

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

27

DEPARTMENT NO. 52

HON. JOSEPH L. CALL, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

NO. A. 267861

STEVE GROGAN,

Defendant.

REPORTERS' DAILY TRANSCRIPT

THURSDAY, AUGUST 5, 1971

SARAH HOFT

APPEARANCES:

(See Volume 1)

VOLUME 27

Pages 3524--3683 incl.

Reported by:

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

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1 PEOPLE V. STEVE GROGAN  
2 NO. A 267861

THURSDAY, AUGUST 5, 1971  
Pgs. 3524 - 3683 incl.

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4 I N D E X

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6 PEOPLE'S WITNESS      DIRECT    CROSS    REDIRECT    RECROSS    THE COURT

7 HOYT, Barbara  
8     (Cont'd.)      3554      3570                      3600  
9     (Cont'd.)                      3605  
10    (Cont'd.)      3622      3670      3676  
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LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 5, 1971

9:40 A.M.

(The following proceedings were had  
in chambers:)

THE COURT: We are in chambers at the request of the  
defense counsel. Defendant is here, both attorneys are here.  
The reporter and the sheriff.

Now, go ahead, Mr. Weedman.

MR. WEEDMAN: Your Honor, yesterday Barbara Hoyt of  
course testified to a conversation that she had with Charles  
Manson, and of course outside the presence of my client.

And if I may, your Honor, I would like to just  
read a portion of her testimony and then I have a very brief  
statement to make with respect to that.

THE COURT: Go ahead.

MR. WEEDMAN: Her answer to Mr. Katz' question, answer  
by Barbara Hoyt:

"Charlie said that they -- oh, that  
Shorty had committed suicide with a little  
help. And that they stabbed him. And that  
they cut him up into nine pieces. And that  
they buried him under some leaves. And then  
he pointed with his thumb, you know, down the  
creek."

Now, the statement I would like to make, your Honor--

MR. KATZ: Excuse me, Chuck. She answered more than  
that.

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1 MR. WEEDMAN: I don't care, Mr. Katz. Let me make my  
2 statement.

3 THE COURT: Make your statement.

4 I will listen to you very carefully.

5 Go ahead.

6 MR. WEEDMAN: Well, as long as Mr. Katz has brought it  
7 up, let's see. There was an objection and then Mr. Katz said:

8 "Who was talking?

9 "A Charlie.

10 "Q All right. What else was said?

11 "A Then Charlie asked Danny if lye  
12 or lime would get rid of the body. And Danny  
13 said lime would preserve it and lye would get  
14 rid of it."

15 THE COURT: Right.

16 MR. WEEDMAN: "And then Charlie asked where he could get  
17 some lye."

18 And then your Honor asked:

19 "Now, is that the full conversation,  
20 Barbara?"

21 THE COURT: Did I say that?

22 MR. WEEDMAN: Yes, your Honor.

23 THE COURT: All right.

24 MR. WEEDMAN: "That is what you heard there?

25 Speak up, please.

26 "THE WITNESS: Yes.

27 "MR. KATZ: All right.

28 "THE COURT: That is the conversation

1 now?

2 "MR. KATZ: Yes, your Honor."

3 And then a recess was called.

4 THE COURT: Then there was a recess.

5 MR. WEEDMAN: According to that testimony, your Honor,  
6 that is the entire conversation.

7 Now, if I may just go back to the first part of  
8 the alleged conversation, her answer again:

9 "Charlie said that they -- oh, that  
10 Shorty had committed suicide with a little  
11 help. And that they stabbed him and that  
12 they cut him up into nine pieces. And that  
13 they buried him under some leaves. And then  
14 he pointed with his thumb, you know, down  
15 the creek."

16 Your Honor, Mr. Katz indicated to us yesterday  
17 that that testimony surprised him. That he did not understand  
18 that this witness, Barbara Hoyt, would testify particularly  
19 with respect to stabbing, cutting into nine pieces and burying  
20 Mr. Shea under some leaves.

21 My point now, your Honor, and the reason I have  
22 asked to come in here is simply this: if in fact Charles  
23 Manson cut Mr. Shea into nine pieces, and, if in fact they  
24 buried Mr. Shea under some leaves, then the conspiracy is  
25 over. The body is hidden. The body has been disposed of.  
26 There is no longer any conspiracy, your Honor.

27 And that is a confession implicating my client  
28 made outside the presence of my client, your Honor. People

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1 v. Aranda, People v. Gonzales, Bruton v. United States --  
2 every single modern case in our jurisdiction and federal  
3 jurisdiction makes that absolutely irrevocably and beyond a  
4 question of a doubt reversible error.

5 I don't think your Honor would have permitted this  
6 had you known what Barbara Hoyt was going to testify. And I  
7 don't think Mr. Katz was anything but surprised.

8 Now it's in evidence. You may recall, your Honor,  
9 in an effort to forestall this possibility I requested  
10 yesterday that Barbara Hoyt be questioned in chambers first  
11 before we let her take the stand. My motion was denied. I  
12 have no criticism of that.

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1 THE COURT: That is all right.

2 MR. WEEDMAN: I am just reminding the court that I made  
3 an effort, because I know that witnesses will very often in  
4 critical areas add things and say things in a critical area  
5 that no one knows they are going to say, and they should be  
6 questioned beforehand, but it wasn't done, unfortunately.

7 So I repeat, your Honor, we have a confession which  
8 by its own statements indicates that the body has been cut up  
9 and that the body was buried under some leaves.

10 THE COURT: Well, you have -- it is hard to answer all  
11 of your positions and contentions at once, and I don't say that  
12 I have the answer to the various problems.

13 You have some deep questions there, but the  
14 statements of Manson respecting how to dispose of these bodies,  
15 whether he buried them under leaves or down the stream or not,  
16 they are continuing questions that are evident from Manson's  
17 own statement where he is decidedly very disturbed, according  
18 to what he says to the girl or what she says he said, "What  
19 are we going to do, or how are we going to get rid of the  
20 body."

21 That is a separate position or separate contention  
22 aside from the fact that they may have cut him up or put the  
23 body under some leaves.

24 There is the position of Manson that well, in  
25 effect, I am disturbed. I am worried, What can we do to get  
26 rid of the body.

27 MR. WEEDMAN: Well, your Honor, may I add this?

28 THE COURT: Yes, go ahead.

1 MR. WEEDMAN: I am sorry, I should have said this  
2 originally.

3 Mr. Katz, I am sure, in the next five minutes is  
4 going to bring out the fact that these statements were not made  
5 by Charles Manson at the time Barbara Hoyt says they were made,  
6 but the jury has already heard them.

7 Now, there is no way of undoing the error that has  
8 been committed here.

9 THE COURT: Well, I don't follow you there.

10 The witness said that they were made at this --

11 MR. WEEDMAN: Your Honor, these statements about burying  
12 Mr. Shea under leaves and cutting him up into nine pieces were  
13 not made, and the prosecution will bear me out, were not made  
14 even under the People's theory of the case by Charles Manson  
15 at the time Barbara Hoyt says they were made.

16 THE COURT: Well, she says they were made.

17 MR. WEEDMAN: Mr. Katz will tell you that Barbara Hoyt  
18 is not telling the truth.

19 MR. KATZ: Well, wait a minute, Mr. Weedman. I have to  
20 interject this.

21 THE COURT: I can only take one at a time.

22 I will listen to you.

23 MR. WEEDMAN: Let me ask Mr. Katz, then, if he has ever  
24 heard anything of this kind coming from the conversation  
25 between Barbara Hoyt and Charles Manson down by the creek on  
26 this occasion?

27 MR. KATZ: To my recollection, Mr. Weedman, and  
28 especially at the posture of the proceedings yesterday before

1 we placed her on the stand, my answer would be no, and is no.

2 She did make those statements in connection with  
3 three or four confessions made by Manson at the Barker and  
4 Myers Ranch in the grand jury transcript.

5 I think Mr. Weedman's position is borne out as to  
6 those statements having been made at the Barker and Myers  
7 Ranch, but I have since talked with Barbara Hoyt.

8 THE COURT: Pinpoint what statements you are talking  
9 about.

10 I am going around and around on it. You give me  
11 what statements.

12 MR. KATZ: The statement concerning cutting Shorty up  
13 in nine pieces and burying him under leaves I always thought  
14 were made solely up in the Barker and Myers Ranch.

15 I find I am in error.

16 THE COURT: As she indicated on the stand yesterday?

17 MR. KATZ: Yes.

18 MR. WEEDMAN: Your Honor, may I be excused for a moment?  
19 I just want to get my transcript.

20 THE COURT: All right, go ahead.

21 (Short pause.)  
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1 THE COURT: Now, you tell me when you are ready.

2 MR. WEEDMAN: I'm all set, your Honor.

3 THE COURT: Now, let me stop you for a second.

4 I have to get myself corrected. Barbara Hoyt told  
5 us last night, just before adjournment, that at the Spahn  
6 Ranch she went down in back of the ranch house.

7 MR. KATZ: To the creek.

8 THE COURT: Yes, to the stream, and at the stream there  
9 was Manson and two others, De Carlo --

10 MR. KATZ: And Kitty Lutesinger, and herself.

11 THE COURT: Two other people plus a baby child there.

12 MR. KATZ: That is right.

13 THE COURT: And then at that time she told us last night  
14 when we recessed substantially that Manson said, "Shorty has  
15 committed" -- substantially this. "Shorty has committed  
16 suicide with our help." It was something substantially to that  
17 effect.

18 Then she said at the same time she heard Manson  
19 say, "We cut him into nine pieces," was it?

20 MR. KATZ: Yes, your Honor.

21 THE COURT: And buried the pieces under the leaves.

22 MR. KATZ: Yes, your Honor.

23 THE COURT: Down the stream. Was that it?

24 MR. KATZ: Pointing to the area of the stream behind them.

25 THE COURT: And then Manson said, at least Barbara says  
26 he said, "Now, what will we do to get rid of the body?" To  
27 that who replied?

28 MR. KATZ: De Carlo.

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1 THE COURT: De Carlo said that lime preserves and lye  
2 destroys.

3 MR. KATZ: Yes, but that is not quite correct.

4 Manson asked Danny De Carlo whether or not lye or  
5 lime would get rid of the body. De Carlo replied that lime  
6 would preserve a body and lye would get rid of a body. Charlie  
7 asked, "Where do you get lye?"

8 THE COURT: Now, that statement as I have related it,  
9 plus your interpolation, is what Barbara says occurred at the  
10 Spahn Ranch in back -- down at the stream?

11 MR. KATZ: Absolutely.

12 THE COURT: Is that correct?

13 MR. KATZ: That is correct.

14 THE COURT: Now, go on with your statement.

15 MR. KATZ: Well, all I am saying is in response to what  
16 Mr. Weedman says, and as borne out by my opening statement  
17 where I expected Barbara Hoyt to testify as I indicated to  
18 the court before we put her on, namely, "Shorty committed  
19 suicide with a little help from us, ha, ha, ha. Danny, will  
20 lye or lime get rid of the body," to which De Carlo replied,  
21 "Lime will preserve a body and lye will get rid of it."  
22 Charlie responded, "Where do you get lye?"

23 Now, that is what I thought was the entire  
24 conversation.

25 THE COURT: Pardon my interruption.

26 MR. KATZ: Yes, your Honor.

27 THE COURT: You did not anticipate her injecting in that  
28 conversation the statements she attributes to Manson that the

body was cut into nine pieces and buried under leaves down the stream.

MR. KATZ: That is what I said.

THE COURT: You didn't expect that?

MR. KATZ: I didn't expect that, but I don't think in any way at all there is any question as to the admissibility of the statement.

THE COURT: Now, your original summation was taken from the testimony of Barbara before the grand jury? Is that a correct statement?

MR. KATZ: Yes, and conversations I had with her.

The problem was that when we were talking about --

THE COURT: By "we" you mean you and Barbara?

MR. KATZ: Yes, your Honor.

When Barbara and myself and Sgt. Gleason, for example, and I think Sgt. Paul Whiteley, were together talking with Barbara she was talking about a number of conversations. That is, multiple conversations which she had with Charlie in which she told us that Charlie was always bragging about killing Shorty, and talked about cutting him into nine pieces and burying the body under leaves and making many statements.

Now, that was my understanding and I apparently totally misconstrued this that the statement regarding cutting the body in nine pieces and burying it under some leaves was said at the Barker Ranch only. That is not the case.

I talked with Barbara afterwards. She said, "No, Mr. Katz," she said, "if I didn't tell you, you misunderstood." She said, "In fact, Charlie at that time at Spahn Ranch at the creek did indicate that the body was buried under some leaves and was cut in nine pieces."

That is the entire sum and substance of the conversation. I was in error in that.

Then Sergeant Gleason even pointed out to me a report which is available to counsel which is in the homicide manual deposited pursuant to discovery order in Department 106, a Los Angeles Police Department report, wherein apparently Barbara had indicated that Charlie said that the body had been cut up into nine pieces and put under some leaves and that he related it at the Spahn Ranch conversation.

I did not recall at all, nor did I remember that document was in existence.

THE COURT: Let me refresh my mind again on this thing.

MR. KATZ: All right.

THE COURT: I am going to repeat my question again. You probably have answered it.

Your original position in which you eliminated Barbara, in which you indicated the conversation Barbara overheard was as you stated yesterday, and no reference was made to the cutting up.

1                   Where did that information come from? Where the  
2 body being cut up was not -- was eliminated, was not put in  
3 your offer of proof yesterday?

4           MR. KATZ: Oh, that came not only from my questioning  
5 at the grand jury, which was ambiguous if you read it, and  
6 also from my misunderstanding in connection with the inter-  
7 views that I had because we were talking about multiple  
8 conversations, I was under the erroneous impression that this  
9 only referred to statements made by Manson up at Barker Ranch.

10          THE COURT: By "this" you mean the testimony on the  
11 stand?

12          MR. KATZ: Yes, just a portion of the testimony because  
13 the other testimony, as I indicated, did unfold.

14               Now, as I said before, had I known about it, I  
15 would have told the court, had I suspected this was part of  
16 the original conversation I would have told the court, because  
17 it is still the same thing. It is made in the course and  
18 scope of the conspiracy, seeking to remove the body from where  
19 it apparently was buried and try and repair it to a position  
20 of safety where it can never be located by the police.

21               Once again, right in the furtherance of the object  
22 and design of the conspiracy. That in no way changes what-  
23 soever --

24          THE COURT: According to your position --

25          MR. KATZ: -- the admissibility in evidence.

26          THE COURT: It is still an admission or a statement of  
27 a co-conspirator respecting the operational function of the  
28 conspiracy or the performance of the conspiracy or the

1 continuation of the conspiracy.

2 MR. KATZ: Exactly.

3 To give you an example --

4 THE COURT: That is your position.

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MR. KATZ: Yes. To give you an example. There is really no difference, though there is more detail, there is no difference in saying, "Shorty committed suicide with a little help from us," which can be construed indeed as a confession, not an admission, a confession --

THE COURT: I think it is a confession, if you want my opinion.

MR. KATZ: I think it is, too. All we are saying is, "Well, we cut him up in nine pieces and buried him under some leaves."

It is still a confession. It doesn't change the color of the statement or admissibility of the statement, if the statement was made in furtherance of the object and design of the conspiracy to conceal the body.

It is still admissible. This is what we argued for three hours yesterday.

THE COURT: Yes, I understand.

Did you want to speak some more, Mr. Weedman?

MR. WEEDMAN: Yes, your Honor. Because of the fact Barbara Hoyt in this conversation talks about --

THE COURT: Now, you mean the river -- let's call it the stream, Barbara's testimony in court yesterday?

MR. WEEDMAN: Yes, your Honor.

THE COURT: All right.

MR. WEEDMAN: Because of her "at the creek" statement, wherein she talked about cutting the body into nine pieces and because of the fact she testified before the grand jury to a later conversation had with Charles Manson at which my

1 client was not present and therein referred to cutting the  
2 body into 99 pieces --

3 MR. KATZ: No, that's in error. It's been changed.  
4 I'm sorry, counsel.

5 MR. WEEDMAN: Is that so?

6 MR. KATZ: Yes. In Department 100 Judge Lucas author-  
7 ized the changes.

8 MR. WEEDMAN: All right. I am in error.

9 MR. KATZ: There was an error in the reporter's notes.

10 MR. WEEDMAN: In view of that, your Honor, I will amend  
11 that to say that before the grand jury Barbara Hoyt testified  
12 to a conversation with Charles Manson, not at Spahn Ranch, but  
13 at Barker Ranch, a considerable distance away.

14 THE COURT: Let me get this straight. Your position  
15 she testified at the grand jury respecting conversation not  
16 at Spahn Ranch but where?

17 MR. WEEDMAN: Barker Ranch.

18 THE COURT: How far is that from Spahn?

19 MR. WEEDMAN: It must be a couple hundred miles.

20 THE DEFENDANT: 600 miles.

21 MR. WEEDMAN: Oh, 600 miles. Way up in Death Valley.

22 THE COURT: When in relation to her -- when in relation  
23 to the testimony she gave on the stand, what is the time  
24 element in there?

25 MR. WEEDMAN: I am not sure. Several days later.

26 THE COURT: Respecting the conversation at Barker Ranch?

27 MR. WEEDMAN: Several days later, your Honor.

28 THE COURT: All right.

1 MR. WEEDMAN: In that conversation --

2 THE COURT: At Barker?

3 MR. WEEDMAN: Yes, your Honor.

4 THE COURT: All right.

5 MR. WEEDMAN: She said Charles Manson said the body was  
6 cut into nine pieces.

7 THE COURT: Could he not have said it twice? Could he  
8 not have said it to Barbara at the Spahn Ranch and could he  
9 not have said it at the Barker Ranch?

10 MR. WEEDMAN: Of course he could.

11 THE COURT: All right.

12 MR. WEEDMAN: But the point now is, your Honor, she  
13 omitted any reference to cutting up the body in her grand jury  
14 testimony respecting the creek conversation. In other words,  
15 she left that out.

16 THE COURT: What does she say to the grand jury on the creek --  
17 that is our, what we will call our testimony that she has  
18 given in court yesterday?

19 MR. WEEDMAN: She said that --

20 THE COURT: What did she say to the grand jury?

21 MR. WEEDMAN: Yes. She told the grand jury that she  
22 had a conversation --

23 THE COURT: You can just read it.

24 MR. WEEDMAN: Yes. I will, your Honor.

25 THE COURT: All right.

26 Go ahead. Read your page and line.

27 MR. WEEDMAN: Yes, your Honor. This is on page 325,  
28 beginning at line 25 of Barbara Hoyt's testimony before the

1 grand jury last --

2 THE COURT: Give us the date.

3 MR. WEEDMAN: -- December. Well, I don't know what the  
4 date was, your Honor. I don't have that noted here.

5 But it was in the middle of December, I believe.

6 THE COURT: I am not trying to be rude.

7 MR. WEEDMAN: Not at all.

8 THE COURT: This has reference to her testimony concern-  
9 ing the same conversation she gave in court yesterday but her  
10 conversation or statement to the grand jury?

11 MR. WEEDMAN: Exactly.

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1 THE COURT: Now, read it if you will, please.

2 MR. WEEDMAN: (Reading:)

3 "Q Tell us what it was that Charlie  
4 said to Danny and what Danny said to Charlie in  
5 your presence.

6 "A Charlie was telling Danny about how  
7 they helped -- well, he said, 'Shorty committed  
8 suicide with a little help from us.' Then he  
9 asked him if lye or lime would get rid of the body.

10 "Q He asked Danny?

11 "A Yeah. And Danny said lime would  
12 preserve it and lye would get rid of it.

13 "Q And did Charlie say anything in  
14 response to that?

15 "A No.

16 "Q Do you recall whether or not he asked--

17 "A He said they put him under some leaves.

18 "Q Let's backtrack for a moment. Did  
19 Charlie ask Danny where he might be able to obtain  
20 some lye? Do you recall that?

21 "A I don't remember.

22 "Q You said something about Charlie  
23 stating they put Shorty under some leaves or  
24 something.

25 "A Yes.

26 "Q What was it he said in regard to  
27 Danny?

28 "A They said they buried him under some

1 leaves.

2 "Q Do you remember any other parts  
3 of the conversation between Charlie and Danny  
4 De Carlo at that time?

5 "A No."

6 THE COURT: Well, for one thing, without -- for the  
7 moment -- so obviously you have testimony in there that would  
8 impeach the credibility. I'm not answering your basic ques-  
9 tion, you understand.

10 You impeach the credibility of the girl by a  
11 reading of that testimony to the jury, for one thing.

12 And it is also substantive testimony under the  
13 People against Green, substantive statements of the witness.

14 MR. WEEDMAN: Well, of course, in other words, I can't  
15 even use it for limited impeachment any more because it leaves  
16 Mr. Katz in the position of arguing the truth of both state-  
17 ments, because People versus Green in some incredible fashion  
18 permits that. I think it is a very unfortunate case which  
19 came down from our United States Supreme Court.

20 But be that as it may, to my problem now, your  
21 Honor --

22 THE COURT: Go back to your big problem.

23 MR. WEEDMAN: Well, I think you already understand, your  
24 Honor. My problem is I am going to be forced to cross examine  
25 for impeachment purposes, and I am going to be forced because  
26 of what has come in now to go into a conversation Charles  
27 Manson had with her up at Barker Ranch, which is only a  
28 confession which may now be used substantively against my

1 client.

2 In other words, the error in this trial, your  
3 Honor, has boxed my client in so the only effective way I can  
4 protect his rights is to go into matters which are otherwise  
5 wholly inadmissible against him.

6 In other words, we have opened Pandora's box  
7 here and I'm afraid what is coming out of it, your Honor, is  
8 denial of due process to my client.

9 I again urge the court to declare a mistrial in  
10 this matter. I realize we have spent a lot of time on this  
11 case.

12 I cannot imagine any appellate court failing to  
13 reverse this case on this ground alone. I say that with all  
14 due respect to the court's weighted and lengthy and very  
15 careful consideration of all of the cases that were presented  
16 by counsel.

17 And, your Honor, I don't know when I have ever had  
18 a more patient court than we have enjoyed with you, Judge Call,  
19 and I want to say that right now for the record. And you have  
20 listened to us. You have let counsel go on by the hour. And  
21 I am very grateful to you for that.

22 THE COURT: Well, motion for a new trial is denied.

23 MR. WEEDMAN: All right, your Honor.

24 THE COURT: Now let's see where we are.

25 MR. WEEDMAN: Your Honor, in addition to that, I would  
26 move the court admonish --

27 THE COURT: Take our time.

28 MR. WEEDMAN: I would move the court to admonish the

1 jury any statements made by Charles Manson which are in the  
2 nature of admission or confession be limited to Charles Manson  
3 alone.

4 THE COURT: Go on.

5 MR. WEEDMAN: Be limited to Charles Manson alone as  
6 tending, and can be used only to establish -- well, I will  
7 leave it at that.

8 In other words, I would request that the court  
9 admonish the jury that any statements made by Charles Manson  
10 which tend to be admissions or a confession are to be considered  
11 and received only against Charles Manson and not against my  
12 client, because my client was not there.

13 My client did not adopt any of these statements  
14 vicariously or otherwise.

15 THE COURT: Now, go ahead.

16 MR. KATZ: Well, your Honor, I really have nothing to  
17 say. Again I think you and I are in agreement the fact that  
18 it doesn't matter whether or not the statements constitute a  
19 confession or admission as such so long as they are made in  
20 furtherance of the object and design of the conspiracy.

21 And after about three hours of argument yesterday  
22 I think we concluded that that was the theory on which the  
23 evidence would be admitted before the jury. And I don't think  
24 your Honor has changed your opinion merely because one more  
25 sentence has been added.

26 As a matter of fact, Mr. Weedman just indicated,  
27 and it surprised me because I hadn't recalled the grand jury  
28 testimony that she had mentioned the fact that the body had

1 been buried under the leaves at that conversation.

2 And it just shows you that slipped my mind with  
3 respect to that. What Mr. Weedman is talking about and  
4 complaining about is the fact that he has to attack the  
5 credibility of the witness and he will be obliged perhaps to  
6 use some statements that were made at Barker Ranch, which may  
7 be used by the jury under the Green doctrine, California  
8 versus Green, for the truth of the assertions.

9 Now, I think because of the seriousness of the  
10 case and because your Honor has given us such latitude and has  
11 been so very kind and gracious in letting us talk for hours on  
12 end in expressing our view and bending over backwards without  
13 conceding that there is any error whatsoever, I am willing  
14 to stipulate, if counsel wishes, that any cross examination of  
15 Barbara Hoyt with respect to the statements allegedly made at  
16 the Barker Ranch area which are allegedly inconsistent with  
17 the Spahn Ranch conversation may not be used for substantive  
18 purposes, but only for purposes of credibility.

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1 THE COURT: Credibility.

2 MR. KATZ: And you may instruct even though I think Green  
3 would permit us to argue --

4 THE COURT: Green permits it.

5 MR. KATZ: I'm willing to even foreclose it.

6 I'm willing to bend over backwards without  
7 conceding any error in here.

8 I am conceding no error, because I feel this man  
9 should not be convicted on statements by Manson, as such,  
10 unless it is an act or declaration in furtherance of the  
11 object or design of the conspiracy.

12 I am willing to forego the principles of Green and  
13 permit Mr. Weedman full cross-examination for purposes of  
14 credibility without having to be obliged to accept any answers  
15 by Mrs. Hoyt on cross-examination for the substantive purposes  
16 with respect to the Myers Ranch conversation.

17 THE COURT: Let me say right at this juncture that I  
18 would think that a stipulation should be stated to the effect,  
19 but also stipulating too that the defendant by such a stipula-  
20 tion in no way waives any of his -- any errors that may occur  
21 or have occurred in this case by actions of the court.

22 MR. WEEDMAN: That is understood.

23 THE COURT: Rulings of the court, and no waiver --  
24 expressly understood no waiver is made to present any point  
25 on appeal to an appellate court respecting erroneous conclu-  
26 sions that the court may have made irrespective of the  
27 stipulation.

28 In other words, I don't want you to stipulate so

4-2

1 you will hurt yourself in any way. That is up to you.

2 MR. WEEDMAN: Your Honor, it is an idle stipulation. It  
3 is a stipulation which does not even remotely cure the problem.

4 THE COURT: It doesn't touch your original problem at  
5 all.

6 MR. WEEDMAN: I cannot enter into such a stipulation in  
7 the face of the law which says that a jury cannot follow an  
8 instruction which is a limiting instruction with respect to  
9 confessions. People v. Aranda states as a matter of law that  
10 the jury may not be efficiently or efficaciously instructed in  
11 that regard, and I am not going to enter into any stipulation  
12 here which pretends to fly in the face of our own Supreme  
13 Court decisions in the matter, your Honor.

14 MR. KATZ: In view of --

15 MR. WEEDMAN: And I am also not going to be boxed in by  
16 a prosecutor's offer of a stipulation to try and cure error in  
17 this case.

18 It is too late for that.

19 MR. KATZ: Once again, I do not concede error. I  
20 withdraw now, in view of counsel's refusal, any proposed  
21 stipulation in the manner I have suggested before.

22 MR. WEEDMAN: There is no refusal on my part, except that  
23 I am being forced now to step outside the dictates of our own  
24 Supreme Court decision in People v. Aranda.

25 I cannot do that on behalf of my client, and to  
26 force me into that position merely highlights the error of the  
27 receipt into evidence of Barbara Hoyt's testimony concerning  
28 a confession of Charles Manson.

4-3

1           Anyway, your Honor, that is all I wanted to say  
2 about ~~it~~ this morning.

3           THE COURT: The law as set up here, under your jury  
4 instructions, and under Brawley -- I can't help but feel that  
5 these declarations purported to have been made by Manson in  
6 the presence or within the hearing of Barbara are admissible.

7           Now, I don't know what the Supreme Court will do,  
8 if it gets that far, whether they want to revamp their own  
9 thinking, or whether they want to make a change in the law or  
10 make modifications. I can't help the way the law is set up at  
11 the present time, laid down by the court.

12           It justifies the giving of that statement. I can't  
13 help but feel it is in furtherance of the alleged conspiracy,  
14 assuming a conspiracy has been established.

15           I think a prima facie showing is there. The rest,  
16 I can't determine.

17           Now, I think the statement is permissible. It can  
18 be damaging. Yes, of course, it is a damaging statement, but  
19 I think under the law as set up by our Supreme Court or  
20 established, or our case law which expounds on the code  
21 section, it permits the same as a statement in furtherance of  
22 the object of the conspiracy.

23           I think it is the logical purpose or object of the  
24 conspiracy. You are going to kill or get away with -- do away  
25 with Shorty Shea. It must be presumed.

26           It must be considered that a logical sequence or  
27 part of the murder or the conspiracy is to dispose of the body  
28 in an effectual manner.

4-4

1           It must be part of your conspiracy. Therefore,  
2 the statements of Manson, or the alleged statements of Manson,  
3 must be in furtherance of the conspiracy.

4           You wouldn't say, "Let's kill Shea and put the body  
5 on a street corner." That is not part of the conspiracy as  
6 indicated by the statements is to dispose of the remains,  
7 because they have a very prolific value for the People if they  
8 intend to charge, as they have in this case, whether the  
9 remains are discernible or not.

10          So it is a very important part of the People's  
11 case, and of the conspiracy. The purpose of the conspiracy  
12 is not to publicize the remains, but to conceal the remains.

13          I can't help but feel it does carry damaging  
14 statements, and I think it carries admissions. I think you  
15 could call them -- it is a hybrid statement, according to  
16 Barbara.

17          The statement of Manson, according to Barbara, is  
18 a hybrid statement. In part it is a voluntary admission, is  
19 actually what it is. It is a voluntary admission. It is  
20 probably a confession.

21          It is a voluntary admission or a voluntary  
22 confession, whatever you want to call it, that Manson  
23 gratuitously makes.

24          It is part of his statement. Now, he says, in  
25 effect, "What are we going to do? What can be done to dispose  
26 of the remains?" That is the effect of his statement. "Do  
27 we use lye or use lime?"

28          That is his own statement would appear -- according

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1 to Barbara his statement would appear that the putting of the  
2 pieces of the body under some leaves down the stream or buried  
3 under some leaves is not sufficient, that -- I am saying that  
4 because it is pointed out by the defendant that the crime is  
5 over with now. I don't know. I doubt it. I don't think so,  
6 because Manson himself is disturbed.

7 It is not sufficient, in effect. He said -- that  
8 is what he said. "I am not satisfied," he said. "We put him  
9 under some leaves. What can we do to get rid of the body?"  
10 I can't help but feel that his statements, the statements of  
11 Manson respecting the continuation of actions under the  
12 conspiracy -- I think that is the law. I will stand on it.

13 Now, if the Supreme Court wants to change it, they  
14 will have to do that.

15 I don't say that critically one way or another.

16 I am disturbed about this situation, because it  
17 injects a voluntary confession of Manson that unquestionably  
18 would be admissible as against Manson in a trial charging  
19 Manson with murder.

20 There is no question in my mind that the statement  
21 could be given. The disturbing element is the injection into  
22 the statements that may be contributed as to the doctrine of  
23 a conspiracy as against the acts or admissions or statements  
24 of Grogan.

25 The big problem is, and I repeat it is such a  
26 hazardous problem, is the admissions of guilt or confessions  
27 of Manson. "We got rid of this fellow." Grogan is not talking.  
28 Grogan is not there.

4-6

1 "We got rid of this fellow. Now, what in the  
2 world are we going to do about it? What are we going to do?"  
3 That is his problem. He is worried about the remains there.

4 I can't help but feel -- there is your problem.

5 It is the hybrid -- the joining together of a  
6 statement in the continuation of the conspiracy, a statement  
7 of admission, as well as statements in furtherance of the  
8 conspiracy.

9 I would have to change the law as set down and  
10 established by the Supreme Court if I were to knock out or rule  
11 out that statement of Manson as testified to by Barbara.

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1 I will go further. There is no need to hedge one  
2 way or the other.

3 The court even -- I have read this, I guess, a  
4 dozen times or more, the Brawley case. I take it they in  
5 substance affirm what I said.

6 There is a dubiousness on their own part that you  
7 will find in here in this opinion which I have before me in  
8 which they -- page 289, page 288, at the bottom, Delaney v.  
9 United States, and cited cases.

10 They debate the merits of these statements by, let  
11 us say, Manson as applying to a co-conspirator when they bring  
12 in or inject in there confessional statements, because they  
13 speak of the lack of the right of cross-examination, for  
14 instance, in this case, the right of any confrontation is the  
15 word they use, which includes a cross-examination of Manson  
16 who made the statements.

17 In other words, Manson is talking and there is no  
18 way of cross-examining or being confronted with Manson.

19 They debate the seriousness of that position in  
20 Brawley. They debate it, but they stand by their own reasoning  
21 in here, and I will follow along on it.

22 I deny the motion.

23 MR. KATZ: Thank you, your Honor.

24 MR. WEEDMAN: Just one more thing for the record, your  
25 Honor.

26 THE COURT: Go ahead.

27 MR. WEEDMAN: I just want to object to the receipt in  
28 evidence of this on the grounds that no conspiracy has been

4a-2

1 established.

2 I may not have made that portion of my objection  
3 clear yet.

4 THE COURT: If you haven't, you may. I want you to make  
5 every possible opportunity that you can.

6 I will take all the time in the world. I recognize  
7 that you are -- I think you have made it.

8 MR. KATZ: You did, Mr. Weedman.

9 THE COURT: I overrule the objection.

10 Your position is that the statement should be  
11 knocked out or deleted or eliminated by reason of the fact  
12 that there is no prima facie showing of the conspiracy.

13 Is that properly stated?

14 MR. WEEDMAN: Yes, your Honor. There is nothing in the  
15 record that shows that even if Shorty Shea was murdered, that  
16 more than one person committed the murder.

17 THE COURT: I see.

18 MR. WEEDMAN: For a conspiracy you have to have at least  
19 two persons.

20 I submit there is absolutely nothing in the record  
21 to show that Shorty Shea was murdered by two persons, two or  
22 more persons. Absolutely nothing, apart from Mr. Manson's  
23 statement.

24 THE COURT: I think it is covered by a prima facie  
25 showing.

26 Now, that argument to the jury, I think, can be  
27 forcibly presented. Those are matters for the jury.

28 I won't step into their powers. I deny the motion.

4a-3

The objection is overruled.

MR. WEEDMAN: Very well, your Honor.

MR. KATZ: Thank you, your Honor.

THE COURT: Let's go ahead.

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

THE COURT: Now, gentlemen, we will proceed.

Mr. Grogan, the defendant, and both counsel are  
here.

You can bring in the jury, Sheriff.

You take the stand. Now, you have been sworn.

Now, please tell us your name again.

THE WITNESS: Barbara Hoyt.

THE COURT: All right, when you talk, talk through here  
like a telephone. Keep your voice up so all of the jurors  
and all of us can hear what you are saying.

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

THE COURT: Now, we have all of the regular jurors, plus  
the alternates. You may continue.

MR. KATZ: Thank you, your Honor.

DIRECT EXAMINATION (Continued)

BY MR. KATZ:

Q Barbara, at the close of yesterday's session you  
had told us about a conversation at the creek on the day

4a-4

1 following the night you heard Shorty screaming, between Danny  
2 De Carlo and Charles Manson in your presence and in the  
3 presence of one Kitty Lutesinger, and Danny's small child.

4 Is that correct?

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Yes.

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Q Now, in relation to that event can you tell us whether or not you went some other place to live for a time? In other words, did you leave Spahn Ranch?

A Yes.

Q How soon after that conversation at the creek did you move to some other location?

A Right after it.

Q Well, when you say right after, what do you mean?

A The same day. That evening.

Q That evening?

A Yes.

Q And where did you go?

A Death Valley.

Q And in particular where in Death Valley?

A Barkers Ranch.

Q And who did you go with?

A Charlie, Brenda.

Q Charles Manson, you mean?

A Yes.

Q Brenda McCann?

A Yes. Sherry Cooper, Ruth Morehouse. Kitty Lutesinger. And Diane Lake.

Q All right. And did other members of the family remain at the Spahn Ranch at that time?

A Yes.

Oh, and Tex and Bruce and Danny went in another car. In a truck.

Q Was that about the same time you went up to the

1 desert?

2 A Yes.

3 Q All right. Did the defendant, Mr. Grogan, go up  
4 to the desert at that time, or did he remain at Spahn Ranch?

5 A He stayed at Spahn Ranch.

6 Q All right.

7 Did other members of the family also stay at  
8 Spahn Ranch?

9 A Yes.

10 Q All right.

11 Did you go in a car of some kind to Barker Ranch?

12 A A Rent-A-Car.

13 Q Do you remember the kind of car it was?

14 A I don't know what kind it was, but it was gold  
15 or brownish color.

16 Q Was it a new or old car, or what?

17 A It was a new one.

18 Q All right.

19 And where did you drive to?

20 A Death Valley.

21 Q All right.

22 What particular portion of the Death Valley area  
23 did you drive to?

24 A To Goler Wash.

25 Q All right.

26 And are you familiar with the road that leads from  
27 Ballarat to the mouth of Goler Wash?

28 A Yes.

1 Q All right.

2 In relation to that area where did you drive the  
3 car to with Mr. Manson?

4 A We drove it up to -- well, from the bottom of  
5 Goler Wash there is a small dirt road that leads to another  
6 dirt road, and that dirt road leads to Ballarat.

7 And we drove up the dirt road, up to the dirt  
8 road that leads to Goler Wash.

9 Q I see.

10 So, in other words, you did not enter Goler Wash  
11 in that vehicle, is that correct?

12 A No. You can't.

13 Q Why?

14 A You can't.

15 Q All right.

16 And what did you do after you stopped the car at  
17 the point where a dirt road leads into the mouth of Goler  
18 Wash?

19 A I, Sherry, Ruth, Snake and Kitty, we got in the  
20 truck and then we drove the truck up to the mouth of Goler  
21 Wash.

22 Q Was there a truck parked some place?

23 A Yes. Tex and Bruce and Danny came in the truck.

24 Q Do you know from where they came?

25 A From Spahn's Ranch.

26 Q All right.

27 And did you go up through the Goler Wash to Barker  
28 or Myers Ranch in the truck?

1 A No.

2 Q What happened?

3 A We stopped at the falls and then we got out and

4 walked up Coler Wash.

5 Q When you say the falls, what do you mean?

6 A That is at the bottom of the wash.

7 Q The rock falls?

8 A Yes.

9 Q All right.

10 Who walked up?

11 A Danny, Bruce, Tex, Sherry, Ouish, Kitty, Snake

12 and me.

13 Q Now, where was Charlie?

14 A Charlie, he stayed down by the car.

15 Q And did somebody pick him up in a vehicle?

16 A Yes.

17 Q Who picked him up in a vehicle?

18 A When we walked up the top of the wash up to Barker's

19 Ranch there was a dune buggy that had been put there before,

20 before the raid.

21 And so me, Tex, Bruce and Sherry, we went up and

22 got the dune buggy and then Tex and -- I am not sure if Bruce

23 went all the way down with him, but anyway, Tex took the dune

24 buggy back down to the bottom of the wash and brought Charlie

25 back up.

26 Q In other words, Charlie stayed there until

27 somebody got back down with a dune buggy, is that right?

28 A Yes.

1 Q Now, shortly after you arrived at Barker Ranch  
2 did you have a dinner at Myers Ranch?

3 A Yes.

4 Q All right.

5 Where is Myers Ranch in relation to Barker Ranch?

6 A It is about a half a mile further up the wash.

7 Q All right.

8 And did you cook some dinner with other family  
9 girls for some men?

10 A Yes.

11 Q All right.

12 And who was there during this dinner at Myers  
13 Ranch?

14 A Charlie. Bruce. Tex. Danny. Juan.

15 Q Juan Flynn?

16 A Yes. Me. Quish and Sherry, Kitty, Snake and  
17 Sadie.

18 Q All right.

19 By Snake, you mean Diane Lake or Diane Bluestein?

20 A Yes.

21 Q Sadie is Susan Atkins?

22 A Yes.

23 Q And can you tell us where the men sat in relation  
24 to the women?

25 A The women sat -- there was a couch in the living  
26 room --

27 Q Of Myers Ranch?

28 A Yes. And chairs, you know, and the women sat

1 there. And then there was a table and the men sat at table.

2 Q Incidentally, did Sadie and Juan come up with you,  
3 or did they come up shortly after you arrived at the desert?

4 A They came up later in a new dune buggy.

5 Q All right.

6 Now, at the time of this dinner at Myers Ranch  
7 was the defendant there?

8 A No.

9 Q All right.

10 How long did you remain in the desert, Barbara?  
11 And I am referring to Barker Ranch and Myers Ranch area.

12 A About two or three weeks. I am not sure exactly.

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1 Q And during the time that you were there did you  
2 see the defendant, Mr. Grogan?

3 A No.

4 Q Did you thereafter leave the ranch or that is, leave  
5 the family?

6 A Yes.

7 Q With whom?

8 A Sherry.

9 Q And how did you leave them?

10 A We walked.

11 Q Where did you walk?

12 A To Ballarat.

13 Q From where?

14 A From Goler Wash.

15 Q All right.

16 You walked down Goler Wash to Ballarat?

17 A Well, we were planning to get away from the family  
18 and several times we went up and down the wash. But --

19 Q In any event did you come down the wash?

20 A Oh, yeah.

21 Q How long did it take you to get down the wash?

22 A Well, we left in the morning and we got to Ballarat  
23 about 10 or 11 that night.

24 Q That's taking into consideration all the little  
25 diversions you had, is that correct?

26 A Well, we only had one diversion, when we went up  
27 there, we saw this patch --

28 Q Well, you can just answer that, in other words,

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2 taking into consideration whatever diversions you had, it took  
3 you that length of time to get down to the town of Ballarat,  
4 is that right?

5 A Yes.

6 Q Did you ever go back up to the desert to join  
7 Mr. Manson?

8 A No.

9 Q Now, I would like to get some time sequences down,  
10 if I can. As I understand it, after you were released from  
11 jail following the August 16th raid you stayed at Spahn Ranch  
12 for a few days, is that correct?

13 A Yes.

14 Q Thereafter you went to Olancho, is that right?

15 A Yes.

16 Q How long did you stay at Olancho?

17 A Couple of days.

18 Q All right.

19 Then you returned to Spahn Ranch, is that right?

20 A Yes.

21 Q And I believe you told us that when you returned  
22 you also saw Shorty at Spahn Ranch at that time, is that  
23 correct?

24 A Yes.

25 Q Did you also see Charlie there?

26 A Yes.

27 Q All right.

28 Now, did you witness an event that happened on  
Frank Retz' property involving Charlie Manson and Stephanie

5a-3

1 Schram?

2 A They got arrested.

3 Q All right.

4 I want to use that as a frame of reference only.

5 You were aware of the fact, and you saw them in  
6 the custody of some police, is that correct?

7 A Yes.

8 Q And using that as a frame of reference, did  
9 Charlie return after being released, to Spahn Ranch?

10 A Yes.

11 Q All right.

12 Now, using that as a frame of reference, did the  
13 screams, that is Shorty's screams you told us about, occur  
14 before or after Charlie returned from this arrest with  
15 Stephanie Schram?

16 A After.

17 Q And the Danny De Carlo conversation occurred after  
18 Charlie was released from his arrest with Stephanie Schram  
19 on the Retz property, is that correct?

20 A Yes.

21 MR. KATZ: May I have a moment. I think I have  
22 concluded my examination.

23 THE COURT: Yes. All right.

24 Q BY MR. KATZ: Oh. Can you tell us what general  
25 areas you and the family lived at when you were at Spahn Ranch  
26 in August of 1969?

27 A We lived on the ranch. We lived in Devil's Canyon.  
28 We lived in the back house. In the outlaw shacks.

5a-4

1 Q That would be Frank Retz' property?

2 A I guess so. And then there was another place we  
3 had a camp that was passed the outlaw shacks. That was up  
4 in the mountains.

5 Q How did you move about this property? How did you  
6 travel?

7 A We either walked or dune buggies.

8 Q And approximately how many dune buggies were there  
9 in the Spahn Ranch vicinity?

10 A Quite a few. I don't know. I think there were  
11 about -- two or three working.

12 Then there was a whole bunch that weren't working.

13 Q There were a bunch of them that were not working,  
14 is that correct?

15 A Yeah. They were, you know, in pieces.

16 Q I see. Incidentally, did Charlie Manson himself  
17 have a special dune buggy?

18 A Yes.

19 Q Can you describe that to us?

20 A Well, it had hides all over it. With fur on it.  
21 And it had -- it was really fixed up.

22 Q Who fixed it up?

23 A The girls. It had leather things across the front,  
24 and I don't know what you call it but it was a thing that held  
25 this great big long knife.

26 And it had a machine gun mount and all this. It  
27 had everything.

28 Q Now, you said the girls fixed it up. By girls,

5a-5

1 who do you mean?

2 A Squeaky. Gypsy. Brenda. Cathy.

3 Q Did you ever work on the dune buggy?

4 A No.

5 Q All right.

6 Now, incidentally, did you ever see Shorty in the  
7 desert -- and I am referring to the Barker and Myers Ranch  
8 area?

9 A No.

10 Q Did you ever see him in Golar Wash?

11 A No.

12 Q Did you ever see him in Ballarat?

13 A No.

14 Q Did the family, in the period between August 16,  
15 1969 and the time you last saw Shorty, discuss Frank Ratz at  
16 all?

17 A Yes.

18 Q And did the defendant also discuss Frank Ratz and  
19 his presence on the property?

20 A Yes.

21 Q And in what manner did these discussions about  
22 Frank Ratz arise?

23 A You mean what were they about?

24 Q Don't tell me what they were about. In what  
25 manner did they discuss him then? Did it happen at dinner,  
26 did it happen during the day, or what?

27 A Well, during the day.

28 Q All right.

5a-6

1 And do you remember specifically each and every  
2 word that was said during these conversations between the  
3 period August 16, 1969 and, say, September 1st, 1969?

4 A No. But I remember some phrases that he said.

5 Q All right.

6 Do you remember the substance of the conversations  
7 concerning Frank Retz?

8 A Yes.

9 Q And do you know whether or not the defendant here  
10 joined in any of those discussions about Frank Retz and his  
11 presence at Spahn Ranch?

12 A Yes.

13 Q All right.

14 And can you pinpoint a little bit better in your  
15 memory where and when these conversations took place between  
16 the period August 16, 1969 and September 1st, 1969?

17 A Well, there was one -- one time, it was at the end  
18 of the boardwalk where they have -- where they charge for the  
19 rides, you know.

20 Q That's towards the corral?

21 A Yes. They were talking about how --

22 Q Who was there? Don't tell me "they." Who was there  
23 at that time, if you recall?

24 A Brenda. Bruce.

25 Q Bruce Davis?

26 A Yes. Squeaky. Sherry was there, I think. Clem  
27 was there.

28 Q Approximately when did this conversation take place

5a-7

1 in relation to the raid August 16th?

2 A After it.

3 Q All right.

4 How many days or so after that, if you recall?

5 A I don't.

6 Q It was between the time period August 16th, 1969  
7 to September 1st, 1969, is that correct?

8 A Yes.

9 Q Was it between the period August 16th, 1969 and the  
10 last time you saw Shorty at Spahn Ranch?

11 A Could you say that again?

12 Q Yes. Was it between the period August 16, 1969,  
13 the date of the raid, and the last time you saw Shorty?

14 A Yes.

15 Q All right.

16 And what was said at that time in the presence of  
17 Clem?

18 A They said that Frank was bringing up a bunch of  
19 Nazis, and that they were going to take over Spahn's Ranch,  
20 and that he said the outlaw shack and the back house belonged  
21 to him and not to George.

22 And that he was trying to get George to sell  
23 Spahn's Ranch.

#5

1 Q Now, at any of the dinners, Barbara, during which  
2 Clem or Mr. Grogan was present, did Manson discuss the problem  
3 about Frank Retz trying to take the Spahn property away from  
4 George Spahn?

5 A Yes.

6 Q What did Charlie say about that?

7 That is, about Frank Retz.

8 A Just that he found out from Squeaky that he was  
9 trying to buy the property from George, and that he said  
10 that -- well, they were having a border fight, you know, be-  
11 cause of the back house.

12 He said that it belonged to him and -- I don't  
13 remember any more.

14 Q Did the family discuss in the presence of  
15 Mr. Grogan in this period of August 16, 1969 and September 1,  
16 1969, the desire to remain at Spahn Ranch and use the facilities?

17 A Yes.

18 Q Did this discussion come up with reference to  
19 Frank Retz attempting to buy the property of George Spahn?

20 A Yes.

21 MR. KATZ: May I have one moment, your Honor?

22 THE COURT: Yes.

23 (Short pause.)

24 MR. KATZ: Thank you, your Honor. I have nothing  
25 further.

26 THE COURT: Cross examine.  
27  
28

## CROSS EXAMINATION

BY MR. WEEDMAN:

Q How old are you, Barbara?

A 19.

Q When did you first meet Charles Manson?

A April, 1969.

Q How old were you then?

A 17.

Q Had you graduated from high school by that time?

A No.

Q Where were you from, Barbara, at that time?

A Home.

Q Where was home at that time?

What city was that in?

A Canoga Park.

Q Do you have brothers and sisters?

A Yes.

Q Did your family know that you were going to move in with Charles Manson and the other members of the family?

A Did they know?

Q Yes.

A No.

Q Did your family know where you were during that period of time when you first moved in with Charles Manson?

A No.

Q Did you have any contact with your family during that early period of time when you lived with Charles Manson?

A No.

1 Q To your knowledge, perhaps you learned later on,  
2 did you know that your family was looking for you?

3 A Oh, I imagined they were.

4 Q As far as you knew, based on anything that you  
5 may or may not have said to your family, they didn't know  
6 where you were, did they?

7 A No.

8 Q Now, Barbara, what is your real name?

9 A Barbara Hoyt.

10 Q You have also called yourself Barbara Wyler, have  
11 you not?

12 A Whyer.

13 Q How do you spell that name that you used?

14 A W-h-y-e-r.

15 Q Who did you use that name-- when did you use  
16 that name?

17 A When I got arrested.

18 Q Is that the name you gave the police?

19 A Yes.

20 Q Was that in an attempt to hide your true name?

21 A Yes.

22 Q So would it be fair to say, then, that you  
23 deliberately misled the police or attempted to misled the  
24 police with respect to your identity?

25 A Yes.

26 Q You didn't see anything wrong with that at the  
27 time, did you, Barbara, or did you?

28 A Well, I didn't want them to know that I ran away

1 from home.

2 Q Oh, you ran away from home?

3 Did you eventually at some time go back?

4 A Yes.

5 Q When was that, Barbara?

6 A Well, after I got arrested in May I was home for  
7 a little while, and then in September I went home.

8 Q How was it that you went home in May?

9 Was that 1969?

10 A Yes.

11 Q How was it that you went home in May of 1969?

12 A I got arrested for shoplifting, and I gave them  
13 the name of Barbara Lipsett, but after a while I told them  
14 my real name.

15 Q Were you actually shoplifting in May of 1969?

16 A Yes.

17 Q What did you steal, Barbara?

18 A A carton of cigarettes.

19 Q Did you think there was anything wrong with steal-  
20 ing at that time?

21 A Well, I knew it was wrong, but I didn't really  
22 figure that particularly it would do any harm.

23 Q So you felt that stealing wouldn't particularly  
24 do anybody any harm at that time, only a carton of cigarettes?

25 A Yes. That is right.

26 Q Now, you indicated that you had used another name.  
27 What name was that, Barbara?

28 A Barbara Lipsett.

1 MR. KATZ: I'm sorry. I can't hear, your Honor.

2 THE COURT: Anybody that can't hear, raise your hands.

3 Barbara, you must talk up. You see, the jury is  
4 having trouble. Speak right out, please.

5 THE WITNESS: All right.

6 THE COURT: Go ahead. Read the question again.

7 MR. WEEDMAN: Yes, your Honor.

8 Q Barbara, how do you spell that name?

9 THE COURT: Talk in the phone.

10 THE WITNESS: I believe it was L-i-p-s-e-t-t, or  
11 L-i-p-p-s-e-t-t.

12 Q BY MR. WEEDMAN: Who did you give that name to,  
13 Barbara?

14 A The police.

15 Q Was that, again, in an effort to mislead the police  
16 with respect to your identity?

17 A Yes.

18 Q And you did that, of course, knowing that it was  
19 not the truth?

20 That is to say, you deliberately lied to the police  
21 in connection with that?

22 A Yes.

23 Q Now, did you use that name in connection with your  
24 being arrested again for stealing an automobile?

25 A Oh, in April of 1969.

26 I think it was about April 28th we got arrested in  
27 Lancaster because there was something wrong with the license  
28 plate of this milk wagon, and we were taken to jail, and they

1 charged us with grand theft auto, but the car -- the car wasn't  
2 on the list for -- you know, stolen cars.

3 But I found out -- I asked later, and they said  
4 that the man they got the car from said that he would give  
5 them the car but he didn't have the pink slip, so when they  
6 found out he didn't have a pink slip, they just took it in.

7 Q So that was the arrest that you had in April of  
8 1969?

9 A Yes.

10 Q Wherein you used the name of Barbara Lipsett?

11 A Yes.

12 Q How did you used to dress in those days, Barbara?  
13 Any differently than you dress today?

14 A Yes.

15 Q How did you dress in those days?

16 A In jeans and -- well, it is different than I am  
17 dressed here.

18 I was wearing jeans, you know, just shirts and  
19 blouses and shoes.

20 Q Did you wear shoes in those days?

21 A Yes.

22 Q Now, where was it that you were arrested for petty  
23 theft, Barbara?

24 A You mean in May?

25 Q Yes, May 6, 1969.

26 A It was in Simi, I believe.

27 Q Ventura County?

28 A Yes.

1. Q Are those the only names you have used, Barbara,  
2 that were not your real name?

3 A No.

4 Q What other names have you used?

5 A Do you want just the ones I gave to the police?

6 Q Oh, why don't we start with those.

7 A I have used Stephanie Gail Roe.

8 Q When did you use that name?

9 A When I was hitchhiking across the country.

10 Q When you were hitchhiking?

11 A Yes.

12 Q When did you start hitchhiking across the country,  
13 Barbara?

14 We will go on with the rest of the names in a  
15 moment.

16 A I believe it was about the first week of June.

17 Q Of what year?

18 A 1969.

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Q Where did you hitchhike, Barbara?

A To Kansas City -- first we went to San Antonio, then we went to Kansas City.

Q Were you hitchhiking alone or with someone?

A I was hitchhiking with another girl named Sherry.

I think it is Sherry.

Anyway, she nicknamed herself Sam, you know, so I just called her Sam.

Q How far did you get with her in hitchhiking?

A Kansas City.

Q Did she go all the way to Kansas City with you?

A Yes.

Q Did you ever see her after that time?

A No.

Q Did you do any hitchhiking yourself after Kansas City?

A When I came back from Kansas City to Los Angeles I hitchhiked by myself.

Q I take it when you say that that you hitchhiked all the way alone?

A Yes.

Q Did you accept rides from men at that time?

A Yes.

Q Did you do anything, give any favors, perhaps, to these men in exchange for giving you a ride, Barbara?

A No. A couple of times we got let out in the middle of nowhere because of it too.

Q Because you wouldn't, right?

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A Yes.

Q Okay. Incidentally, when you were up at the ranch you had sexual relations with my client here, the defendant, didn't you, Barbara?

A When I was up at the ranch?

Q Yes.

A I did, one time in September 1970.

Q Was that in September after the August 16th and the other things that you have testified to about here?

A That was in September of 1970. That was before I went to Hawaii.

Q I see. So almost a year after these things that you told us about, Charles Manson talking to you and so on, you were -- you had at least, as you say, one episode or one act of sexual intercourse with my client?

A I had one.

Q Just one?

A Yes.

Q Okay, he didn't force you to do that, did he, Barbara?

A No.

Q Now, let's go back to some of the other names that you used, Barbara.

You used a nickname when you were hitchhiking, I believe you told us?

When did you give other names to the -- I am sorry, you said you had given this name to the police in connection with hitchhiking.

6a-4

1 How did that come about?

2 A I got a warning ticket in Oklahoma.

3 Oh, and I got one in California.

4 Q What name did you use on that one in California?

5 A Stephanie Gail Roe.

6 Q You used the same alias twice, then?

7 A Well, I used it all that time because I had ID  
8 under it.

9 Q And this was in an effort, again, to avoid being  
10 taken back to your home?

11 A Yes.

12 Q Were there any other reasons you didn't wish to be  
13 known to the police?

14 A Any other reasons?

15 Q Yes. I am asking you, were there any other  
16 reasons that you did not wish to be known, that is your true  
17 identity be known, to the police?

18 A Well, I was under 18.

19 Q What did you feel would happen in that connection?

20 A I would go to Juvenile Hall.

21 Q Had you ever been in Juvenile Hall?

22 A Yes.

23 Q When was that?

24 A In Ventura.

25 Q That was for stealing?

26 A Yes. That was the same time in May.

27 Q Now, after the hitchhiking, did you again use a  
28 name that you haven't yet told us about to the police?

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A I think those were the only ones I gave the police.

Q Now, did you use any other names --

A Oh, no. Wait a minute.

There was another one.

Q All right.

A Sherry MacNeff.

Q When did you use that?

A When I was living with Danny. When me and Sherry were living with Danny.

Q I am sorry. When you were living with Danny?

A Yes.

7

17 1 Q My client interrupted me for a moment. I didn't  
2 hear the last part of your answer.

3 A When me and Sherry were living with Danny.

4 Q Is that Danny De Carlo?

5 A Yes.

6 Q Where was that, Barbara?

7 A It was on -- it was right off Century Boulevard in  
8 Inglewood. I can't remember the name of the street.

9 It started with --

10 Q When was that?

11 A Right after I left the desert.

12 Q Was Danny De Carlo a sort of member of the -- of  
13 the so-called Manson family or the family?

14 A I don't know that he was really a member. He lived  
15 there.

16 Q He belonged to an organization, did he not, call  
17 the Straight Satans?

18 A Yes.

19 Q That is a motorcycle club, is it not?

20 A Yes.

21 Q Kind of like Hell's Angels, or not?

22 A Yes.

23 Q Were you a member of that Straight Satans Club?

24 A No.

25 Q Were you an honorary member, perhaps, by virtue of  
26 your association with Danny De Carlo?

27 A No. They called me and Sherry critters.

28 Q They called you what?

1 A Critters.

2 Q Critters. Does that mean you were in or out?

3 A I don't know.

4 Q Did you have a -- during this period of time,  
5 Barbara, when you were with the family -- and let's say on up  
6 into, indeed, September of 1970, when you were with -- when  
7 you were with Clem, the defendant, did you have any special  
8 boyfriend or boyfriends?

9 A You mean from when I left the family to --

10 Q No, I am sorry.

11 A Oh.

12 Q Beginning when you first met Charles Manson and  
13 all through the period of time up until September of 1970, did  
14 you have any particular boyfriends or anyone to whom you felt  
15 particularly attached in that respect?

16 A There was Dave.

17 Q And who was that, Barbara?

18 A Dave.

19 Q Dave what?

20 I'm sorry. Dave who?

21 A I don't know. I'm not sure about his last name.  
22 I think it was Barker, or something like that. Baker. I don't  
23 know.

24 Q This boy whose name you are not sure of, at least  
25 his last name, was he -- what would you describe him as, your  
26 boyfriend at one time?

27 A Yes.

28 Q Did you ever live with him?

1 A Yes.

2 Q And where and when was that, Barbara?

3 A At Spahn Ranch. From -- well, when we were with  
4 the family.

5 Q And -- well, would you pin that down for us in  
6 time a little bit. When you were with this boy or this man  
7 named Dave?

8 A From April till May when I got arrested. Then he  
9 went on the wheat harvest. That is why I hitchhiked across  
10 the country. He left a couple of days before I got out of  
11 jail.

12 And let's see. Then at the end of July till about  
13 the beginning of August.

14 Q All right.

15 Did you ever learn his last name? In other words,  
16 what I am asking you, have you merely forgotten it?

17 A Yes.

18 Q Or did you ever know it for sure?

19 A I knew it but I have forgotten it.

20 Q Did you have any other special attachments for  
21 any other of the men or boys that were at Spahn Ranch?

22 A No.

23 Q When did you last see this -- is he a man or boy?  
24 How would you describe Dave? How old is he?

25 A Then he was 22, and he had a birthday, and he was  
26 23. So I guess he would be about 25 now.

27 Q Okay. Do you still think about him from time to  
28 time?

1 A Once in a while.

2 Q Okay. Have you seen him since those days at  
3 Spahn Ranch?

4 A No.

5 Q And where was he when you last saw him?

6 A Spahn's Ranch.

7 MR. WEEDMAN: Okay.

8 Your Honor, I wonder if we might have a brief  
9 recess at this time.

10 THE COURT: Yes, let's take a short recess. We will  
11 proceed in a few minutes.

12 Do not discuss the case or come to any opinion or  
13 conclusion. Thank you. We are at recess.

14 (Recess.)

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

THE COURT: Now, let's see. People against Grogan.  
The defendant is here. Counsel are here.  
The witness is on the witness stand. You have  
been sworn. State your name again, please.

THE WITNESS: Barbara Hoyt.

THE COURT: Thank you.

You can bring in the jury, Sheriff.

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

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

You may continue, Mr. Weedman.

MR. WEEDMAN: Thank you, your Honor.

Q Now, Barbara, after you left home for the first  
time, was it at Spahn Ranch that you met Charles Manson and  
the group, or did you meet them someplace else?

A Before I left home a girlfriend and I went up to  
the Spahn Ranch.

There were people there who were living in the  
saloon, but I am not sure that that was them, you know.

I can't say for sure, because I didn't know who  
they were then.

Q Well, you saw a group up there, then, that were,  
perhaps, similar in appearance, generally, to the Manson family,

8-2

1 but you can't say if they were the Manson family?

2 Is that correct?

3 A Yes.

4 Q When did you meet Clem, the defendant, Steve  
5 Grogan, for the first time?

6 A I believe he was at the Gresham Street house,  
7 but I never talked to him or anything until we moved to  
8 Malibu. Then I knew who he was and all that.

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1 Q Well, did you meet Charles Manson then at the  
2 Spahn Ranch when you first went up there, or do you know?

3 A I might have. He might -- I think he -- he was  
4 singing. I think that was him.

5 Q Then after you and your girlfriend had that one  
6 visit up to Spahn Ranch, or one trip to Spahn Ranch the first  
7 time you literally remember meeting Charles Manson was  
8 sometime after that?

9 A Yes.

10 Q And where was that, Barbara?

11 A Gresham Street house.

12 Q How was it that you came to go to the Gresham  
13 Street house?

14 A I was walking down the street, and I met these two  
15 girls who had that Volkswagen van that didn't have a windshield  
16 on it. And it was Stephanie and DeeDee.

17 Q Stephanie who?

18 A Stephanie Roe.

19 Q And DeeDee?

20 A I don't know her last name.

21 Q What did they say to you?

22 A We just started talking about -- I don't know,  
23 just things. And they asked me if I was leaving home, you  
24 know, because I was carrying all this stuff.

25 And I said, "Yes," and then they asked me if I  
26 wanted to come live with them, and I said, "Sure. Okay."

27 So I got in, and we went to the Gresham Street  
28 house.

9-2

1 Q Were you literally leaving home at this time?

2 A Yes.

3 Q Had you stayed anyplace else up till the time that  
4 you met the two girls on the street?

5 A No.

6 Q And what happened after this conversation about  
7 moving in with them? Did you actually go then to the Gresham  
8 Street address?

9 A First we went to this fruit stand, and they got  
10 some fruit.

11 THE COURT: Keep your voice up.

12 THE WITNESS: We went to this fruit stand, and they got  
13 some fruit, and then went to the store and there was a girl  
14 there, her name was Bo. And that is when I first met Bo.

15 And then we went to the Gresham Street house.

16 Q BY MR. WEEDMAN: Did you go there with the under-  
17 standing that you were going to be living with these people  
18 or not?

19 A Well, I didn't exactly think at the time that I  
20 would be living with them, but, you know --

21 Q Did it turn out that way?

22 A Yes.

23 Q Did you need a place to stay, Barbara?

24 A Yes.

25 Q And would you describe the attitude of the people  
26 there at the Gresham Street house towards you as a friendly  
27 attitude?

28 A Yes.

9-3

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Q What did you do for food?

2

A Made our food there.

3

Q They gave you food?

4

A Yes.

5

Q They make you pay for any of the food?

6

A No. But one time, one time I got them doughnuts, you know. Next morning I got them some doughnuts from the doughnut man.

8

9

And there was this three-wheeler, you know, those motorcycles with the three wheels.

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13

And me and Charlie went to this gas station, and then I gave him a \$10 bill for gas. And he bought some gas, but he didn't give me back the change.

14

15

Q Oh. So that sort of took care of your end of the expenses then as far as you were concerned, right?

16

A Yeah. As far as I was concerned.

17

Q Did you ever give Charles Manson any other money?

18

A No. I don't think so.

19

20

Q Did you ever give any of the other members of the family any money?

21

A Not that I can remember. I don't think I did.

22

Q Did the family feed you?

23

A Yes.

24

Q Give you a place to stay?

25

A Yes.

26

Q How about your clothing?

27

A My clothing?

28

Q Uh-huh.

9-4

1 A What about it?

2 Q Well, did they give you any clothing?

3 A Yeah, they had a whole bunch, you know, great big  
4 pile of stuff. And you could wear whatever you want.

5 But then again they sort of, you know, helped  
6 themselves to everything I had, too.

7 Q Sort of share and share alike?

8 A Yeah.

9 Q Did you disapprove of that arrangement?

10 A Did I disapprove of it?

11 Q Uh-huh.

12 A No, not really except for when they took my boots.

13 Q How many months were you fed and housed, such as  
14 it may have been, by the family?

15 A How many months?

16 Q Months, yes.

17 A Well, I wasn't there in May or June, or most of  
18 July.

19 So I would say four months, you know.

20 Q And did you do anything in return for this,  
21 Barbara?

22 A Did I do anything in return?

23 Q Uh-huh.

24 A Like what?

25 Q I don't know. Like anything, I suppose.

26 MR. KATZ: I object only on the grounds it is ambiguous.  
27 Counsel can be more specific.

28 THE COURT: Overruled. Let her answer.

What is the answer?

THE WITNESS: I don't know what you mean, did I do anything in return for it.

THE COURT: What were you expected to do in return for the food and clothing? In substance that is the question.

THE WITNESS: Oh, I helped cook. And I helped clean sometimes, or, you know, there wasn't -- there wasn't anything really expected but except that they expected all the girls to, you know, do all the work.

Q BY MR. WEEDMAN: And what was the work, Barbara?

A Cooking. Cleaning. Going on garbage runs.

Q What is a garbage run, Barbara?

A That is where they get their food out of the garbage cans. You go behind the stores, and they have these great big garbage bins.

You go there in the truck and park there and the girls hop in the garbage bins and get the garbage.

Q Did you go on the garbage runs yourself and take the food out?

A I went on the garbage run with them one time. And I leaned over the edge. I don't think I was in the can.

Q What kind of food did this turn out to be that you understood was coming from garbage cans?

A What kind of food was it?

Q Yeah.

A Whatever was there.

Q Well, I meant the quality of the food.

A Well, you know how like at supermarkets they throw

9-6

1 away their lettuce and stuff, you know, after two days I  
2 think is a law or something.

3 So I figured it was pretty good. At first when I  
4 started eating, I didn't know it was from the garbage can.

10

10

1 Q So when you say garbage run, as far as you know,  
2 that really meant food that was discarded by a market?

3 A Yes.

4 A lot of times they have really good stuff there.  
5 Like one time they threw away a whole pound of  
6 candy bars.

7 Q Did you find those yourself, Barbara?

8 A No.

9 Q So you would stay at home? You would sort of stay  
10 at home, cooking and cleaning up and helping out with work, and  
11 pretty soon here would come some of the members of the family  
12 from the garbage run with food, and the food seemed to you to  
13 be all right?

14 A Yes.

15 Q All right. Now, as far as your paying for the food,  
16 the food apparently didn't cost the family anything then, did  
17 it?

18 A Oh, no.

19 Q And you ate this -- you ate food from the garbage  
20 runs, then, so far as you knew, for about four months during  
21 the time you were with the family?

22 A Yes.

23 Q Would it be fair to say that under those circum-  
24 stances that the food was still edible, wholesome and untainted?

25 A Untainted?

26 Q Untainted.

27 A What does that mean?

28 Q Well, I withdraw the question.

1 Did the food seem to be spoiled, Barbara?

2 A No.

3 Q Or bad in a way in the sense of its being spoiled  
4 or perhaps made sort of unwholesome in appearance?

5 A No, because when it was spoiled they threw it  
6 back in the can.

7 Q And to be clear about it, you only went on one of  
8 these so-called garbage runs?

9 A Well, I went on one later with them but that was  
10 after I wasn't living with them any more.

11 Q When was that, Barbara?

12 A Before I went to Hawaii when they -- they kept  
13 calling me, and they wanted to see me about my testimony, and  
14 stuff.

15 Q All right. I just want the time, Barbara.  
16 Sometime before you went to Hawaii. When was that,  
17 Barbara?

18 A That was in September.

19 Oh, when I went on the garbage run?

20 Q Yes.

21 A I think it would probably be around August, I think.  
22 I'm not sure.

23 Q Would that be August, 1970?

24 A Yes.

25 Q So you actually went out with members of the family  
26 on a garbage run almost a year after Charles Manson told you  
27 about Shorty's death?

28 A Well, since they had --

1 Q Is that true or not, Barbara?

2 A Yes.

3 Q Now, Barbara, Mr. Katz, of course, has gone through

4 the schedule of your going to the Spahn Ranch, and going to

5 Olancho, and then returning to the Spahn Ranch, but I would

6 like to go through that with you again.

7 If you will just bear with me, please.

8 First you went to Gresham Street.

9 Is that correct?

10 A Yes.

11 Q Where did you go next after Gresham Street?

12 A A house in Malibu.

13 Q How long did you stay in Malibu?

14 A About a week.

15 Q After Malibu, where did you go?

16 A We went to Spahn's Ranch, but we weren't living

17 right on the ranch at first. We were living in the woods.

18 Q But near Spahn Ranch?

19 A Yes. I think it was on the property.

20 Q Is this still in April of 1969?

21 A Yes.

22 Q Now, how long did you stay at Spahn Ranch, or at

23 least in the immediate vicinity of Spahn Ranch before leaving?

24 A Until I got busted.

25 Q Well, didn't you -- you went hitchhiking, though,

26 didn't you?

27 A Yes, but that was after.

28 Q Oh, I'm sorry.

1           Until you got busted? What do you mean by "busted,"  
2       Barbara?

3           A       Arrested.

4           Q       Arrested?

5           A       Yes.

6           Q       That was the May 6th arrest that you have already  
7       told us about?

8           A       Yes.

9           Q       Was that in Ventura County?

10          A       Yes.

11          Q       The Ventura County shoplifting arrest?

12          A       Yes.

13          Q       And it was after that, then, that you went hitch-  
14       hiking, as you told us?

15          A       Yes, after I got out of jail.

16          Q       How long were you in jail?

17          A       About three weeks.

18          Q       Then did you give them your true name at all in  
19       connection with that some three weeks in jail, Barbara?

20          A       Yes.

21          Q       Did your folks come and get you?

22          A       Well, I gave them my name in jail, and then they  
23       took me to Juvenile Hall.

24                   First they called my parents, and then they took  
25       me to Juvenile Hall.

26          Q       But you went hitchhiking after that?

27          A       Yes.

28                   Well, I went home, and then I stayed at home a

1 little while, and then I went back to Spahn's Ranch for about  
2 a week, and then I went hitchhiking.

3 Q Would it be fair to characterize your second  
4 leaving of home as running away from home?

5 A Yes.

6 THE COURT: May I get a question here?

7 MR. WEEDMAN: Certainly, your Honor.

8 THE COURT: What is the date, the approximate time, that  
9 you went back to the Spahn Ranch after you were home for about  
10 a week?

11 What is the date or time?

12 THE WITNESS: I believe it was the end of May.

13 THE COURT: When?

14 THE WITNESS: The end of May.

15 THE COURT: Of 1969?

16 THE WITNESS: Yes.

17 THE COURT: Go ahead.

18 Q BY MR. WEEDMAN: How many times altogether did you  
19 run away from home, Barbara?

20 A Twice.

21 Q Just those two times, then, that you have told  
22 us about?

23 A Yes.

24 Q So after your arrest in Ventura, and your spending  
25 that time in custody as you have told us, you went back home.  
26 Then you ran away again, back up to the Spahn Ranch?

27 A Yes.

28 Q Now, approximately when was it that you returned

1 to the Spahn Ranch after running away from home the second time?

2 A It was -- that is when I went -- when I ran away  
3 from home the second time.

4 Q I am sorry, about when was that?

5 A The end of May.

6 Q Of 1969?

7 A Yes.

8 Q Then how long did you stay at Spahn Ranch in May of  
9 1969?

10 A I think about a week. It wasn't very long.

11 Q Was my client there at that time, at Spahn Ranch?

12 A Yes.

13 Q And most of the other members of the family were  
14 there?

15 A Yes.

16 Q Where did you go from Spahn Ranch?

17 A I hitchhiked across the country.

18 Q How long were you hitchhiking?

19 A Until -- I got back from -- I think it was around  
20 the 19th or 18th or something like that, in July.

21 Then Dave and I went to the beach in the bread truck.

22 Q I believe, Barbara, you started to tell us before  
23 the morning recess the reason that you went hitchhiking, and  
24 I'm afraid I probably interrupted you.

25 Were you about to tell us why you went hitchhiking?

26 A I guess so.

27 Q Well, what was the reason, then?

28 A Oh, Dave and Bill Vance, they went on a wheat harvest,

1 you know, where they harvest wheat.

2 They started around Texas and they worked their  
3 way up to Canada.

4 They were going to Texas, and when I got back they  
5 started telling me about how you shouldn't be in love with one  
6 man, and everything, and then Charlie, he said that he wanted  
7 me to --

8 Q Well, excuse me.

9 MR. KATZ: Excuse me, counsel.

10 Counsel asked for a reason and I think the witness  
11 is giving the reason.

12 THE COURT: You can re-ask the question.

13 Q BY MR. WEEDMAN: Forgive me. Just let her go on,  
14 Forgive me.

15 Go on, Barbara, and tell us the whole story.

16 THE COURT: Go ahead. Finish your statement.

17 Charlie said --

18 THE WITNESS: Charlie said that I should -- he wanted  
19 that we would be an outlaw gang, and he wanted me to help him  
20 get men and lead them to the desert, and not to follow a man  
21 to Texas, and that is where I got the idea to go to Texas.

22 And then later I left to go to Texas.

23 Q BY MR. WEEDMAN: You got the idea to go to Texas?  
24 Where did you hitchhike to, Barbara?

25 A First we went to Texas, and then we went to Kansas  
26 City, Missouri.

Q You mean you went to Texas to recruit outlaws for Charles Manson?

A No.

Q Well, my question to you, Barbara, is why did you go to Texas? That is all.

A To be with Dave. I was living with Dave.

Q Well, what had Charles Manson to do with your decision to go to Texas?

A Well, when he told me not to go, that is when I decided to do it.

Q Oh, that is the reason. All right.

MR. KATZ: Just like a woman.

MR. WEEDMAN: Yes. Mr. Katz says, "Just like a woman."

Q Did you find Dave in Texas?

A No.

Q Then where did you go from Texas, hitchhiking?

A Well, we went all over Texas, and then we went up through Oklahoma.

There was this turnpike that was going to go all the way to Kansas City, but we couldn't get on it because the police wouldn't let us.

So we went up through Canada -- not Canada, Kansas, and across Kansas to Kansas City, Missouri.

THE COURT: Now, who were you with during all of this journey?

THE WITNESS: Sam or Sherry.

It was a girl named Sherry. She came to the Spahn Ranch.

10a-2

1 THE COURT: Well, did you hitchhike your way all through  
2 here or how did you travel?

3 THE WITNESS: Hitchhiking.

4 THE COURT: All this long distance you just told me?

5 THE WITNESS: Yes.

6 THE COURT: How long did it take?

7 THE WITNESS: Until --

8 THE COURT: Well, to do all of this hitchhiking.

9 How much time was involved?

10 THE WITNESS: About two months.

11 Q BY MR. WEEDMAN: Why did you go to Kansas, Barbara?

12 A Well, when I was in Texas, because you know I  
13 called back at the Spahn Ranch and asked if they heard from  
14 Dave.

15 When I was in San Antonio I called and they said  
16 he was in Kansas City, so we went to Kansas City.

17 Q Did they say where he was in Kansas City?

18 A No.

19 Q Did you think you would find him in Kansas City?

20 A I didn't think Kansas City was that big.

21 Q I take it you didn't find him in Kansas City?

22 A No.

23  
24 EXAMINATION

25 BY THE COURT:

26 Q Did you have any money on you while you were on  
27 this hitchhiking trip?

28 A Well, when we left we had a dollar.

INDEX

10a-3

1           Q       Where did you get your money to live on during  
2 this hitchhiking?

3           A       Well, when you hitchhike people would pick us up  
4 and they would always offer us, you know, if we wanted some-  
5 thing to eat.

6                   In fact, I gained weight.

7           Q       Well, would you hitchhike?

8                   You would get in an auto. You mean the person  
9 driving the auto would give you something to eat?

10                   Is that it?

11          A       Yes, they always would.

12          Q       And they would let you out?

13          A       Yes.

14          Q       Where did you stay that night or whenever they let  
15 you out, the party let you out?

16          A       Well, we didn't -- a lot of times -- oh, when we  
17 first went from California to Texas we met this family, and  
18 they had this Volkswagen bus. It was a man and his -- I don't  
19 know if she was his wife.

20          Q       Now, what I am getting at is this.

21                   You related that you took a long trip, you just  
22 told me.

23          A       Yes.

24          Q       Hitchhiking for two months, right?

25          A       Yes.

26          Q       And this was with different people along the road  
27 that would take you along in their auto?

28          A       Yes. Usually we went in trucks.

Q Well, they didn't take you on the whole trip, did they?

A No.

Q So they let you out at various places they stopped? They would let you out of their auto?

A Yes.

Q Where did you sleep when you were let out of the auto?

A Well, we went from California to Texas and we slept in that van.

Q Well, give me some of the other states, Texas, Oklahoma.

A Well, when we got to San Antonio we called up her mother -- she asked her mother to send some money.

Q To you?

A To her.

Q Yes.

A And she gave the money to her husband, but her husband drank it.

He got drunk on it, and we were sitting outside this cafe, and we met this policeman and the lady who owned the cafe.

The policeman let us stay with him, and we stayed with him for a long time, and then we went from Oklahoma to -- from Texas to Kansas City.

Q Where did you sleep?

A We didn't sleep at all that time.

We stayed up all night.

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Q Do you sit on benches, do you mean?

A No, we traveled straight through. We were so tired.

Q Well, I am lost. I am just trying to find out -- did you sleep on a bench or just lie down under a tree or what?

A Well, one time we slept in a field.

Q What?

A One time when we were in Texas we slept in a field.

It was before we got to San Antonio. We got chigger bites. That time we had been up for three days.

Then when we went from San Antonio to Kansas City, we stayed up for -- well, you know those trucks?

You know those big semi trucks when they have those sleepers in the back?

Q I'm not familiar with them, but go ahead.

Well, then --

A Well, like -- say like she would go back in the back, and then she would sleep and I would sit up.

We would take turns, you know.

11

#11

1 Q BY THE COURT: Did this go on for two months on  
2 the hitchhiking trip?

3 A Oh, no. We stayed for three weeks in San Antonio  
4 with that policeman. And then Kansas City we stayed for a  
5 long time with Eric-somebody.

6 He was a -- he was a young man in -- and Sam  
7 became broke --

8 Q Well, now, were you hitchhiking all during this  
9 two months' trip?

10 A No.

11 We went -- from San Antonio to Kansas City we  
12 hitchhiked. And then I hitchhiked back.

13 And then from California to Texas we hitchhiked,  
14 but the first ride we got all the way into Texas, all the  
15 way into El Paso, we got with one person, one ride. The one  
16 with the van. The Volkswagen van.

17 Q Then you finally came back, right?

18 A Yes.

19 Q Then did you go to the Spahn Ranch?

20 A Yes.

21 THE COURT: I am sorry to interrupt you.

22 MR. WEEDMAN: Not at all. Thank you.

23 MR. KATZ: Thank you, your Honor.

24 I think the record is clear now.  
25  
26  
27  
28

## CROSS EXAMINATION (Resumed)

BY MR. WEEDMAN:

Q Barbara, Judge Call asked you about money. And you said that some money was perhaps forthcoming but it was used in some other fashion.

And what did you use for money, Barbara, on the trip?

1           A       Well, a lot of times when people give us rides they  
2 give us money. And a couple of times, you know, they would  
3 like he -- he would say, "Here, you need, you know, three  
4 dollars."

5                    You know, he would hand me three dollars. And then  
6 I would give it to Sam to put away in the thing, but then he  
7 would, you know, he expected something for it.

8                    You know. So we would have to get out.

9           Q       You got the money first?

10          A       He just handed it to me.

11          Q       I see.

12          A       I didn't know what he wanted for it.

13          Q       Okay. Until he told you, perhaps?

14          A       Yeah.

15          Q       And this entire journey lasted about two months,  
16 Barbara?

17          A       Yeah, about.

18          Q       What's the longest time you ever stayed in one  
19 place during the two months you were hitchhiking?

20          A       Well, San Antonio we stayed for about two weeks.

21          Q       Was that the longest time, two weeks in one spot?

22          A       In Kansas City we stayed for quite a while, too.  
23 I don't know which one was longer.

24          Q       Was it with the policeman?

25          A       Yeah.

26          Q       That you stayed in San Antonio?

27          A       Yeah. He was an investigator, and he was a sergeant  
28

1 in the Air Force, you know, what you call those S.P.'s or  
2 something. And he had a private -- private eye thing or  
3 some kind of deal.

4 He had a friend that was in the FBI, too.

5 Q And you said that somewhere along the line, did I  
6 understand you to say that Sherry became a girl friend of  
7 one of these persons? What was that about?

8 A Oh, that was in Kansas City.

9 Q Oh, I see. Was this policeman in San Antonio an  
10 Air Force policeman rather than a -- than a regular member of  
11 the police department as such?

12 A Well, he had -- he had three jobs. He was -- I  
13 don't know. He worked in the Air Force, I know that.

14 I am not sure if he was a sergeant in the regular  
15 one. Or I don't remember.

16 Q Then, Barbara, after all this you finally returned  
17 to Spahn Ranch. Did you go home again, however, before you  
18 went back to Spahn Ranch?

19 A No.

20 Q And just to try and pin the date down a little  
21 bit, about what month was it that you returned to Spahn Ranch  
22 after your hitchhiking?

23 A July. Maybe it was about a month and a half at  
24 least.

25 Yeah, I think it was a month and a half would be  
26 closer, two months.

27 Q Then how long did you remain at Spahn Ranch in July?

28 A Well --

1 Q That is -- I am sorry, having arrived in July  
2 how long thereafter did you remain at Spahn?

3 A Well, me and -- well, Dave was already there be-  
4 cause we -- both of us had been calling the ranch, and you  
5 know, he found out that I was going to come back. And just  
6 wait there. So he came back to Spahn Ranch, and he got there  
7 a couple days before I did. And when I got there, we stayed  
8 for a few days, and then we went to the beach in the bread  
9 truck.

10 Q And what do you mean by going to the beach, Barbara?

11 A We went to the beach.

12 Q Where?

13 A Belmont.

14 Q And how long did you stay in Del Mar?

15 A Del Mar, did you say?

16 Q I am sorry. I thought you said Del Mar. Forgive  
17 me.

18 A No. Belmont.

19 Q Where is Belmont?

20 A I think it is in Long Beach.

21 Q Where did you live, did you live in a truck or in a  
22 house or apartment or what?

23 A In the truck.

24 Q How many days was that, Barbara?

25 A I guess it would be about a week and a half, two  
26 weeks.

27 THE COURT: Now, who were you living with or staying with  
28 in this truck?

1 THE WITNESS: Well, first I was staying with Dave and  
2 then these other two girls who ran away, they came and they  
3 stayed.

4 THE COURT: How many people were in the truck?

5 THE WITNESS: First there were two, and then there were  
6 four.

7 THE COURT: What?

8 THE WITNESS: First there were two and then there were  
9 four.

10 THE COURT: Go ahead.

11 Q BY MR. WEEDMAN: And how long did these other girls,  
12 these other runaways, stay with you, Barbara?

13 A Well, one girl, her name was Samantha, but we called  
14 her Sam for short, too, like the other one.

15 She didn't stay there very long. She met these  
16 people who were going to Flagstaff, I believe. Either Flag-  
17 staff or, -- yes, I think it was Flagstaff. And she went with  
18 them.

19 And then the other girl, Sue, she came back to the  
20 Ranch.

21 Q Returned with you to the ranch?

22 A Yes.

23 THE COURT: Who owned this truck? Who owned it?

24 THE WITNESS: I believe -- I think it was Danny's.

25 Q BY MR. WEEDMAN: Danny who?

26 THE COURT: Did he drive it?

27 THE WITNESS: Danny? No.

28 THE COURT: I'm sorry to keep interrupting.

1 MR. WEEDMAN: No, not at all, your Honor. Forgive me.  
2 I interrupted.

3 Q What was Danny's last name? This Danny?

4 A De Carlo.

11A

11a-1

Q What was Sue's last name?

A I don't know.

Q But she returned to the ranch with you?

A Yes.

Q Is it that you never learned her name, or that you do not remember her name?

A I never knew it.

Q How long did she stay at the ranch?

A Not very long because later her and Dave -- oh, there was another guy who came to the ranch, I think his name was Nick. And he came with us.

And so later her, Dave and Nick, they left.

Q And you didn't go with them?

A No.

Q Had you broken up with Dave by this time?

A Yes.

Q Who was Dave treating as his girlfriend at that time, if there was someone?

A Sue.

Q So the runaway girl that you picked up down near Long Beach became -- became Dave's girlfriend?

A Yes.

Q And of course you ceased being his girlfriend, is that so?

A Yes. He wanted more than one.

Q He wanted more and more what?

A He wanted more than one girlfriend.

Q I am sorry. More and more girlfriends?

11a-2

1 A He wanted more than one girlfriend.

2 Q Oh, I see. All right.

3 So after Dave and this other man that you took  
4 back to the ranch, and the girl Sue left, how long did you  
5 remain at Spahn Ranch?

6 A Till we got raided.

7 Q So you remained -- so you got back to the ranch  
8 in July after hitchhiking?

9 A Yes.

10 Q Then you and Dave, for about a week and a half,  
11 went down near Long Beach to Belmont?

12 A Yes.

13 Q And then you returned to Spahn Ranch and you  
14 remained at Spahn Ranch until August the 16th, 1969, is that  
15 correct?

16 A Yes. We got back at Spahn Ranch I know it was  
17 before August. It was about the end of July when we got back  
18 to Spahn Ranch.

19 And then a couple days later Dave and Sue and Nick,  
20 they left, and I stayed.

21 Q So you stayed there then up until the time of this  
22 raid by the police on Spahn Ranch, of August 16th, 1969?

23 A Yes.

24 Q How many days were you in jail following the  
25 August 16th raid?

26 A Two or three days.

27 Q And after you were released did you return to  
28 Spahn Ranch?

11a-3

1 A Yes.

2 Q How long did you remain at Spahn Ranch before  
3 leaving?

4 A Few days.

5 Q And then where did you go?

6 A Olancho.

7 Q Where is Olancho?

8 A It's in the desert. You go down the San Diego  
9 Freeway until you get, I think, on Highway 395. I am not sure  
10 which one it is.

11 Well, anyway, it's past Lancaster and Palmdale.  
12 And -- oh, yeah, you go through Inyo-Kern and it's up that  
13 way.

14 Q Would you say it's perhaps somewhere between 100  
15 and 150 miles from Los Angeles?

16 A I don't know how far it is.

17 Q And then how long were you in Olancho?

18 A A couple of days.

19 Q What was the reason for going to Olancho, Barbara?

20 A Well, us ones who were under 18, we went to Olancho,  
21 so the police wouldn't get us again.

12

12-1

1 Q So the reason you left Spahn's to go to Olancho  
2 is so the police wouldn't get you?

3 A Yes, because like up on the hill they had a whole  
4 bunch of squad cars and stuff, and they were -- I guess they  
5 were watching the ranch.

6 We went by up on the freeway and we were watching  
7 them watch us, you know.

8 So we decided to -- they decided -- Charlie said  
9 he wanted the ones under 18, that we should go up to Olancho.

10 Q Is that why you went?

11 A Yes.

12 Q When did Charlie tell you this?

13 A After we got out from the raid.

14 Q So you actually arrived back at Spahn Ranch?

15 Is that correct, following the raid?

16 A Well, after the raid everybody came back to Spahn  
17 Ranch.

18 Q Surely. And then you were up on a hill somewhere?  
19 Where was that?

20 A Oh, that was by the freeway, and the police cars  
21 were down on the hill right below the freeway.

22 And the ranch was below the police.

23 Q So it was after you returned to Spahn Ranch that  
24 you noticed these police cars?

25 A Oh, no. I didn't notice -- well, everybody knew  
26 they were there, but I didn't see them until we went on the  
27 freeway, you know.

28 We were just driving by, you know, kind of --

12-2

1 Q But you had already been to Spahn Ranch, had you,  
2 for several days?

3 A Yes.

4 Q Before you saw these police cars?

5 A Yes, but everybody knew they were there.

6 Q And then Charlie suggested that you girls leave  
7 and go to Olancha?

8 Is that correct?

9 A Yes, and the police cars kept coming into the  
10 ranch.

11 Q And you left then because Charlie told you to  
12 leave or because you did not wish to be arrested, or perhaps  
13 both of those reasons?

14 Which was it?

15 A Well, at the time I really didn't have a reason,  
16 especially.

17 Q I take it that you didn't --

18 A I didn't --

19 Q Excuse me. Go on.

20 A I didn't want to get caught by the police.

21 I liked the idea of going to the desert. I thought  
22 it would be really nice but, you know, I didn't really have  
23 a reason in mind.

24 Q What was it about being caught by the police that  
25 you feared?

26 A Well, you have never been in Juvie.

27 I didn't want to go to Juvenile Hall.

28 Q Was this in connection with your still being a

12-3

1 runaway?

2 A Yes.

3 Q How many of you girls went to Olancho?

4 A Me and Brenda and Quish and Sherry, and I think  
5 Kitty went.

6 Q How did you get to Olancho?

7 A Oh, we had this old truck.

8 We picked it up and we drove it out to Olancho,  
9 and it kept breaking down.

10 On the way there we kind of ran it off the road  
11 because, you know, it just blew it, you know. It wouldn't go  
12 any more.

13 So then this man who -- he was a policeman too,  
14 come to think of it. Well, anyway, he had this trailer out  
15 on the desert and he picked us up and he took us all down to  
16 get hotdogs and stuff.

17 I was the only one that got a hotdog because the  
18 others wouldn't eat meat.

19 Then he took us to his house. It was a trailer.  
20 Then we slept outside on sleeping bags, us girls.

21 Q And this was a policeman?

22 A Yes, and he told his mother we were Boy Scouts.

23 Q Does that mean you were scouting for boys?

24 All right.

25 In any event, you were in Olancho for a few days,  
26 and then did you return to Spahn Ranch?

27 A Yes.

28 Q How many girls went to Olancho?

1           A       Oh, when we -- after a while -- we got the truck  
2 working again, but it conked out again, and then we had to  
3 split up into groups.

4                   Me and Sherry hitchhiked together, and Ouish and  
5 Kitty.

6                   Yeah, I think it was Kitty. They hitchhiked  
7 together.

8                   Then Brenda, she took the truck back.

9           THE COURT: Well, on all of these hitchhikings, were you  
10 hitchhiking with a girl or girls or were there some boys  
11 hitchhiking with you?

12           THE WITNESS: Girls.

13           THE COURT: All girls?

14                   You didn't join up with any boys on the hitchhiking?

15           THE WITNESS: No.

16           THE COURT: I think we are up to 12 o'clock, gentlemen.  
17 Let's take the recess till 2.

18                   Ladies and gentlemen, do not discuss the case or  
19 come to any opinion or conclusion.

20                   We will recess till 2 o'clock. Thank you.

21                   (The noon recess was taken to 2 o'clock  
22 of the same day.)  
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13-1

LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 5, 1971

2:00 P.M.

(The following proceedings were  
had in chambers:)

THE COURT: We are in chambers. Defendant and counsel.  
Go ahead.

MR. WEEDMAN: Your Honor, I intend of course to cross-examine Barbara Hoyt with respect to the statements that Charles Manson made.

THE COURT: Yes.

MR. WEEDMAN: And I would request at this time that Barbara Hoyt be instructed that she listen to my questions carefully and that she not volunteer any conversations that she may have had with Charles Manson at some other time and at some other place.

THE COURT: I will bring her in chambers. It would be better than out in the court.

MR. WEEDMAN: Thank you.

MR. KATZ: I think it is a fair request.

THE COURT: All right.

Bring her right in. Frank, bring in Barbara, will you, please.

THE CLERK: Barbara Hoyt.

(Short pause.)

THE COURT: Barbara, come and sit down here, will you, please. We are in chambers and the witness, Barbara, is here.

## EXAMINATION

BY THE COURT:

Q Now, Barbara, as you understand you are being cross-examined by Mr. Weedman who is the attorney for the defendant. You understand that, of course.

A Yes.

Q And of course -- you correct me, Mr. Weedman, if I misstate it.

MR. WEEDMAN: Yes, your Honor.

THE COURT: Or the People.

Q Mr. Weedman is going to ask you some questions about -- put it this way: you remember yesterday, before we recessed around 4 o'clock, you had told the People, Mr. Katz, certain conversations that you had heard down near the stream where Mr. Manson had said certain things and certain conversation. You remember that?

A Yes.

Q Now, Mr. Weedman is going to ask you some questions about what you heard down there. You understand what I am saying?

A Yes.

Q And I wanted to tell you, only answer the question. Don't volunteer anything. Don't add anything to it. Just answer the question.

In other words, if you can answer his question "Yes" just say yes. If you can answer it "No" then say no.

Now, if he wants more information he will ask you. He can say, "Well, you said yes, Barbara. Tell us something

13-3

1 else" but only answer the question.

2 A Okay.

3 Q Because we have a jury here. I want you to just  
4 answer the question.

5 A Okay.

6 Q You understand what I am saying?

7 A Yes.

8 THE COURT: Does that cover it?

9 MR. WEEDMAN: If I may add something, your Honor.

10 THE COURT: All right.

11  
12 EXAMINATION

13 BY MR. WEEDMAN:

14 Q Barbara, I am particularly concerned that if I am  
15 asking you the questions about the conversation you overheard  
16 between Charlie and Danny, that you not refer to some other  
17 conversation that you may have had with Charlie; you under-  
18 stand that?

19 A Yes.

14

#14

1 THE COURT: Do you understand that?

2 THE WITNESS: Yes.

3 THE COURT: All right.

4 Q BY MR. WEEDMAN: By way of example, Barbara,  
5 supposing I were to ask you, and I intend to ask you out there,  
6 whether or not Charlie mentioned Clem during the conversation  
7 by the creek.

8 What would your answer be?

9 A It would be no.

10 Q And then I wouldn't want you to say, however, he  
11 did mention him when I talked to him at some other time.

12 A Oh, I see.

13 THE COURT: In other words, we are talking only about  
14 what was said at the creek there.

15 Do you understand that?

16 THE WITNESS: Yes.

17 MR. WEEDMAN: All right.

18 MR. KATZ: Barbara, just to make it clear so we all know,  
19 when Mr. Weedman asks you about the creek conversation in which  
20 Charlie did not mention the defendant, don't volunteer any  
21 information such as, "But, Mr. Weedman, he talked about it  
22 at Barker Ranch," or anything.

23 Do you see what we are talking about?

24 THE WITNESS: Yes, I think so.

25 THE COURT: We are not talking about Barker Ranch at  
26 all. We are talking about the creek conversation, so you just  
27 limit your answers to what you heard at the creek conversation.

28 MR. KATZ: If that is what he asks about.

1 MR. WEEDMAN: Yes, that is right.

2 THE COURT: I think that covers it.

3 MR. WEEDMAN: It does. Thank you so much, your Honor.

4 (The following proceedings were had in  
5 open court outside the presence of the  
6 jury.)

7 THE COURT: Now, gentlemen, we are back in the courtroom.  
8 People against Grogan.

9 The defendant is here. Both counsel are here.

10 The witness, Barbara Hoyt, is on the stand.

11 You have been sworn. Your name is Barbara Hoyt.

12 Now bring in the jury, Sheriff.

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

15 THE COURT: Now, we have in the courtroom all of our  
16 jurors, plus the three alternates.

17 You may go ahead, Mr. Weedman.

18 MR. WEEDMAN: Thank you so much, your Honor.

19  
20 BARBARA HOYT,  
21 resumed the stand.

22  
23 CROSS EXAMINATION (Continued)

24 BY MR. WEEDMAN:

25 Q Now, Barbara, can you fix an approximate date when  
26 you heard the screams?

27 A Just around the end of August.

28 Q How do you fix it at around the end of August?

1 A Well, because we got arrested August 16, and it  
2 was a couple of weeks later.

3 Q When were you first asked about hearing the screams  
4 or, rather, really, when did you first tell anyone about  
5 hearing the screams, Barbara?

6 A After I got home.

7 Q When did you get home, Barbara?

8 A November.

9 MR. KATZ: Excuse me, counsel. May we have the year?

10 Q BY MR. WEEDMAN: Yes. What year, Barbara?

11 A Oh, 1969.

12 MR. KATZ: Thank you.

13 Q BY MR. WEEDMAN: Do you recall approximately when  
14 in November of 1969 you got home?

15 A November 17th.

16 Q Who did you first tell about hearing the screams?

17 A My mother.

18 Q After you told your mother, who was the next  
19 person you told?

20 A A girl friend.

21 Q When was that?

22 A It was after I told my mother. I'm not sure.

23 Q Was it the same month, November?

24 A Yes.

25 Q And after that do you remember who you told about  
26 hearing the screams?

27 A I think those were the only ones I told.

28 Q And then, eventually, of course, you told someone

1 else, did you?

2 A Yes.

3 Q And who was that?

4 A The D.A.

5 Q When was that, Barbara?

6 A I believe it was in May.

7 Q When was that, Barbara?

8 A I believe it was in May.

9 Q Of what year?

10 A 1970.

11 Q Is it true, then, Barbara -- first of all, August  
12 16th, 1969, was the date of the raid?

13 A Yes.

14 Q And you do remember that quite well, do you not?

15 A Yes.

16  
17 15 fls

15-1

1 Q Now, the very first time you told anyone about the  
2 screams was in November 1969?

3 A Yes.

4 MR. KATZ: Excuse me, your Honor. There is a motion to  
5 strike for the purpose of interposing the objection.

6 It is ambiguous "anyone" meaning outsiders, the  
7 police or other family members, or what?

8 THE COURT: Give me the question, please.

9 (The reporter read the record  
10 back as follows:

11 "Q Now, the very first time you  
12 told anyone about the screams was in  
13 November 1969?"

14 "A Yes."

15 THE COURT: It may stand. Overruled.

16 Ask your next question.

17 THE WITNESS: I asked Gypsy about if she heard the  
18 screams.

19 Q BY MR. WEEDMAN: Excuse me. Did you have a conver-  
20 sation with Gypsy about this?

21 A Yes.

22 Q When was that?

23 A Next morning after I heard the screams.

24 Q What did Gypsy say?

25 A I just asked her if she heard any screaming, and  
26 she said no.

27 Q Gypsy is a member of the family?

28 A Yes.

Q Okay.

Now, do you recall about what day it was in November that you told your mom about the screams?

A Well --

Q Around the middle or the early or the latter part?

A It was after the 17th.

Q All right.

So it would have been, let's say, 18th plus, okay?

A Okay.

Q All right.

Would it also be fair to say, Barbara, that this was the first time, apart from mentioning to Gypsy the following day, that this was the first time that you perhaps had to think back as to when you heard the screams?

A No, I had thought about them before.

Q And had you thought about when you had heard the screams?

A Yes.

Q Was there any particular reason for that, Barbara, that is, that you had continued to think about the date, because that is what I am talking about, the date that you heard the screams?

A Yes.

Could --

Q Yes, go ahead.

A Well --

MR. KATZ: Do we have an answer?

MR. WEEDMAN: Well, I am sorry. The witness appears to

15-3

1 wish to talk to me, and I would rather not talk to Barbara  
2 under the circumstances.

3 Q But can you answer my question, Barbara? We are  
4 talking about really how you are able to remember that it was  
5 the latter part of August. That's really the reason for my  
6 question of you.

7 A Because --

8 Q In other words, can you answer my question now  
9 yes or no? Did you more or less keep the time or the date in  
10 mind from sometime in August when you heard the screams up  
11 until, let's say, the middle of November?

12 A Yes.

13 Q Okay. And that's the reason then that you were  
14 able -- well, let me withdraw that.

15 Did you tell your mom when you heard the screams?

16 A I don't think I did.

17 Q Okay. Did you tell your girlfriend when you  
18 heard the screams?

19 A I don't remember.

20 Q Did you tell the district attorney's office -- and  
21 that was in May, was it, Barbara?

22 A Yes.

23 Q Did you tell the district attorney's office the  
24 following May when you heard the screams?

25 A Yes.

26 Q Is that the first time you told anyone when you  
27 heard the screams, in May?

28 A Well, I talked to the police before May.

15-4

1 Q All right. Fine.

2 When was that, Barbara?

3 A In December 1969.

4 Q All right.

5 So that actually then after you talked to your mom  
6 and your girlfriend in November, then you talked to the police  
7 in December of 1969, is that correct?

8 A Yes. But I don't remember if I told them about  
9 that.

10 Q You don't remember if you told them about the  
11 screams?

12 A Well, I know I told them about the screams, but I  
13 don't remember if I told them when.

14 Q In any event, could you have, as far as you  
15 remember, could you have told the police about the time of the  
16 screams?

17 A Yes.

18 Q Okay. Now, would it be fair, then, Barbara, in  
19 view of what you have said, to say that approximately three  
20 months elapsed until you told somebody when you heard the  
21 screams?

22 A Yes.

23 Q Okay. So would it be fair to say, then, that in  
24 your mind you were going back some three months in order to  
25 try and remember when you heard the screams?

26 A No.

27 Q Or not?

28 A No.

15-5

1 Q Why is that, Barbara?

2 A Because I knew.

3 Q You knew what?

4 A Well, it was just before we went into the desert.  
5 And it was after the raid. And it was after, you know, it  
6 took about -- it was a couple weeks after the raid.

7 And we left the desert, me and Sherry I believe  
8 about the middle of September. And we were in the desert for  
9 I guess two weeks, maybe three, I don't know.

10 Q Who went to the desert with you in the middle of  
11 September?

12 A Charlie. Tex. Bruce. Danny. Kitty. Snake.  
13 Quish and Sherry. Brenda. Brenda didn't stay.

14 Q Was the family chased off of the Spahn Ranch or  
15 not at that time. In other words, before they went to the  
16 desert were they chased off the ranch?

17 A No.

18 Q Did Charles Manson and the family leave Spahn Ranch  
19 because they appeared to want to go to the desert rather than  
20 remain at Spahn Ranch?

21 A Yes.

16

22

23

24

25

26

27

28

ORIGINAL  
REPRODUCIBLE

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1 Q Did Frank Retz threaten, then, in any way, in  
2 order to get them to leave Spahn Ranch?

3 A Not that I know of.

4 Q Did Mr. Spahn, Mr. George Spahn, order the family  
5 off the ranch at that time?

6 A No.

7 Q Did anyone else -- I am just asking you all these  
8 possibilities so we will be clear about it, Barbara.

9 Did anyone else tell Charles Manson and/or the  
10 family that they had to leave the ranch?

11 A Well, I know a lot of people wanted him to go, but  
12 I don't know if they told him to.

13 I didn't hear anybody tell him to.

14 Q What did the family take with them when they went  
15 to the desert from Spahn Ranch?

16 A Well, there was a big truck and it was loaded with  
17 a whole bunch of stuff.

18 Q Did the family leave any substantial amount of their  
19 belongings behind at the Spahn Ranch?

20 A Yes.

21 Q What did they leave behind?

22 A Semi truck, a whole bunch of parts, and we took a  
23 whole bunch of parts with us, too.

24 Q Excuse me, go on.

25 A Let's see. Well, all they took was one truckload  
26 of stuff.

27 Q Did they take their clothing with them?

28 A Some.

1 Q How long were you in the desert?  
2 A About two or three weeks.  
3 Q Did you leave by yourself at that time?  
4 A I left with Sherry.  
5 Q I'm sorry. You left with Sherry?  
6 A Yes.  
7 Q So far as you know, did the rest of the family,  
8 including Charles Manson, remain behind in the desert?  
9 A Yes.  
10 Q Now, you eventually returned, did you not, Barbara,  
11 to the family?  
12 A To the family?  
13 Q Yes.  
14 A No.  
15 Q Well, did you go back to see members of the family  
16 thereafter?  
17 A Well, not exactly.  
18 Q Well, you did have some contact with members of the  
19 family, I think you described this morning, isn't that so,  
20 Barbara, in 1970?  
21 A Yes, I had some contact.  
22 Q Now, on this day that you remember hearing the  
23 screams, can you tell us if Ruby Pearl was at the ranch?  
24 A I believe she was.  
25 Q Where and when did you see her, Barbara?  
26 A Well, she was all over all the time.  
27 In fact, I don't remember any day when she wasn't  
28 there.

1 Q All right. Do you remember whether or not she  
2 drove an automobile to get to and from the ranch?

3 A I believe she had a truck.

4 Q Do you remember seeing her drive a truck on the day  
5 you heard the screams, or not?

6 A I don't remember.

7 Q Do you ever remember seeing her drive any other  
8 kind of vehicle?

9 A I don't remember.

10 Q Who else was at the ranch the day you heard the --  
11 the evening that you heard the screams, Barbara?

12 A You want me to name everybody?

13 Q Yes. Would you?

14 Take your time.

15 A George.

16 Q Give us the last name, too, as you go along, if  
17 you know, Barbara.

18 A George Spahn, Ruby Pearl, Clem, Charlie Manson,  
19 Bruce Davis, Tex Watson, Sandy Good, Ruth Morehouse, Kitty --  
20 yes, that is right, Kitty Lutesinger, Gypsy, Sherry -- Sherry  
21 Cooper, Brenda.

22 I think Larry Jones was there. I think Danny was  
23 there, De Carlo.

24 Q All right.

25 A I think Larry Craven and Juan Flynn were there.  
26 Shorty was there.

27 I was there.

28 Q You have been very thorough. That is fine.

1                   Particularly, were there any persons there, Barbara,  
2 who were not members or associated with the family, other than,  
3 of course, Shorty, as you have told us before?

4           A       You mean besides the cowboys?

5           Q       Well, yes.

6                   If there were some cowboys there, I wish you would  
7 make those for us, if you know their names.

8           A       Juan Flynn, Larry Craven -- I'm not sure if Larry  
9 Craven was a -- I think he was.

10                   George Spahn, Ruby Pearl. I think Randy Starr was  
11 there, and Vern.

12          Q       What is Vern's last name?

13          A       I don't know.

14          Q       Vern Plumlee?

15          A       That sounds familiar.

16          Q       Vern Thompson, perhaps?

17          A       I don't know. I don't know his last name.

18          Q       Very well. Is there anyone else that you recall,  
19 Barbara?

20          A       No.

21          Q       Were there other persons, then, Barbara, at the  
22 ranch whose names you do not recall in addition to, obviously,  
23 those persons that you have already told us about?

24          A       There might have been.

25          Q       Did you the next day after hearing the screams, so  
26 we will be clear about it, discuss the screams with anyone  
27 else at the ranch?

28          A       Besides Gypsy?

1 Q Yes.

2 A No.

3 Q Did anyone else discuss the screams with you?

4 A No.

5 Q Where were you sleeping when you indicated, I  
6 believe, that you woke up and heard the screams, Barbara, in  
7 relation to where George Spahn was sleeping or staying?

8 A I was sleeping in the parachute room, and Spahn's  
9 house is -- it is not very far from it.

10 Can I use the picture?

11 Q I'm sorry. Go ahead.

12 A Can I use the picture?

13 Q Yes, indeed.

14 A Well, the parachute room is behind here (indicating).

15 THE COURT: I will make an identification.

16 MR. KATZ: The exhibit number is on the back.

17 THE WITNESS: Here is a better one.

18 THE COURT: Wait. We will get to this.

19 You have indicated People's exhibit 31-A for iden-  
20 tification. Now, point out what you just did there.

21 THE WITNESS: The parachute room is behind here (indicating).  
22 It is behind the saloon.

23 THE COURT: Well, do you want an identification on there?

24 MR. WEEDMAN: Well, perhaps Barbara can just sort of  
25 use it to refresh her memory. She can tell us as she goes  
26 along.

27 I would rather not mark the pictures up, unless  
28 counsel wants it, your Honor.

17-1

1 THE COURT: Well now, she is now pointing to 31-F for  
2 identification.

3 You point out so the jury can -- let's just talk  
4 to the jury. Make your statement to the jury, please.

5 THE WITNESS: That's it right there (pointing at exhibit).

6 Q BY MR. WEEDMAN: The parachute room, Barbara?

7 A Yeah.

8 MR. KATZ: Excuse me, counsel.

9 MR. WEEDMAN: Go ahead, Mr. Katz.

10 MR. KATZ: May we have that designation.

11 THE COURT: No, let counsel examine. If you want a  
12 redirect you can put on your point.

13 Q BY MR. WEEDMAN: How far was George Spahn from that  
14 parachute room that night, Barbara?

15 A Well, George's house would be right here (pointing  
16 at exhibit), right here.

17 THE COURT: Pointing to 31 --

18 Q BY MR. WEEDMAN: About how many feet away from the  
19 parachute room would you say George Spahn was from the  
20 parachute room when you heard the screams, Barbara?

21 THE COURT: 31-F, she is pointing to.

22 THE WITNESS: I don't know.

23 Q BY MR. WEEDMAN: How about all the other people  
24 you named for us that were there the night you heard the  
25 screams. Can you just sort of run through those and tell us  
26 where all those people were sleeping or standing?

27 A I don't know where they sleep.

28 Q You didn't know?

17-2

1 Q You didn't know?

2 A No. I know where George sleeps. He sleeps in his  
3 house. And Pearl, she goes home, I think.

4 And Larry usually -- Larry, there is this red  
5 trailer that was kind of next to the parachute room, and Larry  
6 Craven would sleep there, usually.

7 Q Was Larry a member of the family?

8 A No.

9 Q I realize I have asked you this question generally,  
10 Barbara, but if you will bear with me, did you discuss the  
11 screams with Larry Craven, who apparently was living in a  
12 trailer right next to the parachute room?

13 A No.

14 Q Did he discuss it with you?

15 A No.

16 Q How about this business about Ruby going home?  
17 You said Ruby went home, I think. Do you know if she actually  
18 went home or not?

19 A I don't remember. But she usually does.

20 Q Were there ever occasions when Ruby -- naturally  
21 when you were there, were there ever occasions when Ruby  
22 stayed there for the night?

23 A Not that I can remember.

24 Q As far as you know she would come in the day and  
25 leave?

26 A Yes.

27 Q When she was through working?

28 A Yes.

17-3

1 Q Do you know approximately when Ruby would  
2 ordinarily leave? If there was a regular time?

3 A Well, there weren't any clocks there, but at night  
4 they feed the horses. Bring in a truckload of corn and they  
5 dump it all over the corrals, and the horses could eat it.

6 And usually they would go shopping, too, and come  
7 back kind of late.

8 Q So it would be after dark then, probably?

9 A Yeah, it would be after dark.

10 Q That Ruby Pearl would leave the ranch?

11 A Yes.

12 Q But you can't recall, can you now, whether or not  
13 specifically she left that particular evening, can you?

14 A I don't know whether she left that evening or not.

15 Q Okay. Now, can you then continue and give us a  
16 general idea of where all of the other persons were staying  
17 on the ranch at the time you heard these screams?

18 A Well, family, they lived all over the place.

19 Q Just by way of description, Barbara, would you  
20 say that there were numerous persons who were virtually as  
21 close as you were to the source of these screams when you  
22 heard them?

23 A I don't know other than there could have been. I  
24 don't see any reason why there wouldn't be.

25 Q Now, Barbara, were there horses on Spahn Ranch  
26 at this particular time?

27 A Yes.

28 Q About how many horses were there, about?

17-4

- 1 A Oh, I don't know.
- 2 Q Well, let's see. Would there be more than 20?
- 3 A I don't know. I never counted them.
- 4 Q Well, just sort of in your mind's eye.
- 5 A I would say well --
- 6 Q As many as 50?
- 7 A I don't think there were that many.
- 8 Q How far were the horses, Barbara, from the
- 9 parachute room?
- 10 A About the length of a -- the boardwalk.
- 11 Q Did those horses ever fight?
- 12 A Did they fight?
- 13 Q Fight each other?
- 14 A I don't remember them fighting.
- 15 Q Do you remember the horses making any particular
- 16 amounts of noise at night?
- 17 A I remember one time they did.
- 18 Q Tell us about that!
- 19 A I really don't know what happened, but something
- 20 scared the horses, and they were running all over the place.
- 21 They were making a lot of noise.
- 22 I don't remember exactly what happened.
- 23 Q Did you ever hear the horses make any other kinds
- 24 of noises, Barbara?
- 25 A Other kinds of noises?
- 26 Q Well, let's just say noises, because I don't know
- 27 what to call horses' noises.
- 28 A Well, I guess sometimes they make noise. But, you

17-5

1 know, like you know -- you mean like --

2 Q Well, I really meant vocal noise, vocal chord.  
3 kinds of noises, like whinnying and neighing.

4 A I believe they do sometimes.

5 Q Barbara, particularly did you ever hear those  
6 horses make a sound that sounded very much like a human being  
7 screaming?

8 A No.

9 Q Barbara, up until the time that you heard these  
10 screams that sounded like Mr. Shea, I believe you said --

11 A It was him.

12 Q It was him. Excuse me.

13 It was Mr. Shea?

14 A Yes.

15 Q So you are convinced of that?

16 A Yes.

17 Q No doubt in your mind about that, is there,  
18 Barbara?

19 A No.

20 Q Had you ever heard Mr. Shea scream before?

21 A No.

22 Q Barbara, up until the time you heard these screams  
23 which you have positively identified as coming from Mr. Shea,  
24 had you any time before that used any kind of drugs?

25 A Well, a lot of times the family had marijuana,  
26 and they would pass it around, you know, at dinner.

27 But I didn't like it 'cause it hurt my throat,  
28 and I tried it, but you know -- and

17-6

1 Q All right.

2 Are you through?

3 A And when we were living in Malibu they had this --  
4 they had a whole bunch of pills, and they said it was acid.  
5 And I tried a little piece off one, but it didn't do anything.

6 Q Any other drugs that you used or experimented with,  
7 Barbara?

8 A Well, one time I took -- I took a pill that Sadie  
9 gave to me, and I was -- yeah, I was pretty stoned that day.

10 Q What kind of pill was that, Barbara?

11 A Well, I didn't know what it was at the time, but  
12 I described the way I felt to a lot of people I know. Everyone  
13 of them says it sounds like THC.

14 Q What is THC?

15 A Well, I know it's in marijuana, and it's supposed  
16 to be very bad for you.

17 Q Did you take anything at any time called reds?

18 A Reds?

19 Q Uh-huh. This is a nickname for Seconal. Also  
20 referred to as a downer.

21 A One time I held some for somebody.

22 Q No, did you, yourself, take any, Barbara?

23 A I don't believe I have.

18

1 Q What about whites, a nickname, perhaps, for --  
2 it is for amphetamine, also called uppers, Benzedrine.

3 Did you ever take anything like that?

4 A Oh, one time when they were working on the ranch,  
5 and they were clearing out the dump, they were -- everybody  
6 was taking some of those to work, and I took two of them.

7 Q Any other time when you used drugs or pills at  
8 the ranch, Barbara?

9 A No.

10 Q Now, have you used LSD more than once, Barbara,  
11 or did you take it more than one time?

12 A No.

13 Q Now, what was it, particularly, if you can remember,  
14 that -- let me back up a little bit.

15 Had you already gone to sleep before you heard  
16 the scream?

17 A No. I had just gotten ready for bed.

18 I laid down on the bed, and that is when I heard  
19 the first scream, and I sat up.

20 Then I was thinking, "Well, maybe I imagined it,  
21 you know." I was listening, and I didn't hear anything for  
22 a little bit.

23 And then I laid back down again, and I thought,  
24 "Well, maybe I imagined it."

25 And so after I laid back down, they started up  
26 again.

27 Q Had you ever gone to sleep at all prior to hearing  
28 these screams that night?

- 1 A No.
- 2 Q Now, after you heard the screams, did you do  
3 anything?
- 4 A No.
- 5 Q Particularly, did you get up?
- 6 A No.
- 7 Q Did you go to sleep, finally?
- 8 A I believe I did.  
9 I guess I did.
- 10 Q How long after you heard the screams were you able  
11 to go to sleep?
- 12 A I don't know.
- 13 Q Do you recall what time you got up the following  
14 morning?
- 15 A I don't know what time I got up.  
16 It was in the morning.
- 17 Q Now, when had you last seen Mr. Shea, Barbara?
- 18 A The day before the screams.
- 19 Q What was Mr. Shea doing then?
- 20 A Oh, it was when I gave him some dinner.
- 21 Q What kind of dinner was that, Barbara?
- 22 A It was mashed potatoes.  
23 I believe there was corn and hamburger. There  
24 wasn't very much hamburger.
- 25 Q Did he eat alone, with you, or with other members  
26 of the family?
- 27 A He went off. He took the plate and went off.
- 28 Q Had you been cooking for the other members of the

1 family at the time you cooked food for Shorty?

2 A No.

3 Q Had you fed Shorty before this time?

4 A Well, I had made, you know -- they make a dinner  
5 for the cowboys, and they just, you know, give it to them.

6 Q Were you --

7 A So I don't know if Shorty ate with them or not.

8 Q Well, was the food that you gave Shorty, food that  
9 was for the cowboys, or was that food for the family, or what?

10 A No, it wasn't for the family because the family  
11 doesn't eat meat.

12 Q How was it that it came about that you particularly  
13 gave Shorty his dinner that night?

14 A He came in and got it.

15 Q Did he come in to the area that was being occupied  
16 by the family?

17 A He came into the kitchen.

18 Q Who used that kitchen, Barbara?

19 A Everyone.

20 Q When did you, if you did, last see Mr. Shea  
21 together with Charles Manson?

22 A I don't know.

23 Q Did you ever see the two of them together?

24 A I can't think of any time. I can't remember.

25 Q Did you ever hear Charles Manson threaten Mr. Shea?

26 A He talked about him.

27 Q Did he threaten him to his face, dear?

28 That is what I'm asking you.

1 A I didn't hear it. I don't know.

2 Q Did any other member of the family ever have any  
3 arguments or fights with Mr. Shea?

4 MR. KATZ: I will object unless it calls for personal  
5 knowledge. It is understood that this witness was present.

6 MR. WEEDMAN: Oh, yes.

7 Q Barbara, I want you only to answer if you know of  
8 your own personal knowledge. That is, if you actually saw it  
9 with your own eyes.

10 Can you tell us whether or not, to your personal  
11 knowledge, Charles Manson or any other members of the family,  
12 ever had any fights or arguments with Mr. Shea?

13 A I didn't see any. Not that I can remember.  
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1 Q Does that include the girls as well as the men who  
2 were members of the family?

3 A Yes.

4 Q Did you ever hear Mr. Shea threaten either to their  
5 faces or not, any members of the family?

6 A No, I was just told.

7 Q You were told?

8 A I was just told --

9 Q Excuse me. You were told something Shorty had said  
10 about members of the family?

11 A Yes.

12 Q But of your own personal knowledge, then, I take  
13 it you never saw anyone threaten Mr. Shea, nor did you ever  
14 see Mr. Shea threaten anyone.

15 Is that a fair statement, Barbara?

16 A Well, I know every time Shorty came around, every-  
17 one would stop everything they were talking about and give  
18 him the -- they would stare at him.

19 They would just watch what they say around him.

20 Q When was that, Barbara?

21 A All the time.

22 Q Did you ever meet Shea's wife, Nikki?

23 A I don't believe I have.

24 Q Did you ever see Nikki at the ranch, I mean?

25 A Not that I know of. I might have.

26 Q Was anything ever said by any member of the family  
27 about Nikki?

28 A They didn't like her.

1 Q Who said they didn't like her?

2 A I don't remember the specific person.

3 Q Do you remember, though, that somebody said they  
4 didn't like Nikki?

5 A They didn't like her because she was Negro, and  
6 that she was very aware so that meant that she knew that they  
7 knew about helter-skelter, and --

8 Q Who said this, Barbara?

9 A I don't know.

10 Q Was it a member of the family?

11 A Yes.

12 Q Was it my client, Mr. Grogan?

13 A I don't remember.

14 Q Particularly, Barbara, did you ever hear or see  
15 my client, Clem, Mr. Grogan, ever threaten or abuse or argue  
16 with Mr. Shea?

17 A No, I don't think so.

18 Q How many cowboys, that is, men distinguished from  
19 members of the family and distinguished from Mr. Shea, were  
20 there at the ranch when you were there, at the Spahn Ranch?

21 A There was Juan, Larry Craven -- oh, Johnny Swartz  
22 was there, too. Johnny Swartz, Vern, and I'm not sure if Randy  
23 Starr was there at that time.

24 Q Barbara, did you ever hear any of these cowboys  
25 express any kind of disapproval toward Shorty marrying a  
26 Negro?

27 A No, they liked Shorty.

28 Q Pardon me?

1 A They liked Shorty.

2 Q Well, that may be, but did you hear any of them  
3 say anything critical or disparaging at all about the fact  
4 that Shorty had married Nikki?

5 A No.

6 Q Did you hear any of the cowboys approve of that in  
7 some fashion?

8 A I never heard them say anything about it.

9 Q All right. When, previous to hearing the screams,  
10 Barbara, had you last used any kind of drug, including mari-  
11 juana?

12 A Well, when I took that thing that Sadie gave me,  
13 that pill, that was when Charlie was in Big Sur.

14 That was before he got back, so I would have to  
15 say about the beginning -- maybe the very end of July or the  
16 very beginning of August.

17 Q How well did you know Mr. Shea?

18 A I didn't know him very well.

19 Q Had you ever seen him at the ranch when he appeared  
20 to be drinking?

21 A No.

22 Q When you say you don't know him very well, had you  
23 ever had any conversations with him?

24 A No. All I knew was who he was, and the way they  
25 felt towards him.

26 Q Had you ever overheard him having any conversations  
27 with anyone?

28 A No.

1 Q Had you ever heard him, for example, talking to  
2 Ruby Pearl?

3 A No.

4 Q Or to George Spahn?

5 A I've heard about him talking to George Spahn, but  
6 I didn't hear it.

7 Q All right. Were you ever present at any conversa-  
8 tions that may have occurred between Shorty and any of the  
9 cowboys at the ranch?

10 A Well, the only thing I can remember like with the  
11 cowboys, like they say, "Hi, how are you, Shorty," you know.

12 Q What would Shorty say?

13 A He would say "Howdy."

14 Q He would say "Howdy"?

15 A "Howdy, pardner."

16 They all said, "Howdy, pardner." They all talked  
17 like that.

18 Q What would he say?

19 A Well, it would depend. Sometimes he would say  
20 "Hi."

21 Q When had you last had any contact at all with  
22 Mr. Shea?

23 Was that when you gave him his dinner?

24 A Well, I am not sure -- well, I think that the thing,  
25 when I was sitting on the rock and we saw him, I'm not sure  
26 if that was -- yes, it was.

27 I think it was after dinner, after the cowboys'  
28 dinner.

1 Q When was that dinner relative to when you heard  
2 these screams?

3 A That was in late afternoon, and the screams were  
4 at night.

5 Q The same day?

6 A Yes.

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1 Q What kind of a conversation, if any, did you have  
2 with Shorty at dinnertime?

3 A I didn't have any.

4 Q Barbara, I am particularly concerned and perhaps  
5 you can help us, I gather, rather, that you didn't hear too  
6 much of Shorty's voice. Would you tell us --

7 A Well, I have heard him talk but I just don't  
8 remember particularly anything.

9 Q Oh, I see. Are you sure that you would recognize  
10 Shorty Shear's voice if Shorty were screaming?

11 A I remember knowing that that was Shorty.

12 Q You remember knowing?

13 A Yes.

14 Q It was Shorty?

15 And again I take it there is no doubt in your mind  
16 about that fact, is there, Barbara?

17 A No.

18 Q Now, you had a conversation, of course, as you  
19 told us, or at least you overheard a conversation, or were  
20 present at a conversation between Charles Manson and Danny  
21 De Carlo. Now, when did that conversation occur?

22 A The next day.

23 Q And where was the conversation, Barbara?

24 A At the creek.

25 Q Now, can you tell us who the first persons were  
26 that you saw that morning, after you got up?

27 A The first person I saw?

28 Q Yeah. Person or persons that you saw after you got

19-2

1 up that morning, the morning following hearing the screaming.

2 A I remember talking to Gypsy. But --

3 Q How did Gypsy appear to you that morning? Anything  
4 unusual about her?

5 You are kind of laughing, Barbara. Is there a  
6 particular reason for that?

7 A She is always unusual.

8 MR. KATZ: I am sorry, there was a response. I couldn't  
9 hear it.

10 THE WITNESS: Well --

11 THE COURT: Well, wait a minute, folks.

12 Get your question in.

13 MR. KATZ: Like to get an answer to the question.

14 THE COURT: Ask the question.

15 MR. WEEDMAN: Well, I had observed, your Honor, that  
16 Barbara seemed a little amused, and I was just wondering if  
17 that had anything to do with Gypsy's appearance.

18 THE COURT: Well, I think we are pulling away from the  
19 question.

20 Let's get the question in there.

21 Q BY MR. WEEDMAN: Was there anything unusual about  
22 Gypsy's appearance that morning?

23 A Not for her.

24 Q In other words, she looked unusual all the time,  
25 is that what you are trying to say?

26 A Yeah.

27 Q Okay. Who else did you see that morning following  
28 the screaming?

1903

1 A Just the same old people around.

2 Q Did you see anything unusual about the appearance  
3 of any of those people? By unusual I mean did they look any  
4 different than they had looked every day around there?

5 A Not that I can think of.

6 Q When you saw Charles Manson was there anything  
7 unusual about Charlie's appearance? I am talking about the  
8 day following the screaming.

9 A Well, he acted excited when he was talking to  
10 Danny.

11 Q Well, Charlie acted excited all the time, didn't  
12 he, Barbara?

13 A Well, it depend.

14 Q Well, what I mean by that, it wasn't unusual for  
15 Charles Manson to act excited was it? Or was it?

16 A Not the same kind. Well -- I don't know how to  
17 put it.

18 Q Barbara, when you overheard this conversation  
19 between Charles Manson down by the creek and Danny De Carlo,  
20 when you overheard this conversation did you have it in your  
21 own mind, before the conversation, that that was Shorty Shea  
22 who was screaming the previous night?

23 A I knew it was Shorty.

24 Q So when you went down there and overheard this  
25 conversation between Mr. Manson and Danny De Carlo you believed  
26 beyond a shadow of a doubt that you had heard Shorty Shea  
27 screaming the night before, isn't that so?

28 A When I heard the conversation I didn't think about

19-4

1 the screaming because, I don't know, I guess I just didn't  
2 want to put the two together, you know.

3 Q Why was that, Barbara?

4 A Well, when people get killed you just -- I don't  
5 know, you just don't think that that happens, you know.

6 Q Well, when did you believe that Shorty Shea had  
7 been killed? What point in time, Barbara?

8 A Well, Charlie was always talking about --

9 Q No, excuse me, Barbara. Just give us the point in  
10 time, if you would.

11 A Point in time?

12 Q Well, let's say relative to hearing the screams  
13 or relative to the conversation that you overheard between  
14 Charlie and Danny De Carlo.

15 In other words, when did you form the opinion?

16 A Well, it kind of added up. But then I knew for  
17 sure and --

18 Q When, is my question.

19 A When Sadie came to the desert.

20 Q Well, when was that, Barbara?

21 A About four or five days after we went there.

22 Q Okay. And that was when, the latter part of  
23 September?

24 A No, I think it would be about the beginning of  
25 September.

26 Q When did you go to the desert, Barbara?

27 A We went to the desert the day after the screams.  
28 We left right after Danny and Charlie were talking.

19-5

Q How soon after that, Barbara?

A How soon after that?

Q Yes.

MR. KATZ: As to what? It is ambiguous.

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Q BY MR. WHEEDMAN: How soon after you overheard Charles talking to Danny De Carlo did you go to the desert?

A Well, I left for -- Charlie had talked about it when we were --

Q Excuse me, Barbara. Just point of time now, dear. Stick to it, please, I ask you.

A Well, we left about maybe an hour to two later.

Q On the day that Charles Manson told you that Shorty had been killed? You left for the desert.

A He told --

Q Answer my question, Barbara. If you don't understand, say so and I will try and repeat it or reframe it for you.

A We left that same day.

Q And who left for the desert that same day, Barbara?

A Snake, Kitty, Quish, Sherry, me, Brenda and Charlie.

Oh, and Tex. Tex, Bruce and Danny went in the other truck.

Q And how soon, in hours, after the conversation that you overheard between Charles Manson and Danny De Carlo did you leave for the desert?

A About an hour and a half, I guess.

Q Now, did you return to Spahn Ranch after that?

A After we went to the desert?

Q Yes.

A No. Not until the next year.

Q Now, Barbara, I had understood earlier you to

19-7

1 indicate that you had left for the desert around the middle of  
2 September.

3 MR. KATZ: I will object. That assumes facts not in  
4 evidence. She did not so testify.

5 MR. WEEDMAN: Well, counsel may be correct.

6 THE COURT: All right.

7 MR. WEEDMAN: Excuse me, your Honor.

8 THE COURT: Very well.

9 Q BY MR. WEEDMAN: Is there any question, then,  
10 Barbara, about your recollection that you all left for the  
11 desert the very same day that you overheard the conversation  
12 between Charles Manson and Danny De Carlo?

13 MR. KATZ: Excuse me, your Honor. Once again there is  
14 an objection on the grounds assumes facts not in evidence.  
15 She said some of them left and some of them stayed.

16 MR. WEEDMAN: Counsel is correct.

17 THE COURT: Better withdraw the question and restate it,  
18 then.

19 MR. WEEDMAN: I will withdraw the question.

20 Q Barbara, when you left for the desert did Charles  
21 Manson also leave?

22 A Yes.

23 Q You named some other persons, and they also left  
24 along with you, right?

25 A Yes.

26 Q So we will be clear about it, was that leaving  
27 the same day that you heard the conversation between Charles  
28 Manson and Danny De Carlo?

19-8

1 A Could you say that again?

2 MR. WEEDMAN: I will withdraw the question, your Honor.

3 THE COURT: Try it again.

4 Q BY MR. WEEDMAN: Did you leave for the desert the  
5 very same day that you overheard the conversation between Danny  
6 De Carlo and Charles Manson?

7 A Yes.

8 Q Down by the creek?

9 A Yes.

10 Q Okay.

11 Can you tell us now, as close as you can, what  
12 that date was?

13 A I didn't have a calendar, you know. There was no  
14 way, you know, to tell the date except that it was either the  
15 end of August or the beginning of September.

16 Q Okay.

17 THE COURT: Do you want to take a recess, gentlemen?

18 MR. WEEDMAN: Yes. May we, your Honor.

19 THE COURT: Let's take a short recess. We will proceed  
20 in a few minutes.

21 Please do not discuss the case or come to any  
22 opinion or conclusion. Thank you.

23 (Recess.)

20

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

THE COURT: Now, gentlemen, let's see where we are.

The People against Grogan. The defendant is here and both counsel are here.

Bring in the jury, Sheriff.

You have been sworn. Tell us your name again, Barbara.

THE WITNESS: Barbara Hoyt.

THE COURT: Thank you. Pull that telephone up to your mouth, please. Talk in the telephone. That is it.

(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.

You may proceed, Mr. Weedman.

MR. WEEDMAN: Thank you, your Honor.

Q Barbara, just a point again of clarification, and we have gone over this already, but did Charles Manson leave for the desert with you?

A Yes.

Q All right. And this, again, of course, was the same day that you overheard the conversation between Charles Manson and Danny De Carlo?

A Yes.

Q Did my client, Mr. Grogan, Clem, leave for the desert at that time?

1 A No.

2 Q Did Mr. Grogan ever leave for the desert, to your  
3 knowledge, of course?

4 MR. KATZ: Well, I'm to object.

5 THE COURT: Well, as far as you know.

6 You can frame it within her knowledge.

7 MR. KATZ: It is ambiguous with respect to the time  
8 period we are talking about.

9 MR. WEEDMAN: I'm sorry, counsel is correct.

10 Q After you, Charles Manson, and the others whom you  
11 have named, left Spahn's for the desert, did my client ever  
12 come to the desert, if you know?

13 A Well, I know that he did later, but he didn't go  
14 until after I left.

15 Q When did you leave?

16 A A couple of weeks after I got there.

17 Q Around September 15th, or when was it, Barbara?

18 A I don't know exactly.

19 Q Well, I understand, but give us a rough idea, can  
20 you?

21 A I have no idea of when it was.

22 Q Well, even within a week is all right.

23 Well, first of all, did you leave the desert in  
24 September?

25 A Yes.

26 Q Was it around the middle of September, or not?

27 A Kind of.

28 Q Now, do you remember, though, that you were in the

1 desert for about two weeks before you left?

2 A Yes.

3 Q Well, are you pretty sure that you were there  
4 about two weeks there in the desert?

5 A Yes.

6 Q Can you now, Barbara, thinking back on it, tell us  
7 whether you left the desert, first of all, during the first  
8 week of September or not?

9 A It was probably during the second week period.

10 Q My client, now, remained behind at Spahn Ranch,  
11 did he not?

12 A Yes.

13 Q Did you see my client, Clem, the day after you  
14 heard the screams?

15 A I don't remember. Probably I did.

16 Q Do you remember seeing Clem -- I'm sorry, my  
17 client, Steve Grogan, the day before you heard the screams?

18 A Yes.

19 Q Do you remember seeing him there at the ranch the  
20 day before that?

21 A Yes.

22 Q Would it be fair to say, Barbara, that while you  
23 were at Spahn's Ranch following the August 16th raid, my  
24 client, so far as you know, was at Spahn's Ranch every day?

25 A I believe so.

26 Q Barbara, what, if anything, led you down to the  
27 creek area where you overheard this conversation between  
28 Charles Manson and Danny De Carlo?

29 A Oh, the police came and I went down there to hide.

21-1

1 Q Did you walk down there by yourself or with  
2 someone?

3 A I went down there -- well, I started down there  
4 by myself and then -- running also, you know, I met Ouish and  
5 Snake.

6 Q Ouish and who?

7 A Snake.

8 Q And who is Snake?

9 A Diane Lake.

10 Q Also known as Diane Bluestein?

11 A Yes.

12 And I think Kitty.

13 Q What is Kitty's last name?

14 A Lutesinger.

15 I believe Sherry went down there too. Sherry  
16 Cooper.

17 Q And Sherry Cooper?

18 A Yes.

19 Q Now, Diane Lake, Kitty Lutesinger, Sherry Cooper  
20 and yourself all went down to the creek?

21 A Well, we went down to the creek but it was farther  
22 down than where the conversation was.

23 Q So is it true then that all four of you girls went  
24 at least to some point along the creek together?

25 A Well, we met down there.

26 Q All right.

27 You met at some point on the creek. Now, was this  
28 the same point along the creek where you overheard the

21-2

1 conversation?

2 A Mean the same place?

3 Q Yes.

4 A No.

5 Q Were the other girls who went down to that other  
6 point along the creek running away from the police?

7 A Of course.

8 Q Pardon me?

9 A Of course.

10 Q You say of course?

11 A Yes. Yes, they were.

12 Q And were you pretty excited at this time, Barbara,  
13 running down there to get away from the police?

14 A No. I'm used to it.

15 Q All right.

16 And then once you got down to the creek, or once,  
17 rather you met the girls there along the creek, what, if any-  
18 thing, led you up to another point where Charles Manson was?

19 A Well, the police left and so we just started going  
20 back up.

21 And I believe Danny was down there already. And  
22 I am not sure exactly when Kitty got there or if she -- I don't--  
23 believe -- well, I think she got there about the same time I  
24 did and we were just talking, and then Charlie came up.

25 Q And so Danny was already there, then you arrived  
26 at about where Danny was, then Kitty Lutesinger arrived, and  
27 then Charlie arrives; is that a fair summary of it?

28 A Well, Danny was there with Dennis. And there was

21-3

1 dog there. And Dennis was pulling his tail. And the dog was  
2 kind of snarling at him.

3 And so -- well, anyway, me and Kitty came up, and  
4 we sat down and we were talking.

5 Q Now, would you tell us once again, please, everyone  
6 who was present during this conversation between Charles  
7 Manson and Danny De Carlo.

8 A Danny De Carlo, Charles Manson, me and Kitty  
9 Lutesinger with Danny's baby.

10 Q What about Dennis, what happened to him -- or is  
11 that the baby?

12 A That's the baby.

13 Q Okay. So it was Little Dennis then was pulling  
14 the dog's tail, is that right?

15 A Yes.

16 Q What's the very first thing that you recall  
17 Charles Manson saying?

18 A That Shorty committed suicide with a little help.  
19 And he laughed.

20 Q Now, Barbara, did Charles Manson say this just out  
21 of a clear blue sky?

22 A Yes.

23 Q Had you asked him --

24 A No.

25 Q -- anything in connection with this?

26 A No.

27 Q Had Danny De Carlo said anything up to this time  
28 to Charlie?

21-5

1 A No, I think he just listened. He didn't act like  
2 he believed him.

3 Q What about Kitty? Had she said anything previous  
4 to Charlie saying "Shorty committed suicide with a little help  
5 from us?"

6 A No, I don't think she did.

7 Q Was there any conversation at all, Barbara, from  
8 any of the four people that were there before Charles Manson  
9 said, "Shorty committed suicide with a little help from us"?

10 A Well, the dog snapped at Dennis. And Kitty grabbed  
11 Dennis away from the dog, and then Charlie started kicking the  
12 dog.

13 And he chased it away, and then he came back and  
14 he sat down, and then he was talking about it.

15 Q And then after Charlie sat down, is that the very  
16 next thing that you heard? "Shorty committed suicide with  
17 a little help from us"?

18 A Well, I believe he said first that all the -- he  
19 wanted to take the young girls, the ones who weren't 18 yet,  
20 to the desert because the police were, you know, were around  
21 all the time.

22 Q And then what's the next thing that he said after  
23 that?

24 A Then he went into how Shorty committed suicide.

25 Q So hopefully we will be clear about it, Barbara,  
26 was there anything at all that appeared to prompt Charles  
27 Manson to suddenly say "Shorty committed suicide with a little  
28 help"?

22

22

1 MR. KATZ: I will object on the grounds it is ambiguous,  
2 what would appear to prompt.

3 THE COURT: Give me the wording of the question, if you  
4 will, Mr. Reporter.

5 Read the question back.

6 (The reporter read the question as  
7 follows:

8 "Q So hopefully we will be clear about  
9 it, Barbara, was there anything at all that  
10 appeared to prompt Charles Manson to suddenly say,  
11 'Shorty committed suicide with a little help'?"

12 THE COURT: The question calls for a conclusion. She  
13 can state, which she has, what was said, or any circumstances  
14 that are visual.

15 She could relate those. The question as framed  
16 is conclusional.

17 I will sustain the objection on that grounds.

18 MR. NEEDMAN: Very well, your Honor.

19 Q Do you now recall Charles Manson's exact words,  
20 Barbara?

21 A His exact words?

22 MR. KATZ: Excuse me, counsel. At what time?

23 MR. NEEDMAN: Well, during the conversation at the creek.

24 MR. KATZ: Thank you, counsel.

25 MR. NEEDMAN: Thank you, counsel.

26 THE WITNESS: I recall that he said that Shorty committed  
27 suicide with a little help from us, that they stabbed him and  
28 cut him in nine pieces, that they buried him under some leaves,

1 and him asking Danny whether lye or lime would get rid of the  
2 body.

3 That is what I remember.

4 Q BY MR. WEEDMAN: Was Charles Manson sitting down  
5 when he said these things?

6 A Yes.

7 Q Was he doing anything with his hands?

8 A I wasn't looking at his hands.

9 Q Were you sitting down when you overheard this?

10 A Yes.

11 Q How far away from Charles Manson were you sitting  
12 at this time, Barbara?

13 A About --

14 Q Just approximately?

15 A Two feet.

16 Q Are you telling us that those were Mr. Manson's  
17 exact words?

18 A Yes.

19 Q Now, did Charles Manson, during this conversation  
20 say anything about Clem?

21 A No.

22 Q Did Charles Manson, I believe you indicated earlier--  
23 did he point down the creek with his thumb after this?

24 A He went like this (indicating).

25 Q By way of description, was it a gesture that was  
26 indicating where Shorty's nine pieces were?

27 A Yes. He just said, "Down the creek," and then  
28 he just pointed.

1 Q If possible, Barbara, can you tell us how many  
2 feet, approximately, down the creek from where you were  
3 Mr. Hanson was pointing?

4 A He was just pointing. He didn't say how many  
5 feet.

6 Q I understand.  
7 I say, if possible.

8 A All I know is, it was in that direction.

9 Q But was he pointing in that particular direction  
10 of the creek itself?

11 A No, he was just pointing over his shoulder like  
12 that.

13 Q Was that downstream along the creek?

14 A I believe it was upstream.

15 Q Upstream along the creek.

16 When he talked about burying Shea's nine pieces,  
17 as I understand it, under some leaves, was he pointing with his  
18 thumb upstream as if to indicate where the body or pieces of  
19 the body were?

20 A He just pointed upstream.

21 Q While he was talking or not about cutting Shorty  
22 into nine pieces and burying him under some leaves?

23 A Yes, when he said putting him under some leaves  
24 he went like that (indicating).

25 Q As if to point towards where the body was buried?

26 A Yes.

27 Q Did you ever see anything that resembled Shorty's  
28 corpse?

1 A No.

2 Q Now, finally, Barbara, how long after this con-  
3 versation was it that you, Charles Manson, and the others that  
4 you have named, left the ranch for the desert?

5 A It was that evening.

6 That was -- this conversation was very late in  
7 the afternoon just when it was starting to get cool, and we  
8 left about an hour and a half later.

9 It was still light.

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1 Q Did you ever see Charles Manson obtain lye  
2 following this conversation?

3 A No. I don't even know what lye looks like.

4 Q And I guess my last question, Barbara, is when  
5 did you see my client again after going to the desert?

6 A When me and Sherry were living with Danny.

7 Q Just tell us when, please.

8 I think you have, but I just want you to tell us  
9 once more.

10 A Well, the next time I saw him was -- I believe it  
11 was later in September.

12 Q Of what year?

13 A 1969.

14 Q And where was that, dear?

15 A Me and Sherry were hitchhiking on -- I think it was  
16 on Century Boulevard.

17 Q So you saw Clem on Century Boulevard?

18 A Yes.

19 Q And was there some conversation or contact between  
20 you at this time?

21 A Yes.

22 MR. WEEDMAN: Thank you. That is all I have.

23 THE WITNESS: Is that all?

24 MR. KATZ: No, I'm sorry, Barbara.

25 I'm over here. I will try to be just as short  
26 as I can, no pun intended.

27

28

## REDIRECT EXAMINATION

BY MR. KATZ:

Q Incidentally, when you went up to the desert, with Charlie Manson, Clem was left behind?

Is that right?

A Yes.

MR. WEEDMAN: Well, I will object to the question, "left behind."

MR. KATZ: I will withdraw the question.

THE COURT: The objection is sustained. Restate it.

MR. WEEDMAN: Thank you, your Honor.

Q BY MR. KATZ: In other words, when you went up from Spahn Ranch to the Barker Ranch area with Charlie Manson and the other people you mentioned accompanying you, Clem stayed at the ranch?

Is that right?

A Yes.

Q Now, I believe you told us that the morning following the screams you asked Gypsy about having heard the screams?

Is that right?

A Yes.

Q What was it that you asked of her, and what did she say?

A I asked her if she heard any screaming last night, that morning, and she said, "No," you know, like that.

Q Now, as I understand it, after you went down to the creek area and you overheard the conversation between

1 Charles Manson and Danny De Carlo -- is that correct?

2 A Yes.

3 Q Did you once again talk about the screams or about  
4 Shorty with Squeaky right after that conversation?

5 A Squeaky?

6 Q I'm sorry, not Squeaky. Gypsy?

7 A Yes.

8 Q What did you say to Gypsy?

9 A I thought they were kidding, and then --

10 MR. WEEDMAN: I'm sorry, your Honor.

11 I'm sorry, Barbara.

12 Your Honor, may we have the question read again,  
13 and forgive me for interrupting.

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23-1

1 THE COURT: Let's get it straight. Give me the question,  
2 please.

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

5 "Q What did you say to Gypsy?")

6 THE COURT: All right.

7 Now, then the answer. Give me the answer.

8 MR. WEEDMAN: I am sorry, your Honor. May we have the  
9 question just before that one.

10 THE COURT: Certainly. Give us the question before that.

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

13 "Q Did you once again talk about  
14 the screams or about Shorty with Squeaky  
15 right after that conversation?

16 "A Squeaky.

17 "Q I am sorry. Not Squeaky. Gypsy?

18 "A Yes.")

19 MR. WEEDMAN: Thank you, your Honor.

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

22 "Q What did you say to Gypsy?")

23 THE COURT: Did you get it?

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

25 THE COURT: Read the last question again.

26 MR. KATZ: I will reframe it now.

27 THE COURT: All right.

28 Q BY MR. KATZ: After you overheard this conversation

23-2

1 between Manson and De Carlo at the creek you once again talked  
2 with Gypsy, is that correct?

3 A Yes.

4 Q And what did you say to Gypsy, and what did she say  
5 to you?

6 A I asked her if she heard about Shorty's suicide  
7 with a little help. I used Charlie's words.

8 And she told him, "Oh, don't be silly. Shorty  
9 went to San Francisco."

10 Q All right.

11 Now, did you ask Charlie about this suicide or  
12 Shorty's alleged death?

13 A No.

14 Q Why?

15 MR. WEEDMAN: Well, excuse me, your Honor.

16 MR. KATZ: Counsel brought it up on cross-examination,  
17 "Did you ask this person? Did you ask this person? Did you  
18 ask this person? Did you ask this person?"

19 I am entitled to show why.

20 THE COURT: Well "Why?" I don't know.

21 MR. KATZ: Well, your Honor, there is a materiality here.

22 MR. WEEDMAN: Well, your Honor, of course I asked the  
23 witness about the conversation with anyone about the screaming.  
24 And now counsel is eliciting conversations about --

25 THE COURT: Well, the answer to the question is "No"  
26 isn't that right?

27 "Did you talk to so-and-so? No." That is the  
28 end of it.

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1 "Why did you ask?" I think is immaterial.

2 MR. KATZ: Oh, your Honor, I don't like to argue in  
3 front of the jury --

4 THE COURT: Well, I think it is immaterial. "Why" for  
5 her to venture a lot of reasons as to why, I think it is  
6 immaterial.

7 MR. KATZ: There are not a lot of reasons, there is only  
8 one reason, your Honor.

9 THE COURT: Well, sustained.

10 Q BY MR. KATZ: At the time that Charlie made these  
11 statements concerning the demise of Shorty Shea, what was your  
12 attitude towards Charlie? Did you feel comfortable with him,  
13 were you afraid of him or what?

14 A I was afraid of him.

15 Q Was it your practice to question Charlie about  
16 things that you heard about at the ranch?

17 A Well, before I had, but like I didn't this time.

18 Q Was it your practice to question Squeaky about  
19 anything you had heard about the ranch?

20 A No. Well, sometimes I did.

21 Q All right.

22 Without telling us the reason, was there any  
23 reason why you did not ask anybody else about having heard the  
24 alleged screams?

25 A Yes.

26 Q Is it fair to say that you deliberately refrained  
27 from asking other persons about whether or not they heard the  
28 screams you heard?

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A Yes.

Q Now, I believe you told us that you saw Clem, or the defendant, in 1970, is that correct?

A Yes.

Q And you went on a garbage run with the family, is that right?

A Yes.

Q Did you do so of your own free and voluntary accord?

A No.

Q Did you contact the family in 1970 of your own accord, or did they contact you?

A They contact me.

Q You have answered it. Thank you.

Incidentally, did you go looking for any corpse?

A No.

Q Now, I believe you told us that it wasn't until Sadie had arrived in the desert that you became firmly convinced in your own mind that Shorty was dead, is that correct?

A Yes.

Q So even though Charlie --

MR. NEEDMAN: Well --

MR. KATZ: I will withdraw it. It is argumentative.

THE COURT: Next question.

MR. KATZ: May I have a moment, your Honor.

THE COURT: Certainly.

MR. KATZ: Thank you.

23-5

Q Incidentally, do you have any problems with respect to your memory at all?

A No.

Q You are attending college at this time?

A Yes.

MR. KATZ: I have no further questions.

THE COURT: Answer the question.

Read the last question, Mr. Reporter.

MR. KATZ: No further questions, your Honor.

THE COURT: All right.

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## RECROSS-EXAMINATION

BY MR. WEEDMAN:

Q Barbara, if you -- and this is just by way of inquiry, of course, dear, if you were so frightened of Charles Manson is there any particular reason why you were down there listening or sitting in on or participating in a conversation with him about Shorty being murdered?

MR. KATZ: I am going to object on the grounds the question is compound. He asked about three different things.

THE COURT: I think it is. Sustained.

You can reframe it if you desire.

MR. WEEDMAN: Yes.

Q Were you afraid of Charles Manson at the time you were down there with him by the creek when he was talking to Danny De Carlo?

A When he was talking, I felt fear, yes.

Q You felt some fear?

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A Yes, I felt fear.

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Q Did you feel some fear when you left with Charles

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Manson to go to the desert?

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A Not about that.

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Q Not about what?

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A Not about Shorty.

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1 Q Well, my question is, did you feel fearful of  
2 Charles Manson when you went to the desert with him later that  
3 evening?

4 A Yeah, I was kind of afraid of him.

5 Q But the fear, I take it, did not keep you from  
6 going to the desert with him, is that so?

7 A I think it was more the other way around.

8 Q You mean you went with him because you were  
9 afraid of him?

10 A I mean I didn't question him about going to the  
11 desert because I did feel some fear, yes.

12 Q You said it was the other way around. What does  
13 that mean, Barbara?

14 Let me withdraw the question.

15 How did you feel towards Charles Manson at the time  
16 you overheard the conversation when Charles Manson said "Shorty  
17 committed suicide with a little help from us"?

18 "And they stabbed him, and they cut him up into  
19 nine pieces. And they buried him under some leaves"?

20 A I felt fear. And then again I felt disbelief.

21 Q So would it be fair to say, Barbara, that you  
22 didn't believe Charles Manson when he said this down at the  
23 creek?

24 Let me put it another way. Did you believe Charles  
25 Manson when he said, "Shorty committed suicide with a little  
26 help from us"?

27 A Well -- consciously --

28 Q Excuse me, dear. You may not be able to answer that

23a-2 1 yes or no. So answer it any way you care to,

2 MR. KATZ: May I just have a clarification as to which  
3 time we are talking about, Mr. Weedman.

4 MR. WEEDMAN: Yes.

5 Q How did you feel towards Charles Manson at the time  
6 you heard Charles Manson say, "Shorty committed suicide with  
7 a little help from us"?

8 "And that they stabbed him. And that they cut him  
9 up into nine pieces. And that they buried him under some  
10 leaves"?

11 A I felt fearful in a way, and then again I felt  
12 disbelief.

13 Q Disbelief that in fact Shorty was dead?

14 A No, I just -- I didn't think about it that way.  
15 I just didn't know whether or not to believe him.

16 Q Did Charles Manson have any blood on his hands  
17 when he made this statement to Danny De Carlo?

18 A No. Wasn't looking at his hands.

19 Q Excuse me. Was he wearing trousers?

20 A Yes.

21 Q Did he have any blood on his trousers?

22 A I didn't look at his pants.

23 Q Was he wearing shoes?

24 A I don't remember.

25 Q Have any blood on whatever he had on his feet?

26 A I didn't --

27 Q Could you see any blood at all?

28 A No.

Q On the person of -- excuse me, I'm sorry.

Go ahead.

A No.

Q Did you see any blood at all on the person of Charles Manson?

A No.

Q When he was talking about this?

A No.

Q Was Charles Manson carrying a knife at this time?

A Yes.

Q You see any blood on the knife?

A Knife was in a holder.

Q Did you see any blood on the handle of the knife?

A No.

Q Did Charles Manson tell you anything other -- or rather did he say anything other than "Shorty had committed suicide with a little help from us. That we stabbed him and that we cut him up into nine pieces and that they buried him under some leaves."?

MR. KATZ: Objection, unless there is a clarification as to which time we are talking about.

MR. WEEDMAN: Well, I am sorry. I am just talking about down at the creek.

MR. KATZ: Thank you, counsel.

THE COURT: Well, you may answer the question.

THE WITNESS: He said that, and he asked Danny where -- whether or not lye or lime would get rid of the body and --

Q BY MR. WEEDMAN: Well, basically my question is

23-4

1 did he go into any more detail than that about killing Shorty?

2 A No.

3 Q Did Danny ask him for any details?

4 A No, I don't think Danny believed him.

5 Q Now, Barbara, I have gone into this area a couple  
6 of times, and I am going to take one more try at it.

7 You indicated that this conversation occurred late  
8 in the afternoon of the day following the day you heard the  
9 screams, right?

10 A Yes.

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1 Q How long after that did you leave to go to the  
2 desert?

3 MR. KATZ: It has been asked and answered.

4 MR. WEEDMAN: I know it has been asked. I haven't gotten  
5 an answer.

6 THE COURT: The question had been propounded to the  
7 witness. The objection sustained.

8 MR. WEEDMAN: I haven't gotten an answer from her, your  
9 Honor.

10 THE COURT: The question has been asked.

11 MR. WEEDMAN: I know it has been asked, but it hasn't  
12 been answered, your Honor.

13 MR. KATZ: It has been answered.

14 THE COURT: Whatever the answer is, it is there. I don't  
15 think it justifies a repeating of the question.

16 I will sustain it as covered.

17 Q BY MR. WEEDMAN: When did you leave, Barbara?

18 What time was it you left the ranch?

19 A Early evening.

20 Q What time was it?

21 A I don't know what time it was. I didn't watch.

22 MR. WEEDMAN: All right, Barbara. Have a nice time.

23 MR. KATZ: That is all, your Honor.

24 THE COURT: Thank you very much. You are excused.

25 MR. WEEDMAN: Your Honor, would you please instruct  
26 Miss Hoyt to remain on call in the event that we need her as a  
27 witness?

28 MR. KATZ: Yes, no problems.

1 THE COURT: Will you see that she is instructed?

2 MR. KATZ: I certainly will.

3 MR. WEEDMAN: I want your Honor to instruct her.

4 THE COURT: All right. I will tell her.

5 The court is instructing you, Barbara, that it is  
6 possible, I don't know, you may be called back by the defendant.

7 You must remain available to be called back if  
8 you are needed.,

9 Is that clear?

10 THE WITNESS: Yes.

11 THE COURT: Thank you, Barbara.

12 Does that cover it?

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

14 THE COURT: I guess we are almost up to quitting time  
15 here, gentlemen. Should we go over until tomorrow at 9:30?

16 Do not discuss the case or come to any opinion  
17 or conclusion and we will recess until 9:30 tomorrow.

18 Thank you very much.

19 (Adjournment was taken to 9:30 of the  
20 next day, Friday, August 6, 1971.)  
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