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LOSTON ✓

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

DEPARTMENT NO. 52

HON. JOSEPH L. CALL, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

No. A 267861

STEVE GROGAN,

Defendant.

REPORTERS' DAILY TRANSCRIPT

FRIDAY, AUGUST 13, 1971

APPEARANCES:

(See Volume 1)

VOLUME 33

Pages 4358 - 4480, incl.

Reported by:

VERNON W. KISSEE, C.S.R.

-and-

GEORGE WEBER, C.S.R.
Official Reporters

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1 PEOPLE v. STEVE GROGAN
2 NO. A-267861

VOLUME 33- pgs. 4358-4480 incl.
Friday, August 13, 1971

3
4 I N D E X

5
6 PEOPLE'S WITNESS

DIRECT

CROSS

7 POSTON, Bruce

4359

4377

8 (Cont'd)

4461

1 LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 13, 1971

2 9:35 A.M.

3
4 THE COURT: Now, let's proceed. People against Grogan.

5 Defendant is here. Counsel are here.

6 And you can bring in the jury, Sheriff. We will
7 go right ahead.

8 MR. KATZ: Call Brooks Poston.

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

12 THE COURT: Now we have all jurors here, all regular
13 jurors, plus the three alternates.

14
15 BROOKS POSTON,

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

17 THE COURT: You raise your right hand and you be sworn
18 as a witness for the People.

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

23 THE WITNESS: I do.

24 THE CLERK: Thank you, sir.

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

26 Will you be kind enough to state your name for the
27 record.

28 THE WITNESS: Brooks Poston.

1 THE CLERK: Will you spell your last name, please.

2 THE WITNESS: P-o-s-t-o-n.

3 THE CLERK: Thank you.

4

5

DIRECT EXAMINATION

6

BY MR. KATZ:

7

Q Brooks, would you move that microphone right to
8 your mouth and speak right into it.

9

A Right.

10

THE COURT: Pull your chair up a little bit there, if
11 you will. That's it.

12

Now, wait a minute. Keep this just like a
13 telephone. Talk right in it so the jury can hear you.

14

THE WITNESS: All right.

15

THE COURT: That is it,

16

Q BY MR. KATZ: Brooks, how old are you?

17

A 22.

18

Q Now, I would like to call your attention to the
19 time period in August and September of 1969. Where were you
20 living at that time?

21

A Barker's Ranch.

22

Q And with whom?

23

A With Paul Crockett and Paul Watkins.

24

Q And I want to call your attention to the last part
25 of August 1969 and ask you whether or not some people from the
26 Manson family came up to the Barker-Myers Ranch area?

27

A Yes.

28

Q Who was it that first came up, if you recall?

1 A Tex and Bruce and Brenda McCann.

2 Tex Watson and Bruce Davis.

3 Q And Brenda McCann?

4 A Yes.

5 Q Is she also known as Nancy Pitman?

6 A Yes.

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1 Q And who else came up at that time period?

2 A They were the first to come and they stayed for a
3 couple of days and left and they returned with more members of
4 the family, a lot of young girls.

5 Q All right. Can you tell us basically who it was
6 that came and when it was that they came up there?

7 A There was Ouish.

8 Q That is O-u-i-s-h?

9 A Ruth Morehouse and Sherry Cooper, Kitty -- I don't
10 remember her last name.

11 Q Do you recognize the name Lutesinger?

12 A Yes.

13 Q All right. Incidentally, that is L-u-t-e-s-i-n-g-e-r,
14 is that correct?

15 A I don't know.

16 Q As far as you know.

17 A Tex and Bruce and Brenda, Snake, or Diane Bluestein.
18 I think her name is, and Charlie Manson, and I'm not sure who
19 else came up at that time, but that was at the early part of
20 September, the first or second day of September.

21 Q All right. That is a rough approximation, is that
22 correct?

23 A Yes.

24 Q Did you know a Barbara Hoyt?

25 A Yes.

26 Q Was Barbara up there at that same time?

27 A Yes.

28 Q During that initial time period, the latter part of

2-2

1 August and the first part of September -- and you can answer
2 this yes or no -- did you have a conversation with Charlie
3 Manson concerning Shorty?

4 A Yes.

5 MR. WEEDMAN: To which I will object, your Honor. There
6 is only one possible inference in light of all the evidence
7 that we have heard in this trial, your Honor.

8 Perhaps we better approach the bench.

9 THE COURT: Let me make a note. I'll get to you in a
10 moment. I'm not trying to cut you off at all.

11 The question calls for the conversation. Check
12 your notes. Manson, Shea -- right?

13 And the balance of the question.

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

16 "Q During that initial time period,
17 the latter part of August and the first part
18 of September -- and you can answer this yes
19 or no -- did you have a conversation with
20 Charlie Manson concerning Shorty?"

21 THE COURT: The answer was "Yes"?

22 THE REPORTER: Yes.

23 MR. KATZ: Yes, your Honor.

24 THE COURT: Give me the objection.

25 MR. WEEDMAN: I'm objecting, your Honor, on the grounds
26 that it is incompetent, irrelevant; it is calling for hearsay,
27 your Honor, by inference, certainly. Just another one of
28 those -- well, I won't make any speeches. I will just object

2-3

1 to it. I don't know what to say about it.

2 THE COURT: I will overrule the objection. You may
3 answer the question.

4 MR. KATZ: The question has been answered, your Honor.
5 May I ask another question now?

6 THE COURT: All right.

7 Q BY MR. KATZ: Now, sometime thereafter did you note
8 the presence of the defendant, Mr. Grogan, at the Myers and
9 Barker Ranch?

10 A Yes.

11 Q And when was it that you first became aware of his
12 presence at the Barker and Myers Ranch area?

13 MR. WEEDMAN: May I have that question read, your Honor?

14 THE COURT: Yes. Read the question.

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

17 "Q And when was it that you first
18 became aware of his presence at the Barker
19 and Myers Ranch area?"

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

21 MR. WEEDMAN: I'm sorry. "His presence." Are we
22 referring to Manson or --

23 MR. KATZ: Mr. Grogan.

24 THE COURT: It calls for the date. Were you aware of
25 the presence?

26 Is there an objection there?

27 MR. WEEDMAN: No, your Honor.

28 MR. KATZ: I will reframe it.

1 MR. WEEDMAN: It has been identified.

2 MR. KATZ: I think it is probably ambiguous. Let me
3 start over, if I may. I withdraw the question.

4 Q Sometime after seeing Mr. Manson in the desert at
5 the end of August or the first part of September, 1969, did
6 you become aware of the presence of the defendant here, Mr.
7 Grogan, in the desert?

8 A Yes.

9 Q Approximately when was it that you first saw the
10 defendant, Mr. Grogan?

11 A Right at the end of the second or possibly the
12 beginning of the third week.

13 THE COURT: In what month?

14 THE WITNESS: In September.

15 THE COURT: Of what year?

16 MR. KATZ: Of what year?

17 THE WITNESS: 1969.

18 MR. KATZ: All right.

19 THE COURT: Now we have it.

20 Let me get that down.

21 All right. Go ahead now.

#3

1 MR. KATZ: Thank you, your Honor.

2 Q Brooks, did you know the defendant by any other
3 name?

4 A Yes.

5 Q By what name?

6 A Clem Blairhouse and Garth Tufts.

7 Q Garth Tufts?

8 A Yes.

9 Q G-a-r-t-h?

10 A Yes.

11 Q And Tufts is T-u-f-t- --

12 A -s.

13 Q And what did you call him?

14 A Clem.

15 Q All right.

16 And further directing your attention then to the
17 middle part of September or the third week in September, did
18 you have a conversation with the defendant concerning the death
19 of Shorty Shea?

20 A Yes.

21 Q Can you tell us the approximate date in September
22 that this conversation occurred?

23 I'm referring more in terms of which week we are
24 talking about in September.

25 A Well, it was the same day that he arrived there
26 or the first day that I saw him up there.

27 THE COURT: When you say "arrived there," you mean --

28 THE WITNESS: At Barker's Ranch.

1 THE COURT: At the ranch?

2 THE WITNESS: Yes.

3 THE COURT: Barker?

4 THE WITNESS: Barker's Ranch.

5 THE COURT: Ranch? All right.

6 Q BY MR. KATZ: All right.

7 When would that be that you had the conversation
8 with him?

9 A It was in probably the third week.

10 Q Of September 1969?

11 A Yes.

12 Q And can you tell us under what circumstances you had
13 the conversation, that is, who was present, if anyone, and
14 where you were when the conversation took place.

15 A We were on the front porch of Barker's Ranch of the
16 main ranchhouse.

17 Clem and I was sitting there. And Paul Watkins came
18 up and stood for a time, but he left and wandered around through
19 the garden.

20 Sandy Good was there, only she was wandering around
21 in the house. She had her baby there.

22 And then she went into the back bedroom. And
23 Charlie was asleep. I suppose he was asleep.

24 Q Meaning Charlie who?

25 A Manson.

26 Q All right.

27 A Was asleep in the dining room part except it's not
28 a dining room.

1 Q This is Barker Ranch we are talking about?

2 A Yes.

3 Q All right.

4 And where were you and where was Clem?

5 A On the front porch.

6 Q And what were you doing and what was Clem doing at
7 that particular time?

8 A I was playing guitar, and Clem came up and sat
9 down beside me and started saying, "That sounds really nice."
10 And we started talking about guitar.

11 Q Now, tell us the conversation you had with Clem at
12 that time.

13 THE COURT: Now, I think he did set the date, but let's
14 get the date again.

15 This was the third week?

16 THE WITNESS: Third week.

17 THE COURT: In September?

18 THE WITNESS: '69.

19 THE COURT: 1969, is that right?

20 THE WITNESS: Yes.

21 THE COURT: All right.

22 Now, the question is, what was said?

23 Q BY MR. KATZ: Yes. Tell us everything that was
24 said at that time between you and Clem.

25 THE WITNESS: All right.

26 We were talking about music. And I told him that
27 one of the chords I was playing was shown to me by a flamenco
28 guitar player.

1 And he said, "Is that cat in your head?"

2 And I said, "No."

3 And then he started playing around on it, on the
4 guitar.

5 THE COURT: Clem started?

6 THE WITNESS: Yes.

7 THE COURT: All right.

8 THE WITNESS: Clem.

9 Then I asked him, "Charlie told me that you all had
10 to do in Shorty."

11 MR. WEEDMAN: Your Honor, may we approach the bench?

12 THE COURT: All right.

13 Bring in the reporter, if you will, please.

14 (The following proceedings were had in
15 chambers out of the presence of the jury.)

16 THE COURT: We are in chambers. Defendant and counsel.

17 Go ahead.

18 MR. WEEDMAN: Your Honor --

19 THE COURT: Let me see it. Let's see. I will listen to
20 you.

21 Read back the statement of the witness on the
22 stand to Clem, that he was playing -- read it. I want to get
23 the exact wording.

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

26 "THE WITNESS: Then I asked him, 'Charlie
27 told me that you all had to do in Shorty.'")

28 THE COURT: All right.

1 Now go ahead.

2 MR. WEEDMAN: Oh, your Honor will recall that I objected
3 to similar testimony from Paul Watkins.

4 THE COURT: I know he did.

5 MR. WEEDMAN: That is where Paul Watkins prefaced the
6 conversation with -- alleged conversation with my client by
7 saying that Charles Manson had said that.

8 THE COURT: Right. I know. Yes, you did.

9 MR. WEEDMAN: Yes, your Honor.

10 For the record I would like to move to strike the
11 answer that we have thus far by Brooks Poston in order to --

12 THE COURT: First we will grant this request. Strike
13 the answer.

14 Now you go ahead.

15 MR. WEEDMAN: Thank you, your Honor.

16 I will object to any conversation allegedly had
17 between this witness, Brooks Poston, and Charles Manson on the
18 ground that it is hearsay as to my client.

19 THE COURT: Well, I will overrule the objection.

20 MR. WEEDMAN: And of course I would like to make the
21 additional observation that again, your Honor, we are talking
22 about Charles Manson and not just some ordinary person.

23 THE COURT: I recognize that.

24 MR. WEEDMAN: I think the prejudice, your Honor, far
25 outweighs the probative value.

26 THE COURT: I am not demeaning your argument, I simply
27 have to make a ruling, and I rule against you.

28 MR. WEEDMAN: I understand.

1 MR. KATZ: Is your Honor reinstating the answer? The
2 answer was stricken.

3 THE COURT: Yes. I am reinstating the answer.

4 MR. KATZ: All right. Thank you.

5 THE COURT: Thank you, gentlemen.

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

9 THE COURT: Now let's see where we are. You may get the
10 jury, Sheriff, please.

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

THE COURT: Now, gentlemen, proceed.

MR. KATZ: Yes. I can pick it up from where we left off.

THE COURT: All right. You can reframe the question.

MR. KATZ: Thank you, your Honor.

Q Brooks, you were telling us that you had made a
statement to the defendant, Clem, and what was that statement
again?

A "Charlie told me that you all had to do in Shorty."

Q Tell us the entire conversation.

A I said, "Charlie told us you had to do in Shorty."

And he said, "Yeah. He was bad-mouthing the
ranch. He was telling George and Pearl shit."

THE COURT: May I interrupt.

Now, the rest of the witnesses would not get up
close enough. Now, keep about this much distance from your
mouth to the telephone. That is about right.

All right. Go ahead.

MR. KATZ: Now, can we get that portion of the answer
reread?

THE COURT: Yes.

A part of it came in so blurred -- read the
answer that "Charlie said." The first sentence I have. About
the last sentence is what I want, please.

(The record was read by the reporter
as follows:

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"A I said, 'Charlie told us you had to do in Shorty.'

And he said, 'Yeah. He was bad-mouthing the ranch. He was telling George and Pearl shit.'")

THE COURT: Go ahead.

Q BY MR. KATZ: Now, the word "shit," is that your word or is that the word Clem used?

A That is the word Clem told me.

Q What else was said as you continued conversation?

A He said that he was scheming with Frank Retz to take over Spahn's -- to take over Spahn's Ranch, and that they hit him on the head and took him for a ride and that they waited for him to come to and to get to now and they started sticking him a little bit and that he started saying "Why, Charlie, why?", and he said Charlie said, "You know why," and stabbed him; that they all stabbed him, and that when he got to now he was really hard to kill because he wouldn't die, and that he had to cut his head off with a machette.

Q Did he say who had to cut his head off?

A He said he had to.

Q You mean Clem?

A Clem.

Q And did he state to you how it felt killing Shorty?

A He said it was real groovy. He said, "All that warm sticky stuff, blood was everywhere."

Q Brooks, you mentioned the word "now." Does that

4-3

1 mean anything to you, "coming to now"?

2 A To now is what Charlie always told us to do, get
3 to now, which is the moment in between the moment. It is the
4 present time, totally. You are not in past at all, you are
5 not in future; you are right here in now.

6 Q In other words, it is a total awareness of that
7 instant time?

8 A Of that instant.

9 Q Now, did Clem mention who the other persons were
10 other than Charles Manson?

11 A No.

12 Q Did you ask him?

13 A No, sir.

14 Q Did you ask him for any details such as where the
15 body was buried at that time?

16 A No.

17 Q Why?

18 A Because I didn't want to know.

19 Q Now, Brooks, did you continue for a period of time
20 to live with Paul Crockett and Paul Watkins at Barker's Ranch?

21 A Yes.

22 Q Did you tell either Paul Crockett or Brooks Poston--
23 strike that -- or Paul Watkins about the conversation at that
24 time?

25 A No.

26 Q Why?

27 A Because I didn't want to upset them, because the
28 only reason I asked about it was to find out, because Charlie--

4-4

1 Q All right. Now, sometime in the first part of
2 October 1969, did you leave Barker's Ranch?

3 A Yes.

4 Q And who did you leave with?

5 A Paul Crockett.

6 Q Where did you go?

7 A To Shoshone.

8 Q Why did you leave?

9 MR. WEEDMAN: I'm going to object to that, your Honor,
10 why he left. It opens the door to --

11 THE COURT: I think probably --

12 MR. WEEDMAN: -- all kinds of incompetent evidence.

13 THE COURT: I think it is immaterial to this case. I
14 will sustain the objection.

15 MR. WEEDMAN: Thank you, your Honor.

16 Q BY MR. KATZ: When you left, was the Manson family
17 occupying the general area of the Barker and Myers Ranch?

18 A They were in the area. The last time I saw
19 Charlie was the night that Paul and I walked out.

20 Q By "Charlie" you mean Charlie Manson?

21 A Charlie Manson, yes.

22 Q Was the defendant, Clem, still in the desert at
23 that time?

24 A Yes, because he was with Charlie then.

25 Q You saw Clem and Charlie together, is that correct?

26 A Yes.

27 Q And those were the last persons in the family you
28 saw before walking out of the desert with Paul Crockett, is

4-5

1 that right?

2 A Yes.

3 Q Sometime later did Paul Watkins join you?

4 A Yes.

5 Q Approximately how much time elapsed from the time
6 you walked out of the Barker's-Myers Ranch with Paul Crockett
7 until Paul Watkins joined you in Shoshone?

8 A About two weeks.

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1 MR. KATZ: If I may have a moment, your Honor, I think
2 I have concluded my examination.

3 THE COURT: Yes.

4 Q BY MR. KATZ: Now, at some time later did you dis-
5 cuss Clem's statements with Paul Watkins and Paul Crockett?

6 A Yes.

7 Q When was the first time you discussed those state-
8 ments with Paul Crockett and Paul Watkins?

9 A When we were in -- let's see -- it was in a deputy
10 sheriff's car on the way to Independence for the preliminary on
11 Charlie Manson's auto theft case.

12 Q This was after he had been busted in the October
13 raids at Myers and Barker's Ranch?

14 A Yes.

15 Q Why didn't you discuss it with them before since
16 you apparently were living with Crockett and Watkins?

17 A Because there was very little need to, because we
18 all seemed like we all knew, anyway.

19 MR. WEEDMAN: I'm going to object, your Honor.

20 THE COURT: Wait a minute. Strike the answer.

21 MR. WEEDMAN: It is immaterial.

22 MR. KATZ: I agree with counsel.

23 THE COURT: The entire answer will go out.

24 The jury will disregard it.

25 MR. KATZ: I have no further questions.

26 THE COURT: Cross examine.
27
28

CROSS EXAMINATION

1
2 BY MR. WEEDMAN:

3 Q Mr. Poston, would you please tell us again, word
4 for word exactly, what Steve Grogan told you about Shorty Shea.

5 A Okay.

6 I asked Clem, I said, "Charlie told me," --

7 Q Just leave that out. I want to know what Grogan
8 said.

9 MR. KATZ: Excuse me, your Honor. He is asking for the
10 conversation.

11 THE COURT: That isn't what he is asking for. He is
12 not asking for the conversation.

13 The question is, "What did Clem say to you?"

14 MR. KATZ: If your Honor pleases, how can the witness
15 relate a conversation --

16 THE COURT: That is not your worry. That is the
17 defendant's problem. That is his question.

18 MR. WEEDMAN: It may be the witness' problem, your Honor.

19 THE COURT: You can direct any question you want to.
20 If it is material, it will be answered.

21 I don't want to be abrupt in my statement. The
22 question, Mr. Witness, is simply, "What did Clem say to you?"
23 If it sounds disjointed, that is not your business. It is
24 the way counsel wants it. He just wants at this time, "What
25 did Clem say?"

26 Am I misstating your question? "What did Clem
27 state?"

28 MR. WEEDMAN: No. That is it exactly, your Honor.

1 THE COURT: What did Clem say to you?

2 THE WITNESS: Okay. He said, "He was bad-mouthing the
3 ranch and he was telling George and Pearl shit."

4 THE COURT: What did he say? What did he say? Give his
5 words. What did Clem say?

6 You say "When he was telling." You are not saying
7 what Clem said.

8 Put it this way: Here's the way you answer:
9 "Clem said," then say what he said. "Clem said" and give us
10 his words.

11 Now, go on.

12 THE WITNESS: Clem said, "He was bad-mouthing the ranch;
13 that he was telling George and Pearl shit; that he was scheming
14 with Frank Retz to take over Spahn's ranch."

15 Clem said, "We hit him in the head and took him
16 for a ride and waited for him to come to, and that we started
17 sticking him a little bit, and then he started getting to now
18 and started saying, 'Why, Charlie, why' and Charlie said,
19 'You know why,' and stabbed him, and that when he got to now,
20 he was really hard to kill." And that Clem said, "I had to
21 cut his head off. And it was a really groovy feeling, all
22 that warm, sticky stuff; blood was everywhere."

23 5 fls
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1 Q BY MR. WEEDMAN: Is that it?

2 A Pretty much.

3 Q Pardon me?

4 A Yes. That's pretty much it.

5 Q Did you leave out anything?

6 A No.

7 Q Now, did I understand you to tell Mr. Katz,

8 the prosecutor, a few moments ago, that when my client allegedly

9 made this statement to you that he didn't mention anyone else?

10 A Other than Charlie, no.

11 Q So he did mention Charlie?

12 A Uh-huh.

13 Q Is that so?

14 A Yes.

15 Q Did he mention anyone else now that you think about

16 it?

17 A No.

18 Q Did he mention Bruce Davis?

19 A No.

20 Q Did he mention Tex Watson?

21 A No.

22 Q Did he mention anyone else by name?

23 A No.

24 Q And you are absolutely certain of that, is that so?

25 A Yes.

26 Q Any doubt in your mind about that?

27 A No.

28 Q Okay. When did you first meet Charles Manson,

5-2

1 Mr. Poston?

2 MR. KATZ: I am going to object on the grounds it is out
3 of the scope of direct examination.

4 If counsel wants to take him as his own witness
5 out of order in his case in chief I have no objection to that.

6 THE COURT: Read the question, please.

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

9 "Q Okay. When did you first meet
10 Charles Manson, Mr. Poston?")

11 THE COURT: There was a statement in there towards the
12 first about meeting, I think, about meeting Manson, directed
13 by the D.A. Read that testimony if you will, please.

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

16 "Q I want to call your attention
17 to the last part of August 1969 and ask you
18 whether or not some people from the Manson
19 family came up to the Barker-Myers Ranch area?

20 "A Yes.

21 "Q Who was it that first came up,
22 if you recall?

23 "A Tex and Bruce and Brenda McCann.
24 Tex Watson and Bruce Davis.

25 "Q And Brenda McCann?

26 "A Yes.

27 "Q Is she also known as Nancy Pitman?

28 "A Yes.")

5-3

1 THE COURT: All right. Now read where Mr. Kisse left
2 off. Start reading there if you will, please.

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

5 "Q And who else came up there at
6 that time period?"

7 THE COURT: Go on.

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

10 "A They were the first to come,
11 and they stayed for a couple of days and
12 left. And they returned with more members
13 of the family. A lot of young girls.

14 "Q All right. Can you tell us
15 basically who it was that came and when
16 it was that they came up."

17 THE COURT: All right. Go ahead.

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

20 "A There was Ouish.

21 "Q Is that O-u-i-s-h.

22 "A Ruth Morehouse and Sherry Cooper,
23 Kitty. I don't remember her last name.

24 "Q Do you recognize the name
25 Lutesinger?

26 "A Yes.

27 "Q All right. Incidentally, that
28 is L-u-t-e-s-i-n-g-e-r, is that correct?

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"A I don't know.

"Q As far as you know?

"A Tex and Bruce and Brenda. Snake
or Diane Bluestein, I think her name is. And
Charlie Manson.")

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1 THE COURT: Now, put an X there. I want this now.

2 Make an X there, if you will.

3 Read that to me again, that one sentence there.

4 Give me that.

5 (The record was read by the reporter
6 as follows:

7 "Tex and Bruce and Brenda. Snake or
8 Diane Bluestein, I think her name is. And
9 Charlie Manson.")

10 THE COURT: All right.

11 Now, go back now to the question of counsel,
12 please.

13 (The record was read by the reporter
14 as follows:

15 "Q When did you first meet Charles
16 Manson, Mr. Poston?")

17 THE COURT: Well, the question is a proper question.

18 MR. KATZ: Excuse me, your Honor. I respectfully would
19 like to be heard.

20 I limited the scope of inquiry to the period of
21 August, September and the first part of October of 1969. I
22 asked him when it was that he saw Charles Manson in the desert,
23 to which he replied the latter part of August or the first part
24 of September 1969.

25 Nowhere did I inquire of him as to when he first
26 met Mr. Manson. What he did with Mr. Manson at Spahn Ranch
27 or Gresham Street or any of these other places.

28 And I particularly limited the scope of inquiry

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1 so we would not have broad cross-examination at this time.

2 I have no objection if counsel retains this witness
3 as a witness for the defense's case in chief, and elicits all
4 this other information at that time.

5 THE COURT: Well, you see, you are asking for curtailment
6 of cross-examination. The general principle is recognized
7 that cross-examination must be within the confines of direct
8 examination.

9 That is your general abstract statement. But you
10 are asking for a meeting with Charles Manson. "When did you
11 first meet Charles Manson?"

12 MR. KATZ: I didn't ask that.

13 THE COURT: Read the question.

14 MR. KATZ: The question was, your Honor, when did he see
15 him in the desert. Not when he first met him.

16 THE COURT: All right.

17 If he sees a man he meets him, doesn't he? The
18 answer is that he met, he came up.

19 That is the answer of your witness. He says Manson
20 came up with four other people or five other people.

21 MR. KATZ: May I ask your Honor respectfully if I elicited
22 from the witness "Did you meet Charles Manson in the desert in
23 1975?" Would counsel be permitted to say, "Isn't it a fact
24 in 1962 you also met Charles Manson?"

25 He may want to develop that in his case in chief.
26 That is fine. I have no objection.

27 Now, is that within the scope of my direct
28 examination?

1 THE COURT: Well, I don't know. Let's finish it,
2 gentlemen.

3 I think it could be or could not be. It's for the
4 jury to say respecting the materiality of the question and
5 answer. That is for the jury.

6 But I think that he has a right to ask that
7 question. You see, you asked him -- when did you meet him,
8 or who was coming up? However the question was framed.

9 "Well, Manson came up, and he came up with four
10 other people."

11 Now, the defendant's counsel says, "When did you
12 first meet this fellow? When did you first meet him?"

13 I don't mean fellow: "When did you first meet
14 Manson?"

15 I am not prepared to say it isn't a proper question.
16 The jury may not think it makes any difference when he met
17 him. But that is up to the jury, I don't know. I am not
18 passing judgment for the jury.

19 But I think it is a proper question. I would
20 sustain, if the latitude went out and a lot of matters are
21 brought in that are immaterial, but I think it is a proper
22 question to ask.

23 I don't think it's too broad in the cross, at
24 least as far as that question is concerned. I don't know
25 what other further rulings I would make, but I would say that
26 it is probably a proper question.

27 I will overrule the objection. Now, let's back
28 up here and get the question again.

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

3 "Q When did you first meet Charles
4 Manson, Mr. Poston?")

5 THE WITNESS: In the first part of June 1968.

6 Q BY MR. WEEDMAN: Where was that, Mr. Poston?

7 A At Dennis Wilson's residence.

8 Q Who else was there with Charles Manson, if anyone,
9 when you met him?

10 MR. KATZ: I am going to object on the grounds it is out
11 of the scope of direct examination. I would have no objection
12 if counsel takes this witness as his own in his case in chief.

13 MR. WEEDMAN: It is very kind of him, your Honor, to
14 permit me to put on my case in chief. But the point is, your
15 Honor, the nature of the relationship between this man and the
16 other members of the family is a very important part --

17 THE COURT: Let's have the question again.

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

20 "Q Who else was there with Charles
21 Manson, if anyone, when you met him?")

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1 THE COURT: In June of '68?

2 MR. WEEDMAN: Yes, your Honor.

3 And I should add, your Honor, that I am merely
4 attempting to explore the nature of the relationship between
5 this witness and Charles Manson, this witness and my client.
6 This witness and Paul Watkins. This witness and Paul Crockett.

7 And if those develop any interesting lines, I
8 intend to pursue those further with the court's permission, of
9 course.

10 Counsel wants to restrict me, quite frankly, your
11 Honor, because of what happened in cross-examination of Paul
12 Watkins yesterday. I think it should be obvious.

13 THE COURT: The direct examination is not pinpointed to
14 a conversation only with Clem. That's part of it, yes. But
15 that's not all.

16 The question goes further into who was up at the
17 Barker Ranch, or at the other ranches. It is further than just
18 a conversation with Clem.

19 I think it is a proper question to ask. Whether
20 it bears materiality or not is more for the jury.

21 You may answer the question.

22 MR. KATZ: If your Honor please, I just want to make this
23 one point.

24 I am certainly not -- it is certainly a material
25 question, and I don't dispute counsel's right to develop it
26 at the appropriate time. I am merely suggesting that at this
27 point it is out of the scope of the direct.

28 THE COURT: Well, I think it is a proper question on

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1 cross, in the particular instance we have.

2 Now, answer the question. Is the question clear,
3 or has there been too much conversation here?

4 Better read the question.

5 THE WITNESS: He wants to know --

6 THE COURT: Better read it.

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

9 "Q Who else was there with Charles
10 Manson, if anyone, when you met him?")

11 THE COURT: In June of '68.

12 Answer the question, please.

13 THE WITNESS: Brenda McCann and Lynn Fromme. Sandy Good
14 and Diane Bluestein.

15 One other girl was there, but I don't even know
16 her name.

17 Q BY MR. WEEDMAN: And where did this meeting take
18 place?

19 A Dennis Wilson's house.

20 Q Where is that located?

21 A 14400 Sunset Boulevard.

22 Q Now, did you continue to see Charles Manson after
23 this time or not?

24 A Sometime later, yes.

25 Q All right.

26 When was that? That you saw him again.

27 A That night.

28 Q And after that particular day in June of 1968 did

1 you again see Charles Manson?

2 A Yes.

3 Q When was the next time you saw him after that day
4 in June of 1968?

5 A Oh, approximately three days later.

6 Q Where was that?

7 A At Dennis Wilson's house again.

8 Q All right.

9 Did you see Charles Manson after that? And if so,
10 where was that?

11 A That time we stayed.

12 Q You say "we stayed"?

13 A Yes.

14 Q Who is "we"?

15 A Dean Morehouse and a girl named Dawn Roberts and
16 myself.

17 Q A girl named Dawn?

18 A Yes. D-a-w-n.

19 Q Oh. Dawn. Thank you.

20 THE COURT: Dawn.

21 THE WITNESS: Dawn.

22 Q BY MR. WEEDMAN: And Dean Morehouse?

23 A Yes.

24 Q And where was this that you saw Dean Morehouse
25 and Dawn Roberts together with Charles Manson or you began
26 staying there at least? Where was this?

27 A It was at Dennis Wilson's residence.

28 Q How long did you stay at Dennis Wilson's house?

1 A About a week and a half to two weeks.

2 Q What were you doing for a living at this time?

3 A Nothing.

4 Q How old are you?

5 A 22.

6 Q What were you doing for money at this time?

7 MR. KATZ: Objection. Immaterial.

8 THE COURT: Sustained.

9 Q BY MR. WEEDMAN: Where did you go after spending
10 one or two weeks at Dennis Wilson's house?

11 A We went to someplace, it was on a fire road.

12 And from there to Spahn's Ranch again.

13 Q And when you finally got to Spahn's Ranch were you
14 with Charles Manson?

15 A Yes.

16 Q Were you with Brenda McCann?

17 A Yes.

18 Q Sandy Good?

19 A Yes.

20 Q Was Lynn Fromme at Spahn's Ranch when you arrived?

21 A Yes.

22 Q She is also known as Squeaky?

23 A Yes.

24 Q What about Daan Morehouse and Dawn Roberts?

25 A No. They had both left.

26 Q How long did you stay at Spahn Ranch then?

27 MR. KATZ: Your Honor, just for the record, I will object
28 that it is out of the scope of the direct examination.

1 I would like to have a continuing objection so I
2 don't interrupt counsel.

3 THE COURT: Well, it could be. I will allow an answer
4 to the question.

5 I may restrict further, I don't know what the
6 next question will be.

7 You can answer that question.

8 THE WITNESS: Would you repeat the question.

9 THE COURT: Yes. Read the question.

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

12 "How long did you stay at Spahn Ranch
13 then?")

14 THE WITNESS: From that time until Halloween of 1968.

15 THE COURT: Now, let's get the date. Halloween, what
16 is the date of Halloween?

17 THE WITNESS: October 31st.

18 THE COURT: October -- November, is it?

19 THE WITNESS: October.

20 THE COURT: October what?

21 THE WITNESS: 31st.

22 THE COURT: Of what year?

23 THE WITNESS: 1968.

24 THE COURT: All right.

25 Q BY MR. WEEDMAN: And then did you go to live
26 somewhere else?

27 A Yes.

28 Q Where was that?

29 A Barker's Ranch.

1 Q Who did you go to Barker's Ranch with, if anyone?

2 A Charles Manson. Clem. Chuck Green. Tex. Paul
3 Watkins. Sandy Good and Brenda McCann.

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1 Q Did you live at -- Have you told us all the
2 persons that you can remember at this time?

3 A No.

4 Q All right. Go ahead.

5 A There was Sandy and Lynn -- not Lynn, but Sandy
6 and Snake, Diane Bluestein, and I mentioned Brenda.

7 Q Yes.

8 A And Sherry Cooper, Joan Wildbush, Juanita. Some
9 other guy went, but he stayed for only a couple of days, I
10 think only a day, and I never knew his name.

11 And Ella Cinders, Ella Jo Bailey, and then Leslie
12 Sankston.

13 Q Were there others whose names do not readily come
14 to mind at this time, Mr. Poston?

15 A Well, in looking back, I don't remember at this
16 moment if there were more, when we came to see who all went
17 and that was approximately all.

18 Q So you have given us substantially all the persons
19 that went up to Barker Ranch with you?

20 A Yes.

21 Q Then I take it this is the first part of November
22 of 1968?

23 A We left on Hallowe'en night, October 31, 1968, and
24 spent the night somewhere along the way and got there the
25 next -- to the bottom of the falls that lead up to Barker's
26 Ranch -- it is called Goler Wash -- the next afternoon a
27 little before sundown.

28 Q So you got to Barker's Ranch then around the 2nd

1 or perhaps the 3rd of November?

2 A Right at the 1st.

3 Q The 1st of November. All right.

4 How long did you remain at Barker's Ranch?

5 A From then until about the 2nd or 3rd week of
6 January, '69.

7 Q Now, at this time, that is, during this period of
8 time from the Spahn Ranch in the middle of 1968 through the
9 time that you spent at Barker's Ranch until January of 1969,
10 did you consider yourself to be a member of the family?

11 A Not all the time.

12 Q Tell us about those times when you were a member
13 of the family, what did you do in connection with being a
14 member of the family?

15 A I was more like a tentative member, because, like
16 I wouldn't do things the rest of the people would do, and so
17 I worked up there as a cowboy. That was at Spahn's Ranch.

18 Q Were you paid money for doing that?

19 A No.

20 Q Did you live with the family when you were at
21 Spahn's Ranch? By "with the family," I mean did you share
22 the same quarters that the family had?

23 A No, not until about a week or two before we left
24 for Barker's Ranch.

25 THE COURT: Set the date.

26 Q BY MR. WEEDMAN: And then you left for Barker's?

27 THE COURT: Let's get a date, there. When was that?

28 THE WITNESS: 1968.

1 THE COURT: What?

2 THE WITNESS: 1968. About two weeks before Hallowe'en,
3 1968.

4 THE COURT: Can you give us the month?

5 THE WITNESS: October.

6 THE COURT: All right.

7 THE WITNESS: 1968.

8 Q BY MR. WEEDMAN: So you finally became a member of
9 the family then, is that so?

10 A Yeah.

11 Q And then I take it you continued to be a member
12 of the family for a period of time; is that so?

13 A Yes.

14 Q Did there come a time when you ceased to be a
15 member of the family?

16 A Yes.

17 Q When was that?

18 A In March of 1969.

19 Q What was the difference, if you can describe it
20 for us, between being a member of the family and being a
21 tentative member of the family?

22 A I wouldn't make love to the girls, and so Charlie
23 didn't accept me totally as part of the group, and I knew it.
24 So what I did to work out my karma and do my changes, was to
25 work up front as a cowboy at the ranch.

26 Q What do you mean by "karma"?

27 A That is Charlie's word. I'm just using what
28 Charlie said to me.

1 Karma, as far as I understand --

2 Q Excuse me.

3 A -- it is the law of cause and effect.

4 Q My question is, what you mean when you say karma.

5 A That is what I explained.

6 Q But you answered me by saying that it was Charlie's
7 word.

8 A It was Charlie's word because I had no idea what
9 it was.

10 Q Isn't it your word now, or is it still just
11 Charlie's word?

12 A I have partial understanding of what the word
13 means now, of what it means to me now.

14 Q Well, when you said -- I don't want to get into a
15 semantic problem here -- but when you said you were working
16 out your karma, going through your changes, are those words
17 that have some meaning to you?

18 A I was referring to when Charlie -- what Charlie
19 spoke to me about. They do have meaning to me now, a differ-
20 ent meaning than when I was with Charlie.

21 Q Mr. Poston, my question really is what you meant
22 when you said you were working out your karma and going through
23 your changes. You used those terms. I merely want you to
24 tell us what you mean by those terms.

25 A It's like taking a quote out of something, because
26 those -- it is like a direct quote from what Charlie told me
27 I was doing, and I'm describing it to you how it is to be a
28 tentative member and not to be so tentative.

1 Q And to be a tentative member you were going through
2 your karma as a cowboy, is that so, and working through your
3 changes?

4 A Working out the karma and going through the
5 changes.

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1 Q Working out the karma and going through your
2 changes. Can you tell us what that means? What are you talk-
3 ing about?

4 MR. KATZ: I'm going to object at this time, your Honor,
5 on the ground it is beyond the scope of the direct examination.

6 THE COURT: He has answered the question. Sustained.
7 It is argumentative.

8 Q BY MR. WEEDMAN: Do those words have any meaning
9 for you?

10 MR. KATZ: Objection on the grounds it is immaterial.
11 It is out of the scope of the direct examination.

12 THE COURT: Sustained.

13 Q BY MR. WEEDMAN: What were you doing then as a
14 tentative member of the family as distinguished from being a
15 regular member of the family?

16 A I was working up front in the stables, cleaning
17 up the stables for the horses, renting out the horses, saddling
18 them, feeding them, taking care of them.

19 Q To be clear about it, were you paid for any of
20 these services to Spahn's Ranch?

21 A I got a pack of cigarettes a day and I got to eat
22 and had a little shack to sleep in. So that was, I suppose,
23 the pay.

24 THE COURT: Who paid you that? Who gave you that?

25 THE WITNESS: George and Pearl. Pearl, really. George,
26 I don't think he knew what was going on half the time anyway.

27 Q BY MR. WEEDMAN: What do you mean by that, you
28 didn't think he knew what was going on half the time anyway?

1 A Because he was blind, or he had very poor vision.
2 I don't know whether he was blind or not, but that is what he
3 said, and Pearl helped him around wherever they went shopping,
4 and I don't think that he would have been fully aware of what
5 was going on considering he couldn't see.

6 Q I see.

7 A So he had to go by what people told him.

8 Q After you became a regular member of the family,
9 did you continue to work as a cowboy at the ranch?

10 A For a short time.

11 Q Then what happened?

12 A Then we left and went to Barker's Ranch.

13 Q In other words, for the period of time that you
14 were at Spahn Ranch you worked as a cowboy then, is that so?

15 A Yes.

16 Q That was as a tentative member of the family and
17 also as a regular member of the family?

18 A Yes.

19 Q And you didn't receive any money, as I understand
20 it, but you did receive cigarettes, food, and at least a place
21 to sleep?

22 A Yes.

23 Q Where were you sleeping at Spahn Ranch in those
24 days?

25 A When we first got there, just about anywhere that
26 there would have been some place to sleep, and later on, when
27 I climbed up the totem pole of cowboyism, I got a shack all
28 by myself.

1 Q When you "climbed the totem pole of cowboyism," is
2 that what you said?

3 A Yes.

4 Q You became more proficient, maybe, as a wrangler,
5 as a cowboy?

6 A George liked me.

7 Q George Spahn?

8 A George Spahn.

9 Q Did you know Frank Retz?

10 A No.

11 Q Did you ever know someone by the name of Frank
12 Retz?

13 A I never met him.

14 Q Were you ever present at any time at Spahn Ranch
15 when there was any dispute between members of the family and
16 Frank Retz?

17 A Not that I know of.

18 Q Did you ever hear of any dispute between members
19 of the family and Frank Retz?

20 MR. KATZ: Excuse me. I will object on the grounds it
21 is ambiguous as to the time period. Is he talking about at
22 Barker Ranch or is he talking about Spahn Ranch?

23 MR. WEEDMAN: It doesn't make any difference. I don't
24 care when it happened.

25 THE COURT: Set the time.

26 MR. WEEDMAN: I don't know, your Honor. I have no idea.

27 THE COURT: Let's have the question again. Will you
28 read the question?

(The record was read by the reporter
as follows:

"Q Did you ever hear of any dispute
between members of the family and Frank Retz?"

THE COURT: You can answer it yes or no.

THE WITNESS: No.

MR. WEEDMAN: If I may have a moment, your Honor.

THE COURT: I think we will take a short recess and we
will go ahead right away.

Do not discuss the case, ladies and gentlemen,
or come to any opinion.

We will recess for a few minutes.

You can step down, if you will.

(Recess.)

6B

6B

1 THE COURT: All right, gentlemen. We will proceed.

2 People against Grogan. The defendant is here,
3 counsel are here, the witness is on the stand.

4 State your name again, please.

5 THE WITNESS: Brooks Poston.

6 THE COURT: You have been sworn.

7 Now, bring in the jury, Sheriff.

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

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

13 Go ahead, Mr. Weedman.

14 MR. WEEDMAN: If I may have just one moment?

15 THE COURT: That's all right.

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

17 THE COURT: Sure. Go ahead.

18 Q BY MR. WEEDMAN: Now, Mr. Poston, when you became
19 a regular member of the family, did that mean that you were
20 now engaging in some sexual activity with the girls?

21 A No.

22 Q It did not. Did you ever join in any family sex
23 activity?

24 A Yes.

25 Q When did that begin, or when did that occur?

26 A In the Gresham Street house.

27 Q When was that, Mr. Poston?

28 A It would have been about the first week of February,

1 1969.

2 Q Does that date the time when you became a regular
3 member of the family, or not?

4 A No, sir. It was before that.

5 Q You became a regular family member before?

6 A When I was accepted.

7 Q Okay. How did you feel about becoming involved in
8 this kind of group sex activity with the family?

9 A Uneasy.

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1 Q Did you feel guilty about it ultimately?

2 A No.

3 Q I take it that a time came when you were no longer
4 a member of the family?

5 A Yes.

6 Q When did that happen, again?

7 A In March, 1969.

8 Q What was the reason for your ceasing to be a member
9 of the family, Mr. Poston?

10 A Charlie had sent me back up to the desert to Barker's
11 Ranch to stay. And it came about that someone had given a
12 joint -- in other words, some marijuana -- to a girl in the
13 town of Shoshone, and she got busted with it.

14 And the sheriff was on her, was on the people's
15 trail, the family.

16 So they called Charlie. Charlie sent up Paul
17 Watkins to take everybody down the ranch. Paul came up and
18 said, "Charlie asked if you would like to stay here at the
19 ranch." I said, "Yeah."

20 And then that was the last time that I had seen
21 Charlie. In other words, when I went back up there, and the
22 sheriff came and left.

23 And Paul Crockett showed up. And little at a time
24 showed me what it was that I was in.

25 Q Who showed you?

26 A Paul Crockett.

27 Q Paul Crockett?

28 A In other words, I would say things that Charlie had

1 told me, and he would say, "Well, that's all right. But might
2 not necessarily be that way."

3 Q Can you give us an example of that kind of thing?

4 A Sure. Helter-skelter.

5 Q What did he say, Mr. Crockett say about that?

6 A He said that, "It's all right if you want to go
7 for it. But I don't think I want some of it."

8 Q All right.

9 Would it be fair to say that Paul Crockett drew
10 you away from the Manson family?

11 A No.

12 Q That would not be fair to say?

13 A No. It would be fair to say that I wanted out.

14 Q Well, why -- why did you want out, apart from any-
15 thing that Paul Crockett told you?

16 A Because that was probably the most miserable time
17 I have spent in my life this far.

18 Q With the family?

19 A With the family.

20 Q What was there about that that was so miserable in
21 your life, Mr. Poston?

22 A Because I was constantly under a pressure and --

23 Q What kind of pressure?

24 A From Charlie, to die.

25 Q Charlie, to die?

26 A To die.

27 Q He wanted you to die?

28 A To die.

1 Q We have heard that when you went up to the -- when
2 you went up to Barker Ranch and before you began living with
3 Paul Crockett, that you were, to say the least, a rather
4 depressed, morose young man; is that true?

5 A About as close to dead as you can get without
6 laying down.

7 Q And are you saying that Charles Manson was respon-
8 sible for your mental state at that time?

9 A I would say that through listening to him and to
10 his words and accepting what he said as being true, that I was
11 ultimately in that position.

8 fls

8-1

Q Can you describe that position that you ultimately became in, Mr. Brooks?

A All right. For a time I didn't know if I was dead or alive, because Charlie was constantly telling me, "It's all in your mind; it's in your imagination."

Q What is in your mind and in your imagination?

A Everything.

Q For how long a period did you not know if you were dead or alive, as a figure of speech?

A Not as a figure of speech.

Q Oh, all right.

A I wasn't sure in reality. The reality that I had was so messed up that I wasn't sure.

Q How much formal education had you had at that time, that is, at the time that you arrived at this state?

A I dropped out of high school when I was a senior and once before when I was a junior for the first time.

Q How would you describe your mental state in this connection when you first met Charles Manson?

That may be rather difficult.

Was it different when you met Charles Manson than it became later on, that is, when it became --

A Yes.

Q -- in your mind not knowing if you were dead or alive?

A Yes.

Q Was it better before or worse before?

A Well, looking at it from here, it was better.

8-2

1 Q How did you feel about it then?

2 A Then I was dissatisfied with things as a whole,
3 with life as a whole, with my part.

4 Q Have you ever been in the service?

5 A No.

6 Q Have you ever been drafted?

7 A No.

8 Q Have you ever been called up for induction?

9 A No.

10 Q Would it be fair to say then when you first met
11 Charles Manson and the family that you felt they had something
12 to offer you?

13 A I felt Charlie did, not necessarily the girls,
14 because I figured the girls were just there because of Charlie.

15 Q And you didn't initially, as I understand it,
16 become involved in any of this group sex activity but eventually
17 you did?

18 A Yes.

19 Q You felt what, anxious about it, uneasy about it,
20 but not guilty about it, is that so?

21 A Yes.

22 Q Did you feel better when you were no longer
23 involved in the group sex activity, or did that make any
24 difference?

25 A I felt better when I was no longer involved with
26 the group.

27 Q Period?

28 A Right.

8-3

1 Q Irrespective of the sex activity?

2 A Irrespective of anything, just anything to do with
3 them; in other words, with that way of life.

4 Q Now, can you describe what you were actually doing
5 the period of time that you didn't know if you were dead or
6 alive?

7 MR. KATZ: Excuse me.

8 MR. WEEDMAN: Go ahead, counsel.

9 MR. KATZ: I just want a time period so the record is
10 not ambiguous.

11 THE COURT: I will sustain the objection.

12 Sustained.

13 Q BY MR. WEEDMAN: I take it that it was after you
14 met Charles Manson and before you went to the desert in March
15 of 1969 that you had this feeling you didn't know if you were
16 dead or alive.

17 A Yes.

18 Q Can you give us an idea, if possible, of the month
19 in which you began having this feeling that you didn't know if
20 you were dead or alive?

21 A The feeling was a growing situation. In other
22 words, at first I started seeing things the way Charlie told
23 me that things were; in other words, nothing is real.

24 Q Well, all right.

25 In response to Judge Call's observation, we would
26 like to kind of pin the time down, if you can, as to when you
27 began having these feelings. Then we will go into the
28 feelings in a moment.

1 A This was over a great period of time. In other
2 words, from the time I was at Spahn's Ranch when we were first
3 taking LSD and going on through the February that I last saw
4 Charlie.

5 Q When did you first use LSD, Mr. Poston?

6 A 1968.

7 Q Was that before --

8 A Yes, before I met Charlie.

9 Q Give me the date again.

10 A 1968, before I met Charlie.

11 THE COURT: What month in there? That is a long period of
12 time.

13 THE WITNESS: In approximately April.

14 THE COURT: Of '68?

15 THE WITNESS: Of 1968, yes.

16 THE COURT: All right. Go ahead.

17 Q BY MR. WEEDMAN: About how many times had you used
18 LSD, if more than once, before you met Charlie?

19 A Once.

20 Q And after you met Charlie did you use LSD?

21 A Yes.

22 Q Did you use LSD with the group or alone?

23 A Charlie would bring me a tab of acid when I was
24 up front working, which made working a little bit strange.

25 Q As you were climbing the totem pole of cowboyism
26 you were also using LSD?

27 A Yes; any rope available, yes.

28 Q About how many times did you use LSD when you were

1 with the family?

2 A About 25 times, I believe.

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1 Q I know you are not a medical man, and I am not
2 asking for medical conclusion by my next question.

3 I am asking really about your state of mind.

4 Do you attribute this very strange feeling that
5 you ultimately had, that is, that you didn't know if you were
6 dead or alive, to Charles Manson's teachings without reference
7 to LSD?

8 A It was a combination of both. Because under the
9 influence of LSD it made what he said seem much, much realer.

10 Q We have heard -- lay people have heard, I believe,
11 that LSD is a mind-bending drug. Does that term have any
12 significance for you?

13 A Mind-bending?

14 Q Bending, yes.

15 A I don't know how you could bend the mind.

16 MR. KATZ: There is an objection on the grounds it is
17 wholly ambiguous.

18 MR. WEEDMAN: Well, inasmuch as we have this answer, I
19 agree, and I will withdraw the question, your Honor.

20 THE COURT: All right.

21 Q BY MR. WEEDMAN: Well, how did the LSD affect you,
22 Mr. Poston, repeated -- as I understand it, repeated use of
23 LSD over an extended period of time? How did that affect
24 you?

25 A How do you mean?

26 Q I don't know. How did it affect you?

27 We have heard some pretty strange things about LSD.

28 A Affect how? In what way do you mean?

1 THE COURT: What did it do to you, if anything, after
2 you took it?

3 Q BY MR. WEEDMAN: Well, yes. Perhaps, what is the
4 physical sensation, first of all, and then perhaps you could
5 tell us about some of your subjective reactions.

6 A Physical sensation was that when you drop it, it
7 takes a while for it to start to come on.

8 And you get this feeling that you are sort of
9 waking up sometimes.

10 A couple times like I would get sick to my stomach.
11 Upset stomach. And have a feeling of nausea.

12 And at other times it would come on very smooth.
13 In other words, I think it would depend on your amount that
14 you take. What type it is, et cetera. Has various physical
15 effects.

16 Q Would you hallucinate, or did you hallucinate?

17 A What do you mean by hallucinate? If you mean did
18 I conjure up all sorts of weird things on the wall, et cetera,
19 I did that one time.

20 And other than that, no.

21 Q You say you conjured up all --

22 A In other words, when you hallucinate as I under-
23 stand the word hallucinate, you see things that are not
24 necessarily there in physical --

25 Q Yes.

26 A In the physical presence, right?

27 Q I think it is a good definition.

28 A I did that one time.

1 Q Would it distort, so far as you can tell, did it
2 distort reality, however, for you when you took LSD?

3 A It changed the reality of things. It changed the
4 way I looked at things.

5 In other words, things that I looked at when I was
6 on LSD looked much different than when I viewed them without
7 LSD.

8 Q Did you have any bad trips, if that term has
9 significance?

10 A Did I have any -- did I have any good ones?

11 Q All right.

12 Well, did you have any good ones, then?

13 A The very first one I took was very smooth. Because
14 I didn't take a whole lot.

15 Q Was that before you met Charlie?

16 A Before I met Charlie.

17 After I got with Charlie, every time I would take
18 LSD it was like a great pressure would be there for me to do
19 something.

20 At first I didn't even know what it was I was
21 supposed to do. But it always seemed like I was supposed to
22 do something.

23 In other words, and then Charlie would say, "Give
24 it up. Give it up. Die. It's all in your mind. It's in
25 your head. It's not real. Nothing is real. Nothing matters."

26 Until it became -- that became my reality rather
27 than the other.

28 Q And this continued in your life up until the early

1 part of 1969, is that so?

2 A The last trip I took, are you speaking about that?
3 Or just the effect?

4 Q Yes, I think it would be if you know when the
5 last trip was.

6 A Yeah, it was when we were at the Gresham Street
7 house or -- not at the Gresham because I did not take any at
8 Gresham.

9 Last one I took was in the desert at Barker's
10 Ranch. Then I didn't take any after that.

11 MR. KATZ: Can we have a date in there, counsel?

12 MR. WEEDMAN: I will try. Thank you.

13 MR. KATZ: Thank you.

14 THE WITNESS: That was in December of 1968. Towards the
15 end of December.

16 Q BY MR. WEEDMAN: When did Charlie send you out to
17 Barker Ranch?

18 A Which time? When he sent just me without him
19 going?

20 Q Yes.

21 A That was in February of '69.

22 Q And had you used LSD in February of 1969?

23 A No.

24 Q So the last time you had used LSD was, are you
25 telling us, in December of 1968?

26 A Yes.

27 Q In any event, was it when you were sent up to
28 Barker Ranch by Charlie in February of 1969 that you had this

1 feeling that you didn't know if you were dead or alive?

2 A That feeling was really strong in December of 1968
3 through January and most of February of '69.

4 And then after most of the family left, in other
5 words, except for myself and a girl named Juanita, and then I--
6 we didn't see Charlie again until that September of '69. Then
7 the feeling changed.

8 Because I got out of the "do nothing rut" that I
9 was in.

10 In other words, I started to get my body back to
11 where I could walk more than a hundred feet without sitting
12 down and resting.

13 Q Were you able to do your chores as a cowboy,
14 however, when you were at Spahn Ranch?

15 A Yes. Because most of the time when I was being a
16 cowboy at Spahn, the feeling wasn't there. In other words,
17 it was just coming on very slowly.

18 Q Now, during that period of time when you were at
19 Spahn Ranch, was there friction between members of the family
20 and George Spahn?

21 A George would get mad every now and then that there
22 was too many people there. And that there wasn't enough food
23 to eat or the work wasn't getting done.

24 Q Did George pay anybody for work at Spahn Ranch
25 other than with a package of cigarettes, some food and a place
26 to sleep?

27 A Over his objection I think he was paying Bennie,
28 one of the cowboys. He was the only paid cowboy that I know of.

1 And every now and then another little cowboy, Larry
2 Craven, they would give him maybe five dollars and send him
3 downtown on a Wednesday night to drink beer.

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1 Q I see. So would it be fair to say then that the
2 work at the ranch was being performed almost -- well, let me
3 start over again. Withdraw that.

4 Would it be fair to say then that at Spahn Ranch
5 during this period of time that you were there that George
6 Spahn had the benefit of the efforts of yourself and other men
7 there doing cowboy work and all he had to pay for it was
8 cigarettes and food and a place to sleep?

9 A Yes.

10 Q And that arrangement seemed to agree with George
11 Spahn, didn't it?

12 A Very much.

13 Q That arrangement seemed to agree with Ruby Pearl,
14 too, didn't it?

15 A Yes.

16 Q I take it the ranch was making money at this period
17 of time by renting horses and --

18 A It was when we first got there.

19 Q What happened later on?

20 A The business dropped off.

21 Q Is that the horse riding or the horseback riding?

22 A Yes; the rentals.

23 Q What about movies? Were any movies ever shot
24 while you were there?

25 A Yes.

26 Q Did you make any money as a result of those movies
27 being shot?

28 A No.

10-2

1 Q Did any of the other members of the Manson family
2 who were working as either cowboys or at least doing chores
3 around the ranch receive any money as a result of movies
4 being shot there?

5 A Not as far as I know.

6 Q Did you know Shorty Shea?

7 A Yes.

8 Q When did you meet Shorty?

9 A 1968, in July or August of '68.

10 Q What was he doing at that time?

11 A Well, he was supposed to have been a stuntman-
12 actor and he was working with some other guy named Vance --
13 not Bill Vance, another one --

14 Q Lance Victor?

15 A Yes, Lance, right.

16 And he was supposed to be doing parts in movies.

17 Q Did you ever see him -- excuse me.

18 A But I understood that they were doing some
19 photography, or something like that, on the side.

20 Q What kind of photography?

21 A Pornography photography.

22 Q Shorty Shea was involved in that?

23 A That is what I understood. I don't know. That
24 is what I heard.

25 Q All right. In any event, did you ever see Shorty
26 Shea perform in any films at Spahn Ranch?

27 A Yes.

28 Q When was that?

1 THE COURT: Gentlemen, I think we are drifting from
2 cross-examination.

3 MR. WEEDMAN: It may be true, your Honor. I picked up
4 that thread and I started -- I'll get back --

5 THE COURT: I think we are getting a little far off the
6 cross.

7 Q BY MR. WEEDMAN: Let's go back then to a time when
8 you went up to Barker's Ranch at Charlie's request and you
9 are up there alone with Juanita.

10 A Yes.

11 Q Was Juanita sort of your girlfriend at this time?

12 A No.

13 Q Did she ever become your girlfriend?

14 A No.

15 Q Were you living with Juanita?

16 A Yes.

17 Q Were you having sexual relations with her?

18 A No.

19 Q Okay. Did she have someone else who was her
20 boyfriend when you were up there with her at Barker's Ranch,
21 as I understand it, in February and March of 1969?

22 A Not at that time, no.

23 Q She eventually did have one of the Berry brothers?

24 A Yes.

25 Q When did you meet Paul Crockett for the first
26 time?

27 A In March 1969.

28 Q March of 1969 had you begun to get rid of this

1 feeling that you didn't know if you were dead or alive?

2 A No. Well, at times it seemed like that I could
3 put it aside and go ahead and look at things, at least inside
4 it was stronger that way than to look at things and everything
5 was a blur -- not necessarily an actual blur, but that they
6 seemed unreal.

7 Q During this period of time when you didn't know if
8 you were dead or alive, what were you doing, that is, physically?

9 A As little as possible.

10 Q Did you sleep a lot?

11 A Yes.

12 Q Did you just sort of check out?

13 A Check out?

14 MR. KATZ: Excuse me, your Honor. I object on the ground
15 it is totally ambiguous as to what counsel means by "check
16 out."

17 MR. WEEDMAN: It is not in Webster's dictionary, I agree.
18 I will withdraw the question.

19 Q Did you care whether you were dead or alive during
20 this period of time?

21 A Yes.

22 Q And I take it then that you cared to be alive?

23 A Yes.

24 Q I am asking for your state of mind now: did you
25 regard this period of time in which you didn't know if you
26 were dead or alive as a period in which you were suffering
27 from some kind of mental illness?

28 MR. KATZ: I'm going to object to the question on the

1 ground it calls for a legal conclusion. He can describe his
2 state of mind, and once again the triers of fact can draw any
3 inference they choose to draw. Mental illness has a legal
4 connotation.

5 THE COURT: Read the question.

6 (The record was read by the reporter
7 as follows:

8 "Q I am asking for your state of
9 mind now: did you regard this period of time
10 in which you didn't know if you were dead or
11 alive as a period in which you were suffering
12 from some kind of mental illness?"

13 THE COURT: Well, I think unless it is related to the
14 time of the conversation with the defendant that he said he
15 had it would be immaterial. He could have had hallucinatory
16 periods at any time. Unless it is related to this conversa-
17 tion here, it would have no bearing.

18 I would be inclined to sustain the objection
19 unless it is limited down to when he had this conversation.
20 Then it could be of importance.

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1 MR. WEEDMAN: Of course, your Honor, if I come right out
2 and ask him, he is going to say "No."

3 I think I am entitled to lead him into it. That
4 is what cross examination is all about, if your Honor please.

5 THE COURT: I would sustain the objection. I will allow
6 a yes or no answer if you desire to put it that way.

7 Let's get back to the question again. Read the
8 question.

9 MR. WEEDMAN: Let me withdraw the question, your Honor.

10 THE COURT: All right.

11 Q BY MR. WEEDMAN: At the time you had the conversa-
12 tion that you told us about with my client, did you consider
13 that you were mentally ill?

14 A No.

15 Q In your own mind, did you blame Charles Manson for
16 this terrible period in your life when you didn't know if you
17 were dead or alive?

18 A I blamed myself.

19 Q Did you blame Charles Manson?

20 A How do you mean, "blame"? In other words, did I
21 attribute the fact that I was there to him? I got into the
22 family, and that I did. After that, what Charlie told me and
23 how it affected me is partially Charlie; in other words, his
24 responsibility for ^{what} he has done; in other words, for the way he
25 puts things on and for the reaction that people give to it.

26 Q How do you feel, or how did you feel, towards
27 Charles Manson then as a consequence of your going through this
28 terrible period in your life?

1 MR. KATZ: Excuse me. It calls for a compound answer.
2 He said first, "How did you feel?" And "How do you feel?"

3 THE COURT: I will sustain the objection. The question
4 is argumentative. "How do you feel?" He can give you an
5 answer. I think he has. But the question is argumentative.
6 Sustained.

7 Q BY MR. WEEDMAN: How do you regard Charles Manson?

8 A I learned a lot from him.

9 Q Did you feel that Charles Manson was responsible
10 for this terrible period in your life when you didn't know
11 if you were dead or alive?

12 A No, not totally.

13 Q What else was responsible for it in your mind?

14 A Myself. I was, for accepting what he said.

15 Q What about the use of LSD? Do you feel that this
16 had some lingering effect on your mental processes? By that
17 I mean, do you feel that it continued from time to time to
18 affect you after you finally stopped taking it?

19 A No.

20 Q Did you use any other drugs during the period of
21 time that you were with the family?

22 A Yes.

23 Q What did you use?

24 A Marijuana and hashish, mescaline.

25 Q What is mescaline?

26 A It is something similar to LSD, as far as I know.
27 I don't know exactly what it is.

28 Q How long would one of these LSD trips last, if

1 you can give us an average length of time.

2 A From night -- in other words, from, if you take
3 the acid at 9:00 o'clock, by sunrise it is probably wearing
4 off.

5 THE COURT: When does it wear off?

6 THE WITNESS: The total effect?

7 THE COURT: Yes.

8 THE WITNESS: Probably two or three days.

9 Q BY MR. WEEDMAN: How often in a week would you use
10 LSD during the period of time you were with the family?

11 A That changed. I mean, there was no specific day
12 of the week that you took LSD because there was no set way of
13 obtaining the LSD. In other words, there was not a constant
14 supply.

15 Q What is the most number of times in one week
16 that you took LSD?

17 MR. KATZ: At this point there will be an objection on
18 the ground it is outside the scope of the direct, and
19 immaterial.

20 THE COURT: Read the question.

21 (The reporter read back the question
22 as follows:

23 "Q What is the most number of times
24 in one week that you took LSD?")

25 THE COURT: I will sustain the objection. Sustained.

26 Q BY MR. WEEDMAN: Did Juanita, this girl that you
27 were with at Barker Ranch, use LSD, to your knowledge?

28 A Yes.

1 Q Was she a member of the family?

2 A As far as I know.

3 Q Where did you see her use LSD?

4 A At Myers Ranch, which is about a quarter of a mile
5 from Barker's Ranch, when we first got to the desert.

6 Q That was in December of 1968?

7 A No, sir. That was in November of 1968.

8 Q Were you using LSD at this period of time?

9 A Yes.

10 Q And you continued to use LSD, I believe you told
11 us, until December of 1968?

12 A Right, at the end of December.

13 Q Did you literally leave the family, or did you just
14 kind of drift away, or how was that?

15 A I asked to be released of all my agreements with
16 Charlie.

17 Q What did Charlie say?

18 A "Yes."

19 Q When was that?

20 A That was when Paul went down for his physical --
21 no, it wasn't. It was when -- in May of 1969.

22 Q Where was Paul Watkins at this time, in May of
23 1969?

24 A He had come up the wash to -- him and another girl
25 and Bo came up the wash to bring supplies to Juanita and
26 myself.

11 fls

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11-1

Q When did you begin to live with Paul Crockett?

A In March 1969.

Q Where was that?

A Barker's Ranch.

Q You were already at Barker's Ranch at that time?

A Yes. So they moved in.

Q Who moved in?

A Him and Bob Berry.

Q Did Crockett pay rent for this?

A About the same way I got paid at Spahn's Ranch.

They had food.

Q What was Crockett doing for a living at this time, if anything, when he moved in with you?

A As far as I know they were prospecting mining properties.

Q How did you particularly come to meet Crockett in the first instance?

A 'Cause they drove up in the yard.

Q He and Berry?

A Yes.

Q And then what happened?

A Then they got out of the truck and came in, and we started talking in the ranchhouse.

Q And then from that day on they lived at the ranchhouse?

A Yes.

Q Berry and Crockett?

A Yes.

11-2

1 Q Where was Watkins at this time?

2 A Still with the family.

3 Q But he came up a little bit later on, right?

4 A Yes.

5 Q And joined you, Watkins -- I am sorry -- you,
6 Crockett and Berry, is that so?

7 A Yes.

8 Q And Juanita was already there, right?

9 A Uh-huh.

10 Q Okay. Would it be fair to say that you formed
11 a little family of your own then at this time?

12 A No.

13 Q Did you discuss Charles Manson with Paul Crockett?

14 MR. KATZ: I will object unless we know what time period
15 we are talking about.

16 THE COURT: Sustained.

17 Q BY MR. WEEDMAN: Did you discuss Charles Manson
18 with Paul Crockett in May of 1969?

19 A Yes.

20 Q Did you discuss him in June of 1969?

21 A It was more -- not so much as a discussion at
22 first, because at first I was trying to play Charlie.

23 In other words, I was putting out all the Charlie
24 words.

25 And he was looking at me like I was just a little
26 bit on the strange side.

27 And we talked about what Charlie said because
28 that was all I had. That's -- you know, if I talked to him

11-3

1 I said, "Well, Charlie said and Charlie said and Charlie
2 said."

3 Q And did Paul Crockett lead you to a point or get
4 you to a point then when you no longer believed Charles Manson?

5 A He asked me if I wanted to get out of what I was
6 in. And I said, "Yes."

7 And he said, "Okay."

8 And then --

9 Q Excuse me. How old is Paul Crockett?

10 A I don't know.

11 Q Late forties?

12 A I don't know.

13 Q You don't know at all?

14 A No. I never asked him.

15 Q In any event did he --

16 MR. KATZ: Excuse me, your Honor. Counsel had asked a
17 question and interrupted the answer for purposes of eliciting
18 the age of Mr. Crockett.

19 May the witness be allowed to continue his answer.

20 MR. WEEDMAN: Yes. I agree.

21 THE COURT: All right.

22 MR. KATZ: If we could have that question reread to
23 Mr. Poston and his partial answer.

24 THE COURT: The question is still pending.

25 MR. KATZ: Yes. We are going to ask for the question
26 to be read.

27 THE COURT: Is the question pending or withdrawn,
28 though? Otherwise the answer should be had.

11-4

1 MR. WEEDMAN: Apparently I forgot I had a question in
2 there, your Honor.

3 THE COURT: All right. Read the question.
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(The record was read by the reporter
as follows:

"Q And did Paul Crockett lead you
to a point or get you to a point then when you
no longer believed Charles Manson?

"A He asked me if I wanted to get
out of what I was in. And I said, 'Yes.'

"And he said, 'Okay.'

"And then -- ")

THE COURT: All right.

"And then" what, Mr. Witness?

Then finish your answer.

THE WITNESS: And then he set about to set up a program
of like rehabilitation of my body.

In other words, we climbed mountains and went to
those old mines up in that area and carried ore down on our
backs.

And I finally got to the point to where I was
physically pretty sound.

THE COURT: Now, your next question.

Q BY MR. WEEDMAN: How much money were you earning
in those prospecting days?

A Still the same amount. None.

Q None at all?

A No money. For all the time that I worked during
that prospecting I got a cowboy hat and a pair of Levis,
and I lost both.

Q Who gave you those items?

11-6

1 A Stanley Berry came up. He was working Paul and
2 Bob. And he gave Bob some money, and Bob and Juanita and
3 Paul Watkins and myself went to Trona, and they gave us \$10
4 apiece.

5 Q Did you, however, manage to come up with some gold?

6 A Yes.

7 Q Who got the money from the sale of the gold?

8 A No one, 'cause we didn't sell any.

9 Q You didn't sell any at all?

10 A No. What it amounted to was we were getting the
11 ore down, and we had such a small way to do things that we
12 were beating the ore -- in other words, crushing it up in a
13 hand mortar and pestle, which is a little steel pot, and you
14 beat it with a steel rod into a fine dust, and you pan it
15 by hand, which isn't a very efficient way to get the gold.

16 What it amounted to was got about that much
17 (demonstrating).

18 MR. KATZ: There is an objection on the grounds we don't
19 know what time period we are talking about. Was this before
20 Watkins joined or after?

21 THE WITNESS: This was when Watkins was there.

22 Q When Watkins was there and you were off hauling
23 all these heavy sacks of ore and so on, wasn't gold taken to
24 Las Vegas and sold?

25 A As far as I know Paul Watkins took in one time,
26 some gold in the bottom of one of those little -- it's a
27 plastic capsule like this (demonstrating) and there was
28 mercury. In other words, the gold was all amalgamated into

1 mercury.

2 And I don't think he sold it. He just took it to
3 someplace and wanted to try to sell it. But he brought the
4 gold back.

5 Q So we will be clear about it then, you did not
6 produce approximately an ounce of gold every three days during
7 the prospecting?

8 A I wouldn't say so.

11a

11A

1 Q Okay. Did you have any other sources of money in
2 those days of prospecting, that is, any sources of money,
3 period?

4 A I, myself?

5 Q Yeah.

6 A No.

7 Q Did a time come several months later when you
8 participated in the sale of a story?

9 A Yes.

10 Q To a publisher.

11 How much money did you get for that?

12 A My share --

13 THE COURT: Gentlemen, I think we are drifting away from
14 the direct examination.

15 MR. KATZ: I think counsel is entitled to go into this.
16 This would go into the issue of bias, if any.

17 THE COURT: Well, I would be inclined to make an objec-
18 tion and sustain it.

19 MR. WEEDMAN: Forgive me, your Honor, but counsel agrees
20 that it is a proper area to go into.

21 THE COURT: Well, I don't know.

22 MR. KATZ: Your Honor, it is --

23 THE COURT: I don't know. Not on cross, I don't think.
24 It wasn't gone into at all on direct. Not at all.

25 MR. KATZ: Your Honor, I think the issue is whether or
26 not there is any bias or motive to fabricate. I think counsel
27 has the right to examine the witness in that respect.

28 THE COURT: It might be. All right.

1 I will withdraw the objection.

2 MR. KATZ: Thank you, your Honor.

3 THE COURT: Restate the question.

4 MR. WEEDMAN: I will restate the question.

5 Q How much money did you get?

6 A My share was \$1100.

7 Q Did you get any other moneys for the sale of any
8 stories to any publication?

9 A No.

10 Q Did you ever do anything with the expectation of
11 being paid and then not receive the money?

12 A People we were working with, we had an agreement
13 between us that whatever stories were sold, that we were to
14 receive four-sevenths, which would include Paul Crockett,
15 Paul Watkins and Juan Flynn and me.

16 Q Did anyone else up there make any kind of deals
17 for the sale of stories that you know of?

18 A Anyone else?

19 Q Other than you, Watkins, Crockett and Juan Flynn?

20 A There was no one else involved on our end.

21 Q And were these stories about the Manson family
22 that you sold?

23 A Yes.

24 Q Were these stories about my client, Mr. Grogan,
25 that you sold?

26 A He was included.

27 Q Would it be fair to say that these publishers
28 were looking for sensational stories?

1 A It would be very fair to say that, yes.

2 Q All right.

3 A Also be fair to say that they distorted everything
4 we said and that very little of what did appear were quotes
5 from us.

6 Q But in any event, these people were looking to you
7 for sensational stories, isn't that a fair statement?

8 A That was what they wanted.

9 Q That is what they were paying for?

10 A No. What they were paying us for was life with
11 the family, just in a communal aspect. That was what the
12 agreement read.

13 And what they made of that didn't seem to fill
14 the bill.

15 Q Now, when did you have this conversation with my
16 client when he told you about killing Shorty Shea?

17 A In September of 1969.

18 Q What day in September?

19 A On or about the 15th or the 20th, I think.

20 Q How do you fix it as on or about the 15th or the
21 20th of September?

22 A Because Paul and I, Paul Crockett and I, wound
23 up in Shoshone in -- on the 2nd of October. And it was
24 approximately two weeks before or maybe a little less, that
25 I talked to Clem.

26 Q But how do you remember it was approximately
27 two weeks before you went to Shoshone that you had the
28 conversation with Steve?

1 A Because the whole family was there for approxi-
2 mately one month.

3 And Clem didn't get there until the latter part
4 of their stay. In other words, he didn't get there -- I
5 didn't see him, anyway, until the later part.

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Q When did they leave?

MR. KATZ: When did who leave?

MR. WEEDMAN: The family.

MR. KATZ: Excuse me. I will object on the grounds it is ambiguous as to which time and who left.

THE COURT: Give me the question.

(The record was read by the reporter as follows:

"Q When did they leave?")

THE COURT: Now read the objection, please.

(The record was read by the reporter as follows:

"MR. KATZ: Excuse me. I will object on the grounds it is ambiguous as to which time and who left.")

THE COURT: You can answer the question.

MR. KATZ: Your Honor, it also assumes facts not in evidence, namely, the family left when Mr. Poston was still at Barker Ranch. Testimony has been to the contrary.

THE COURT: See what he says.

You can answer the question.

Is it clear to you?

THE WITNESS: No.

THE COURT: Do you want it re-read?

THE WITNESS: Yeah.

THE COURT: Read the question.

(The record was read by the reporter as follows:

1 "Q When did they leave?")

2 THE WITNESS: Who is "they"?

3 Q BY MR. WEEDMAN: The family.

4 MR. KATZ: At which time? I will object on the grounds
5 it is ambiguous. At which time?

6 MR. WEEDMAN: All right. Let me withdraw the question.

7 THE COURT: All right. It is withdrawn.

8 Q BY MR. WEEDMAN: I am trying to find out why you
9 remembered that it was about two weeks before you went to
10 Shoshone that you had this alleged conversation with my client.
11 Is there anything else that --

12 A I have approximated that. Now, I am not -- I
13 couldn't say that it was exactly the 15th or exactly the 20th.
14 You said to approximate a date. "Give me a date."

15 And so it was approximately a week and a half to
16 two weeks before we walked out to Shoshone.

17 Q Now, had you seen Paul Watkins at any time during
18 the month of September?

19 A Yes.

20 Q And prior to the time that you had this alleged
21 conversation with my client.

22 A Yes.

23 Q Did you mention this conversation to Paul Watkins?

24 A No.

25 MR. KATZ: Excuse me. Wait a minute.

26 May I have that question re-read?

27 THE COURT: Yes. I wish --

28 MR. KATZ: Pardon me.

1 MR. WEEDMAN: I will start over.

2 THE COURT: Put the date in. There is no date.

3 MR. KATZ: The question is withdrawn. No problem.

4 THE COURT: Get the date in. Restate your question.

5 Q BY MR. WEEDMAN: Did you have any conversations
6 with Paul Watkins relative to any conversations had with my
7 client?

8 MR. KATZ: At which time? I will object on the grounds
9 that it is ambiguous as to time.

10 THE COURT: It is a little ambiguous.

11 MR. KATZ: Talking about before the conversation with
12 the defendant, or after?

13 MR. WEEDMAN: I will start over again.

14 THE COURT: Well, try to state your question again,
15 please. Then I will give you a ruling.

16 Q BY MR. WEEDMAN: Prior to having any conversation
17 with my client, did you have any conversations with Paul
18 Watkins relative to my client and Shorty Shea?

19 A No.

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12-1 1 Q Did you see Paul Watkins during the month of
2 September prior to your allegedly having this conversation
3 with my client?

4 THE COURT: September of --

5 THE WITNESS: Yes.

6 THE COURT: September of 1969?

7 MR. WEEDMAN: Yes, your Honor.

8 THE COURT: I assumed that, but I wanted it clear.

9 MR. WEEDMAN: Yes, your Honor, 1969.

10 Q Did you see Paul Watkins during the month of
11 September of 1969 and prior to having this alleged conversation
12 with my client?

13 A Yes.

14 Q At that time did you have any discussion with
15 Paul Watkins or he with you about any conversations relative
16 to my client and Shorty Shea?

17 A No.

18 Q Were you living with Paul Watkins at this time?

19 A Yes.

20 Q Were you living with Paul Crockett at this time?

21 A Yes.

22 Q Did you have any conversations relative to my
23 client with anyone during the month of September 1969 other
24 than my client?

25 A No.

26 Q Did you ever go and tell Paul Watkins about this
27 conversation that you allegedly had with my client?

28 A Yes.

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1 Q And that was in the police car, is that so?

2 A Yes.

3 Q Where was Mr. Crockett at this time?

4 A Same car.

5 Q So are you the first one that brought up the
6 subject of a conversation between my client and -- strike that.
7 Let me start over again.

8 What was said and by whom in the police car about
9 my client?

10 A Paul Watkins --

11 Q What did he say?

12 A He said that Clem had told him about the same
13 story that Charlie had told us, about doing in Shorty.

14 Q Did you mention any conversation of Charlie Manson's
15 to anyone prior to being in the police car?

16 A To anyone?

17 Q Yes.

18 A Yeah.

19 Q Who was that to?

20 A Deputy Sheriff Donald Ward.

21 Q Where and when?

22 A On about October 3rd, 1969, in Tecopa, California,
23 which is about 10 miles from Shoshone, which is where they took
24 us to make the first tape.

25 Q When did you first mention any conversation that
26 you had with Charles Manson about Shorty Shea to anyone?

27 A Then.

28 Q Had you previously mentioned any such conversation

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1 to Paul Watkins?

2 A No.

3 Q Nor to Paul Crockett?

4 A No, because Paul was there when he told me.

5 Q Paul was where?

6 A Paul was with me in the ranchhouse when Charlie
7 talked to us.

8 Q Did you ever tell Paul Crockett about a conversa-
9 tion that you had with my client before you were on your way
10 to the --

11 A Inyo County.

12 Q -- on your way to the sheriff's station -- is that
13 what it was?

14 A No.

15 Q Did you ever tell anybody prior to the time that
16 you at least began to be interrogated by the police about any
17 conversation that you had with my client?

18 A No.

19 Q Why not?

20 A Because I didn't want to.

21 Q Why not?

22 A Because it seemed that -- well, for one thing I
23 didn't want to get involved in all this stuff. I didn't want
24 to be a witness and get involved in all of this, and --

25 Q Well --

26 MR. KATZ: Excuse me. Can the witness finish the answer?

27 MR. WEEDMAN: If he has not finished.

28 THE COURT: Have you finished your answer?

1 THE WITNESS: Could I have the question again, please?

2 THE COURT: All right. Next question.

3 MR. KATZ: He wants the question reread.

4 THE COURT: All right.

5 MR. KATZ: Thank you, your Honor.

6 THE COURT: Go ahead. Read it.

7 (The record was read by the reporter

8 as follows:

9 "Q Why not?")

10 MR. KATZ: I think he means the question previous to that.

11 THE COURT: I think you are the one that is confused.

12 Let's back up. Read the question and read the answer.

13 (The record was read by the reporter

14 as follows:

15 "Q Did you ever tell anybody prior

16 to the time that you at least began to be

17 interrogated by the police about any conversa-

18 tion you had with my client?

19 "A No.

20 "Q Why not?

21 "A Because I didn't want to.

22 "Q Why not?

23 "A Because it seemed that -- well,

24 for one thing I didn't want to get involved in

25 all this stuff. I didn't want to be a witness

26 and get involved in all of this, and")--

27 THE COURT: "And" what, if anything else?

28 THE WITNESS: I'll let it go. I don't even remember what

1 I was going to say.

2 Q BY MR. WEEDMAN: What brought about the fact that,
3 as I understand it, you and Watkins and Crockett are riding
4 along in a police car together at a time when apparently
5 Watkins said something about a conversation?

6 A What brought that about?

7 Q Yes. How come it to be that you were in this
8 police car?

9 A We were going to Inyo County for the purpose of
10 Charlie's preliminary hearing. No; for identification of
11 pictures, is what it was. Identification of pictures. They
12 had all the family that was busted at Barker's Ranch, they
13 had the pictures up there and they wanted them identified.

14 Q I take it you had not been arrested?

15 A No.

16 Q Nor had Crockett or Watkins, is that so?

17 A Correct.

18 Q You were being transported to the courthouse by
19 the sheriff as witnesses, is that so?

20 A Yes.

21 Q And the charge was -- the charge was automobile
22 theft, if you know?

23 A Yes.

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1 Q Against Charles Manson?

2 A At that time they were still wanting to identify
3 them, get the names down. I'm not sure if they had charges
4 against him or not.

5 Q Do you know the date when you were on your way to
6 the courthouse?

7 THE COURT: I think, gentlemen, we are drifting away from
8 cross examination, a long ways from it. I'm inclined to make
9 my own objection and sustain it.

10 MR. WEEDMAN: Your Honor, it is a matter of credibility,
11 the fact that such an interesting conversation was not reported,
12 was not recounted, by this witness, to anyone else until he is
13 in a police car.

14 THE COURT: I will sustain the objection. We are a long
15 way from the direct. I have no objection to allowing -- I
16 think we are away from the direct, way out of the bounds.

17 MR. KATZ: Your Honor, may I be heard for one moment?

18 THE COURT: No. I'm going to make a ruling. I'm not
19 going to open up on cross and take direct testimony on cross.
20 You have had your direct, which went to meeting certain people
21 at the ranch, a conversation with the defendant, and that was
22 the direct, in substance. I took some there of the original
23 discussion we had respecting some of the boundaries of the
24 cross. That is why I had it read back.

25 MR. KATZ: I think, however, if I may be heard for one
26 moment, I think counsel once again has the right and the duty
27 to inquire of the witness as to when he first told the
28 conversation he had with Clem and to whom, and I think that goes

1 to the issue of whether he can remember the conversation, his
2 credibility.

3 THE COURT: I think it can be opened up. It is endless.

4 I will sustain the objection that I made, and
5 that is it.

6 MR. KATZ: May we approach the bench?

7 THE COURT: No. I've made a ruling. That is it.
8 Sustained.

9 Q BY MR. WEEDMAN: What did Paul Watkins tell you
10 in the police car about my client?

11 MR. KATZ: Excuse me, your Honor. There is an objection,
12 only on the ground that I would like to know under what
13 circumstances the conversation took place, whether Paul just
14 brought it up or there was some response to interrogatories,
15 or what.

16 THE COURT: All right. Give me the question again and
17 the full objection.

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

20 "Q BY MR. WEEDMAN: What did Paul
21 Watkins tell you in the police car about my
22 client?

23 "MR. KATZ: Excuse me, your Honor. There
24 is an objection, only on the ground that I would
25 like to know under what circumstances the
26 conversation took place, whether Paul just
27 brought it up or there was some response to
28 interrogatories, or what.")

1 THE COURT: Well, that question, "Did Paul Watkins have
2 a conversation with you about my client Grogan," to which should
3 be a yes or no answer, I think.

4 I will sustain the objection unless it is first
5 framed in that way to that specific question. Let's get an
6 answer to that.

7 Q BY MR. WEEDMAN: Did you have a conversation with
8 Paul Watkins in the police car about Steve Grogan?

9 A It wasn't really a conversation, but we talked about
10 Steve.

11 Q Is that the first time you had discussed Steve
12 Grogan with Paul Watkins in connection with Shorty Shea?

13 MR. KATZ: Excuse me. I will object on the grounds of
14 the ambiguity of the statement. Does it refer to what Manson
15 said about Clem, or does it refer to what Clem said about Clem?
16 Therefore, there is a latent ambiguity in the question.

17 THE COURT: Read the question the way it was framed,
18 please.

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

21 "Q Is that the first time you had
22 discussed Steve Grogan with Paul Watkins in
23 connection with Shorty Shea?"

24 THE COURT: You can answer that question yes or no. It
25 calls for a yes or no answer.

26 THE WITNESS: That was the first time that we had dis-
27 cussed that.

28 Q BY MR. WEEDMAN: Did Paul Crockett join in this

1 conversation between you and Paul Watkins about my client and
2 Shorty Shea?

3 THE COURT: You can answer that yes or no.

4 THE WITNESS: Yes.

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1 Q BY MR. WEEDMAN: Did Paul Watkins at this time
2 tell you anything about my client talking to Paul Watkins
3 about Shorty Shea?

4 THE COURT: You can answer that yes or no.

5 THE WITNESS: Would you repeat that, please?

6 THE COURT: Yes. Read the question.

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

9 "Q BY MR. WEEDMAN: Did Paul Watkins
10 at this time tell you anything about my client
11 talking to Paul Watkins about Shorty Shea?"

12 THE WITNESS: Yes.

13 Q BY MR. WEEDMAN: Who was the first person to bring
14 up the subject of my client and Shorty Shea in this automobile?

15 A The deputy sheriff.

16 Q And who was the deputy sheriff?

17 A Don Ward.

18 Q Where is he from, if you know?

19 A Where is he from? I don't know. He works in
20 Shoshone. That is his substation there.

21 Q And when the subject was broached, who was the
22 first one to make any response to it?

23 A Do you want what was said?

24 THE COURT: No. It calls for a yes or no answer.

25 Read the question.

26 MR. WEEDMAN: Who was the first person to reply to the
27 deputy, you, Crockett or Watkins?

28 A No, sir, because it was directed to Watkins.

1 Q What did Watkins say?

2 MR. KATZ: I will object on the ground it calls for
3 hearsay.

4 THE COURT: Well, "What did Watkins say respecting the
5 defendant Grogan"?

6 MR. WEEDMAN: Yes, thank you.

7 THE COURT: I will permit that question.

8 Q BY MR. WEEDMAN: What did Watkins say relative to
9 any conversations that he supposedly had with the defendant?

10 A He said, "Yeah, Clem told me about that, talked
11 to me about that," because he was reluctant to talk.

12 Q Who was reluctant to talk?

13 A Paul. I mean he didn't particularly want to get
14 into it very deep.

15 Q Would you tell us what he did say about any alleged
16 conversation between himself and my client?

17 A He said, "Clem told me that they cut his head off."

18 Q Anything else?

19 A That is about the extent of it, in the car.

20 Q And what, if anything, did you say in the car about
21 this alleged conversation between yourself and my client?

22 A I said, "Oh, yeah, too much. He told me the same
23 thing."

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1 Q BY MR. WEEDMAN: Was anything else said in the car
2 either by you or Watkins relative to any alleged conversations
3 had by either of you with my client?

4 A Not that I remember.

5 Q What, if anything, did Paul Crockett say in the
6 automobile about any conversations between himself and my
7 client relative to Shorty Shea?

8 A He told me that he had heard the story -- well, he
9 didn't tell it to me. He told it to the deputy.

10 He told him he heard that same story too.

11 Q Did he say anything apart from that, that he had
12 heard the same story too?

13 A Only that it sounded a little wild.

14 Q He said it sounded a little wild?

15 A Yes.

16 Q That is Mr. Crockett said that?

17 A Yes.

18 Q Now, were the three of you eventually interrogated
19 with respect to things that you may have heard from my client
20 or from Charles Manson?

21 A Yes.

22 Q And when did that interrogation take place, the
23 first one, if there was more than one?

24 A Let's see. The first one was the latter part of
25 October 1969, October, November, in there. Like in the last
26 part, I believe.

27 I am not for sure on that date. And then in
28 December of '69, November or December, I am not sure which,

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1 Dave Steuber of the Highway Patrol.

2 MR. KATZ: Your Honor, at this time may we approach the
3 bench. It has nothing to do with the present discussion.

4 THE COURT: Well, I am inclined to agree. I would
5 sustain the objection.

6 MR. WEEDMAN: There is no objection, your Honor.

7 MR. KATZ: There is no objection, your Honor, but I wish
8 to approach the bench with the court reporter on another
9 matter.

10 THE COURT: But were you objecting at all to the last
11 question?

12 MR. KATZ: No, your Honor.

13 THE COURT: Because I don't know whether it has materiality,
14 if any. I have some hesitancy with respect to the propounding
15 of the questions.

16 MR. KATZ: I am asking at this time permission to approach
17 the bench before the break.

18 THE COURT: All right. Come on up.

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

21 THE COURT: We are in chambers. Go ahead.

22 MR. KATZ: Yes, your Honor. I asked to approach the
23 bench before I forget it because an unfortunate conclusional
24 statement came out of this witness' mouth, -- and I have
25 reference to Brooks Poston -- in response to a question posed
26 by Mr. Weedman as to what Shorty Shea was doing.

27 And I am sure that Mr. Weedman was just as
28 surprised as I was when the answer came out, but the

1 conclusional statement was "I was told that he was also making
2 pornographic movies."

3 I did not object obviously for tactical reasons
4 in front of the jury because it was in front of the jury at
5 that time. But at the earliest convenience, at the first
6 break available, I am coming in here and asking your Honor
7 to strike the conclusional matter that is presently before
8 the jury.

9 I am sure Mr. Weedman has no objection.

10 MR. WEEDMAN: I have no objection to that, your Honor.
11 I think it is proper that it be stricken.

12 THE COURT: Well, I have no objection in granting that.

13 MR. WEEDMAN: We could just not argue it, or however
14 counsel wants to handle it.

15 MR. KATZ: Can we get a ruling on this, that it may be
16 stricken.

17 THE COURT: I did. It may be stricken.

18 I said that.

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

20 THE COURT: I am a little disturbed, I don't say this
21 critically, Mr. Weedman, at all.

22 MR. WEEDMAN: I appreciate that, your Honor.

23 THE COURT: It is not intended to be critical because if
24 I were in your position I might do exactly the same thing.

25 You have your client's interests at heart and so
26 do the People. I am a little worried whether I have granted
27 too much latitude in the extension, in the cross. It bothers
28 me a little.

1 I don't think anybody is hurt by it one way or the other. It
2 has points. It may have points one way or the other.

3 I am not arguing that. Whether I should put some
4 restrictions on the maximum of the cross-examination, that is
5 the only question.

6 I just pose the question.

7 MR. KATZ: May I make an observation, your Honor, if I
8 can, I do appreciate your Honor listening to me.

9 THE COURT: All right.

10 MR. KATZ: I realize that you have to make the final
11 decision, and certainly both counsel will always abide by
12 your Honor's rulings.

13 And I think what counsel has been driving at, and
14 I think he does have a right to inquire into the area of not
15 only of bias and any prejudice a witness may have towards
16 either Mr. Manson because he was such a prominent figure in
17 the trial, or towards the defendant, but also I think he may
18 elicit such information which may or may not affect the ability
19 of this witness to recall accurately what was said.

20 So in that connection I think it is proper for
21 Mr. Weedman to ask, "Well, who was it that you first told
22 concerning the Shorty Shea killing, respecting what Mr. Grogan
23 said about the killing?"

24 "When was it that you first told that person?"

25 "Did you tell that person everything you knew at
26 that time?"

27 "Did you discuss this case with other people?"

28 "Did they tell you what you knew?"

1 "Do you know whether you are testifying based upon
2 your memory of what Clem said or whether on what Mr. Watkins
3 and Mr. Crockett said?"

4 And I think these are really fair areas of inquiry,
5 and that is why I have not posed any objections here.

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1 THE COURT: Well, I understand your point. But it has
2 its perils, too. It works both ways.

3 I have allowed a considerable latitude in full
4 respects for Mr. Weedman's position, and I am impressed with
5 your position. I am not adverse to your possible position at
6 all.

7 It is a question as to the ultimate latitude the
8 court should allow. Either counsel could suddenly find himself
9 presented with situations that may be aroused, may be involved
10 by extensive cross, or redirect by the People that bring in
11 matters and issues that shouldn't be presented in this case.
12 Might come in, I don't know.

13 I do think you have a very extensive and well-
14 pointed cross examination. I take no exception to it at all.

15 I think probably the court should exercise possibly
16 some restraints on too extensive a cross in here.

17 MR. WEEDMAN: Well, I am about to conclude, of course,
18 in this area of whether or not this witness related this
19 alleged conversation to anyone else. And that's rather a
20 traditional way of exploring credibility of an alleged
21 confession.

22 THE COURT: I am not criticizing you at all. There is
23 no criticism directed.

24 MR. WEEDMAN: For example, you know in a rape case, why,
25 they always ask the victim if she made any complaint to anybody
26 right away. And it's considered to be immaterial matter.

27 I should add, your Honor, something perhaps your
28 Honor doesn't know.

1 THE COURT: All right.

2 MR. WEEDMAN: Because I think it is true. Mr. Crockett
3 is going to be called as a prosecution witness, you see.

4 THE COURT: I see.

5 MR. WEEDMAN: So if your Honor is afraid that I am going
6 to get into that kind of a statement --

7 THE COURT: I don't know, you see. I am in a nebulous
8 state here.

9 MR. WEEDMAN: Yes.

10 THE COURT: Well, go ahead, and we will see where we
11 go.

12 MR. WEEDMAN: All right, your Honor, but I am not going
13 to go on much longer.

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1 THE COURT: We are up to 12 now.

2 MR. WEEDMAN: We are up to 12.

3 THE COURT: Let's go over to 2 o'clock.

4 MR. WEEDMAN: Thank you, your Honor.

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

8 THE COURT: Now we are back in court. Counsel are here,
9 the jurors are here.

10 Ladies and gentlemen, we are one minute past the
11 hour of noon. Let's recess until 2 o'clock.

12 Now, do not discuss the case at all or come to any
13 opinion or conclusion.

14 Kindly return promptly at 2 so we can go right
15 ahead. Thank you very much.

16 We will resume with you at 2 o'clock. Thank you
17 very much.

18 The court is in recess.

19 (The noon recess was taken to
20 2 o'clock p.m. of the same day.)
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#15 1 LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 13, 1971; 2:05 P.M.

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4 THE COURT: Now, gentlemen, we will proceed. People
5 against Grogan.

6 The defendant is here. Both counsel are here.

7 And we will bring in the jury.

8 Will, you, Sheriff, please?

9 THE BAILIFF: Yes, sir.

10 THE COURT: Go ahead.

11
12 BROOKS POSTON,
13 resumed the stand.

14 THE COURT: You take the stand. You have been sworn.

15 Please tell us your name again.

16 THE WITNESS: Brooks Poston.

17 THE COURT: All right. That's it. Pull your chair right
18 up and talk into the telephone. That's it.

19 And now we will wait till the jury gets in here.

20 (The following proceedings were had in open
21 court in the presence of the jury.)

22 THE COURT: Now we have all of our regular jurors, plus
23 our three alternates.

24 So you may proceed.

25 MR. WEEDMAN: Thank you, your Honor.
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CROSS EXAMINATION (Resumed)

BY MR. WEEDMAN:

Q Mr. Poston, when you were riding along in this police vehicle with Paul Watkins and Paul Crockett and, I believe it was, Deputy Ward --

A Yes.

Q -- so we will be clear about that, is that the first time there was any discussion between you and Paul Watkins relative to my client and Shorty Shea?

A Yes.

Q And was that also the first time that there was any discussion between yourself, Paul Watkins and Paul Crockett --

A Yes.

Q -- relative to my client --

A Yes.

Q And Shorty Shea?

Now, have you told us everything that Paul Crockett said on that occasion, that is, the occasion of riding along in this police vehicle?

A Yes.

Q Okay. Now, did Deputy Ward appear to overhear this conversation that was had by yourself, Paul Crockett and Paul Watkins?

16 fls

16-1

1 MR. KATZ: Excuse me. I'm going to object on the ground
2 it assumes facts not in evidence. The fact is that it was
3 Deputy Ward, as I understand it, who was asking certain
4 questions. The conversations would not be between Mr. Watkins,
5 Crockett, Mr. Poston.

6 THE COURT: Well --

7 MR. WEEDMAN: I will withdraw the question.

8 THE COURT: Withdrawn.

9 Q BY MR. WEEDMAN: Was Deputy Ward participating in
10 this conversation?

11 A Yes. He asked --

12 THE COURT: What did he ask?

13 THE WITNESS: He said --

14 THE COURT: When you say "he," name the person.

15 THE WITNESS: Deputy Ward.

16 Q BY MR. WEEDMAN: What did Deputy Ward ask?

17 A He asked Paul Watkins if Clem had told him anything
18 about Shorty's death.

19 Q Was that question by Deputy Ward the thing that
20 seemed to precipitate the subsequent conversations in the car
21 that you told us about?

22 A Yes.

23 Q Did Deputy Ward say anything else at that time
24 about his inquiry relative to my client and Shorty Shea?

25 A Only that we would be questioned about it later.

26 Q Did Deputy Ward ever question you further relative
27 to my client and Shorty Shea? By further, I mean at any time
28 after this conversation in the police vehicle.

29 A No.

16-2

1 Q Did you ever see Deputy Ward again after the
2 conversation in the police vehicle?

3 A Yes.

4 Q Where and when was that?

5 A He was the one that took us back to Shoshone.

6 Q That was after appearing to identify Charles
7 Manson?

8 A No, to identify the pictures.

9 Q I'm sorry; to identify the pictures.

10 A Yes.

11 Q Did he take you all back to Shoshone, that is, you,
12 Paul Watkins, and Paul Crockett?

13 A Yes.

14 Q Where was Juan Flynn at this time, if you know?

15 A I don't know because Juan left the Barker Ranch
16 before Paul Crockett and I did.

17 Q Now, was there any discussion on the way back to
18 Shoshone in the police vehicle relative to my client and
19 Shorty Shea?

20 A No.

21 Q When were you interviewed or questioned again by
22 any police officer relative to my client and Shorty Shea?
23 And by "you," I mean you personally, Mr. Poston.

24 A That same day that we were in Independence. Paul
25 Whiteley and another policeman named Gunther were there and
26 questioned us.

27 Q Do you know what day that was?

28 A No, I don't know what day it was.

16-3

1 Q Are we talking about October, though, nonetheless?

2 A Yes.

3 Q Were you interviewed by Sgt. Whiteley on that

4 occasion in the presence of Paul Watkins and Paul Crockett?

5 A No.

6 Q You were interviewed separately, is that so?

7 A Yes.

8 Q Did you sign any statements in connection with

9 your being interviewed by Sgt. Whitely?

10 A No. As near as I remember, we just made a tape.

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#17

1 Q You know if that statement was tape-recorded in
2 any fashion?

3 A Yes, it was tape-recorded.

4 Q The conference that you had with Whiteley was tape-
5 recorded?

6 A As far as I know. I believe it was.

7 Q And can you tell us why you believe that it was?

8 A Because it seems to me that it was being recorded
9 when we were talking.

10 THE COURT: Read the question, please.

11 MR. WEEDMAN: Pardon me, your Honor.

12 (Question was read by the reporter
13 as follows;

14 "Q And can you tell us why you believe
15 that it was?"

16 THE COURT: Give me the objection, please.

17 MR. KATZ: I'm sorry, your Honor, there is no objection.

18 THE COURT: The answer may stand.

19 MR. KATZ: Thank you.

20 Q BY MR. WEEDMAN: Did you see a tape recorder there
21 at the time?

22 A Yeah, it was on the desk.

23 Q Did it appear to be running?

24 A Yes.

25 Q As far as you know, were Paul Crockett and Paul
26 Watson interviewed by Sergeant Whiteley that day?

27 MR. KATZ: Excuse me, counsel. You mean Watkins?

28 Q BY MR. WEEDMAN: Paul Watkins, yes.

1 Q Does the date October 14, 1969, refresh your
2 recollection as to when you were interviewed by Sergeant
3 Whiteley?

4 A Well, I am not sure what the date was because I
5 didn't check any calendars that day that we were there.

6 But it was shortly after the family was busted, or
7 were arrested in Goler Wash.

8 Q All right.

9 There were two days on which members of the family
10 were arrested, were there not? The first day being October 10,
11 1969, and the next day October 12, 1969?

12 A Yes.

13 Q And this interview was with Sergeant Whiteley
14 shortly following the second arrest of October 12, 1969?

15 A Yes.

16 Q So October 14, 1969, so far as you know, is at
17 least a close --

18 A Yes.

19 Q -- approximation of the date that you were inter-
20 viewed by Sergeant Whiteley?

21 A Yes.

22 Q Do you recall telling Sergeant Whiteley that Steve
23 Grogan, when he talked to you, mentioned Bruce Davis and Tex
24 Watson?

25 A Yes.

26 Q Now, you told us -- you told me rather -- this
27 morning on cross examination that my client did not mention
28 anyone else other than Charlie?

1 A Yes.

2 Q Would you care to explain the apparent discrepancy
3 in your testimony?

4 A Because Clem didn't say that.

5 Q Clem didn't say what?

6 A Clem didn't say that Bruce and Tex were involved.

7 Q Yet you told that to Sergeant Whiteley, is that
8 correct?

9 A Yes.

10 Q Why did you tell Sergeant Whiteley that?

11 A Because at that time I was thinking back because
12 when they were asking the questions they would be dealing
13 mainly with Charlie. And I was thinking back to remember the
14 conversation.

15 And it seemed to me that Clem did say that. And
16 that's what I maintained up until only recently.

17 Q Were you using any drugs immediately prior to your
18 being interviewed by Sergeant Whiteley?

19 A No.

20 Q Using any kind of narcotics at all?

21 A No.

22 Q Were you taking any kind of medicine at this time?

23 A No.

24 Q Had you completely gotten over the earlier feeling
25 that you didn't know if you were dead or alive?

26 A Yes.

27 MR. WEEDMAN: If I may have just a moment, your Honor.

28 THE COURT: All right.

1 (Conference between counsel and defendant,
2 not reported.)

3 Q BY MR. WEEDMAN: Earlier you indicated, Mr. Poston,
4 on examination that the reason that you had not discussed my
5 client and Shorty Shea with either Paul Watkins or Paul Crockett
6 was that you didn't want to become involved.

7 Did you get over that feeling of not wanting to
8 become involved at the time you had the conversation in the
9 police car?

10 A There was also the feeling that the pressure, in
11 other words, all the things that we had experienced while
12 living up there, like Charlie sneaking up on his hands and
13 knees at night, had been --

14 Q My question to you --

15 A I am answering.

16 Q Just a moment, Mr. Poston. My question to you --
17 well, the prosecutor is pleased. Why don't you go ahead and
18 tell us about that.

19 Tell us about the pressure.

20 A All right.

21 Charlie used to sneak up on his hands and knees at
22 night to the cabin where we slept. And there was like a constant
23 fear in the air.

24 And we were under like Charlie putting out his fear
25 program. In other words, trying to scare us.

26 And a few other things that he said. It was that
27 I simply didn't want to stir up anything more between the
28 other -- between Paul Crockett and Paul Watkins.

18-1

1 Q I'm sorry. Stir up what?

2 A The feelings, restimulate the feelings. As long
3 as we were living in a more or less quieted down life, you
4 know, like we weren't constantly listening for dune buggies
5 coming up the wash, and we were a little more at ease and I
6 didn't wish to bring out anything more than what already had
7 been brought out.

8 Q Charlie Manson ever threaten you?

9 A Yes.

10 Q When was that?

11 A In September '69.

12 Q Did Charlie Manson ever threaten you before you
13 talked to the police?

14 A That was in September of '69.

15 Q What did he threaten to do to you?

16 A Cut my throat.

17 Q Is that one of the reasons you told this story to
18 the police about Charles Manson?

19 A No.

20 Q Were you afraid of Charles Manson at the time you
21 gave this story to the police?

22 A No.

23 Q You told us earlier that you didn't discuss my
24 client's conversation with you because you didn't want to get
25 involved, you didn't even discuss it with Crockett or Watkins.

26 A Uh-huh.

27 Q But presumably you did begin discussing it with
28 them. What caused you to change your mind about that?

18-2

1 A Because in the police car we discovered that each
2 of us knew it already.

3 Q Are you sure you didn't come up with this story
4 in an effort just to put Manson away and anyone who was close
5 to Manson so they wouldn't bother you any more?

6 A I'm sure.

7 Q You're sure. Did you believe that Paul Crockett
8 could make it rain?

9 A No.

10 Q Did you ever tell anybody that?

11 A Did I ever tell anyone that he could make it rain?

12 Q Yes.

13 A No, sir.

14 Q Did you believe that Juanita was drawing all of
15 the energy out of your body?

16 A No.

17 Q Did you ever tell anyone that?

18 A No.

19 Q And finally, when would you say, in your best
20 judgment, you finally got over this feeling of not knowing if
21 you were dead or alive?

22 A When? Like a month, at what time?

23 --Q Yes.

24 A About in August it was like I was out of it, was
25 completely out of this feeling.

26 THE COURT: August of what year?

27 THE WITNESS: '69.

28 THE COURT: What year?

18-3

1 THE WITNESS: '69.

2 THE COURT: Thank you.

3 Q BY MR. WEEDMAN: And since you were no longer a
4 member of the family, as I understand your testimony, have you
5 any opinion as to why my client would tell you that he
6 participated in murdering somebody?

7 Do you understand my question?

8 A Why he would?

9 Q In your opinion tell you such a thing.

10 A Because I asked, I think.

11 MR. KATZ: Well, your Honor, I move to strike for the
12 purpose of interposing the objection that his opinion as to
13 why Clem would tell him anything is irrelevant and immaterial.

14 THE COURT: Read the question, please.

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

17 "Q And since you were no longer a
18 member of the family, as I understand your
19 testimony, have you any opinion as to why my
20 client would tell you that he had participated
21 in murdering somebody?"

22 THE COURT: It is a speculative question and a conclusional
23 question. I will sustain the objection. Any answer may go
24 out.

25 Q BY MR. WEEDMAN: Did my client tell you where
26 Shorty's body was?

27 A No.

28 Q Did he tell you when this alleged killing occurred?

1 A No.

2 MR. WEEDMAN: I will conclude in a moment, your Honor.

3 THE COURT: All right.

4 Q BY MR. WEEDMAN: Just for a point of clarification:
5 during this conversation that you allegedly had with my client
6 wherein he confessed participation in a murder of Shorty Shea,
7 was Sandy Good, Sandra Good, participating in that conversation?

8 A No.

9 Q Was Charles Manson participating in that conversa-
10 tion?

11 A No.

12 Q Were they apparently in a position to overhear
13 this conversation?

14 A Well, I don't know if they were or not. Charlie
15 was -- I thought he was asleep. I don't know whether he was
16 asleep or not.

17 Q Was anybody else present that can verify this
18 conversation allegedly had between yourself and Steve Grogan?

19 A No.

20 MR. WEEDMAN: That is all I have.

21 THE COURT: Is that all, gentlemen?

22 MR. KATZ: No, your Honor.

23
24 REDIRECT EXAMINATION

25 BY MR. KATZ:

26 Q Brooks, when you were interviewed by Sgt. Whiteley
27 of Los Angeles Homicide Detail --

28 THE COURT: Set the date.

INDEX

1 MR. KATZ: I will. Thank you, your Honor.

2 Q -- on or about October 14, 1969, do you recall
3 whether or not you told Sgt. Whiteley everything you knew about
4 Clem's alleged confession, everything he said to you?

5 THE COURT: Do you understand the question?

6 THE WITNESS: Yes. I didn't mention Frank Retz and I
7 included like the names of Bruce and Tex, which weren't, and it
8 was pretty close to the way it was.

9 Q BY MR. KATZ: All right, now were you later
10 interviewed by a Dave Steuber from the California Highway
11 Patrol?

12 A Yes.

13 Q Do you recall approximately when that occurred?

14 A It was in December.

15 THE COURT: What year?

16 Q BY MR. KATZ: 1969?

17 A 1969.

18 Q Do you recall whether or not that statement was
19 taped?

20 A Yes.

21 Q And at that time did you do your best to tell
22 Officer Steuber everything you knew about Clem's statement to
23 you concerning Shorty's death?

24 MR. WEEDMAN: That is self-serving, your Honor. I will
25 object to that. It is not competent evidence.

26 THE COURT: Let me have the question, please.

27 (The record was read by the reporter
28 as follows:

1 "Q And at that time did you do
2 your best to tell Officer Steuber everything
3 you knew about Clem's statement to you con-
4 cerning Shorty's death?"

5 THE COURT: You may answer the question.

6 THE WITNESS: Yes.

7 Q BY MR. KATZ: Now, was there a difference with
8 respect to your frame of mind at the time you made some state-
9 ments to Sgt. Whiteley as opposed to your frame of mind when
10 you made the statements to Officer Steuber, insofar as it
11 concerned your willingness or lack of willingness to become
12 involved?

13 A By the time I talked to Steuber, it was already
14 obvious that I was already involved. So there was very little
15 way to keep from getting involved.

16 Q So at that time would it be fair to say that you
17 were more open with Steuber?

18 A Pretty much.

19 Q Now, you indicated to Mr. Weedman just prior to
20 being accepted into the family fold, if you will, you refused
21 to make love to the girls. What did you mean by that?

22 A I didn't take part in the group orgies.

23 Q Well, now, were you making love to girls individually
24 that may or may not have been members of the family?

25 A Yes.

26 Q Now, I believe you also told Mr. Weedman that you
27 heard of no disputes between Frank Retz and the family. Can
28 you tell us what you meant by that?

1 A That as far as I know, only that Frank was
2 involved with Shorty, but if there could have been any dispute
3 between Frank and Shorty -- I mean between Frank and the
4 family, I mean directly with Frank, I never heard of anything.

19

Q All right.

The only relationship then between a possible dispute between Retz and the family would be through Shorty, is that right?

A Yes.

Q Now, you also indicated to Mr. Weedman that while the family was at the Spahn's Ranch and apparently working for George Spahn, the business started to drop off. Why was that?

A Well, most of the guys in the family were -- like Clem and some of the others -- would come up and work on Saturdays and Sundays at the -- at the place where you rent them out.

Because that's when all the girls showed up. And then they started telling the girls to come on down to the ranchhouse.

And the girls, some of them went for it. But then some of them didn't.

And they stopped coming. And then the girls who had boyfriends, the boyfriends got uptight, and they stopped coming.

Q So, as a result, the business fell off?

A Some of the business fell off.

Q Incidentally, Mr. Weedman also asked the question whether or not you slept with Juanita Wildbush while you were in the desert. I think to which you replied you did not; is that correct?

A Correct.

Q Was there a reason for that?

1 A Yeah.

2 Q What is the reason?

3 A I didn't like her, that's why.

4 Q Could you describe Juanita to us physically?

5 A Fat and ugly.

6 MR. KATZ: I have no further questions.

7 THE COURT: Is that all, gentlemen?

8 That's all. You can step down.

9 Thank you very much.

10 That's all. Thank you very much.

11 Now, your next witness.

12 MR. WEEDMAN: Excuse me, your Honor. I have got some
13 more questions to ask of this man.

14 THE COURT: All right.

15 I thought you were through.

16 MR. WEEDMAN: No, I am sorry.

17 THE COURT: All right.

18 Be seated.

19
20 RECROSS EXAMINATION

21 BY MR. WEEDMAN:

22 Q When you were interviewed by Sergeant Steuber,
23 when did that occur?

24 A In December of 1969.

25 Q Who was present during that interview?

26 A Myself and Officer Steuber.

27 Q No one else?

28 A No.

1 Q Where was Paul Crockett at that time, if you know?

2 MR. KATZ: Excuse me. I'm going to object. To which
3 time are we talking about? Which interview?

4 MR. WEEDMAN: I am not talking about 1492. I am talking
5 about December when this man was interviewed by Sergeant
6 Steuber.

7 THE COURT: You may answer the question. Is the question
8 clear to you?

9 THE WITNESS: Yeah.

10 THE COURT: All right, answer it.

11 THE WITNESS: Paul Crockett was working. He was driving
12 a propane truck and he wasn't in town until later on that
13 evening.

14 Q Do you know where Paul Watkins was when you were
15 being interviewed by Sergeant Steuber?

16 A Yes. He was working at the cafe.

17 Q Did you ever hear either Watkins or Crockett say
18 that they believed that Grogan -- no, let me withdraw that.

19 No, I will withdraw that line of inquiry, your
20 Honor.

21 I will save that for later.

22 THE COURT: Is that all, gentlemen?

23 MR. WEEDMAN: That is all I have. Thank you.

24 THE COURT: Thank you.

25 MR. KATZ: Thank you.

26 Your Honor, we did not anticipate the brevity of
27 the testimony this afternoon, and it being Friday at approxi-
28 mately 2:30, perhaps this could inure to the benefit of the

1 the jurors, and we could ask for a recess.

2 THE COURT: Put it this way: You do not have an available
3 witness right now?

4 MR. WEEDMAN: Excuse me, your Honor. Can we get
5 Mr. Poston? I want him instructed to be on call.

6 MR. KATZ: Yes.

7 THE COURT: The one we just had. All right. Let's hold
8 up.

9 Pardon my interruption.

10 You did not have another witness right now?

11 MR. KATZ: Yes, your Honor, we do not have another witness
12 available at this time.

13 THE COURT: All right.

14 Then you will have one available Monday morning?

15 MR. KATZ: Yes, your Honor.

16 THE COURT: Anticipate that as your last witness or not?
17 Or do you care to divulge that?

18 MR. KATZ: Depending upon the length of testimony, we
19 intend to conclude possibly Monday, maybe Tuesday.

20 THE COURT: All right.

21 I am not trying to take your confidential matters.

22 This gentleman that was just testifying, you may
23 be called back. You may not be called back by the defendant.

24 I am putting you on what's called "on call."

25 If we need you, the court will, through the counsel
26 that needs you, will get in touch with you, possibly through
27 the clerk, or the court in any event, will make it known that
28 you must come back so I am putting you on what's called on call.

1 instead of keeping you here.

2 Be available during the balance of the trial. You
3 may be called back to court. Is that clear?

4 THE WITNESS: Yes.

5 THE COURT: Thank you very much for your testimony.

6 Now, the next step back again, we will go over
7 until Monday morning at 9:30. Is that correct?

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

9 THE COURT: Ladies and gentlemen, you have heard what
10 was said, and we will go to Monday morning at 9:30.

11 Do not discuss the case or come to any opinion or
12 conclusion. We will continue Monday morning at 9:30. Thank
13 you, all of you.

14 (Adjournment was taken at 2:35 p.m., to
15 Monday, August 16, 1971, at 9:30 a.m.)
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