prejudice this jury by saying, "I'm going
20 to kill Shorty Shea," or "Grogan and I are going to kill
21 Shorty Shea," and no proof of conspiracy.

22 Such admissions like that are loaded, they are
23 dangerous, they are prejudicial.

24 But if you can get your conspiracy in, that is
25 a part of your case so I wouldn't want to take such statements
26 until you can get your springboard in.

27 If you get yourself in the water before you spring
28 from the spring -- if you get your conspiracy in, that is

another thing.

Now, your statement respecting admissions of a co-principal, admissions of a co-principal without proof of a conspiracy, of course, as a matter of fact, if you read your law -- I don't say this critically, but when you have two people committing the crime, you do have a conspiracy.

You can't have two people very well automatically going without having talked about a commission of a crime. It is almost impossible.

If you have two people that are going to rob Smith, there must be some understanding that they are going to rob Smith before the two go to rob Smith.

It is much more than just finding two people where a crime is being committed, and saying, "Here is two principals." They have had no understanding they are going to rob Smith.

It is a situation, I suppose, that could exist, but it is based upon some understanding between the two parties, and there is your conspiracy to rob.

The statement of one of the two men, incriminating statement, is obviously admissible as against -- it may or may not be admissible against the codefendant. If made in the presence of the codefendant, that is one question.

The danger arises where there is two people tried together, but I have serious questions about the admissibility of a co-participant in an actual -- for instance, let's take robbery where one of the men says, "Jones and I are here to rob Smith. Jones and I are here to rob Y." Their admissibility

1 without both of the two defendants, let us say, Jones and I,
2 without them being there, you can't bind the absent man who
3 is there. You can't bind him unless there is some showing
4 that there is a unison, there is some common purpose to rob
5 the victim.

6 That is what I am getting at.

7 MR. KATZ: I take no issue with that statement.

8 I think your Honor is absolutely correct.

9 THE COURT: I thought you were posing that as a means
10 of expression of one of the defendants --

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

12 THE COURT: All right. Until you get your foundation in.

13 MR. KATZ: That is what I am attempting to do.

14 THE COURT: Then you must be careful how you illustrate
15 your testimony before getting into confessions, admissions
16 or incriminating statements.

17 MR. KATZ: I intend, and I will make this clear, with
18 Miss Pearl to at this time elicit no conversations, as such,
19 between Manson, herself, or any of the alleged members of
20 the co-conspiracy with Miss Pearl.

21 I am merely establishing factually what she
22 perceived through her senses, the facts that the family moved
23 there, they took residence there, that Clem, that is, Steve
24 Grogan, the defendant, was living there at the same time that
25 Manson was living there, at the same time Davis was living
26 there, at the same time Watson was, to show access.

27 That is all I am eliciting at this time.

28 THE COURT: I would think that the testimony is

1 permissible.

2 Now, the extent you may show a conspiracy, that is
3 another thing.

4 MR. KATZ: I agree.

5 THE COURT: If you can show it, that is another thing.

6 MR. KATZ: I agree.

7 THE COURT: Maybe you can't show it.

8 If you can show it, that is another thing. If
9 you can't show it, that is another thing, but think that
10 your testimony will be permissible.

11 I caution you to be careful not to bring out
12 statements that may incriminate Grogan until you have a foun-
13 dation for the statements.

14 MR. KATZ: I certainly agree, your Honor, and I think
15 our understanding is clear.

16 THE COURT: I would go this far, too, and I would do
17 the same thing for the defendant.

18 If you want to take part of your testimony to try
19 to get your foundational structure for your conspiracy
20 together, and then call back the witness, I won't attempt to
21 use any technicality.

22 Bring them back and take part of your testimony.
23 Maybe you were not in the position to put it on.

24 The same thing would go for any of the defendant's
25 witnesses.

26 MR. KATZ: I will understand that, your Honor.

27 THE COURT: I will overrule the objection.

28 The objection may be overruled.

MR. WEEDMAN: Thank you, your Honor.

THE COURT: Go ahead, gentlemen.

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

THE COURT: Now, we are back in court. Defendant is
here, Mr. Grogan. Both counsel are here. All jurors are here.

Ask your next question.

MR. KATZ: Thank you, your Honor.

Q I believe you were telling us that Mr. Manson and
some people began living at Spahn Ranch sometime in 1969?

Is that correct?

A Yes.

Q Can you tell us approximately when it was that
Mr. Manson in 1969 moved to the ranch?

THE COURT: Set a foundation. You are asking for
conversation.

MR. KATZ: No conversation at all, your Honor. I am
just asking when it was that Miss Pearl became aware of the
fact that Mr. Manson and other people began living at Spahn
Ranch.

MR. WEEDMAN: I will object to the question as being too
indefinite.

THE COURT: Let's go back to our basic question.

(The question was read by the reporter
as follows:

"Q Can you tell us approximately
when it was that Mr. Manson in 1969 moved
to the ranch?")

THE COURT: The objection is overruled. Answer the

8a-2

question.

THE WITNESS: I believe it was in the mid-summer, around June.

Q BY MR. KATZ: Sometime around June 1969?

A Yes.

Q Who else was living there with Mr. Manson at that time?

A The girls, family.

Q Tell us who you mean by "the girls."

A All right, Lynn Fromme.

Q Who else?

A Patricia Krenwinkel, Sadie Atkins, Sandy --

Q Sandy Good?

A Yes, Brenda.

Q Brenda McCann?

A Yes.

Q Who else?

A Some of the boys.

Q Tell us their names.

A Steve Grogan, Tex Watson.

Q Who is Steve Grogan?

Do you know Steve Grogan?

A Yes.

Q Do you see him in the courtroom someplace?

A Yes.

Q Would you point him out?

A Yes (indicating).

MR. KATZ: May the record reflect that the witness has

8a-3

1 pointed to Mr. Grogan?

2 THE COURT: Yes.

3 Q BY MR. KATZ: You stopped for a moment.

4 Was Mr. Grogan's hair the same length as it is as
5 you see it now, when you saw him at the ranch?

6 A No.

7 Q How long was his hair at the ranch?

8 A Real long, below his chin.

9 Q All right. Now, you were saying that Mr. Grogan
10 was living at the ranch with Mr. Manson.

11 Who else?

12 A Tex Watson.

13 MR. WEEDMAN: Excuse me, I don't think that the witness
14 did say that my client was living with Mr. Manson. I thought
15 she said Mr. Manson moved there with certain people, your
16 Honor.

17 THE COURT: Let me having the wording.

18 (The record was read by the reporter
19 as follows:

20 "Q All right. Now, you were saying
21 that Mr. Grogan was living at the ranch with
22 Mr. Watson.

23 "Who else?

24 "A Tex Watson.")

25 THE COURT: Well, I think the answer is there. The
26 objection is overruled.

27 Q BY MR. KATZ: Pearl, who else among the men were
28 living at Spahn Ranch with Mr. Manson in this period of June,

8a-4

1 in the early summer of 1969?

2 A Bill Vance, Charlie.

3 Q Charlie?

4 Whom do you mean?

5 A Charlie Manson.

6 Q All right.

7 A Bruce Davis.

8 Q Did you know a person by the name of Danny De Carlo?

9 A Danny De Carlo.

10 Q Was he living there?

11 A Yes.

12 Q Would it help you to see some pictures to refresh
13 your memory?

14 A Yes, there are so many I can't think.

15 MR. KATZ: Your Honor, we have previously marked a
16 series of photographs, 32-A through 32-CC. I wish to show
17 this --

18 THE COURT: The same numbers?

19 MR. KATZ: Yes, your Honor.

20 THE COURT: Did you show them to the defendant?

21 MR. KATZ: The defendant has seen them.

22 THE COURT: All right.

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

24 THE COURT: Yes, sir.

25 Q BY MR. KATZ: Let's start out with People's
26 exhibit No. 5.

27 Do you recognize the individual as having seen him
28 before?

8a-5

1 A Oh, yes, Charlie.

2 Q So Charlie was living there?

3 Is that right?

4 A Yes.

5 THE COURT: Do you have it?

6 MR. KATZ: People's 5 for identification.

7 Q Showing you this photograph which consists of a
8 front and profile view, People's 6 for identification.

9 Do you recognize that individual?

10 A Yes.

11 Q Who is that?

12 A Charles -- Tex Watson, we called him.

13 Q Tex was living at the ranch in the summer of 1969?

14 A Yes.

15 Q Showing you People's 7 for identification, a
16 picture of a female.

17 Who is that?

18 A We called her Gypsy.

19 Q That is Katherine Share?

20 Is that correct?

21 A Yes, Kathy Share.

8b

8B

1 Q She was living at the ranch in the spring and
2 summer of 1969?

3 A Yes.

4 Q Showing you a picture of this female in People's 8
5 for identification, do you recognize that individual?

6 A Yes.

7 Q Who is that?

8 A That is Lynn Fromme.

9 Q Did she go by a nickname?

10 A Yes, Squeaky.

11 Q All right. Was she living there in the spring and
12 summer of 1969?

13 That is, at the Spahn Ranch?

14 A Yes.

15 Q Going on to this photograph, 32-E for identifica-
16 tion.

17 Do you recognize that individual?

18 A Yes.

19 Q Who is that?

20 A Bill Vance.

21 Q And he was living there in the spring of 1969?
22 Is that correct?

23 A Yes.

24 Q And going on to People's 32-R for identification,
25 Do you recognize that individual?

26 A Yes.

27 Q Who is that?

28 A Bruce Davis.

1. Q Was he living there in the spring and summer of
2 1969?

3 A Yes.

4 Q Showing you a picture of this person with long
5 hair, 32-M for identification.

6 Do you recognize that individual?

7 A Yes.

8 Q Who is that?

9 A That is Steve Grogan.

10 Q That is the defendant in this case?

11 A Yes.

12 Q Mr. Grogan was living at the Spahn Ranch in the
13 spring and summer of 1969?

14 A Yes.

15 Q And showing you 32-V for identification.

16 Do you recognize that girl?

17 A Yes.

18 Q Who is that?

19 A Sandra Good.

20 Q Was she living at the Spahn Ranch in the spring
21 and summer of 1969?

22 A Yes.

23 Q Showing you a picture of this female in 32-X.

24 Do you recognize her?

25 A I know her, yes. I know her.

26 Q All right. By what name do you know her?

27 A Only as Kathy.

28 Q And you later learned her name to be Katherine

1 Gillis?

2 A Kathy Gillis.

3 Q Was she living at the Spahn Ranch in the spring
4 and summer of 1969?

5 A Yes.

6 Q Showing you this picture of a female, 32-Y.
7 Do you recognize her?

8 A Yes.

9 Q Who is that?

10 A Mary Brunner.

11 Q Mary Brunner was living there in the spring and
12 partial summer of 1969?

13 Is that correct?

14 A Yes.

15 Q Showing you 32-K for identification.
16 Do you recognize that female?

17 A Yes.

18 Q Who is that?

19 A We called her Brenda.

20 Q This is the girl Brenda McCann?

21 A Yes.

22 Q Or Nancy Pittman?

23 A Yes.

24 Q Was she living at Spahn Ranch in the spring and
25 summer of 1969?

26 A Yes.

27 Q Showing you 32-N for identification.
28 Do you recognize that girl?

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A Yes.

Q Who was that?

A Ruth. I know her by Ruth or Ouish.

Q O-u-i-s-h?

A Yes.

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Q Is that Ruth Morehouse?

A Morehouse, yes.

Q All right.

Was she living at Spahn Ranch in the spring and summer of 1969?

A Yes.

Q Going on to 32-P for identification. Do you recognize that female?

A Yes.

Q Who was that?

A Sue Bartel

Q Was she living at the Spahn Ranch in the spring and summer of 1969?

A Yes.

Q Showing you this picture 32-P for identification, do you recognize this picture of this male?

A I can't remember his name. Danny --

Q Danny De Carlo?

A De Carlo.

Q All right.

And was Danny living at the Spahn Ranch in the spring and summer of 1969?

A Yes.

Q Incidentally, do you recognize the girl who is depicted in 32-W?

A Patty?

Q All right.

I don't want you to guess. Do you know a person

1 by the name of Ella Jo Bailey?

2 A Yes.

3 Q Do you recognize that as Ella Jo Bailey?

4 A Yes. Not very clear of her.

5 Q Not a very good picture, is that right?

6 A Yes.

7 Q Was she living at Spahn Ranch during the spring
8 and partial summer of 1969?

9 A Yes.

10 Q Going on to 32-Z for identification, do you recog-
11 nize that female?

12 A Yes.

13 Q Who is that?

14 A Leslie.

15 Q Leslie Van Houten?

16 A Van Houten.

17 Q Was she living there in the spring and summer of
18 1969?

19 A Yes.

20 Q Incidentally, do you recognize the male in the
21 picture, 32-CC?

22 A Yes, I recognize him.

23 Q Do you recall his name?

24 A No.

25 Q All right.

26 But you had seen him --

27 A I have seen him.

28 Q You had seen him at the ranch, that is?

1 A Yes.
2 Q That would be in the spring and perhaps summer of
3 1969?
4 A Oh, yes.
5 Q Going on to 32-BB for identification, you recog-
6 nize that girl?
7 A Yes.
8 Q What is her name?
9 A Diane Bluestein or Diane Lake,
10 Diane Lake as I knew her.
11 Q Did you know her by a nickname?
12 A D.A.
13 Q How do you spell that?
14 A Just D.A.
15 Q Like district attorney?
16 A Yes.
17 Q All right. And that's 32-BB for identification.
18 A Uh-huh.
19 Q That girl Diane Lake or Diane Bluestein was living
20 at the ranch then during the spring and summer of 1969, is
21 that correct?
22 A Yes.
23 Q Going on to 32-L, do you recognize that girl?
24 A Yes, I recognize her.
25 Q Do you recall her name?
26 Don't guess if you don't know.
27 A No, I can't remember her name. I know her well.
28 Q With respect to this girl, do you recall seeing

her at Spahn Ranch in the time period of the spring and summer
of '69?

A Oh, yes.

Q All right.

And going on to 32-0, do you recognize that
gentleman?

A Yes.

Q Who is that?

A Robert Beausolier.

Q Robert Beausolier?

A Yes.

Q Do you know a person by the name of Paul Watkins?

A Oh, yes. Yeah, that looks the same.

They both look the same to me.

Paul Watkins.

Q Both are good-looking?

A Yes.

Q Take a good look at 32-0 and tell me now if you
have an independent memory of who that is.

A Yes.

Q Who is that?

A Paul Watkins.

Q Had Paul Watkins lived at the Spahn Ranch?

A Yes.

Q Going on to 32-Q, do you recognize that male
individual?

A Yes.

Q Who is that?

1 A Vern.

2 Q Vern Plumlee?

3 A I don't remember his name. Plumlee, yes.

4 Q Had he been living at the Spahn Ranch in spring
5 and summer of '69?

6 A Yes.

7 MR. WEEDMAN: Your Honor, I wonder if we might approach
8 the bench just briefly.

9 THE COURT: Yes.

10 MR. WEEDMAN: No need for the reporter, your Honor.

11 (Conference in chambers with both counsel and
12 defendant present, not reported.)

13 THE COURT: Ladies and gentlemen, a short matter of
14 importance that has nothing to do with this case has arisen.
15 We will take a five-minute recess, and we will go right ahead.

16 Do not discuss the case. We are at recess.

17 (Short recess.)

18 THE COURT: Now we will go right ahead.

19 Defendant and both counsel are here.

20 You can bring in the jury, sheriff, if you will.

21 THE BAILIFF: Yes, sir.

22 THE COURT: The witness is on the stand.

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

25 THE COURT: Now we have all jurors and all alternates.

26 You may proceed.

27 MR. KATZ: Thank you, your Honor.

28 Q Pearl, going on and showing you 32-J, do you

recognize that female?

A Yes.

Q Do you remember her name?

A Not right offhand.

Q All right.

Had you seen that female some place?

A Oh, yes.

Q Where?

A Right at the Spahn Ranch.

Q When you say "right at the Spahn Ranch," --

A Spahn Ranch.

Q At the same time period we are talking about,
June, July and August of 1969?

A Yes.

Q Going on to 32-I for identification, do you
recognize that female?

A Yes.

Q Do you know who that is?

A Yes.

Q Who is that?

A Linda.

Q Linda Kasabian?

A Kasabian.

Q You had seen her during this part of the summer
of '69?

A Yes.

Q Talking about Spahn Ranch?

A Right.

1 Q Going on to 32-H for identification, do you
2 recognize that girl?

3 A Yes.

4 Q Do you know her name?

5 A No.

6 Q All right. Had you seen her before?

7 A Yes.

8 Q Where?

9 A Right at Spahn Ranch.

10 Q The same time period we are talking about?

11 A Yes.

12 Q Showing you 32-G for identification, do you
13 recognize that individual?

14 A Yes.

15 Q Who is that?

16 A That is Juan Flynn.

17 Q All right.

18 Did he frequent Spahn Ranch?

19 A Yes.

20 Q What did he do there?

21 A He was a worker. He helped with the chores.

22 Q Cowboy?

23 A Yes.

24 Q All right.

25 And going on to 32-D for identification, do you
26 recognize that individual?

27 A Yes.

28 Q Who is that?

1 A That is Bobby Beausolier.

2 Q The person you previously confused with Paul
3 Watkins?

4 A Yes.

5 Q All right.

6 With respect to 32-D , did Bobby Beausolier
7 appear at the Spahn Ranch frequently in that time period?

8 A Yes.

9 Q Going on to 32-C for identification, do you
10 recognize that female?

11 A Yes.

12 Q Who is that?

13 A Sadie Atkins.

14 Q Or Susan Atkins?

15 A Susan Atkins.

16 Q Was she living at the Spahn Ranch during the summer
17 of 1969?

18 A Yes.

19 Q Do you recognize the male individual in 32-B?

20 A Yes.

21 Q Do you know his name?

22 A Not offhand.

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Q All right.

Have you seen that individual at Spahn Ranch?

A Yes.

Q And during the same time period we are talking about?

A Yes.

Q Going on to 32-A for identification, do you recognize that individual?

A Yes. That is Patty.

Q Little Patty?

A Yes.

Q And where had you seen Little Patty?

A Right there at Spahn Ranch.

Q In the same time period we are talking about?

A Yes.

Q Going on to 32 -- I had previously identified, your Honor, a photograph as 32-A.

THE COURT: All right.

MR. KATZ: Yes, that's right.

Q And showing you 32-U for identification, do you recognize that girl?

A Yes.

Q Who is that?

A Patricia.

Q Patricia who?

A Krenwinkel.

Q Did she live at Spahn Ranch in the summer of '69?

A Yes.

9a-2 1

Q Showing you 32-T for identification, do you
recognize that individual?

2

3

A Yes.

4

Q Who is that?

5

A That is Larry Jones.

6

Q All right. Did you know him by a nickname?

7

A Curley.

8

Q All right.

9

In any event was Larry Jones living at Spahn Ranch
during that time period of the spring and summer of '69?

10

A Yes.

11

Q Do you recognize the male individual in 32-S?

12

A I recognize him. I don't know who it is.

13

Q All right.

14

And going on to, lastly, to 32-AA, do you
recognize the female in that photograph?

15

16

A Yes.

17

Q Who is that?

18

A Bo.

19

Q Also known as Barbara Rosenberg?

20

A Yes.

21

Q Had you seen her at Spahn Ranch?

22

A Yes.

23

Q During what time period?

24

A Same time period as the rest.

25

Q Spring and summer of '69?

26

A '69.

27

Q Now, the people that you have identified in the

28

9a93

1 32 series of photographs, were all these people living at
2 Spahn Ranch together with Manson?

3 A Yes.

4 Q That includes the defendant, Mr. Grogan, is that
5 correct?

6 A Yes.

7 Q Incidentally, how often did you frequent Spahn
8 Ranch in 1969?

9 A Every day of the year.

10 Q Did you have some duties to perform every day of
11 the year?

12 A Yes.

13 Q What would you do?

14 A I had to be there in the morning, take care of
15 customers and see that the horses got ready. See that --
16 checking on any picture companies that called in. Get the
17 stuff ready, line it out for transportation.

18 Take care of the business.

19 Q And was Mr. Spahn there during that same period of
20 time?

21 A Yes.

22 Q How often?

23 A Every day.

24 Q Incidentally, during that time period were you
25 taking care of George Spahn?

26 A Yes. That was one of the main duties.

27 MR. KATZ: Your Honor, perhaps this would be a convenient
28 time for a break.

9a-4

1 THE COURT: All right.

2 Ladies and gentlemen, we will recess till 2 o'clock.
3 If you will kindly return promptly, as you have been, so we
4 may proceed.

5 Do not discuss the case or come to any opinion or
6 conclusion.

7 Thank you very much. Recess till 2.

8 You return, please, lady,

9 THE WITNESS: Yes.

10 THE COURT: Thank you, lady.

11 (A recess was taken to 2 p.m. of the
12 same day.)
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LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 2, 1971

2:00 P.M.

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

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

The defendant is here. Both counsel are here.

You can bring in the jury, Sheriff, please.

Now, you have been sworn, so you sit down, lady,
and tell us your name again, please.

THE WITNESS: Ruby Pearl.

THE COURT: Thank you.

Bring the microphone up to your mouth.

Thank you.

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

THE COURT: Now, we have all the jurors here, plus the
alternates, so you may proceed.

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

RUBY PEARL,

resumed the stand and testified further as follows:

DIRECT EXAMINATION (Cont'd.)

BY MR. KATZ:

Q Now, Pearl, you told us that Mr. Manson and people you identified in the series 32 exhibits were living at Spahn Ranch in the period of June, July and August 1969.

Is that correct?

A Yes.

Q Do you know what part of the ranch they were living on?

A Yes.

Q Where?

A The lower end. We call it the ranch house.

Q Where is that located in relation to the main building or the boardwalk of Spahn Ranch?

A It was down below Mr. Spahn's house, down the bridle trail towards the northwest end of the ranch.

Q Well now, as you go up Santa Susana Pass, does that go in a northwesterly direction?

A Same direction.

Q So it is somewhat northwest of the main building?

Is that correct?

A Yes.

Q And approximately how far is it on the Spahn Ranch from the main building?

A Well, we used to consider it about an average of two blocks.

#11

1 Q All right,

2 In any event, did you also see Mr. Manson and
3 these other people you identified in series 32 exhibit at the
4 boardwalk area?

5 A Yes.

6 Q How often would you see them there?

7 A Every day.

8 Q All right.

9 Now, did you know a person by the name of Lance
10 Victor?

11 A Yes.

12 Q And directing your attention to sometime in June
13 of 1969, did Shorty and Lance Victor come over to your place?

14 A Yes.

15 Q Where were you staying at that time?

16 A At home on De Soto Street in Chatsworth.

17 Q And once again with respect to this visitation
18 in June of 1969, did you, Shorty and Lance engage in a conver-
19 sation concerning some negatives and movies?

20 A Yes.

21 Q And can you tell us exactly who was present during
22 that conversation?

23 A Yes. The -- they came over to get the negatives.
24 Lance and Shorty and myself.

25 And for the purpose of --

26 Q Well, just answer the question who was there
27 first.

28 A Oh, at my home?

1 Q Yes.

2 A Just me and Shorty and Lance.

3 Q All right.

4 Now, did you have some negatives which reflected
5 pictures taken at Corriganville and Spahn Ranch and reflected
6 documentaries and live performances that occurred at those
7 places?

8 A Oh, yes.

9 Q Did some of those negatives reflect pictures that
10 were taken of Shorty and some of the horses that he used?

11 A Yes.

12 Q Can you tell us whether or not you had a discus-
13 sion regarding his using your negatives for a specific purpose?

14 A Yes.

15 Q Tell us the conversation.

16 A Yes. He wanted to come over and look through my
17 negatives because he wanted to get a scrapbook together of
18 himself in the pictures to use for publicity for the movie,
19 stunt work he intended to do.

20 Q What did he say to you in that regard?

21 A He says, "Pearl, I know you have pictures you took
22 of me making these movies, scenes. And I sure would like to
23 get them back and make my scrapbook."

11A

24

25

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1 Q All right.

2 Did he say anything about his having had his scrap
3 book?

4 A Yes. It was destroyed or lost.

5 Q All right.

6 When he and Lance came over with respect to looking
7 at the negatives did they in fact look at negatives?

8 A Yes.

9 Q Tell us what happened when Lance and Shorty looked
10 at your negatives.

11 A Oh, he was tickled to death to see these old
12 pictures of himself and the horses he had worked with and some
13 of my animals that worked with him. And the Corriganville
14 scenes.

15 Q Were there any pictures of yourself there?

16 A Yes.

17 Q And did you have any specific understanding with
18 respect to loaning him the negatives for a specific purpose?

19 A Oh, yes. I told him, "Gee, I hated to lend them
20 out but be sure and bring them back."

21 Q Did he agree to that?

22 A Oh, yes.

23 Q Did you ever get your negatives back?

24 A No.

25 Q Now, was there any understanding with him with
26 respect to his making a set of prints from those negatives
27 for you?

28 A Yes. In order to lend them out, to make it

11a-2 1

advantageable to me I wanted him to make me some.

2

Q Did he agree to that?

3

A Yes.

4

THE COURT: Now, pardon me. If I may say --

5

MR. KATZ: Certainly, your Honor.

6

THE COURT: You use the word "he". If you would denote the name of the individual, because there are three people in your conversation.

9

THE WITNESS: All right.

10

MR. KATZ: I appreciate it, your Honor.

11

Q When you say "he" do you mean Shorty?

12

A I mean Shorty.

13

Q All right.

14

Now, at that same time we are talking about, the same conversation in June of 1969, did you and Shorty have any discussion concerning his appearing in the forthcoming Bob Bickston movie?

18

A Yes.

19

Q Can you tell us the nature of that conversation?

20

A Oh, he was very excited about it, and he was telling me that he had a special part in this picture, and he couldn't wait for it to start because he needed the money so bad. And he was enthused about it and just waiting day by day for it to come up.

25

Q All right.

26

THE COURT: Now, pardon me. Set the date again of this last incident that you are speaking of.

27

28

I think you have told the district attorney. Set

11a-3

1 it again.

2 Q BY MR. KATZ: Yes. Was this during the same
3 conversation regarding the negatives that occurred in June of
4 1969 at your house?

5 A Yes.

6 Q And just so we are all clear, present during that
7 conversation was Lance Victor, yourself and Shorty Shea, is
8 that correct?

9 A Yes.

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

11 THE COURT: Yes, certainly.

12 Q BY MR. KATZ: I would like to show you the series
13 33 photographs that have been previously marked for identifica-
14 tion.

15 And we will start out with 33-A for identification.
16 I am going to ask you whether or not you recognize this
17 picture as having seen it before.

18 A Yes.

12

#12

1 Q Is that a picture made from one of the negatives
2 you gave Shorty?

3 A Yes.

4 Q You recall where this picture was taken?

5 A Yes, right in front of the tack room at the stable.

6 Q The stable?

7 Where is the stable located?

8 A That is at the Spahn Ranch.

9 THE COURT: Was it marked for identification?

10 MR. KATZ: Yes, 33-A for identification.

11 THE COURT: All right.

12 MR. KATZ: Thank you, your Honor.

13 Q Do you recognize any of the individuals in the
14 picture, that is on the horse?

15 A I recognize the girl very well.

16 Q What is her name?

17 A Lucille Dietrich.

18 Q Did she used to frequent the Spahn Ranch?

19 A Oh, yes.

20 Q By "Oh, yes," do you mean quite frequently?

21 A Quite frequently.

22 Q Going on to 33-B for identification.

23 Would you please look at that goodlooking young
24 lady here?

25 Do you recognize her?

26 A Yes.

27 Q Who is that?

28 A That is me.

1 Q There is a horse that is right next to you as you
2 sit on the fence.

3 Do you recognize that horse?

4 A Yes.

5 Q What is the name of that horse?

6 A Silver.

7 Q Had you used that horse in connection with a motion
8 picture production?

9 A Yes.

10 Q Did Shorty know that horse?

11 A Yes.

12 Q Going on to 33-C for identification.

13 I show you this individual who appears to be
14 dressed in some type of Western outfit.

15 Do you know him?

16 A Yes.

17 Q Who is that?

18 A Benny Dietrich.

19 Q Did Shorty know Benny Dietrich?

20 A Yes.

21 Q Going on to 33-D for identification, there are some
22 horses and a lady on a horse.

23 Do you recognize this picture?

24 A Yes. That is Benny's sister, Lucille, again.

25 Q Lucille?

26 A Yes.

27 Q 33-A through 33-D were all made from the negatives
28 you gave to Shorty?

1 Is that correct?

2 A Yes.

3 Q Going on to 33-E for identification, do you recog-
4 nize this photograph?

5 A Yes.

6 Q Who was that?

7 A Lucille is the girl.

8 Q Lucille Dietrich?

9 A Yes.

10 Q Once again, this photograph was taken at Spahn
11 Ranch?

12 A Spahn Ranch.

13 Q Going on to 33-F for identification, I notice there
14 are some dogs in that picture.

15 Do you know who they are?

16 A Yes.

17 Q Who are those?

18 A Those are my dogs.

19 Q Did you use those dogs in connection with any type
20 of animal act?

21 A Yes.

22 Q What kind of animal act?

23 A Oh, show dogs.

24 They were -- they all knew tricks, and I took them
25 around the country.

26 Q Incidentally, did Shorty know these dogs?

27 A Yes.

28 Q What was his feeling towards these dogs?

1 A He loved everyone of them.

2 He knew all of their names. He knew what they did.

3 Q You gave Shorty the negatives to this photograph?

4 Is that correct?

5 A Yes.

6 Q Were you talking about 33-F?

7 Is that correct?

8 A Yes.

9 Q Now, going on to 33-G for identification.

10 I show you this photograph with three people
11 depicted therein.

12 Do you recognize the people?

13 A Yes.

14 Q Who are they?

15 A Lucille is in the middle, I am on the right, and
16 a girl friend of mine is on the left.

17 Q And you three ladies are standing next to what?

18 A Next to my horse trailer, which is decorated with
19 the circus pony I have, and the paintings I painted on it myself.

20 Q Once again, you gave this negative to Shorty?

21 Is that correct?

22 A Yes.

23 Q Going on to 33-H for identification.

24 Do you recognize this photograph?

25 A Yes.

26 Q Who does that depict?

27 A Well, the horse I recognize right away is named
28 Johnny. It is one of my best picture horses.

1 I can't see clearly enough to identify the man.

2 Q All right.

3 With respect to this horse, Johnny, did Shorty
4 know this horse?

5 A Yes.

6 Q Did he ever use the horse?

7 A Yes, he used the horse.

8 Q Did he ever express any feelings one way or the
9 other towards Johnny?

10 A Yes, he chose -- He, referring to Shorty, chose
11 this horse many times to ride.

12 Q And he wanted a picture of Johnny?
13 Is that correct?

14 A Yes.

15 Q Going on to 33-I for identification.
16 This shows some horses. Can you tell us what this
17 depicts?

18 A Yes, this is in the No. 1 corral at the Spahn Ranch.
19 It shows horses just mulling around after feeding hours.

20 Q Going on to 33-J for identification, do you
21 recognize the individual who is straddling the horse?

22 A One of our cowhands. I don't know his name.

23 Q Do you know the horse?

24 A The horse is Johnny Horse, again.

25 Q You call him "Johnny Horse"?

26 A Yes.

27 Q That is 33-J for identification?
28 Is that correct?

1 A Yes.

2 Q Once again, you provided the negative to Shorty for
3 purposes of making the print?

4 Is that correct?

5 A Yes.

6 Q Going on to 33-K for identification, do you recog-
7 nize the horse and lady that is on the horse?

8 A Yes.

9 Q Who is that?

10 A That is Lucille Dietrich again, and seated on the
11 bar is Randy Starr.

12 Q All right. Where was this photograph taken?

13 A At the Spahn Ranch.

14 Q Going on to 33-L for identification.

15 Can you tell us what this depicts?

16 A Yes, that is myself in action working a trick pony.

17 Q Do you know where this photograph was taken?

18 A Yes.

19 Q Where?

20 A On San Fernando Boulevard at the opening of a
21 Western store.

22 Q Going on to 33-M for identification, can you tell us
23 what this depicts?

24 A Yes.

25 Q What?

26 A That is a cowhand on Gene Horse.

12a-1

1 Q This is GeneHorse as distinguished from Johnny
2 Horse? Is that correct?

3 A Yes.

4 Q Had Shorty used this horse before?

5 A Yes.

6 Q Going on to 33-M for identification, can you tell
7 us what this photograph depicts?

8 A Yes, this is myself and Shorty in a scene over at
9 Corriganville in a western part.

10 Q All right. Would you please just encircle the head
11 of Shorty so that we can identify him in the picture?

12 A Yes.

13 MR. WEEDMAN: What number is that, counsel?

14 MR. KATZ: That is 33-M, Mr. Weedman.

15 MR. WEEDMAN: Thank you, counsel.

16 Q BY MR. KATZ: Would you please place your initials
17 to the side so we can know that you are the lady who placed
18 the designation?

19 A Yes.

20 MR. KATZ: May the record reflect the witness has
21 complied?

22 THE COURT: Yes.

23 MR. KATZ: Thank you, your Honor.

24 Q Going on to 33-O for identification, do you
25 recognize the picture of these two --

26 A Yes.

27 Q -- little dogs?

28 A Yes, two of my little Japanese spaniels.

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Q Do you know their names?

A Yes, Harriet and Daisy.

Q Did Shorty know these dogs?

A Yes.

Q Did he express any feelings towards these dogs?

A Yes, he always spoke to them whenever he came over.

Q All right. Now, with respect to the negative that shows clearly these two dogs.

Did he ask you for that negative?

A Yes. You know why? They are eating a cob of corn, and every time Shorty came over with Lance I fed them cobs of corn.

Q The dogs or Shorty?

A Lance and the dogs both.

Q Lance, Shorty and the dogs?

A Yes.

Q That is 33-0 for identification?

Is that correct?

A Yes.

Q To be clear about it, Shorty had asked for that negative that is now in print?

A Yes.

Q Going on to 33-F for identification,

I show you this photograph. What does this depict?

A This is Benny Dietrich and a lady over at Corriganville who was in our picture also.

Q Do you know where this photograph was taken?

1 A At Corriganville.

2 Q Going on to 33-Q for identification.

3 A The same dogs again. That is the same picture.

4 Q I see. It is a duplicate, then?

5 A Duplicate of the same picture.

6 Right underneath that one. Right there (indicating).

7 Q Of the photograph 33-Q?

8 Is that correct?

9 A Yes, same picture.

10 Q Going on to 33-R for identification, do you
11 recognize that?

12 A That is the same picture, again, that we just
13 mentioned at Corriganville.

14 Q As 33-P?

15 Is that correct?

16 A Yes.

17 Q All right. Going on to 33-S, what does that
18 picture show us?

19 A A scene of a covered wagon and a team of horses
20 standing waiting call at Corriganville stable.

21 Q Do you recognize the individuals on the stagecoach?

22 A Yes, that would be the driver, Ray Wickman.

23 Q Can you spell that last name, Wickman?

24 A W-i-c-k-m-a-n.

25 Q Going on to 33-T for identification, this appears
26 to be the same photograph?

27 A Same photo. It is me working my trick pony at the
28 grand opening of the store.

12-4

1 Q Just so the record is clear, this is the same
2 photograph as 33-L?

3 Is that correct?

4 A Yes.

5 Q Now, going on to 33-U for identification, do you
6 recognize this picture?

7 A Yes.

8 Q What does this show us?

9 A That is a scene from Billy The Kid, and it is
10 Arch Hall's son doing his act.

11 Q All right. This is 33-U?

12 A Yes.

13 Q Do you recognize the name of the picture, Deadwood
14 76?

15 A Yes.

16 Q Do you know whether or not this picture was taken
17 from Deadwood 76?

18 A It is, yes.

19 Q And the gentleman who is in the foreground of the
20 picture is Arch Hall's son?

21 A Yes.

13

#13

1 Q Going on to 33-V for identification, do you recog-
2 nize this picture as depicting something you had seen before?

3 A Yes.

4 Q What does this show?

5 A That is a scene from the same picture where the
6 cowboys are plotting together, and Shorty is on the left.

7 Bernie Dietrich is in the center and the director
8 on the right.

9 Q Would you please encircle Shorty, circle his head
10 and then place your initials above that so we know you made
11 that designation.

12 A (Marking.)

13 MR. KATZ: All right. May the record reflect that the
14 witness complied, your Honor?

15 THE COURT: All right.

16 MR. KATZ: Thank you.

17 Q This, once again, was Shorty at Corriganville, is
18 that correct?

19 A At Corriganville.

20 Q Showing you 33-W for identification, do you
21 recognize this photograph as depicting someone you know?

22 A Yes.

23 Q Who does that depict?

24 A That is Shorty on the left and Benny Dietrich on
25 the right.

26 Q Do you know where this photograph was taken?

27 A Yes, at Corriganville.

28 Once again, would you please encircle Shorty and

1 place your initials above.

2 A (Marking.)

3 MR. KATZ: May the record reflect the witness has com-
4 plied with respect to exhibit 33-W.

5 THE COURT: It may.

6 MR. KATZ: Thank you.

7 Q Going on to 33-X, do you recognize this picture as
8 depicting something you have seen before?

9 A Yes.

10 Q What does that depict?

x 11 A We were watching all the sights, and this was a
12 little comical fellow, the undertaker in the same picture,
13 Deadwood.

14 Q 76?

15 A 76.

16 Q This is a shot at Corriganville, is that correct?

17 A Yes.

18 Q All right.

19 Going on to 33-Y for identification, do you recog-
20 nize this photograph as depicting individuals you know?

21 A Yes. This is a little farther away. This is
22 Shorty in the center --

23 Q The gentleman with the rifle?

24 A Yes.

25 Q All right.

26 Would you please encircle him and place your initials
27 near the circle so we know you made that designation.

28 A (Marking.)

1 MR. KATZ: May the record reflect the witness has
2 complied.

3 THE COURT: All right.

4 Q BY MR. KATZ: Once again, this picture was taken
5 at Corriganville?

6 A At Corriganville.

7 Q Showing you 33-Z for identification, what does
8 this show us?

9 A The horse Bell is very prominent in pictures.

10 Q What is the name of the horse?

11 A Bell.

12 Q Would you spell it?

13 A B-e-l-l .

14 Q All right.

15 A Named after Rex Bell, who used that horse first.
16 And that is a friend of ours that worked at Corriganville.

17 Q Do you mean the gentleman in the picture?

18 A Yes, and myself.

19 Q And yourself.

20 Where was this picture taken?

21 A At Corriganville.

22 Q Did Shorty know the horse here?

23 A Yes. He had that for the horse.

24 Q You say Shorty picked this negative so that he
25 could have the picture of the horse, Bell, is that correct?

26 A Yes.

27 Q Going on to 33-Z1, what does this show us?

28 A That is the same picture we looked at previously

1 showing Arch Hall's son in Deadwood 76.

2 Q Once again shot at Corriganville, is that correct?

3 A Yes.

4 Q Going on to 33-22, do you recognize this photograph
5 as depicting people you know?

6 A Yes.

7 Q And what does this picture depict?

8 A Shall I name the individuals?

9 Q If you can.

10 A Yes. There is a few I know in this here. Benny
11 Dietrich again. A girl friend of mine, Joanne Whiteside.
12 And a couple of cowhands.

13 And this is Johnny Swartz and a few other cowhands.

14 Q With reference to the horse, which horse is that?

15 A That is Gene Horse again. Full, close picture
16 of his head.

17 Q Do you know why Shorty selected this negative?

18 A Yes.

19 Q Why?

20 A For that horse.

21 Q In other words, to have a closeup of Gene Horse?

22 A Yes.

23 Q Would you please encircle Johnny Swartz and place
24 your initials above the circle.

25 A (Marking.)

26 MR. KATZ: May the record reflect the witness has
27 complied, your Honor.

28 THE COURT: Yes.

1 MR. KATZ: Thank you.

2 Q Going on to 33-23, I show you this photograph. And
3 what does this show us?

4 A This shows a cowboy who worked for us on my horse
5 Pat.

6 Q Do you know why Shorty selected that negative?

7 A Yes. For the beautiful shape and form of this
8 horse.

9 Q And that is the horse Pat, is that correct?

10 A Yes.

11 Q Going on to 33-24, do you recognize this photograph
12 as depicting something you have seen before?

13 A Yes.

14 Q What does that depict?

15 A That is our big semi tractor that hauls the horses
16 back and forth from Corriganville.

17 Q Did Shorty assist in transporting the horses from
18 Spahn Ranch to Corriganville?

19 A Yes.

20 Q Going on to 33-25, do you recognize that which is
21 depicted in the picture?

22 A Yes.

23 Q What does that show us?

24 A That is another horse, Lady. Black and white pinto,
25 that Shorty road.

26 Q And do you know why the negative to this picture was
27 selected?

28 A Yes, to complete his book of horses and cowboys for

1 his publicity act.

2 Q That he worked with?

3 A Yes.

4 Q Going on to 33-26, here is a picture of a horse
5 and a man on the horse. What does that show us?

6 A That shows Gene Horse again. It's another photo
7 of this horse.

8 Q Where was this photograph taken?

9 A At Spahn Ranch.

10 Q Do you know why the negative to this picture was
11 selected?

12 A Yes, for his scrapbook. To show the horses.

13 Q 33-27, showing a different view of Gene horse, is
14 that correct?

15 A Yes, same horse, a different view.

16 And, oh, he loved beautiful horses.

17 Q All right.

18 In other words, 33-26 shows a left profile, and
19 33-27 shows a right profile of the horse, is that correct?

20 A Yes.

21 Q Lastly, going on to 33-28, can you tell us what
22 this photograph depicts?

23 A Yes. It's the same one as we mentioned before.
24 I am standing right by Shorty, taken at the hotel in Corrigan-
25 ville.

26 Q Shorty is the gentleman with the gun standing next
27 to you?

28 A Yes.

1 Q And with respect to all of these pictures, did
2 you give Shorty all of the negatives to those pictures with
3 the understanding that he would return the negatives and a
4 set of prints for you?

5 A Yes.

6 Q Did you ever receive the negatives back from Shorty?

7 A No.

8 Q Did you ever receive a set of prints that I have
9 showed you?

10 A No.

11 Q From Shorty?

12 A No.

13 Q Now, sometime after this conversation with Lance
14 Victor and Shorty and yourself concerning the negatives and
15 the Bob Bickston movie, did you see Shorty shortly after he
16 was married in Las Vegas?

17 A Yes.

18 Q And sometime before the August 16th raid did you
19 see Shorty at Spahn Ranch?

20 A Yes.

21 Q And when he first returned from Las Vegas did you
22 see him with his new wife?

23 THE COURT: Set your date.

24 MR. KATZ: I'm about to, your Honor.

25 THE COURT: Well, when he returned from Las Vegas, when?
26 Your date.

27 MR. KATZ: All right, your Honor.

28 Q I want to direct your attention to the latter part

1 of July or the first part of August, 1969, and ask you whether
2 or not you saw Shorty at Spahn Ranch.

3 A Yes.

13A

13a-1

1 Q And the first time you saw him in that time period
2 at Spahn Ranch was he with his new wife or not?

3 A Yes.

4 Q All right.

5 And did you actually meet his new wife?

6 A Yes.

7 Q And by what name was she introduced?

8 A Nikki.

9 Q And did you talk with Nikki?

10 A Yes.

11 Q Did she meet George Spahn?

12 A Yes.

13 Q Did Nikki talk with George Spahn?

14 A Yes.

15 Q Now, at or about the time that Nikki was at the
16 ranch in the latter part of July or first part of August
17 1969 were the people that you identified in exhibit series
18 32 generally at the ranch?

19 A Yes.

20 Q And do you recall specifically who was in the
21 vicinity, the immediate vicinity of Nikki and Shorty?

22 A Yes.

23 Q Who was there?

24 A A few of the girls.

25 Q Do you know which girls?

26 A Yes.

27 Q Which girls?

28 A Lynn, Gypsy, Kathy.

13a-2

Q By Kathy --

A Bo.

Q All right. Bo, Barbara Rosenberg?

A Yes. And Ouish, Ruth.

Q You say Ouish, your voice is dropping.

A Yes, Ouish.

Q O-u-i-s-h?

A Yes.

Q Ruth Morehouse?

A Yes.

Q Anybody else you recall?

A Can't recall right now who all was there.

Q All right.

In any event, do you recall what time of day or evening it was that Shorty, you met Shorty and his wife?

A Yes. It was evening.

13b

13b-1

Q All right.

And sometime after meeting and talking with Shorty and Nikki did they leave the ranch?

A Yes.

Q And at that time did you personally observe something that happened between Gypsy, Sue Bartel and Squeaky?

A Yes.

Q Tell us what happened.

MR. WEEDMAN: May we approach the bench, your Honor?

THE COURT: Very well.

(The following proceedings were had in chambers:)

THE COURT: We are in chambers. Both counsel, defendant and reporter.

Go ahead, Mr. Weedman.

MR. WEEDMAN: Your Honor, it appears as though again, I say this because I am familiar with this witness' testimony before the grand jury -- that Mr. Katz may seek to elicit statements from some of the girls that were there at Spahn Ranch in the presence of this witness.

I will respectfully ask that Mr. Katz make an offer of proof here in chambers because again I think we are back to this possibility of prejudicial and inadmissible hearsay against my client.

THE COURT: All right.

Give me the question again.

(The record was read by the reporter as follows:

13b-1

1 "Q And at that time did you
2 personally observe something that happened
3 between Gypsy, Sue Bartel and Squeaky?

4 "A Yes.

5 "Q Tell us what happened.")

6 THE COURT: What do you expect the answer to be, Mr.
7 Katz?

8 MR. KATZ: Your Honor, I expect the witness to testify
9 that after Shorty and his wife left the ranch some of the
10 Manson girls were in the kitchen and Squeaky, who is Lynn
11 Fromme, remarked, "Don't sit in that chair, anybody, because
12 that girl had sat in the chair," referring to Nikki.

13 Gypsy and Sue Bartel were in the kitchen and shied
14 away from the chair as they walked around. No one sat in the
15 chair right after Shorty's visit.

16 Sue Bartel and Gypsy commented upon Shorty
17 bringing this Negro girl to Spahn Ranch stating, "Like, how
18 can you get that way? Ain't that something? Of all girls,
19 a Negro."

20 And this comment was made immediately after the
21 girls refused to sit in the chair and Nikki was sitting in
22 following departure of Shorty and his wife.

13c

1 Now, it is offered as circumstantial evidence,
2 your Honor, of one of the motives for the killing. There are
3 two motives that the People intend to explore in the course of
4 the People's case in chief.

5 Motive number one was that the family hated Negroes.
6 In particular, I am not going into the whole background. They
7 hated Shorty -- I want to get specific -- because of the fact
8 he married a Negro and dared to bring a Negro to the ranch.
9 That is number one.

10 Point number two is, of course, that Shorty was
11 joining forces with Frank Retz in order to purge the Retz
12 property, which was adjacent, located adjacent to the Spahn
13 Ranch, as well as the Spahn Ranch property, of the family.

14 Now, we are not at that point yet. This is only
15 offered specifically to show one of the motives, namely, that
16 Shorty dared to bring a Negro girl to the ranch and that one
17 of the reasons for his death was because he brought a Negro
18 girl there.

19 We intend to develop further the close relation-
20 ship of especially Mr. Grogan to Mr. Manson and to Squeaky who
21 overheard many conversations between George Spahn, Frank Retz
22 and Ruby Pearl.

23 MR. WEEDMAN: Well, your Honor, again --

24 MR. KATZ: This is motive, in other words, this is now
25 evidence of a motive and it's circumstantial evidence of the
26 atmosphere which pervaded Spahn Ranch during the critical time
27 in which we find Mr. Shea to be missing by reason of the
28 criminal agency.

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That is the relevancy, your Honor.

MR. WEEDMAN: Well, of course, your Honor, we will object to the receipt of such testimony on the ground that my client was not present and there is no showing that he adopted any of the purported attitudes manifested by any of these girls towards Mr. Shea's Negro wife.

The defendant, as a matter of fact --

THE COURT: Now, wait. I want to listen to you more.

Go back now and read, start right at the beginning of the district attorney's remarks. I asked him to indicate what he expected to show. I want to hear it again.

(The record was read by the reporter as follows:

"MR. KATZ: Your Honor, I expect the witness to testify that after Shorty and his wife left the ranch some of the Manson girls were in the kitchen, and Squeaky, who is Lynn Fromme, remarked, 'Don't sit in that chair anybody because that girl had sat in the chair' referring to Nikki.

"Gypsy and Sue Bartel were in the kitchen and shied away from the chair as they walked around. No one sat in the chair right after Shorty's visit.

"Sue Bartel and Gypsy commented upon Shorty bringing this Negro girl to Spahn Ranch, stating, like 'How can you get that way? Ain't that something? Of all girls, a Negro.'")

THE COURT: All right. Now, wait a minute.

You mean the motive at that point that the wife of

1 Shea was Negro, as a motive for the killing?

2 MR. KATZ: Yes, your Honor.

3 THE COURT: Now, let's wait a minute.

4 I don't mean to be rude. I want to hold you for a
5 minute.

6 All right, now, go ahead and read, if you will.

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

9 "And this comment was made immediately after
10 the girls refused to sit in the chair that Nikki was
11 sitting in following departure of Shorty and his
12 wife.

13 "Now, it's offered as circumstantial evidence,
14 your Honor, of one of the motives for the killing.

15 "There are two motives that the People intend
16 to explore in the course of the People's case in
17 chief. Motive number one was that the family hated
18 Negroes in particular. I am not going into the
19 whole background. They hated Shorty -- I want to
20 get specific -- because of the fact he married a
21 Negro and dared to bring a Negro to the ranch. That
22 is number one.

23 "Point number two is, of course, that Shorty
24 was joining forces with Frank Retz in order to purge
25 the Retz property, which was adjacent, located
26 adjacent to the Spahn Ranch, as well as the Spahn
27 Ranch property, of the family."

28 THE COURT: All right. Now go on.

(The record was read by the reporter as follows:

"This is only offered specifically to show one of the motives, namely, that Shorty dared to bring a Negro girl to the ranch and that one of the reasons for his death was because he brought a Negro girl there. We intend to develop further the close relationship of especially Mr. Grogan to Mr. Manson and to Squeaky who overheard many conversations between George Spahn, Frank Retz, and Ruby Pearl."

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1 THE COURT: Now, did you have more to say, Mr. Weedman?

2 MR. WEEDMAN: Well, yes, your Honor.

3 It is not just a matter of relevancy.

4 Motive, I suppose, can be shown by competent
5 evidence. It is always relevant in homicide cases, but to
6 permit this kind of evidence, that is, statements made by
7 girls not adopted by my client and outside the presence of my
8 client, I think is unfair and highly prejudicial to him.

9 I think it should be remembered that we do have
10 Negroes on our jury, and while they have promised us that they
11 will certainly not be biased or prejudiced by such matters, I
12 think that there would be a natural tendency on the part of
13 them to overemphasize such evidence.

14 The court in addition always has the power to
15 limit the evidence in the event that its probative value is
16 far outweighed by its harmful and erroneous prejudicial value.

17 But my primary objection, your Honor, and the one
18 on which I am relying, is of course that there is no showing
19 that my client was there or that he ever adopted any of these
20 statements.

21 Of course, Mr. Katz is back to his conspiracy
22 theory again. I submit there is absolutely nothing in the
23 record that even remotely suggests a conspiracy.

24 THE COURT: I wish there was some way you could leave
25 the reference, if possible -- let me just sidetrack this for
26 a minute.

27 I don't know how it would affect the People's
28 case, but where would the People be if you left out the

14-2

1 references to the wife being Negro?

2 To what extent would that affect you if you
3 eliminated that?

4 Where would you be? How far can you go?

5 You see, I am disturbed about the references to
6 the Negro wife, and don't sit in the chair where she had been
7 sitting, and similar statements there.

8 Can you or not, and I am posing the question, bring
9 out motive by simply leaving questions of Negro references out
10 of that testimony?

11 MR. KATZ: I think not, your Honor, because there would
12 be no foundational basis for such a conclusion that there was
13 any violent reaction to Shorty bringing his wife out there.

14 The main reason, and the thrust of the motive, is
15 simply that she was a Negro, and she was brought out to the
16 ranch, and the family violently opposed this. Now, we intend
17 to present additional testimony and additional witnesses who
18 are former members of the family who will testify to the close
19 unity of the family, and that if any person was accepted as a
20 member of the family he automatically adopted and subscribed
21 to the philosophical tenets preached by Manson which taught
22 the inferiority of Negroes and the fact that they were
23 so-called subhuman beings, and they were to be utilized by the
24 white man, and in that connection --

25 THE COURT: Does that go to the point of conspiracy?

26 MR. KATZ: It goes not only to the point of conspiracy,
27 but to the heart of one of the motives of the case.

28 Once again, the audacity of Shorty to bring his

14-3

1 Negro wife, introduce his Negro wife at Spahn Ranch, served as
2 a motive for his later demise.

3 I think it is quite relevant, and even though we
4 are dealing with a very tempermental and delicate subject --

5 THE COURT: It is a very delicate subject with five
6 Negroes on the jury here.

7 MR. KATZ: I appreciate that, but the problem is not
8 whether it is a delicate subject, the problem is whether or not
9 it has true probative value in connection with the People's
10 case in chief.

11 Mr. Weedman is arguing even though it has probative
12 value, and I admit that I know Mr. Weedman is not conceding
13 that it does, but he is saying that assuming it does have
14 probative value, the prejudicial effect far outweighs the
15 probative value. But I submit the contrary is true, your
16 Honor.

17 May times evidence might tend to prejudice jurors
18 because of the ticklish nature of the subject matter raised
19 therein, but nevertheless it is admissible because of the
20 overwhelming probative value.

14a

K14a-1

1 Now, for us to say that they were made because
2 Shorty brought his wife to the ranch is meaningless, unless you
3 tie it in with the fact that she is a Negro, which is con-
4 sistent with the acts, declarations and conduct of the family
5 as a unit.

6 We will establish by later evidence that this
7 family acted as a unit, lived as a unit, subscribed to certain
8 philosophical tenets, adhered to them, taught them, preached
9 them. These are the kind of things of which conspiracies are
10 made.

11 THE COURT: Without, again, answering your position as
12 raised here for a moment, let me step beyond that for a moment.

13 Let me reach out further.

14 One of the speculative questions that can be much
15 more pronounced than speculation is, assuming but not conceding
16 that you were to get a verdict of guilty as charged, you are
17 up against these problems. To what extent such testimony
18 respecting the Negro aspect might possibly influence the
19 verdict of five of these jurors. You have problems there,
20 serious problems.

21 You can't dismiss it. The Supreme Court will get
22 that.

23 I am just chewing the fat, so to speak. I am not
24 deciding for you or against you. I am just discussing an
25 academic question as in a schoolroom. I haven't made up my
26 mind at all for or against anybody.

27 Do you have any other way to proceed, or sufficient
28 testimony? I am not asking either the plaintiff or the

defendant to knock out testimony that is your testimony, because you have a right to it. The case would be reversed anyway.

I am trying to analyze whether you have adequate grounds to proceed on eliminating or not the Negro position that you have here, or is that so closely woven into your case that you can't sidestep it?

MR. KATZ: Well, we feel it is, your Honor, because of the fact that we think the evidence will establish that to be one of the principal motives.

Now, while it is not incumbent upon the People to establish a motive, certainly the People can produce evidence of a motive just as the defendant is permitted to present evidence of lack of motive.

Certainly many times evidence of motive will establish proof which is otherwise inconclusive standing alone, but when taken together with evidence of a motive completes the proof as required by law. Namely, by proof beyond a reasonable doubt and to a moral certainty.

Of course, there is an instruction to that effect, your Honor, which I am sure will be given at the conclusion of this case by your Honor.

MR. WEEDMAN: Well, your Honor, counsel seeks to raise the specter of racial prejudice in this case, and he apparently is seeking to do it with evidence that quite frankly, in my humble opinion, does not even add up to anything that might be dignified with the name or title of motive.

All counsel is doing is attempting to elicit

14a-3

1 testimony in front of five Negro members of our jury that
2 certain so-called members of the so-called Manson family were
3 prejudiced against Magdalene Shea because of her race.

4 Now, there is no showing that they had said
5 anything that amounted to more than that. Therefore, its
6 probative value is extremely thin in this case, and I submit
7 that the probative value of this offered evidence is virtually
8 nil.

9 THE COURT: Well, I posed that in some respects to
10 Mr. Katz.

11 MR. WEEDMAN: That is correct, your Honor. You
12 certainly did.

13 THE COURT: Yes, and his position is that it is one of
14 the motives from getting from their position to the demise of
15 Shea, killing of Shea, get him out of there.

16 MR. WEEDMAN: I am sure your Honor recognizes that
17 probably a vast majority of the Caucasian population of the
18 United States is prejudiced in some way against black people,
19 against Negroes.

20 They probably express this in many, many ways, but
21 to permit that kind of expression just of mere prejudice, to
22 permit that kind of evidence to come in in this case under --
23 with the excuse that it shows a motive for killing, seems to
24 me is nonsense, and especially is it going to be prejudicial
25 with five black people sitting on our jury.

26 I can go out in this courtroom right now and
27 probably produce at least half of the spectators out there
28 who probably, if able to speak privately, would say something

14a-4

1 prejudicial about people who are black or Negroes.

2 I certainly wouldn't feel if that was competent
3 and they were on trial for murder and the victim happened to be
4 black, prejudice does not add up to a motive to kill.

5 Yet, this kind of evidence is apt to vastly and
6 enormously prejudice my client's position in this trial. I
7 repeat that my client wasn't even there, in any event, to adopt
8 the statements.

9 There is no showing that my client ratified these
10 statements, not even remotely.

11 I think counsel, whether he is willing to admit it
12 or not, is attempting, I guess as a good trial lawyer should,
13 to use whatever he can get into evidence to persuade this jury.

14 I think it is unfortunate, but I think the court
15 certainly is here to put a stop to it.

16 THE COURT: I don't know. I will have to make a decision,
17 which I will do, but I am just disturbed about -- you see, the
18 capital aspect of the matter, and the seriousness of the charge,
19 plus the testimony the People propose to show.

20 When I say that they propose to show it, I am not
21 meaning as to their case at all -- I am just disturbed about
22 the general factual situation here. It presents very serious
23 questions.

24 I don't know whether it is an answer or a partial
25 answer to the problem to say that if -- of course, the People
26 have to get by a conviction to get to the position I am talking
27 about now.

28 If the People should be successful from their

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standpoint to the extent of obtaining a judgment of conviction, and the jury should set the penalty as first degree, part of the problem -- if they get to that extent, that is a hypothetical question, part of the problem might be answered by the court ordering a new jury to determine penalty.

In that case, you would practically have to stipulate that no Negroes be on the jury, or you would be right in the same position that you are in now.

If you got to that part, that far along, if you didn't select an all white jury at that time you might just as well keep our five jurors that we have at the present time.

That is kind of a halfway answer. It doesn't answer the immediate problem or decide the question I have to rule on.

I am thinking way ahead of myself on it.

Let me ask the People again. I have asked you several times.

I think you have answered me several times.

Do you have other testimony directed to the motive or the reasons that you feel from your standpoint as to the demise or death of Shea without dwelling upon the Negro aspect of the matter or not?

14b

14b-1

1 MR. KATZ: Well, your Honor, as I said before we have
2 two motives we expect to be able to establish by our evidence.

3 Motive number one for the killing is that Shorty
4 was married to a Negro woman whom the family hated, and
5 because Shorty brought the Negro woman to the Spahn Ranch this
6 resulted in one of the reasons for his demise.

7 Motive number two concerns his willingness to
8 accept the job offered to him as security guard by Frank Ratz,
9 wherein his main responsibility was to remove by means of
10 force and all lawful means the Manson family from the Ratz
11 property, which is adjacent to the Spahn Ranch, as well as the
12 Spahn Ranch under the authority of George Spahn himself.

13 THE COURT: Now, I will pose the question.

14 From a standpoint of motive, would or would not the
15 People have adequate motive right there from their standpoint
16 to show that it was their desire, therefore, to get rid of
17 Shea, so to speak?

18 Would that do it?

19 Would that answer your purpose or not?

20 MR. KATZ: No, your Honor, because I have no way of
21 knowing upon what the jury will -- let me backtrack for a
22 moment.

23 THE COURT: I understand.

24 MR. KATZ: I don't know the basis for the jury's actual
25 conclusions, and as to why they bring in a given verdict.

26 For example, they may or may not be moved by
27 evidence showing racial prejudice.

28 They may or may not be moved by evidence showing

14b-2

1 that Shorty was going to throw the Manson family off the Spahn
2 Ranch, and the Retz property, by authority of Mr. Retz and by
3 authority of George Spahn.

4 Now, something your Honor touched upon, and I think
5 it is a very valid point, disturbs me.

6 I don't think we are in a position to, as advocates
7 and the judge in this case, assume that the Negro jurors on
8 our panel, which consists of five, will wilfully violate their
9 duty to follow under oath of law your Honor's instructions.

10 I think we are cynical, indeed, if we are to say
11 that merely because there is a legitimate motive presented
12 which shows racial prejudice, that that in and of itself will
13 so inflame and impassion their minds that they cannot follow
14 fairly objectively, evaluate the evidence that unfolds during
15 the course of this trial.

16 Let's put the shoe on the other foot. Suppose the
17 motive was that a Caucasian was brought to the ranch. Would
18 you say, therefore, that no Caucasian should serve on the jury?

19 I think the answer is self-evident. I think we
20 must start out with the premise that given certain guidelines
21 your Honor will give at the conclusion of this case with
22 respect to the limited use of evidence, that all jurors will
23 follow the law. We must conclude that to be the case, because
24 if it is to the contrary, then we had better not have a jury
25 trial.

15

#15

1 MR. WEEDMAN: Well, your Honor, I might add, and it is
2 just an irresistible comment from me, the district attorney's
3 office was so critical of selecting jurors in the Central
4 District that now, of course, that selection has been amended.

5 The district attorney's office publicly complained
6 about the fact that there were too many Negroes sitting on
7 Central juries.

8 MR. KATZ: It was the trial lawyers' association. Excuse
9 me, Mr. Weedman. It was the personal injury lawyers who wanted
10 smaller verdicts.

11 MR. WEEDMAN: It was the district attorney's office which
12 complained about it in the person of Joe Busch.

13 So I don't know what more we can say. Mr. Katz's
14 comment flies in the face of experience. We know that we have
15 delicate problems when we have Negroes on the jury.

16 THE COURT: Wait a minute. I'm not going to stop you.

17 Frank, will you tell the jurors to take a short
18 recess? Not to discuss the case. We will proceed in a few
19 minutes.

20 THE CLERK: Yes, sir.

21 THE COURT: All right, go ahead.

22 MR. WEEDMAN: Your Honor, this little bit of business
23 about the girls saying to Ruby Pearl, "Don't anyone sit in
24 that chair because it's been occupied by a Negro" certainly
25 does not add up to a motive for killing Mr. Shea. But it does
26 add up to inflaming at least five members of our jury unfairly,
27 against my client in this case.

28 MR. KATZ: May I add one last point, your Honor?

1 Suppose additional evidence was adduced in the
2 People's case in chief which showed that Charlie Manson thought
3 and believed very sincerely that Negroes were inferior people,
4 that they were there to serve the wants and the needs of
5 Caucasians. That every person who was a legitimate member of
6 the family, which would include Mr. Grogan, strongly adhered
7 to that philosophy.

8 Wouldn't this strengthen the strong circumstantial
9 inference that one of the motives for the killing was the fact
10 that Shorty Shea had dared to enter into a mixed marriage and
11 bring this Negro girl to the Spahn Ranch?

12 In addition we expect the evidence to show there
13 was never a Negro member of the family and that no Negro person
14 would ever under any circumstances be admitted in the family
15 fold.

16 MR. WEEDMAN: Your Honor, it is just like having a per-
17 sonal injury case with Negroes on the jury and the defense
18 seeks to introduce the fact that the plaintiff is prejudiced
19 against Negroes and that somehow is a motive for his falsifying
20 his account of the accident because a Negro was perhaps a party
21 defendant. That kind of thing.

22 The mere fact of some manifestation of prejudice,
23 I repeat, does not add up to a motive to kill somebody. Good
24 heavens.

25 And yet to permit that to come before this jury
26 is going to eliminate any possibility of my client having a
27 fair trial hereafter. I mean that, your Honor.

28 MR. KATZ: Isn't the question one of weight to be given

1 to the events rather than to its admissibility, your Honor?
2 Aren't we really fighting shadows in the sense that Mr. Weedman
3 may be able to draw some reasonable inferences to the con-
4 trary and argue them very effectively to the jury? But the
5 question is, does it have sufficient probative value to go
6 to the jury so that other reasonable inferences may be drawn
7 by the prosecution as a reason for the killing?

8 So I think when we really get down to the nub
9 of the problem we are talking about the weight which will be
10 given to this testimony if it is admitted into evidence by
11 the trier of fact, which is the jury. I don't think that we
12 can say exactly what weight if any the jury will give.

13 They are free to reject the evidence. They are
14 free to adopt it. They are free to view it with caution. They
15 can do what they will with the evidence.

16 But it does have sufficient probative value on
17 the issue of the motive and I can't remind the court enough
18 of the fact that we do have a wholly circumstantial evidence
19 case in which indeed there is not only nobody or eyewitness
20 to the killing but no eyewitness to having observed the body
21 in death. And the cases indicate a very wide latitude in
22 permitting the People to establish the motives for the alleged
23 killing.

24 MR. WEEDMAN: Well, your Honor, counsel is again crying
25 out because he has got a circumstantial evidence case, and
26 again he is proposing the novel rule that if you have a
27 circumstantial evidence case, that this creates exceptions to
28 the Evidence Code. Which is certainly no proper argument here,

1 your Honor.

2 THE COURT: I think probably -- I am not deciding this --
3 I am disturbed about it. Not that anybody can help it, I
4 don't mean it that way. Disturbed about the ruling I have to
5 make.

6 I think that as an integrated or a basic part of
7 the People's case, they are entitled to show that that's the
8 reason, they say, that a motive existed to, let's say, get
9 rid of Shea, kill him, whatever you want to call it.

10 It could be -- it could be a very important motive.
11 It could be a very important motive.

12 The statements, of course, in the hands of these
13 five members of the jury could be highly inflammable.
14 Flamatory statements. That could overbalance them one way or
15 the other. They attempt to look objectively at the evidence
16 and then say guilty or not guilty, or discuss it, they could
17 be very bitterly inflamed. They could be.

18 It isn't very hard to be very bitterly inflamed,
19 for instance, like the girl says, the witness says, "Don't
20 sit there. A Negro girl sat there." Well, that is a loaded
21 statement. My goodness, that is a loaded statement.

15A

15A

1 I am not criticizing Mr. Katz. I am thinking
2 out loud.

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

4 THE COURT: It is a loaded statement. It is inflammatory.
5 You get these jurors, when the case is finally ultimately
6 make a finding of guilty or not guilty, get them in there and
7 debating among themselves and talking to what extent will or
8 will not such a statement as that inflame the minds of the
9 Negroes on the jury. That is what it gets down to.

10 So they may say, "Well, I think the man is guilty.
11 The defendant is guilty." It is awfully inflammatory. You
12 can't get away from it. It is there. The inflammation is
13 there.

14 I am not saying that answers these questions.

15 MR. KATZ: May I ask you a question?

16 THE COURT: Go ahead.

17 MR. KATZ: Because I think there is an analogy to be
18 drawn. Let's assume we have a trial of this Black Panthers.

19 THE COURT: All right.

20 MR. KATZ: Let's say we have a mixed jury, meaning we
21 have some Negroes on the jury and we have some Caucasians on
22 the jury. Let's say the Black Panthers are being tried for
23 the killing of a white police officer. Let's say the motive
24 for the killing is that they hate, meaning the Black Panthers,
25 white pigs, using their phraseology.

26 Now, don't you think that kind of evidence which
27 obviously would be admissible on the issue of motive would tend
28 to inflame, at least the Caucasian constituency of the jury?

1 And yet that would be clearly admissible.

2 THE COURT: It would, but the question of whether it
3 would inflame them in the same way that might inflame a colored
4 person is another situation. You have a minority group that
5 feels that grievances -- I am not going into the debate, not
6 going to take a stand in the other matter other than to say
7 there is a feeling among the Negro people that may be recog-
8 nized publicly that they are downtrodden and there are other
9 grievances, and they may hold it more bitterly. They may
10 hold it much more bitterly than a white man might be out
11 there.

12 That is the thing I am getting at. That is what
13 I am trying to get at. I think probably, gentlemen, the
14 People are entitled to the testimony.

15 I think you have a right and should and do make
16 an objection, if I may speak without trying to try the case
17 both ways here, to the introduction of any testimony whatsoever
18 as indicated by the district attorney on such grounds as you
19 see fit, that there is no showing of conspiracy; that it is
20 not an element of conspiracy; that such testimony could only
21 be prejudicial; that such testimony could be inflammatory to
22 the minds of at least the five Negro members of the jury in
23 such a way that it might warp or disrupt their judgment in
24 deciding whether the defendant is guilty or not guilty.

25 I think you should make an objection at this time
26 on all of those grounds jointly and severally.

27 I think, though, that the People are within their
28 rights as part of their case. Now, where that will go, what

1 the appellate court will do with it, is another thing. I do
2 think it is an integrated part of their case.

3 MR. WEEDMAN: Your Honor, how can we use this kind of
4 evidence against my client when he is not even there? And
5 there is no showing of a conspiracy here.

6 THE COURT: Well, the People are saying there is a
7 conspiracy.

8 MR. WEEDMAN: I don't care what the People are saying.
9 Let them prove it first. We insist, your Honor, on having
10 an evidentiary hearing outside the presence of the jury before
11 anything is admitted on the theory of conspiracy here. The
12 Evidence Code section --

13 THE COURT: If it should ultimately wind up as a matter
14 of law, the People have not established conspiracy, the court
15 can strike all testimony produced by the People tending to
16 establish a conspiracy at the conclusion of their case for one
17 thing, on the ground that it does not indicate or prove a
18 conspiracy.

19 MR. WEEDMAN: But, your Honor, it will be too late by
20 then. I think your Honor will concede that.

21 THE COURT: It is very hard --

22 MR. WEEDMAN: Why go through a whole trial?

23 THE COURT: I can't help but feel that it is an unusual
24 situation. But I do think it undoubtedly is a matter of
25 motive. I can't solve the district attorney's problems. I
26 can't go that far. All I can rule on is to say I think
27 probably you have the right.

28 The inflammatory effect on the minds of the

1 colored members I don't know what in the world they are going
2 to do, you see. But it could be highly inflammatory. Those
3 are other matters that I can't reach or get to at this
4 juncture of the proceedings.

5 MR. WEEDMAN: Your Honor, supposing -- your Honor has
6 already kept out statements allegedly made by Charles Manson
7 in connection with this matter. Your Honor has consistently
8 kept out statements made by other persons. But now the
9 situation has not changed any. We are still talking about --

10 THE COURT: Well, Manson's statements would be accusatory
11 or admissions in effect, "I will take a sickle or I will take
12 a knife and I am going to kill this man."

13 Or gestures towards death, are somewhat different.
14 I think, not in the nature of statements that might tend to
15 show a conspiracy of purpose.

16 MR. WEEDMAN: Well, your Honor --

17 THE COURT: A conspiracy of motive.

18 MR. WEEDMAN: I thought your Honor had at least left
19 us in a position where you were not going to permit anything
20 to come into evidence about a conspiracy until a conspiracy
21 had at least been shown by some evidence. And there is no
22 conspiracy here, your Honor.

23 THE COURT: Well, these may be statements tending to
24 create a conspiracy. You can't do it all at once.

25 MR. WEEDMAN: Well, that is Mr. Katz's problem, though.
26 I don't think that creates any exceptions to the Evidence
27 Code, your Honor.
28

15b-1

1 THE COURT: If this witness were to testify or one of
2 the members of the clan were to get on the stand and say,
3 "The purpose of the conspiracy is to kill Shorty Shea" or
4 make statements, "I am going to kill Shorty Shea, that is what
5 we are going to do" if those statements, such statements as
6 that were to be given at this time without a solid foundation
7 on conspiracy, I would sustain your objection to those
8 statements.

9 MR. WEEDMAN: But, your Honor --

10 THE COURT: But these are relative to the creation of
11 the conspiracy.

12 MR. WEEDMAN: But, your Honor, the people that made those
13 statements, these girls, aren't even defendants in this case.
14 If the People's theory is correct why aren't they charged here?

15 THE COURT: Well, that I don't know.

16 MR. WEEDMAN: I do. The answer is this is incompetent
17 and inadmissible and the most highly prejudicial and damaging
18 evidence against my client.

19 Your Honor, I don't see how the prosecutor can in
20 good faith even suggest that such evidence is admissible in this
21 case. How can my client be charged with evidence that he
22 didn't even produce or that he didn't even participate in?
23 How could we possibly say that?

24 And yet the prosecutor again is saying that he is
25 having tough going here and therefore he should be permitted to
26 put in any darn thing he wants to. I don't think it is fair.

27 THE COURT: It is a big bite. In other words, you can't
28 do it all at once, assuming they can. I am not saying they can.

15b-2

1 I am not taking issue obviously one way or the other.

2 But it is a big program they have. It requires--
3 can't do it from the mouth of one witness.

4 MR. WEEDMAN: Well, your Honor, I absolutely fail to see
5 any grounds for admissibility of this evidence. The fact that
6 it is material to the People's case does not mean that it is
7 admissible.

8 THE COURT: Well --

9 MR. WEEDMAN: We have a lot of evidence we would love to
10 get in, but cannot get in because we cannot do it in a
11 competent fashion. We are not going to come into chambers and
12 cry "Oh, gee whiz, we lost one of our important witnesses.
13 He is not here. But can we put in hearsay of what he would
14 testify to? Gee whiz."

15 Well, we are not going to be permitted to do that,
16 and I don't see why the prosecution should be permitted to step
17 outside the fair limits of the rules of evidence in this state.

18 THE COURT: I overrule the objection. I suggest you do
19 state, out of the presence of the jury, your objection.

20 MR. WEEDMAN: Well, I want the record, of course, to
21 reflect the objections that I have already made. And I am
22 sure it does.

23 THE COURT: Yes.

24 MR. WEEDMAN: And so as to perhaps save time, thus
25 obviate the necessity for coming back into chambers, if any
26 evidence is adduced from the witness, Ruby Pearl, relative to
27 statements made by persons other than my client relative to
28 their attitude towards Negroes and particularly towards

15b-31

Magdalene Shea, may a motion for mistrial be deemed to have been made by me on behalf of my client on the grounds previously stated in objection to this kind of evidence.

MR. KATZ: So stipulated it is deemed made.

THE COURT: I so understand that it is made and you so understand.

MR. KATZ: Yes.

THE COURT: And you can further, if you desire to have it understood or stipulated that a motion for a mistrial may be so considered and deemed made at such a time.

I am trying to give us a full and complete record in here as I can.

1 MR. WEEDMAN: Yes, your Honor.

2 THE COURT: That may also exist in there, if you desire
3 to. It is up to you.

4 MR. WEEDMAN: In any event, your Honor, I will at this
5 time make a formal motion. Excuse me, let me get the section
6 of the Evidence Code.

7 THE COURT: All right.

8 MR. WEEDMAN: I will make a formal motion that we have
9 an evidentiary hearing with respect to foundational require-
10 ments for the receipt into evidence of any statements
11 introduced or sought to be introduced by the prosecution on a
12 theory of conspiracy. The Evidence Code -- and I will cite
13 the section in a moment --

14 MR. KATZ: 403 of the Evidence Code, counsel.

15 MR. WEEDMAN: Yes. Section 403 of the Evidence Code.
16 Both sections indicate the foundational requirements and the
17 procedures to be followed therein. And we are going to rely
18 on those sections and respectfully ask that they be followed
19 by this court before any evidence relative to conspiracy
20 theories be received.

21 THE COURT: I deny the request for the reason the
22 district attorney has stated what he expects to prove. I
23 think there is an adequate ground for the ruling.

24 MR. WEEDMAN: May I say this, finally, your Honor, I am
25 almost as familiar with this case as Mr. Katz. I will repeat
26 what I said before the trial began that there is no prima
27 facie showing of a conspiracy here. There isn't any
28 conspiracy. Counsel is just trying to sneak this in through

1 the back door. I think it is very unfortunate because once we
2 get into this kind of stuff there is no way in the world we
3 are going to be able to go back through all of the volumes and
4 volumes of evidence and tell the jury to ignore those things.
5 That would be physically impossible, your Honor.

6 THE COURT: As the judge I can't say to the People you
7 can't put this on.

8 If there is a purpose, you see, if the district
9 attorney indicates he has a motive "I have a motive; this is
10 the motive; Shea married a Negro girl. The clan resented it.
11 They decided to kill Shea as their motive."

12 You see, I can't say "Well, don't put on your case."

13 MR. WEEDMAN: There is no showing my client ever joined
14 in this, your Honor. Don't you think we should have a showing
15 at least my client felt that way about Negroes?

16 THE COURT: He is bound by the acts and declarations of
17 the co-conspirators.

18 MR. WEEDMAN: There is no conspiracy, your Honor. I
19 don't know how many times I have to say that.

20 THE COURT: That may be so.

21 MR. WEEDMAN: Mr. Katz has failed to show a conspiracy.

22 THE COURT: I can only strike it out at a later time.
23 But I can't rule ahead of time. I don't know what the People
24 are going to put on.

25 MR. WEEDMAN: We can't permit Mr. Katz to run wild here.
26 I am absolutely convinced, I will say for the record -- Mr.
27 Katz can go back to the office and complain about it, but the
28 district attorney's office does not care about reversible

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error in this case. They are here to get a conviction.
I have never seen such a blatant example on the part of the
district attorney in my experience as a criminal lawyer in
this community.

THE COURT: I will permit the testimony, and it is
excepted to fully by the defendant.

Take a short recess, gentlemen.

(Short recess.)

16

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

THE COURT: People against Grogan.

The defendant is here, both lawyers are here.
You may bring in the jury, please.

You have been sworn. State your name again,
please.

THE WITNESS: My name is Ruby Pearl.

THE COURT: Thank you.

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

THE COURT: Now, we have all of our jurors here, plus
the three alternates. The People may proceed.

MR. KATZ: Thank you, your Honor.

Q Pearl, you were telling us about an incident in
which Shorty Shea brought his wife to the ranch at, I believe,
you said, the end of July 1969 or the first part of August
1969.

Is that correct?

A

Yes.

Q

Now, you are familiar with the August 16th raid?

Is that correct?

A

Yes.

Q

Using that as a frame of reference, can you better
pinpoint the approximate day Shorty brought his wife, Nikki,
to the ranch?

16-2

1 A It was shortly before, say -- say a week.

2 Q Roughly a week before the Spahn Ranch raid?

3 A Yes.

4 Q That would be August 16th, 1969?

5 A Yes.

6 Q Now, you were about to tell us what happened after
7 Shorty left the ranch with his wife, Nikki.

8 A Well, we were in the house.

9 Q What house?

10 A In the Spahn Ranch. In George Spahn's house at the
11 ranch.

12 Nikki was introduced to George. George always sat
13 in a certain chair there in the living room.

14 Q Well now, excuse me. I am asking you about what
15 happened after Shorty left Spahn Ranch.

16 A After he left, yes.

17 MR. WEEDMAN: Well, I think the witness is entitled to
18 explain her answer, your Honor, and I don't think she should
19 be interrupted in this.

20 THE COURT: Let me have the question, please.

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

23 "Q Well now, excuse me. I am asking
24 you about what happened after Shorty left Spahn
25 Ranch.

26 "A After he left, yes.

27 "MR. WEEDMAN: Well, I think the witness
28 is entitled to explain her answer, your Honor,

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1 and I don't think she should be interrupted
2 like this.")

3 THE COURT: Have you completed your answer to that
4 question?

5 Is that a complete answer?

6 THE WITNESS: Yes, that is.

7 THE COURT: All right, your next question.

8 Q BY MR. KATZ: All right. Tell us what happened
9 after Shorty left Spahn Ranch with his wife, Nikki.

10 Can you do that?

11 A Yes.

12 Q All right.

13 A The girls were in the kitchen, and they made
14 snubbed motions, looked at the chair where she sat down,
15 remarked back and forth among themselves.

16 Q Tell us exactly what they said or did.

17 A Yes. Squeaky says --

18 Q I can't hear you, Ruby.

19 A Squeaky says, "Huh, ain't that something. How
20 could he get that way."

21 Gypsy says, "Of all people Shorty had to pick her."

22 Bo made a remark, "Stay away from there."

23 Q From where?

24 A From that chair.

25 MR. WEEDMAN: I am sorry, I am unable to hear the
26 witness. Excuse me, Mrs. Pearl.

27 I just can't seem to hear some of these names,
28 your Honor.

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Gypsy was the last name that I can make out.

THE WITNESS: All right.

THE COURT: Let's have the last question again, please.
Start again.

"The record was read by the reporter
as follows:

"Q From where?

"A From that chair.")

THE COURT: Now, lady, we have some problems hearing
you.

MR. WEEDMAN: I'm sorry, your Honor, could we go all the
way back to the beginning of Mrs. Pearl's answer?

I believe she was talking about the girls in the
kitchen, and they spoke among themselves, and Squeaky said,
"Ain't that something," and so on.

THE COURT: Do you want a rereading of the question?

MR. WEEDMAN: Of Mrs. Pearl's answer, your Honor, up
until now and then we can go on with it.

THE COURT: You want a rereading of the answer.

MR. WEEDMAN: Yes, thank you, your Honor.

(The record was read by the reporter
as follows:

"Q BY MR. KATZ: All right. Tell us
what happened after Shorty left Spahn Ranch
with his wife, Nikki.

"Can you do that?

"A Yes.

"Q All right.

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"A The girls were in the kitchen,
and they made snubbed motions, looked at
the chair where she sat down, remarked back
and forth among themselves.

"Q Tell us exactly what they said
or did.

"A Yes. Squeaky says --

"Q I can't hear you, Ruby.

"A Squeaky says, 'Huh, ain't that
something. How could he get that way.'

"Gypsy says, 'Of all people
Shorty had to pick her.'

"Bo made a remark, 'Stay away
from there.'

"Q From where?

"A From that chair.")

THE COURT: All right, then, we will take the next
question.

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1 THE COURT: Now, the next question.

2 MR. KATZ: Yes.

3 MR. WEEDMAN: Excuse me, your Honor. I will move to
4 strike Mrs. Pearl's -- that portion of Mrs. Pearl's testimony,
5 the latter part, as a conclusion on her part, your Honor.

6 She said something about Bo said, "Stay away from
7 there," and then she said "meaning the chair."

8 I would suggest that that is a conclusion on the
9 part of Mrs. Pearl, your Honor.

10 THE COURT: If it is a motion to strike, motion denied,

11 Ask your next question.

12 Q BY MR. KATZ: All right.

13 Now, was there anything said by any of the girls
14 in your presence at that time about Nikki being a Negro?

15 MR. WEEDMAN: I am going to object to it as leading and
16 suggestive, your Honor. It seems to me that we are entitled
17 to the conversation, if there was any, and without counsel
18 suggesting to this witness the contents of the conversation.

19 THE COURT: Well --

20 MR. WEEDMAN: All he has to do is ask Mrs. Pearl what
21 was said and I am sure Mrs. Pearl will tell us.

22 MR. KATZ: Your Honor, in no way have I suggested any
23 answer whatsoever.

24 THE COURT: Overruled. You may answer the question.

25 First, answer it yes or not. Is the question clear?

26 THE WITNESS: Yes.

27 THE COURT: All right.

28 Q BY MR. KATZ: You can answer that yes or no.

1 A Yes.

2 THE COURT: The question is, was something said?

3 THE WITNESS: Yes.

4 Q BY MR. KATZ: Now, tell us what was said and who
5 said it.

6 A Well, Gypsy said, "How can you get that way?"
7 And this is just repeating the same question again,
8 isn't it?

9 Q Just answer the question, if you can, Pearl.

10 A Yes. And the other girl remarked -- Lynn -- "Ain't
11 that something." And Bo says, "Stay away from that chair,
12 everybody."

13 Q Was there any reference to Nikki being a Negro
14 specifically made?

15 MR. WEEDMAN: Well, your Honor, I am going to object to
16 this. Counsel is suggesting the answers to Mrs. Pearl now.
17 All counsel has to do to be fair about it is ask Mrs. Pearl
18 what the conversation was. If she can't remember, I am sure
19 she will indicate, and then if counsel feels it is necessary,
20 he might go forward if he knows more about the conversation
21 than she does.

22 THE COURT: I don't know what the answer is. Overruled.

23 You can answer the question.

24 THE WITNESS: The answer is yes.

25 Q BY MR. KATZ: What was said specifically about
26 Nikki being a Negro?

27 A "Why did he have to pick that Negro girl."

28 Q All right.

1 So specifically the word "Negro" was used, is
2 that correct?

3 A Yes.

4 Q Now, you made reference to a chair. Had you seen
5 Nikki sitting in that chair before when she was visiting
6 Spahn Ranch?

7 A Yes.

8 Q And after those statements were made did you see
9 any of those girls you described to us sit in that chair?

10 A No.

11 MR. KATZ: May I approach the witness once again?

12 THE COURT: Yes.

13 Q BY MR. KATZ: Now, showing you People's 8 for
14 identification, who is that?

15 A That is Lynn Fromme.

16 Q Is that the girl Squeaky you referred to?

17 A Yes.

18 Q And showing you once again --

19 THE COURT: Have you identified the number on the back?

20 MR. KATZ: Yes. People's 8 for identification.

21 THE COURT: All right.

22 Q BY MR. KATZ: Showing you People's 7 for identi-
23 fication, who is that?

24 A That is Gypsy.

25 Q She was there, too?

26 A Yes.

27 Q And showing you People's 32-P for identification,
28 who is that?

1 A Sue Bartell.

2 Q And she was there, too?

3 A Yes.

4 Q And showing you People's 32-AA for identification,
5 who is that?

6 A Bo.

7 Q Barbara Rosenberg?

8 A Yes.

9 Q She was there, too?

10 A Yes.

11 Q Now, I believe you told us that you were frequent-
12 ing the ranch on a daily basis in '69, is that correct?

13 A Yes.

14 Q Now, were you there for example on August 15, 1969,
15 the day before the raid?

16 A Yes.

17 Q And were generally the people that you described
18 in the series 32 exhibits there, including Mr. Manson?

19 A Yes.

20 Q Including Mr. Grogan?

21 A Yes.

22 Q And on August 16, 1969, did you go to the Spahn
23 Ranch?

24 A Yes.

25 Q And were these same people there?

26 A No.

27 Q Who was there?

28 A Just George Spahn, Mr. Spahn.

1 Q All right.

2 And a day or so later, did you see somebody else
3 at the ranch?

4 A Yes.

5 Q Who came to the ranch?

6 A Bruce Davis came to the ranch and Shorty came to
7 the ranch.

8 Q And can you tell us whether or not Shorty began
9 living at the Spahn Ranch at that time?

10 A Yes.

11 Q We are talking about now a few days after the raid
12 August 16, 1969, is that correct?

13 A Yes.

14 Q And do you know where he was living at the Spahn
15 Ranch?

16 A He slept --

17 MR. WEEDMAN: Who was living? Excuse me.

18 MR. KATZ: I am sorry. It is ambiguous.

19 Q Do you know where Mr. Shea was living at the Spahn
20 Ranch following the raid August 16, 1969?

21 A Yes. Right on the ranch in his car.

22 Q And you mentioned Mr. Davis appeared a day or so
23 after the raid. Showing you People's 32-R for identification,
24 is this the Bruce Davis you had reference to?

25 A Yes.

26 Q Now, shortly after the August 16th raid did Manson
27 and these people you described in the 32 series exhibits
28 appear again at the ranch?

1 A No.

2 Q Well, did any of them come back to the ranch after
3 the raid on August 16, if you know?

4 A Yes. They were released shortly after the raid.

5 Q All right.

6 A Yes.

7 Q Did they come back to the ranch?

8 A Yes. They came back, yes.

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1 Q All right.

2 And in this period of time, just shortly following
3 August 16, 1969, did you talk with Shorty when you saw him at
4 the ranch?

5 A Yes.

6 Q And in particular did you have any conversations
7 with Shorty concerning once again this forthcoming Bob Bickston
8 movie?

9 A Yes.

10 Q What was it he said to you?

11 A He said he was very anxious for the picture job to
12 start. He needed the money. And he -- he was going to live
13 day to day till it came, and stay at the ranch. Save money.

14 Q All right.

15 Now, Pearl, at that time period -- and we are
16 talking about a few days to a week or so after August 16th,
17 1969, and we are still in August of 1969 -- had Mr. Bickston
18 contacted you and Mr. Spahn concerning using the Spahn Ranch
19 for some pickup shots?

20 A Yes.

21 Q And had you negotiated with Mr. Bickston for use of
22 the Spahn facilities for pickup shots?

23 A Yes.

24 Q Now, when did you last see Shorty in August of
25 1969?

26 A The latter part of the month. One evening I was
27 going home --

28 Q Well, let's just -- we want to get the date and

17b-2 1 time, if we can, basically.

2 A Uh-huh. It was the latter part of August.

3 Q And this is in 1969, is it?

4 A 1969, yes.

5 Q Was this before or after the raid of August 16th?

6 A After the raid.

7 Q At approximately what time was it that you saw
8 Shorty?

9 A In the evening about 11 o'clock.

10 Q 11 p.m.?

11 A Yes.

12 Q And at that time did you have a conversation with
13 Mr. Shea?

14 A Yes.

15 Q Tell us what he said and what you said?

16 MR. WEEDMAN: Forgive me, your Honor. May we approach
17 the bench again.

18 THE COURT: All right. Bring the reporter.

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

21 THE COURT: Now, wherever you want to sit.

22 Now, we are in chambers.

23 MR. WEEDMAN: I would respectfully request Mr. Katz --

24 THE COURT: Let me indicate a statement. I will listen
25 to you.

26 MR. WEEDMAN: Excuse me, your Honor.

27 THE COURT: We are in chambers with the defendant and
28 counsel.

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1 Go ahead.

2 MR. WEEDMAN: Your Honor, I would respectfully request
3 Mr. Katz make an offer of proof with respect to alleged
4 conversations between this witness and Mr. Shea.

5 THE COURT: All right.

6 What do you expect to show, Mr. Katz?

7 MR. KATZ: Yes, your Honor.

8 And let me state to the court that it is not
9 offered for the truth of the assertions but as circumstantial
10 evidence of his intent and offered under the Alcalde doctrine
11 the following conversation would be testified to by this
12 witness by way of offer of proof.

13 THE COURT: All right.

14 MR. KATZ: This is the latter part of August at
15 approximately 11 p.m. in 1969, at Spahn's Ranch. The witness
16 is getting in her car, and she is about to go home that
17 evening. At which time Shorty came over and said to her, "Gee,
18 I would like to stay down at your house tonight. These people
19 are giving me the creeps. They are acting awfully weird."

20 Ruby replied, "They won't bother you."

21 Shorty said, "Oh, they are after me. They are out
22 to get me, Pearl."

23 Ruby said, "Oh, no, they ain't." Ruby further
24 said, "Well, I don't know. You can come home and stay in the
25 shed."

26 Ruby will indicate that she had a little spare
27 guest room which she called the shed. And Shorty replied,
28 "Oh, I don't know. It is kind of cold in there."

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To which Ruby said, "Suit yourself."

Shorty then said, "Oh, I guess I will stay here."

Thereafter, Ruby will testify, that as she started to leave a car pulled up very quickly at the Spahn Ranch, at which time Clem, meaning Mr. Grogan; Bruce Davis; Charlie Manson; Tex Watson; and she believes perhaps Bill Vance, got out of the car and surrounded Shorty so that he could move in no direction.

She then hesitated for a moment and then left, never seeing Shorty again or never hearing from Shorty again.

Now, with reference, first of all, to the statements I would like to indicate that under 1250 of the Evidence Code, under People v. Alcalde, the People may show evidence of a person's mental state of mind which serves to establish intent and motive and any other emotional state of mind which is relevant. It is relevant here because the evidence shows that Shorty never intended to permanently abandon his friends or to voluntarily absent himself from the jurisdiction permanently but rather left by reason of a criminal agency, to wit, his death.

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1 This is the reason why he never contacted his
2 friends for the period of two years following his disappearance,
3 and has not been heard of nor seen since.

4 That, indeed, shows his intent to rely on the help
5 of his friends, his willingness and need to count on his friends
6 for assistance, and the fact that he had asked Ruby, his state
7 of mind being that he wanted help and assistance from Ruby.

8 It shows that he did not intend to voluntarily
9 absent himself just like in the Scott case, where there was
10 evidence shown that Mrs. Scott did not intend by way of
11 circumstantial evidence to voluntarily absent herself from the
12 jurisdiction permanently, or to abandon her friends.

13 This evidence shows his state of mind, that he did
14 not intend to abandon his friends.

15 I cite 1250 of the Evidence Code, People versus
16 Alcalde, People versus Atchley, and Mutual Life versus Hillman
17 in the briefs which I have submitted the court.

18 MR. WEBDMAN: Your Honor, this is the fourth time we have
19 been in chambers when Mr. Katz has sought to introduce this
20 evidence. Each time your Honor has after a full and in-depth
21 consideration of all legal aspects, denied Mr. Katz the
22 opportunity of putting in this kind of evidence.

23 We are talking, again, about the Finch case. It
24 seems to me that we are really beating a dead horse here.

25 It is the same kind of evidence, again, all over
26 that we have discussed in here. Now, it has been several hours
27 of intensive discussion, your Honor.

28 I see no difference between this and other

1 statements Mr. Katz sought to introduce earlier as coming
2 from Mr. Shea.

3 MR. KATZ: I think your Honor will readily distinguish
4 the difference between the previous statements, wherein they
5 related to alleged past brutality of Manson.

6 THE COURT: Well, the Code section statements are
7 permissible. The court probably should advise the jury that it
8 is directed to a state of mind such as the jury may or may not
9 derive from the statements, but not to the truth or veracity of
10 the statements testified to, but to show a condition or state
11 of mind.

12 I think it is admissible.

13 MR. KATZ: Exactly, your Honor.

14 MR. WEEDMAN: Mr. Shea's state of mind at this time, I
15 submit, is not relevant. I don't see how counsel can say that
16 the evidence so clearly shows this, when we have uncontradicted
17 evidence from one of Mr. Shea's best friends that Mr. Shea
18 intended to go up to Vallejo and work in the salt mines.

19 We have it in evidence that Mr. Shea intended to
20 go to Vallejo and work the salt mines.

21 THE COURT: I think that under the Code it is admissible.
22 I think I should advise the jury that it goes to a state of
23 mind.

24 I should advise the jury.

25 MR. WEEDMAN: May I make a record, your Honor, because
26 I have not completed my objection.

27 THE COURT: Certainly.

28 MR. WEEDMAN: The full statement, alleged statement,

1 of Mr. Shea, to wit, in substance, "They are trying to get me,"
2 will be considered by this jury to prove that someone there,
3 a member of the so-called Manson family, if indeed not all
4 members of the family including my client, were, in fact, out
5 to get Mr. Shea.

6 It is the same kind of material that we discussed
7 at great length before in the Finch case, and we talked about
8 all of the very stringent requirements for the admission of
9 such evidence.

10 Your Honor has consistently granted objections,
11 sustained objections to this kind of evidence. It can only
12 be in there for one thing, your Honor, to show that, in fact,
13 people at the ranch were out to get Mr. Shea.

14 His state of mind is certainly not relevant.

15 "They are out to get me," doesn't manifest any
16 state of mind which is relevant to any issue in this case,
17 your Honor, any more so than any of his other purported
18 statements, as for example, "Charles Manson threw a knife at
19 me. Charles Manson told me he was going to kill me," and so
20 on.

21 Your Honor has not permitted those statements.
22 I see no reason for any change of the ruling at this stage of
23 the trial.

24 THE COURT: I think it is admissible under this Code
25 section, with the admonition that I will give the jury.

26 I will overrule the objection, gentlemen, and
27 let's go ahead.

28 It is 4 o'clock.

1 MR. WEEDMAN: May I ask what the admonition will be,
2 then, your Honor?

3 THE COURT: What do you want to say?

4 MR. WEEDMAN: May I inquire of the court what the
5 admonition will be?

6 THE COURT: Well, I will give the admonition to the jury,
7 and take the question, overrule the objection.

8 MR. WEEDMAN: I want to know what the admonition is.
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1 THE COURT: Oh, well, I will simply state to the jury
2 that the statements about to be elicited go only to a question
3 of the state of mind or the physical emotion that may be
4 indicated by the deceased at that time, and that the
5 credibility or the strength of any state of mind or physical
6 sensation -- I could use the exact wording of the code section,
7 emotional or physical sensation of the state of mind to prove
8 or establish the declarant's state of mind.

9 It is admitted for that purpose only, and no other,
10 and that the strength of that is for the jury to determine.
11 They pass on the credibility or strength of it.

12 MR. WEEDMAN: Of course, I hope your Honor doesn't call
13 him the deceased. We haven't gotten to that point yet. We
14 don't know if he is dead or alive.

15 THE COURT: Well, you are right about that. I concede
16 that.

17 MR. WEEDMAN: Certainly. Thank you, your Honor.

18 May I just once more, my last dying gasp here,
19 may I ask what the state of mind that the jury could possibly
20 infer from this as per your Honor's admonition will be?

21 THE COURT: Well, all you can do is to use the statement
22 as set forth in the code section, evidence of the declarant's
23 then existing state of mind.

24 MR. WEEDMAN: May I ask what state of mind the jury could
25 infer from this?

26 MR. KATZ: I can even answer that, if counsel wants.

27 THE COURT: Go ahead.

28 MR. KATZ: Obviously, his state of mind to show his

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1 present existing intent not to abandon his friends, but on the
2 contrary to seek help from his friends, his close friends, and
3 of course the fact that he failed to contact his friends in the
4 last two years, is strong circumstantial evidence in light of
5 that last existing intent, during the period in which he was
6 missing. That is a fact to be considered by the jury.

7 MR. WEEDMAN: But, your Honor, that is the whole point.
8 If Mr. Shea says "They are out to get me," that doesn't prove
9 he intended to stay there.

10 MR. KATZ: You have to, as we said before, take the whole
11 statement in context.

12 THE COURT: I will overrule the objection.

13 Gentlemen, it is after 4 o'clock. Do you want to
14 take the statement?

15 MR. KATZ: Yes, I would.

16 MR. WEEDMAN: Your Honor, in view of the fact that I am
17 not able to cross-examine until tomorrow, may we let the jury
18 go now and leave this rather damaging statement until
19 tomorrow morning so the jury doesn't sleep on it overnight?

20 THE COURT: Let's wait until tomorrow and take the
21 whole statement. It would be better, I think, than take part
22 of it now.

23 MR. KATZ: In other words, you don't want me to go ahead
24 at this time?

25 THE COURT: We will recess now until tomorrow morning
26 at 9:30.

27 That will be better for everyone.

28 MR. WEEDMAN: Thank you, your Honor.

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

4 THE COURT: We are back in the courtroom. The jury is
5 in the jury box.

6 The witness is in the witness stand. The defendant
7 and his counsel are present with the district attorney.

8 Ladies and gentlemen, we will proceed with the rest
9 of the examination and cross-examination tomorrow. We are
10 after closing time.

11 Do not discuss this case with any person or
12 persons or come to any opinion or conclusion until it is placed
13 in your hands.

14 We will return tomorrow morning, ladies and
15 gentlemen, thank you.

16 (An adjournment was taken to Tuesday,
17 August 3, 1971, at 9:30 a.m.)
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