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

35

DEPARTMENT NO. 52

HON. JOSEPH L. CALL, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

NO. A 267861

STEVE GROGAN,

Defendant.

REPORTER'S DAILY TRANSCRIPT

WEDNESDAY, AUGUST 18, 1971

APPEARANCES:

(See Volume I)

WATLEY  
GLEASON  
[CROCKETT]  
[SAMDOCK]

VOLUME 35:

Pages 4589-4766, Incl.

Reported by:

VERNON W. KISSEE, C.S.R.

-and-

GEORGE WEBER, C.S.R.  
Official Reporters

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I N D E X

| <u>PEOPLE'S WITNESSES</u>     | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> | <u>IN CHAMBERS</u> |
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PEOPLE'S

FOR IDEN. IN EVID.

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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, AUGUST 18, 1971

2 9:35 A.M.

3  
4 (The following proceedings were had  
5 at the bench outside the presence  
6 of the jury!)

7 THE COURT: Gentlemen, now, we are going to have trouble  
8 with the court which is trying Manson. They want all of our  
9 exhibits, and I won't give them to them at this time.

10 Judge Choate is a very fine man in every sense of  
11 the word. He is very courteous and kind.

12 Yesterday I gave him, only after talking with you  
13 two counsel, I issued the order to release certain exhibits  
14 because they can't move until they have these exhibits, some  
15 of them which we have here.

16 Now, they want all of our exhibits, and I said  
17 the answer is "No." We are running this courtroom here. So  
18 I want to talk to you before I release anything.

19 I should talk to you gentlemen, and I will not  
20 arbitrarily throw these out because we will find ourselves  
21 with the door locked and no exhibits to go by, you see.

22 I don't know what they want until they specify.  
23 Then I am going to talk to you because we have priority on all  
24 of this, and see if they release them. If they can't, fine,  
25 but they must work in unison with us which I think they will.

26 But I must tell you because I want Frank to tell  
27 them no more exhibits go out until we authorize it and get  
28 them back so we can proceed here.

1 MR. KATZ: Yes.

2 MR. WEEDMAN: I will just merely submit the matter to  
3 your Honor's sound judgment.

4 THE COURT: Well, I won't move, it is a joint matter,  
5 and of course I want to cooperate as much as possible, and  
6 you do to. But we should know where we stand before I start  
7 releasing anything because if I am not caution the first thing  
8 we know we can't move at all.

9 MR. WEEDMAN: That's right. It could happen.

10 THE COURT: So if they will specify what they want I will  
11 call you gentlemen to the bench, and if it is okay, out they  
12 go.

13 MR. WEEDMAN: I guess the record should reflect that I  
14 spoke with Judge Choate yesterday.

15 THE COURT: I told him to ring you.

16 MR. WEEDMAN: Yes. That's right. And then I called back,  
17 and I spoke with your clerk, Mr. Hogan, indicating that we had  
18 no objection to releasing exhibits 1 through 20 at this time.

19 THE COURT: Fine.

20 MR. WEEDMAN: I just want to say that for the record.

21 THE COURT: I think you were called, too.

22 MR. KATZ: Yes. Well, I was present in chambers with  
23 Judge Choate at which time I indicated I would fully cooperate  
24 and indicated to him I did not object to the release of  
25 exhibits 1 through 20 at that time.

26 THE COURT: Well, all right.

27 Now, I won't release until I talk to you because  
28 I don't want to move unilaterally.

1 MR. KATZ: I would like to apprise the court that as soon  
2 as the People conclude their case in chief, which may be today  
3 or tomorrow I think at the latest, we are going to ask  
4 obviously before resting that all exhibits be received into  
5 evidence at that time. We are going to have all of our  
6 exhibits here.

7 I know that counsel in order to have an orderly  
8 record agrees with me. We will discuss as to each exhibit  
9 separately in their proper numerical sequence after which I  
10 will ask the exhibits be passed to the jury for their perusal  
11 before I rest.

12 THE COURT: The first step, we have got to have every  
13 exhibit here.

14 Mr. Hogan.  
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#2

1 THE CLERK: Yes.

2 THE COURT: The People may rest today, perhaps later  
3 today or tomorrow, and we have to have every exhibit in this  
4 case here because there will be a formal offer that they be  
5 admitted in evidence as plaintiff's exhibits and they have to  
6 be right here on the counsel table at the time.

7 I'm telling you that so that you can start in to  
8 tell -- what department is that?

9 THE CLERK: 106.

10 THE COURT: -- that we will need them, Frank -- they  
11 have our exhibits 1 through 20-H?

12 THE CLERK: Yes.

13 THE COURT: You might start to bug them on it right now,  
14 if you can.

15 Let's go ahead.

16 (The following proceedings were had in  
17 open court.)

18 THE COURT: People versus Grogan. We have the defendant,  
19 we have both counsel right here at the counsel table.

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

21  
22 PAUL CROCKETT,  
23 resumed the stand.

24 THE COURT: You have been sworn. State your name again.

25 THE WITNESS: My name is Paul Crockett.

26 (The following proceedings were had  
27 within the presence and hearing of the  
28 jury.)

1 THE COURT: Now we have all of our regular jurors, plus  
2 the three alternates, in court.

3 You may proceed, Mr. Weedman.

4 MR. WEEDMAN: Thank you, your Honor.

5  
6 CROSS EXAMINATION (Continued)

7 BY MR. WEEDMAN:

8 Q Does the expression, Mr. Crockett, "coming to now,"  
9 have any particular meaning or significance to you?

10 A To me?

11 Q Yes, sir.

12 A Yes, it does.

13 Q What does "coming to now" mean, Mr. Crockett?

14 A It means that you are not living in the past, you  
15 don't have any mental pictures that you are looking at from the  
16 past or the present -- I mean, or in the future. In other  
17 words, you are existing at the moment, or living.

18 Q "Coming to now" means that you are existing at the  
19 moment?

20 A In other words, your thoughts of the past and your  
21 thoughts of the future are out of the way, and you are existing  
22 or you are in the present time.

23 Q Is this a state which, in terms of what we are  
24 talking about, is an unusual state for a person to have?

25 A Well, if a person is prone to daydream and such as  
26 that, they don't find it very easy.

27 Q And in terms again of explaining this phrase,  
28 "coming to now," do people in that sense live in the future or



1 exist in the future in some way?

2 A They can, yes, by daydreaming about what they are  
3 going to do tomorrow.

4 Q So they don't literally live in the future, of  
5 course, but their mind is on something other than the present,  
6 is that the idea?

7 A That is what I think the understanding of it is.

8 Q Is this a technical phrase, if you will, found in  
9 Scientology?

10 A I think you find it in psychology, also.

11 Q Well, is it found in Scientology as a technical  
12 term, a term of art?

13 A I would say that it is in Scientology, I know that.

14 Q Would it be fair to say that you first heard this  
15 phrase as part of your studies or learning in the area of  
16 Scientology?

17 A No.

18 Q When you tell us that this phrase is found in  
19 Scientology, can you tell us where it is found in Scientology?

20 MR. KATZ: Objection. Immaterial and irrelevant.

21 THE COURT: Read the question, please.

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

24 "Q When you tell us that this phrase is  
25 found in Scientology, can you tell us where it is  
26 found in Scientology?"

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

28 MR. WEEDMAN: Your Honor, may I approach the bench, then?

1 THE COURT: Read counsel's statement.

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

4 "MR. WEEDMAN: Your Honor, may I approach  
5 the bench, then?")

6 THE COURT: Well, of course, you can if it is material.  
7 Doesn't the ruling cover it, Mr. Weedman?

8 MR. WEEDMAN: I would like to make a record, your Honor.

9 THE COURT: All right, better come in chambers.

10 (The following proceedings were had in  
11 chambers, outside the presence of the jury.)

12 THE COURT: Now we are in chambers, the defendant and  
13 counsel.

14 Probably an offer of proof, I guess, would be the  
15 best method.

16 MR. WEEDMAN: Your Honor, my question really seeks to  
17 attack the credibility, of course, of this witness' testimony  
18 that my client confessed, or at least he overheard a confession,  
19 whatever the case may be, as to killing Shorty Shea.

20 The term "coming to now" has been a term which we  
21 have heard in connection not only with my client's purported  
22 confessions, but also in connection with Charles Manson.

23 We take the position that it is very likely that  
24 this term, "coming to now," is a term that was well known to  
25 Mr. Crockett because of his background in Scientology before he  
26 ever met Charles Manson and long before he ever met my client.

27 We take the position that "coming to now" is an  
28 expression, and we will produce evidence, and we will produce

1 evidence certainly on the defense, is an expression which is  
2 not known to my client, it is not an expression that my client  
3 has used or would use; that it is a term which is unique to  
4 Scientology, not to general psychology, and we suspect that  
5 this witness, if I am permitted to probe this matter, may well  
6 concede that he was well aware of this particular term, had  
7 used this term long before any meeting with Charles Manson or  
8 any meeting with my client.

9 MR. KATZ: Your Honor, may I respond to that?

10 THE COURT: Yes. Go ahead.

11 MR. KATZ: I have no objection once again if Mr. Weedman  
12 inquires of Mr. Crockett whether or not he was in the habit of  
13 using this phraseology, "coming to now," whether he was familiar  
14 with the concept of such. But to go into particular aspects  
15 of Scientology would be irrelevant and immaterial and would  
16 cause us to have a trial within a trial, i.e., a trial concern-  
17 ing collateral issues which would unduly protract and prolong  
18 the trial.

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1 Now, the evidence is clear, at least according to  
2 our witnesses, that the phrase "coming to now" was used both  
3 by Mr. Grogan and Mr. Manson, and there is evidence to show  
4 that Mr. Manson was an eclectic person, that is, that he  
5 borrowed phrases from many philosophies and many sources and  
6 appropriated them to his own use in connection with the  
7 fulfillment of his philosophy and the articulation of it.  
8 And in that connection, I can't see how it is material if  
9 Manson, for example, drew from Scientology and used the  
10 phraseology "coming to now" for his own purposes. We have  
11 shown that the family is a unit and acted in concert.

12 THE COURT: I have a serious question about the  
13 materiality of it. I think we are drifting from the basic  
14 issues here.

15 I would be inclined -- Is there an objection made?

16 MR. KATZ: Yes; that it would be irrelevant and immaterial  
17 with respect to the present question.

18 THE COURT: I am inclined to sustain your objection.  
19 Objection sustained.

20 MR. WEEDMAN: Your Honor, you know I have very little to  
21 utilize in effective cross-examination of Mr. Crockett. Our  
22 position, of course, is that Mr. Crockett's testimony is  
23 highly suspect.

24 THE COURT: Well, I think it would be, too, if you were  
25 to offer it as to what -- what did Manson say respecting who  
26 killed Shorty Shea. I think it would be very material  
27 testimony, very much. But you haven't got to that point.

28 I caution again -- I'm not trying to cut in on you--

1 I caution the question of attempting to bring that in by way  
2 of cross-examination. I have a question as to whether it is  
3 proper cross. As your own witness, I would say "Yes." And  
4 that is my point.

3

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1 MR. WEEDMAN: Your Honor remembers then, of course, the  
2 conference that we had --

3 THE COURT: Yes. A long conference.

4 MR. WEEDMAN: That we had Monday.

5 THE COURT: Yes.

6 MR. WEEDMAN: And I have not, frankly, arrived at a  
7 decision whether I am going to ask Mr. Crockett that question.

8 THE COURT: I would go so far as this. I would have no  
9 objection -- in fact I believe I have the authority to do it  
10 as a court, to take him in and myself -- well, I don't want  
11 to appear partisan one way or the other, but the question  
12 could be asked out of the presence of the jury and plaintiff  
13 making his objection:

14 "Did you have a conversation with Charles Manson  
15 such and such a date?

16 "Yes.

17 "Respecting the" -- just briefing it over as to  
18 who, what was said about the death of Shorty Shea.

19 "Yes.

20 "What was said?"

21 Take it down in that transcript.

22 Now, the reason I am saying that is because in  
23 fairness to you, or in fairness to the People, you call this  
24 witness back, you don't want -- I mean as a matter of right  
25 you don't want to have him come on and say something entirely  
26 contrary to what all your indications are or the grand jury  
27 indicates.

28 In other words, if it is down here it would be

1 followed up if you wanted in open court at a proper time as  
2 part of your defense. That is your decision. I am not trying  
3 to decide that for you.

4 MR. WEEDMAN: I appreciate that opportunity very much.  
5 However, we have Mr. Crockett's statement to California  
6 Highway Patrolman Steuber. I a very clear tape, and in which  
7 he unequivocally states that Charles Manson did not name any  
8 names in connection with Charles Manson's purported confession.

9 So I am not really terribly worried that he would  
10 change that under the circumstances.

11 THE COURT: I see.

12 MR. WEEDMAN: We also have his testimony before the grand  
13 jury basically to that effect. So I don't think that he would  
14 change it.

15 THE COURT: I understand.

16 MR. WEEDMAN: But I appreciate that opportunity.

17 Your Honor, in that connection -- I am glad you  
18 raised it because I propose now to leave that question open as  
19 long as I can. I intend to have Mr. Crockett on the stand as  
20 a defense witness.

21 THE COURT: This is as your witness?

22 MR. WEEDMAN: Yes, your Honor.

23 THE COURT: Yes.

24 MR. WEEDMAN: If I eventually decide to ask him this, then  
25 of course I will utilize him.

26 The reason I am not going to go into it now is  
27 because I am afraid that in the event that there is a convic-  
28 tion in this matter, I am afraid that the appellate courts

1 would then say that I had thereby waived all of my former  
2 objections to lack of corpus delicti for homicide; lack of  
3 corpus delicti for the conspiracy; and any objection, proper or  
4 not, to the receipt in evidence of Charles Manson's statement  
5 to Barbara Hoyt.

6 So I am not quite ready to do -- not quite ready to  
7 give up those points, possibly at least for a possible appeal.

8 THE COURT: Yes, I understand.

9 Well, not arguing this case one way or the other,  
10 but from your standpoint, as a separate situation, would it not  
11 from your standpoint be a more forceful presentation to put him  
12 on as your witness?

13 MR. WEEDMAN: Yes.

14 THE COURT: And ask what was said?

15 MR. WEEDMAN: Yes.

16 THE COURT: These are factual matters. I am not advocating  
17 one fellow against the other. These are facts. If he said it,  
18 it is entitled to go before the jury.

19 MR. WEEDMAN: It would have more force at that time.

20 THE COURT: I would still stand by my ruling on the last  
21 question.

22 MR. WEEDMAN: Very well, your Honor.

23 I know you will understand, and I will try and  
24 approach it from a different direction and hope that it is not  
25 objectionable. But if counsel objects then --

26 THE COURT: There is an objection as I understand.

27 MR. WEEDMAN: And if your Honor rules then perhaps my  
28 statement of a moment ago will stand sufficiently for the



1 record in this area so we won't have to come back into  
2 chambers again.

3 THE COURT: All right.

4 Let me make one more point. I may be jumping  
5 ahead.

6 But whatever can be ironed out ahead -- back to  
7 Crockett, the witness, respecting compliance with Spriggs, the  
8 Spriggs case.

9 Theoretically, Manson would have to be -- or  
10 actually Manson would have to be called here, asked questions  
11 so as to demonstrate inaccessibility as a witness on the stand,  
12 unavailability.

13 And then probably the technical procedure would  
14 have to take place if Manson would refuse to testify, which  
15 undoubtedly he would and maybe very properly so, or his counsel  
16 advise him not to answer, and he would not answer -- these are  
17 matters of policy, these are matters of decision for both  
18 counsel more than for me as a judge.

19 So you mustn't take it I am trying to tell anybody  
20 how to run a case, because you are just as capable as I am.  
21 I am posing what I am thinking about.

22 For me as a judge to hear, it won't make any  
23 difference if Manson is out there or Kanarek is out there or  
24 20 other lawyers, that wouldn't affect the legal point. What  
25 does Crockett say. But what the effect of Manson in the  
26 courtroom, the objection is made by Kanarek, objection sustained  
27 and then it is demonstrated his inaccessibility.

28 Then call Crockett, whether it would help the People

1 to have him there just by inference or not or the defendant,  
2 I pose a serious question that maybe a stipulation respecting--  
3 so that no points would be waived -- a stipulation to the  
4 effect that it may be deemed that Hanson was called, that  
5 objections were made, the objection sustained.

6 Stipulating to the propriety of the background,  
7 merely the procedural steps took place. I will make my ruling,  
8 then in that way. Any objections can be overruled, the People  
9 could object. They are not bound by stipulating to the  
10 ultimate fact. Merely to the procedural steps that have taken  
11 place.

12 Now, that is something you may want to think about.

13 MR. WEEDMAN: Of course it is agreeable with me, but it  
14 may not be agreeable with Mr. Katz.

15 THE COURT: That is another thing there. Those are  
16 things for you to decide about.

17 I say that whether these are your decisions,  
18 whether it would help you or not as a matter of policy, what  
19 the jury might think or they might not think I don't know.

20 Those are your decisions.

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3A  
1 MR. KATZ: Well, I don't see any problem, your Honor,  
2 simply because Mr. Manson cannot be called in front of the jury  
3 presumably until it was determined that he was going to testify  
4 freely and voluntarily. Therefore, the proper procedure is  
5 to call Mr. Manson, if at all, out of the presence of the jury  
6 and in the presence of Mr. Kanarek he asserts his privilege in  
7 self-incrimination.

8 THE COURT: That takes stipulation.

9 MR. KATZ: It doesn't take a stipulation at that point.  
10 It is factually supported in the record at which time Mr. Manson  
11 would never appear in front of the jury. So I don't see the  
12 problem.

13 THE COURT: Well, I would disagree with you. I would say  
14 that the procedure -- the jury is entitled to pass on the  
15 credibility of anybody. They are to judge, and when you are  
16 speaking of any of those people who are witnesses that the  
17 matter is a matter that -- in a jury trial their presence is  
18 entitled to be before the jury unless you stipulate to the  
19 contrary.

20 MR. KATZ: Well, we haven't reached that point yet.  
21 So --

22 THE COURT: Well, I know. It doesn't make any difference  
23 to me. I am here to try the case. But I simply pose the  
24 question.

25 Well, you don't have to fight that one out now.

26 MR. KATZ: Yes.

27 MR. WEEDMAN: All right.

28 THE COURT: All right. Let's go ahead.

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

THE COURT: We are back in the courtroom. All parties  
are here.

Sustained.

Ask you next question, Mr. Weedman.

Q BY MR. WEEDMAN: Are you telling us, Mr. Crockett,  
that prior to meeting Charles Manson and prior to meeting  
members of the Manson family, you had never heard the phrase  
"coming to now"?

A I did not say that.

Q Well, had you heard the phrase, "coming to now" --  
and I am just seeking to clarify, of course --

A You mean "coming to now," that particular phrase?

Q Yes.

A In that particular order? Not the context of  
what you were saying?

Q Well, my question apparently is not clear to you.  
And there is some confusion.

Let's see if we can straight it out, Mr. Crockett.  
I will withdraw the pending question.

We were speaking a moment ago of the phrase  
"coming to now." And you explained what this means.

A Yes.

Q And I believe you indicated to us that this was an  
expression or a phrase that had some particular meaning in  
Scientology, and you went beyond that and said that you felt  
or believed that it also had some meaning from general

1 psychology.

2 Am I correct so far?

3 A (Nodding head affirmatively.)

4 THE COURT: Don't nod your head.

5 THE WITNESS: Yes.

6 THE COURT: Thank you.

7 Q BY MR. WEEDMAN: Thank you, Mr. Crockett.

8 Now, do you now tell us -- yes or no -- that you  
9 had never heard this phrase prior to meeting the Manson  
10 family?

11 MR. KATZ: Excuse me. There is an objection on the  
12 grounds of the latent ambiguity, that is, is he talking about  
13 the concept of coming to now, or the specific words in their  
14 sequence, "coming to now"?

15 THE COURT: First of all, I will take an answer yes or  
16 no. Then whither I rule is another situation.

17 You can answer yes or no.

18 THE WITNESS: Which question?

19 THE COURT: All right.

20 Read the question. Then you can answer yes or no.

21 MR. WEEDMAN: Let me withdraw the question, your Honor,  
22 if I may.

23 THE COURT: All right.

24 Q BY MR. WEEDMAN: When did you first hear the phrase  
25 "coming to now"?

26 A That's better.

27 The first time I heard it in that particular  
28 phrase was with Charlie Manson.

1 Q Had you heard a phrase similar to this phrase from  
2 Scientology?

3 A Not exactly that way, no.

4 Q Well, what would the phrase have been that you  
5 heard from Scientology?

6 A "Present time."

7 Q "Present time"?

8 A Yes.

9 Q Now, did you conclude -- or strike that.

10 Does "present time" have the same meaning for you  
11 as "coming to now"?

12 A Essentially the same, yes.

13 Q Who explained what "coming to now" means, if anyone,  
14 to you?

15 A Charlie.

16 Q When was that?

17 A I had a lot of conversations with Charlie.

18 Q Well, I am asking you when Charles Manson explained  
19 the phrase "coming to now" to you.

20 A Sometime in that time period when -- not just one  
21 time, but many, many times.

22 He was continually using the phrase.

23 Q Had you ever heard my client use this phrase prior  
24 to this purported confession that you overheard?

25 A Had never had but one conversation with Clem out-  
26 side of this one that was when he and I were in this cabin  
27 that I was speaking of.

28 Q Well, did he use that phrase "coming to now" during

1 that previous conversation that you had with him, meaning the  
2 defendant?

3 A Not that I -- that I recall at this moment.

4 Q All right.

5 So this was a phrase, then, that was used by  
6 Charles Manson and used repeatedly, is that correct?

7 A Yes.

8 Q And this was used by Charles Manson and used  
9 repeatedly, was it not, prior to your overhearing this pur-  
10 ported confession?

11 A Yes.

12 Q From my client?

13 Let me go back to that, go back to that conversa-  
14 tion, if you will, wherein my client allegedly admitted killing  
15 Shorty Shea.

16 I had gathered from your direct testimony -- this  
17 is by way of a question -- I gathered from your direct  
18 testimony that this was a conversation that my client had had  
19 with you. Is that a mistaken impression?

20 A I believe that the whole situation was that I  
21 overheard this conversation.

4 fls

4-1

1 Q And in the --

2 A And that he did state to me parts of it.

3 Q In the intervening time since you were last in  
4 court and testifying have you perhaps recalled any of the  
5 persons who were present at this conversation?

6 A The only part that I recall is what Clem said to  
7 me and that I was there and that he was there. There were  
8 other persons there, but I don't know who they were.

9 Q Did he just seem to turn in your direction and  
10 make these statements about Shorty Shea?

11 A Yes.

12 Q I take it that he didn't preface these remarks  
13 with any other -- that is, he didn't preface this confession  
14 with any other remarks to you?

15 A No.

16 Q In terms of describing what happened, did he just  
17 without any apparent provocation or reason merely look in your  
18 direction and say in substance that he had killed Shorty Shea?

19 A Yes.

20 Q And was that all he said to you?

21 A That's all.

22 Q What did you do thereafter, immediately thereafter?

23 A Felt kind of dumb.

24 Q What did you do? Did you walk away?

25 A Yes.

26 Q Or did you do anything? You didn't say anything  
27 back to my client at this point?

28 A No.



1           Q       Did anyone else say anything to him in apparent  
2 response to his saying that he had killed Shorty Shea?

3           MR. KATZ: Excuse me, your Honor. I will object on the  
4 ground that it assumes facts not in evidence. Those weren't  
5 the words of the defendant.

6           THE COURT: Let me have the wording of the question.

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

9           "Q       Did anyone else say anything to  
10 him in apparent response to his saying that he  
11 had killed Shorty Shea?"

12          MR. KATZ: If your Honor please, maybe it is a play on  
13 words, but it does assume facts not in evidence, because those  
14 weren't the words, as such, and there was reference to stick-  
15 ing people with knives and cutting the head off of Shorty.  
16 Those were the words. Now, obviously the conclusion can be  
17 drawn that he therefore killed Shorty Shea.

18                Maybe it is a technical point, but I want to leave  
19 the record clear on that. So my objection is that it is  
20 assuming facts not in evidence.

21          THE COURT: Read it again, Mr. Reporter.

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

24          "Q       Did anyone else say anything to  
25 him in apparent response to his saying that he  
26 had killed Shorty Shea?"

27          THE COURT: Overruled. You may answer the question.  
28 It calls for a yes or no answer. Is the question clear now?

1 THE WITNESS: Well --

2 THE COURT: Do you want him to read it again?

3 THE WITNESS: Read it again.

4 (The question was reread by the reporter  
5 as follows:

6 "Q Did anyone else say anything to  
7 him in apparent response to his saying that he  
8 had killed Shorty Shea?"

9 THE WITNESS: No.

10 MR. WEEDMAN: That is all I have. Thank you, Mr. Crockett.

11 INDEX

12 REDIRECT EXAMINATION

13 BY MR. KATZ:

14 Q Mr. Crockett, just so the record is clear, what  
15 were the words that Clem said during this conversation  
16 concerning the killing of Shorty Shea?

17 THE COURT: I think that has been asked and answered.

18 MR. KATZ: The problem is that counsel in his questioning  
19 has used the phrase "killing Shorty Shea," and I want to know  
20 what the exact words were, your Honor.

21 THE COURT: That has been asked and answered. I think it  
22 has been covered, unless you want the answer in -- I think it  
23 has been covered.

24 What do you want to do, Mr. Weedman?

25 MR. WEEDMAN: Pardon me?

26 THE COURT: Is there an objection? I think it has been  
27 asked and answered and has been covered in direct examination.

28 MR. KATZ: There is an ambiguity there, your Honor. I'm

1 just trying to clear it up.

2 THE COURT: Well, it would bring out the conversation  
3 twice. That is the effect of it.

4 MR. WEEDMAN: Your Honor, I have no objection to it. It  
5 has been asked and answered, your Honor is correct, but I have  
6 no objection to counsel going through it again if he wants to.

7 THE COURT: Well, I may step in -- let's see where we go.  
8 Read the question, and you listen to the question,  
9 please.

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

12 "Q Mr. Crockett, just so the record  
13 is clear, what were the words that Clem said  
14 during this conversation concerning the killing  
15 of Shorty Shea?")

16 THE COURT: It has been asked and answered, clearly.

17 MR. KATZ: Counsel is not objecting, your Honor. I'm  
18 asking permission or leave of the court --

19 THE COURT: It has been covered clearly on direct. I  
20 made notes on it. Now, it gives the People two direct  
21 examinations. I don't say that intentionally, but it does,  
22 and the defendant may want to recross, which he has a right to  
23 do. But it has been asked and answered.

24 I think I will make my own objection and sustain  
25 it. Sustained.

26 Q BY MR. KATZ: Then I would like to direct your  
27 attention, Mr. Crockett, to a specific answer which you  
28 apparently gave on Monday, August 16, 1971.

1 Counsel, I direct your attention to page 4495.

2 THE COURT: You can read it. Has it been read to the  
3 jury?

4 MR. KATZ: There is an error here, your Honor. I want to  
5 clarify it, if I may. I know what I am doing, if you will give  
6 me some leeway.

7 THE COURT: Go ahead.

8 Q BY MR. KATZ: There was a question by me at the top  
9 of page 4495:

10 "Did Clem continue to talk?

11 "A Yes."

12 And then the question was:

13 "What else did he say?"

14 And then you said,

15 "He wouldn't die, so we had to chop  
16 his head off."

17 Now, I want to ask you one question with reference  
18 to the answer I just read: Did Clem say the words "so we had  
19 to chop his head off?" or what did he say? Is your answer  
20 there correct or is there an error?

21 A He said "I had to."

22 Q All right. Now, I want to once again read the  
23 answer that you gave on Monday, apparently. This is on page  
24 4495.

25 "He said he wouldn't die, so we had to  
26 chop his head off."

27 Did you just misspeak yourself at that time? Did  
28 you mean to say "I," or did he say "we," or what?

A He said, "I."

4A

1 Q So that is a mistake, "so we had to chop his  
2 head off," is that correct?

3 A Yes. That is what I said.

4 Q That is correct?

5 A Yes.

6 Q Now, Mr. Crockett, between the recess, that is,  
7 the time we concluded the proceedings on Monday, August 16,  
8 1971, and until this morning, have you had an opportunity  
9 to listen to some of the tapes that Paul Steuber made of you  
10 on 12/19/69?

11 MR. WEEDMAN: I'm going to object to that, your Honor.  
12 That is not a proper question to ask this witness. If  
13 counsel feels there is some rehabilitating necessary, let him  
14 introduce it. I'm not going to let the witness rehabilitate  
15 himself.

16 THE COURT: Wait a minute. Read the question, please.

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

19 "Q Now, Mr. Crockett, between the  
20 recess, that is, the time we concluded the  
21 proceedings on Monday, August 16, 1971, and  
22 until this morning, have you had an opportunity  
23 to listen to some of the tapes that Paul Steuber  
24 made of you on 12/19/69?"

25 THE COURT: It would be immaterial, I think.

26 MR. KATZ: All right. I will withdraw the question and  
27 ask it another way.

28 Q You told Mr. Weedman, as best you recall, that

1 when Dave Steuber -- and I erroneously referred to him as  
2 Paul Steuber -- had some taped interviews with you, you  
3 thought that Watkins, that is, Paul Watkins, and Brooks  
4 Poston, were not present during the taping. Is that correct?  
5 Is that what you told Mr. Weedman?

6 A Yes.

7 Q Since then have you had an opportunity to refresh  
8 your memory to determine whether or not this is a correct  
9 statement? You can answer that yes or no. Have you had an  
10 opportunity?

11 A Yes.

12 Q And now, as you think back independently on the  
13 witness stand at this time, can you tell us whether or not  
14 Mr. Watkins and Mr. Poston and Mr. Juan Flynn were present  
15 during your interview with Dave Steuber in December '69?

16 MR. WEEDMAN: I object to this line of questioning, your  
17 Honor, unless counsel is offering it to impeach his own  
18 witness. He has a right to do that. But he has to take that  
19 position.

20 THE COURT: It would go to a legal question of impeach-  
21 ment, if these questions go in, and I will so advise the  
22 jury.

23 MR. KATZ: It doesn't go to impeachment.

24 THE COURT: On all these questions, it is for them to  
25 pass on the credibility of the truthfulness of the statements  
26 of Monday or at this time. I would advise them at this time  
27 now, that it is up to them. I'm not passing on it. Whether  
28 they are or aren't, I don't know. Under the new Code, of

1 course, a party may outright impeach his own witness if he  
2 wants to. But it may have a materiality for impeachment if  
3 the jury wants to accept it and question the credibility of  
4 the witness. That is what the law says.

5 MR. KATZ: Your Honor, I object. I'm sorry; I respect-  
6 fully object to your use of the word "impeachment." I'm not  
7 attempting to impeach the witness.

8 THE COURT: I'm telling them it is impeachment as a  
9 matter of law. I don't care what you say. I'm saying it  
10 amounts to impeachment for them. They can accept the Monday  
11 version or they can accept the version now that he is about  
12 to give.

13 MR. KATZ: That is a correct statement, and I have no  
14 objection to that.

15 THE COURT: That is what I am saying. It is impeachment  
16 whether it is intended so or not, because one of the state-  
17 ments is correct and one is wrong, or else there is no need  
18 to talk about it. Just stand on the one. You have a conflict  
19 there for the jury, not for me -- for the jury.

20 MR. KATZ: May the witness answer the question?

21 THE COURT: If you want the question answered, ask the  
22 question.

23 MR. WEEDMAN: Your Honor, counsel again, though, is  
24 insisting that this is not impeachment, and --

25 THE COURT: I'm saying it is impeachment.

26 MR. WEEDMAN: I'm suggesting that I agree.

27 THE COURT: It goes to the credibility of the witness.  
28 I so state.

1 MR. WEEDMAN: All right. I don't want counsel --

2 THE COURT: I'm telling the jury it goes to credibility,  
3 which statement is true, Monday's statement or this statement.

4 MR. WEEDMAN: Thank you, your Honor.

5 MR. KATZ: With reference to this tape recording.

6 THE COURT: Go ahead.

7 Q BY MR. KATZ: Now, can you tell us as you sit  
8 here now, whether or not you recall whether Paul Watkins and  
9 Juan Flynn and Brooks Poston were present during at least one  
10 of the interviews you had with Dave Steuber on or about  
11 December 19, 1969?

12 A Yes, they were.

13 Q And on Monday when you testified, had you remem-  
14 bered that?

15 A I had made several tapes and I stated I didn't  
16 really -- I wasn't for sure.

17 Q All right. And have you talked with Steuber and  
18 other police officers on more than one occasion?

19 A Yes.

20 Q Was that both in the presence and out of the  
21 presence of the other people?

22 A Yes.

23 Q I believe you told Mr. Weedman that after receiv-  
24 ing this \$1100 you kept most of it almost until a year after  
25 you first received it, is that correct?

26 A Yes.

27 Q And I believe in that connection you told  
28 Mr. Weedman that you didn't need the money. What did you mean



1 by that?

2 A What did I mean by that?

3 Q Yes.

4 A Well, when I first got to Shoshone I didn't have  
5 any money at all. We walked out of Death Valley, or whatever  
6 you want to call the place, me and Brooks had walked from  
7 Barker Ranch

8 Q Can you answer my question?

9 A Go ahead.

10 Q My question is, what did you mean by you didn't  
11 need the money when you told that to Mr. Weedman?

12 A Well, I wasn't going anywhere. I didn't have  
13 anything to do.

14 Q Did you thereafter get a job in Shoshone?

15 A I sure did.

16 Q Have you been working there ever since?

17 A Yes.

18 Q Is Shoshone a big town?

19 A I think the sign on the highway says about 185  
20 people live there.

21 Q Now, Mr. Crockett, can you just tell us a little  
22 bit about what you did in connection with mining gold with  
23 Watkins and Poston?

24 A Well, we ran up and down the mountain and we had  
25 little bags that we made out of pants, trousers, and such as  
26 that, and we would fill them full of this ore and then we  
27 would tie it together and throw it across our shoulders and  
28 haul it down.

1           Q     Let's stop. You say you ran up and down a  
2 mountain. What kind of a mountain are we talking about?

3           A     The foot of the trail at the canyon at this  
4 particular place was about a mile and a half, and I would say  
5 about 1500 feet higher than the floor, and so when I say  
6 running up and down the mountain, it was pretty good, hard  
7 work.

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1 Q All right.

2 Now, did you carry something on your backs?

3 A We had back packs that we strapped these little  
4 bags of ore on and carried them down by hand.

5 Q Who is "we"?

6 A Brooks Poston and Paul Watkins and myself.

7 Q When you got some of the ore down to the bottom,  
8 did you do something with it in trying to refine it?

9 A We took mortars and pestles, which are nothing  
10 more than steel encased, you know, like a pot that you would  
11 sit on the floor and would take another piece of metal and  
12 break the rock up until it was powder, and then we would take  
13 regular gold pans and pan it out.

14 Q Did you in fact distill some gold from the ore?

15 A We did.

16 Q How much gold did you get in this time period,  
17 say, between the end of May 1969, and say September, the end  
18 of September 1969?

19 A Well, I didn't have any scales to weigh it with,  
20 but I would say approximately about 6 ounces of gold, which at  
21 this particular time I still have about half of it and the  
22 partner that I had carried off approximately the other half,  
23 and I don't know what he did with it.

24 Q The partner? What partner do you have reference  
25 to?

26 A Stanley Berry.

27 Q I take it you are no longer partners with Stanley  
28 Berry, is that correct?

1           A       Yes, I'm not partners with him any more.

2           Q       Did you ever send Paul Watkins to Las Vegas with  
3 some gold?

4           A       Well, he took some with him, he took this gold  
5 with him, and he lived at a friend's house, and then he forgot  
6 about it, and lo and behold about three months later this  
7 guy brought it back.

8           Q       Do you still have the gold?

9           A       I still have it.

10          Q       Was this a money-making venture?

11          A       No. It was supposed to be, but it never turned out  
12 that way.

13          Q       Now, you said, in describing Brooks Poston's  
14 physical condition to Mr. Weedman, that he just didn't do  
15 anything. Would you more specifically detail his physical  
16 condition, if you can?

17          A       He wasn't capable of it. He was in pretty sad  
18 shape.

19          THE COURT: When you say "he," who do you mean?

20          THE WITNESS: Brooks Poston.

21          Q       BY MR. KATZ: Did that physical condition change  
22 after he began to work for you?

23          A       It sure did.

24          Q       In what manner did it change?

25          A       Well, he got so that he could go up and down the  
26 mountain instead of just walking a hundred yards and having  
27 to sit down and rest.

28          MR. KATZ: Thank you. I have no further questions.

1 THE COURT: Is that all, gentlemen?

2 MR. WEEDMAN: I have a few questions, if I may.

3  
4 RECROSS-EXAMINATION

5 BY MR. WEEDMAN:

6 Q Are you telling us, Mr. Crockett, that after doing  
7 this apparently hard work for some six months that you really  
8 had no need for that \$1100 that you received?

9 A Well, it was nice to have.

10 Q With respect to these conversations that Mr. Katz  
11 has now touched upon, that is conversations with police  
12 officers, is it then true, Mr. Crockett, that there were times  
13 when you heard Poston tell his story to the police, you heard  
14 Watkins tell his story to the police, and at about that same  
15 time you also told your story to the police?

16 A Yes.

17 Q And all three of you were listening to one another  
18 during this time then, is that correct?

19 A You mean at this one instant?

20 Q Well, I don't know what one instant you are talking  
21 about. Maybe you can tell us.

22 A When we were supposed to be telling this all at  
23 the same time?

24 Q Yes. You were all together and you were all  
25 overhearing each other, isn't that so?

26 A Yes.

27 Q Tell your respective stories about my client?

28 A Yes.

#5

1 MR. WEEDMAN: That's all I have.

2 MR. KATZ: Nothing further. Thank you.

3 THE COURT: That's all, gentlemen?

4 MR. KATZ: Yes.

5 THE COURT: That is all.

6 MR. WEEDMAN: I want Mr. Crockett, your Honor, to be on  
7 call.

8 THE COURT: Yes.

9 Now, Mr. Crockett, it is entirely possible or  
10 probable defendant may want to call you for testimony when  
11 he puts on his side of the case.

12 And therefore I am advising you, please, you must  
13 consider you are on call. I am putting you on call.

14 That means, in spelling it out, it means you  
15 don't have to sit here and wait your time. I want you to go  
16 about your business, whatever you have to do.

17 But keep in readiness in case a call is put in  
18 to bring you back to the courtroom.

19 THE WITNESS: Yes.

20 THE COURT: That is it. I will put you on call.

21 THE WITNESS: Yes.

22 THE COURT: Thank you very much.

23 THE WITNESS: Thank you.

24 THE COURT: Thank you.

25 MR. KATZ: Lee Saunooke.  
26  
27  
28

LEE SAUNOOKE,

called on behalf of the People, being first sworn, testified  
as follows:

THE COURT: Raise your right hand and be sworn, please.

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

THE WITNESS: I do.

THE CLERK: Thank you, ma'am.

Will you take the stand and be seated, please.

THE COURT: Be seated and state your name, please.

THE WITNESS: Lee Saunooke.

THE COURT: Now, ma'am, when you talk -- pull up your  
chair, will you, a little more there. A little more still.  
That's it.

And pull this right around, just like you are  
talking in the telephone. Keep your voice up so the jury and  
counsel can all hear you.

THE CLERK: Ma'am, will you be kind enough to spell your  
first name and last name, please.

THE WITNESS: Lee, L-e-e. And Saunooke,  
S-a-u-n-o-o-k-e.

THE CLERK: S-a-u-n-o --

THE WITNESS: -o-k-e.

THE CLERK: Oh, I see.

## DIRECT EXAMINATION

BY MR. KATZ:

Q Lee, where were you living in March of 1970?

A At 21005 Parthenia Street.

Q You tend to talk very fast. Would you slow down for us.

A 21005 Parthenia Street, Canoga Park.

Q In Canoga Park?

A Yes.

Q Is this a house?

A Yes, it is.

Q And you were working at that time in March of 1970?

A Yes, I was.

Q Where were you working?

A At Denny's Restaurant in Agoura.

Q And do you have a child?

A Yes, I do.

Q All right.

And as a result of working and having a child, was it necessary to hire some help?

A Yes, it was.

Q In that connection, in March of 1970, did you hire some help?

A Yes.

Q Who did you hire to help you with your child?

A A girl called Liz. Elizabeth Moreland.

Q Moreland is spelled M-o-r-e-l-a-n-d, if you know?

A I believe so.



1 Q All right.

2 And prior to March of 1970 had you met the defend-  
3 ant Mr. Grogan?

4 A Yes, I have.

5 Q And where had you seen him before March of 1970?

6 A Spahn's Ranch.

7 Q And did you know Mr. Grogan by sight?

8 A Yes.

9 Q And did you know his name?

10 A I knew him as Clem.

11 Q All right.

12 Now, were you familiar with the Spahn Ranch?

13 A Yes, sir.

14 Q And how long had you been frequenting the Spahn  
15 Ranch?

16 A Ten years.

17 Q Incidentally, did you know Shorty Shea?

18 A Yes, I did.

19 Q How long did you know Shorty Shea?

20 A Ten years.

21 Q And can you tell us, characterize your relation-  
22 ship with Shorty, whether or not you were good friends or  
23 whether you were just acquaintances, or what.

24 A We were very close friends.

25 Q And would he visit you at the various places you  
26 would live?

27 A Always.

28 Q Did you ever see him at Spahn Ranch?

1 A Oh, many times. I would work with him many times.

2 Q I'm sorry. I didn't hear your last statement.

3 A I have worked with him many times.

4 Q All right.

5 So directing your attention to March of 1970, did  
6 something unusual happen between Liz Moreland and the  
7 defendant?

8 A Yes.

9 Q And would you try and specify the date in March of  
10 1970 when this incident occurred.

11 A I'm not really sure what date it was. It was  
12 one of the nights that I worked.

13 THE COURT: Pardon me.

14 MR. KATZ: Let's stop there for a moment.

15 THE COURT: Would it be towards the first, or the  
16 middle or the last part of March of 1970?

17 THE WITNESS: I just don't really know. I know it was  
18 in during the rainy season in March. That is the only reason  
19 I can pinpoint it, is because it was raining.

20 THE COURT: Who was present at this time? Who was  
21 there?

22 THE WITNESS: Liz Beth Moreland. Clem, or Steve Grogan.  
23 And Rocky.

24 Q Is this Rocky Todd?

25 A Yes.

26 Q Is he also known as Randy Mourglea?

27 A I don't know.

28 Q And approximately what time during the day or

1 evening did this incident occur?

2 A It was about midnight.

3 Q Where did it occur?

4 A Well, they were in my living room.

5 Q Now, tell us exactly who was in your living room.

6 A Steve Grogan and Lizbeth Moreland and Rocky.

7 Q And can you tell us what happened.

8 A Well, I had come home early. I wasn't expected at  
9 that hour.

10 And I came in the back door to prevent waking  
11 anyone up in the house and heard -- the house really smelled,  
12 and I thought, "Gee, what is that?"

13 And I went in toward the living room, and I  
14 could hear them laughing.

15 Q You heard who laughing?

16 A Well, it turned out to be Clem and Lizbeth.

17 Q All right.

18 A I didn't know who it was when I was in the kitchen.

19 Q All right.

20 A I got as far as the door that separates the dining  
21 room and the kitchen. They were in front of the fireplace.  
22 Rocky was on the couch and he appeared to be asleep.

23 They were laughing and he says --

24 Q Who says?

25 A Clem said to Lizbeth, "You just pull back their  
26 hair. Pulled back his head by his hair and cut his throat, and  
27 blood came out."

28 He says, "And the whole time I was doing that,

1 Charlie was jacking him off."

2 Q Was doing what?

3 A "Was jacking him off," was his words.

4 Q All right.

5 A And then they laughed. And Liz says, "Is that  
6 what happened to Shorty? Is that really what happened to  
7 Shorty?"

8 And Clem laughed and said, "Yeah. Who do you  
9 think I am talking about?"

10 And they really thought that was funny.

11 And then I snuck back out the back door and came  
12 around.

SA fls

5a-1

1 Q Why did you sneak out the back door and go around?

2 A I didn't want them to know I was there.

3 MR. WEEDMAN: Objection. Not material, your Honor, as  
4 to why she did something.

5 THE COURT: Sustained.

6 Q BY MR. KATZ: You went out the back door and went  
7 around someplace?

8 A I went around the front of the house and slammed  
9 the truck door and came in the front. And nobody was there.  
10 They had went out the back door.

11 Q You didn't see them come out the front door, is  
12 that right?

13 A No.

14 Q And you were facing the front door when you  
15 slammed the truck?

16 A Yes.

17 Q Incidentally, did you ever see Shorty with a  
18 matched set of guns?

19 A Yes, I did.

20 Q And did you know in what container, if any, he  
21 carried them?

22 A Yes. He had them in an attache case, and it had  
23 his name on it.

24 Q What name, if you recall?

25 A Rev. Donald Shea.

26 Q All right.

27 And did he ever display or exhibit the guns in  
28 front of you?

1 A Quite often.

2 Q How would you characterize his feelings towards the  
3 guns?

4 A He was in love with them.

5 Q And knowing him as well as you have for the 10-year  
6 period, in your opinion would he have sold those guns?

7 A No.

8 Q Now, Lee, at sometime in the latter part of 1968  
9 were you living across the street from Bill Vance on Gresham  
10 Street?

11 A Yes, I was.

12 MR. WEEDMAN: May we approach the bench, your Honor. We  
13 are going to be talking about 1968. I object to anything about  
14 1968, your Honor, in the lack of showing of materiality.

15 THE COURT: Give me the question, please.

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

18 "Q Now, Lee, at sometime in the  
19 latter part of 1968 were you living across  
20 the street from Bill Vance on Gresham Street?"

21 THE COURT: Well, I think you better make an offer of  
22 proof probably, and let me rule on it, gentlemen. I don't  
23 know.

24 MR. WEEDMAN: I don't know either, your Honor.

25 THE COURT: Let's step in chambers, please.

26 (The following proceedings were had  
27 in chambers:)

28 THE COURT: Now, we are in chambers. Counsel and

1 defendant are here.

2 All right. Now, what do you intend to ask or  
3 prove from this witness respecting the last question?

4 MR. KATZ: Well, your Honor, I am merely establishing  
5 that she --

6 THE COURT: Let's suppose she says yes.

7 Read the question again.

8 MR. KATZ: She said yes.

9 THE COURT: Read the question.

10 (The question was reread as follows  
11 by the reporter:)

12 "Q Now, Lee, at sometime in the  
13 latter part of 1968 were you living across  
14 the street from Bill Vance on Gresham Street?"

15 THE COURT: Suppose the answer is yes.

16 Now, what do you expect to prove there?

17 MR. KATZ: I am just establishing that she lived in that  
18 particular area in 1968. I think counsel is worried that I  
19 may attempt to show some prior acts of hostility between  
20 Mr. Manson and Shorty Shea at the address on Gresham Street  
21 when the Manson family was residing at Bill Vance's home in  
22 the latter part of 1968.

23 That is not my intention at all. Counsel is  
24 going and has already suggested to the court in argument that  
25 perhaps one of the explanations for the car -- and I have  
26 reference to Shorty's car being abandoned near the Gresham  
27 Street home was that because Lee Saunooke lived across the  
28 street -- and I merely am attempting to show sequentially that

1 she lived at Gresham Street in the latter part of 1968 and that  
2 in the first part of '69 she moved to another street. And  
3 show thereafter that Shorty had visited her at her new  
4 residence.

5 That is all I intend to do. I do not intend to go  
6 into any prior acts of hostility between Mr. Manson and Mr.  
7 Shea or to go into any hearsay conversations in that area.

8 THE COURT: What would be the materiality of it?

9 Let me put it this way, is your position that it  
10 has materiality as showing aggression between Manson and Shea,  
11 as aggressive acts of Manson to Shea?

12 MR. KATZ: No.

13 THE COURT: Then what is the materiality?

14 MR. KATZ: I just said that I am not doing that.

15 THE COURT: All right. Then what are you trying to show?

16 MR. KATZ: I am showing that she no longer resided at this  
17 Gresham Street house. That she had moved to another location,  
18 to explain Mr. Weedman's claim that Shorty wasn't on his way  
19 down to visit Lee Saunooke because the house where she was  
20 residing at in 1968 was across from the Gresham Street house,  
21 which was rented by Bill Vance and occupied by the Manson  
22 family.

23 MR. WEEDMAN: I have no objection to that, your Honor.

24 THE COURT: I don't see anything wrong with that.

25 MR. WEEDMAN: I have no objection.

26 THE COURT: All right. Let's go ahead then.

27 Let's take a short recess at this time, gentlemen.

28 MR. WEEDMAN: Thank you.



MR. KATZ: Thank you, your Honor.

THE COURT: Yes.

(Recess.)

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THE COURT: All right, now, gentlemen. Let's go ahead.

People against Grogan. The defendant is here,  
counsel are here.

Bring in the jury.

THE COURT: You have been sworn. Please tell us  
your name again.

THE WITNESS: Lee Saunooke.

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

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

You may proceed, gentlemen.

MR. KATZ: Thank you, your Honor.

Q Lee, I believe you were telling us that at the  
end of 1968 you were living across the street from a house  
occupied by Bill Vance on Gresham Street. Is that correct?

A That is correct.

Q And in the end of 1968, December of '68, were any  
members of the Manson family occupying the house?

A Yes, they were.

Q Did you move to some other location after that?

A Yes, I did.

Q When did you move to some other location?

A About the 1st of February.

THE COURT: What year, lady?

THE WITNESS: That would be 1969.

Q BY MR. KATZ: Where did you move to?

6-2

1 A 21044 Community Street.

2 Q Where is Community Street in relation to the home  
3 that you had on Gresham Street across from the Vance house?

4 A About a half mile south.

5 Q Now, Lee, let me, if I can, go back to this  
6 conversation that you apparently overheard in March of 1970 at  
7 your house.

8 You said, I believe, after you slammed the truck  
9 door that somebody left the house. Is that correct?

10 A Yes.

11 Q Who left the house?

12 A Well, when I went in, Clem was gone.

13 Q Were there people still in your house?

14 A Yes. Rocky was still asleep on the couch.

15 Q This is Rocky Todd?

16 A Yes.

17 Q And what about Lix Moreland? Where was she?

18 A She was on a blanket in front of the fire.

19 Q Was she asleep or was she --

20 A She sat up and yawned and said, "Oh, what are you  
21 doing home so early?"

22 Q How about Rocky? Did he remain asleep?

23 A Yes. He never moved.

24 Q Did he eventually move?

25 A He was gone in the morning.

26 Q Now, lastly -- and I'm not trying to be crude;  
27 please understand the spirit in which the question is asked of  
28 you -- you used the phrase "jacking off." What does that mean?

- 1 A To masturbate.  
2 Q Did Clem use those words, or are those your words?  
3 A No. He used the words "jacking off."  
4 MR. KATZ: ~~Thank you. I have no further questions.~~  
5

## INDEX

## CROSS-EXAMINATION

6  
7 BY MR. WEEDMAN:

8 Q Mrs. saunooke, would you tell us again, please,  
9 what you overheard, allegedly at least, my client say?

10 A He said that he grabbed him by the hair and his  
11 head and pulled his head back and just chopped and the blood  
12 spurted out, and while he was cutting off his head, that  
13 Charlie had been jacking him off.

14 Q And is that everything that you overheard my client  
15 say on that occasion?

16 A Well, when Liz remarked, "Is that what happened  
17 to Shorty?" he laughed and said, "Yes, who do you think I'm  
18 talking about?"

19 Q Did you ever see my client after that?

20 A Yes.

21 Q When did you see him after that for the very first  
22 time?

23 A At Spahn's Ranch.

24 Q What, if anything, was my client doing at Spahn  
25 Ranch when you saw him?

26 A Kissing Liz Moreland.

27 Q Did you speak to Clem on that occasion?

28 A I have never spoken to him before that or after

1 that.

2 Q Did you actually see my client at this location  
3 where you claim to have overheard this conversation?

4 A Yes, I did.

5 Q Do you recall testifying before the grand jury in  
6 connection with this matter?

7 A Yes, I do.

8 MR. WEEDMAN: I will find it in a moment, your Honor.

9 THE COURT: Take your time.

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1 Q BY MR. WEEDMAN: Well, while I am looking in  
2 connection with these guns that Mr. Shea had, were you aware  
3 of the fact that he had pawned these guns on more than one  
4 occasion?

5 A I knew he had pawned them at times.

6 Q Pardon me?

7 A I knew he had pawned them at times.

8 Q When did you learn that he had pawned the guns?

9 A I didn't know he had pawned this last time. I  
10 hadn't seen him for a while.

11 Q Well, when you testified before the grand jury  
12 had you known that he had pawned his guns?

13 A I don't know at this time whether he had pawned  
14 them or not. I never asked anybody what he did with them.

15 I have known him to pawn his guns when he was  
16 broke.

17 Q Pardon me?

18 A I have known him to pawn his guns when he was  
19 broke.

20 Q How many times had you known him to pawn his guns  
21 when he was broke?

22 A In 10 years?

23 Q Did he have those guns for about 10 years?

24 A Not the same pair. Different ones.

25 Q What other guns did he have, Miss -- is it Miss  
26 or Mrs.?

27 A Miss.

28 Q Miss Saunooke? Yes, what other guns did he have?

1           A       He has had various pistols and different sets of  
2 pistols. He had a rifle at one time.

3           Q       Can you describe any of the other pistols,  
4 particularly sets of pistols that he had?

5           A       He never had a good set of pistols but once. He  
6 had only had the one good set of pistols. The other were  
7 mismatches or singles.

8           Q       Are you telling us that he had pawned those other  
9 guns?

10          A       He had at times.

11          MR. KATZ: Excuse me. There is an objection on the  
12 grounds it is ambiguous. What other guns, the matched set or  
13 the others?

14          MR. WEEDMAN: Counsel is correct.

15          THE COURT: All right.

16          Q       BY MR. WEEDMAN: The guns, other than the good  
17 set.

18          A       He had pawned them at times.

19          Q       And he finally sold them, didn't he?

20          A       No. They were stolen.

21          Q       His other guns?

22          A       Yes.

23          Q       They were stolen?

24          A       They were stolen.

25          Q       Is that something that he told you?

26          A       No, because they were stolen from me.

27          Q       You had them?

28          A       Later I had them.

1 Q When was that, Miss Saunooke?

2 A They were stolen out of a footlocker of mine in  
3 1969.

4 Q What month in 1969?

5 A I believe they disappeared in September of '69.

6 Q So you had guns in your possession that belonged  
7 to Mr. Shea in September of 1969?

8 A Yes, I did.

9 Q What guns did you have, Miss Saunooke?

10 A I had a rifle and two pistols.

11 Q What kind of pistols were they?

12 A I believe he called them a .45. I don't know guns  
13 very well.

14 They were locked in a footlocker which belonged to  
15 him.

16 Q You had a footlocker that belonged to him?

17 A Yes.

18 Q Would you describe the footlocker for us, please.

19 A It was a black footlocker.

20 Q Have a name on it?

21 A No.

22 Q What did it have inside?

23 A He had his guns and a couple pair of pants and a  
24 pair of boots.

25 Q What kind of boots?

26 A Western boots. That is all he ever wore.

27 MR. WEEDMAN: I wonder if we have exhibits 9-A and 9-B,  
28 your Honor.



7-4

1 MR. KATZ: They are in Department 106, your Honor.

2 MR. WEEDMAN: We have really reached the problem, your  
3 Honor, because I want to show those guns to the witness,

4 THE COURT: Well, let's go in chambers.  
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(The following proceedings were had  
in chambers:)

THE COURT: I didn't want to argue this in front of the  
jury. Now, give me the question, please.

(The record was read by the reporter  
as follows:

"Q What did he have inside?

"A He had his guns and a couple  
pair of pants and a pair of boots.

"Q What kind of boots?

"A Western boots. That is all he  
ever wore.

"MR. WEEDMAN: I wonder if we have  
exhibits 9-A and 9-B, your Honor.

"MR. KATZ: They are in Department 106,  
your Honor.

"MR. WEEDMAN: We have really reached  
the problem, your Honor, because I want to show  
those guns to the witness.")

THE COURT: There we have our problem again. You are  
entitled to them. I am not trying to argue that.

MR. WEEDMAN: I think they will be available tomorrow  
morning, your Honor.

THE COURT: All right. Well, let me ask you this, are  
there any other questions you can ask?

MR. WEEDMAN: No, yes.

THE COURT: Before you have to get to the exhibits?

MR. WEEDMAN: Yes.

1 THE COURT: Maybe we can get in some questions.

2 MR. WEEDMAN: Oh, sure, your Honor.

3 THE COURT: Then we will try to get them back here for  
4 you. All right.

5 MR. WEEDMAN: I am sorry, I just kind of stumbled into  
6 that.

7 THE COURT: That is all right.

8 MR. WEEDMAN: I suddenly was suddenly asking, and thinking  
9 about 9-A and 9-B and at the same time realizing that they  
10 were over in 106.

11 THE COURT: That is all right.

12 MR. WEEDMAN: So I will just go ahead and complete my  
13 cross-examination of her but for that.

14 THE COURT: Why don't you do that.

15 MR. WEEDMAN: And perhaps she can come back tomorrow  
16 morning.

17 MR. KATZ: Well, your Honor, this is the problem. I would  
18 like to conclude my case.

19 I will conclude my case today if we can get the  
20 guns over. I think Mr. Weedman is entitled to all of the  
21 evidence he needs. I think this court certainly should insist  
22 we have the exhibits available this afternoon.

23 MR. WEEDMAN: Yes. Let's get them this afternoon.

24 THE COURT: I know it. You see, there is the problem.  
25 I have to use some latitude in the matter because I know we are  
26 in trial here.

27 Let's get Frank and get these exhibits, if you  
28 can. I don't know how far they are.

1 Now, Frank --

2 THE CLERK: Yes, sir.

3 THE COURT: We have got this hassle on again over exhibits.  
4 We need these exhibits.

5 Have you spoken to the clerk over there on the  
6 20 exhibits? Is there any issue about us getting those at  
7 2 o'clock? We have to have them here, all of them.

8 The People are going to close, is that correct?

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

10 THE COURT: All right.

11 THE CLERK: Yes, sir.

12 THE COURT: Tell them the People are going to close. We  
13 have to have them. See if there is any issue at all.

14 I can talk to Judge Choate. He has got the  
15 physical possession of them. There is our problem.

16 You see, I can't send the sheriff over there and  
17 break in the courtroom. I mean overliteralizing but that is  
18 what we are up against.

19 I have got to have these exhibits. The People  
20 can't close here.

21 THE CLERK: Well, your Honor --

22 THE COURT: Right now Mr. Weedman wants the boots and  
23 one of the other articles there.

24 MR. WEEDMAN: No, the guns.

25 THE CLERK: The guns.

26 This morning I received a call from Department 106  
27 requesting all of our exhibits.

28 THE COURT: Tell them we need them all, and we will give

1        then back.

2                THE CLERK: I called the clerk in 106 just five minutes  
3 ago and told them we would need our exhibits back, and she  
4 says, well, she would see what could be done.

5                THE COURT: Tell them we need the gun. Right now, we  
6 need the gun. Mr. Weedman is going to go ahead as far as he  
7 can.

8                Don't let anything more go. That is number one.  
9 I have got to trade exhibits. I am going to hold these things.  
10 I am not going to let any more go at this time. I can't run  
11 the court this way.

12                Now, tell them we need these. I will talk to the  
13 judge if it will do any good. But I would rather you tried  
14 to say we have got to have these exhibits.

#8

1 THE CLERK: Yes, your Honor.

2 THE COURT: At 2 o'clock. We've got to have them.

3 THE CLERK: Yes.

4 THE COURT: Do you have any more questions up to the time  
5 we get the exhibits?

6 MR. WEEDMAN: I can ask some more questions.

7 THE COURT: Ask some more questions.

8 THE CLERK: Do you want them now?

9 THE COURT: We've got to have them. We have to have  
10 those 20 exhibits, every one of them. I probably shouldn't  
11 have let them go, I guess, but that is water over the dam.

12 MR. WEEDMAN: It may not cause any delay because I can  
13 go on with the questioning.

14 THE COURT: Let's go as far as you can.

15 (The following proceedings were had  
16 in open court in the presence of the  
17 jury.)

18 THE COURT: We will have the exhibits. I'm just saying  
19 that to the jury.

20 Go ahead with your examination.

21 Q BY MR. WEEDMAN: Can you further describe,  
22 Mrs. Saunooke, the other pistols that Shorty Shea had left in  
23 your possession?

24 MR. KATZ: Excuse me. I'll object on the ground that the  
25 reference to the other pistols is once again ambiguous.

26 THE COURT: Read the question.

27 (The last question was read by  
28 the reporter as follows:

1 "Q BY MR. WEEDMAN: Can you further  
2 describe, Mrs. Saunooke, the other pistols that  
3 Shorty Shea had left in your possession?"

4 THE COURT: Well, you can do so. Overruled.

5 THE WITNESS: One of them had a black handle and the  
6 other had a silver kind of a handle with a design in it.

7 Q BY MR. KATZ: Were these revolvers as distinguished  
8 from automatics, if you know what those words mean?

9 A The thing that goes around in the middle and has  
10 six bullets in it.

11 Q Right.

12 A That is what it was.

13 Q The one with the black handle and the one with  
14 the silver handle, then --

15 A Yes; they were both the same type of gun but they  
16 just didn't match.

17 Q Were they the kind of guns which you might  
18 describe as sort of Western guns?

19 A Yes. And they each had a case.

20 Q What kind of case did they have?

21 A A holster.

22 Q A holster?

23 A Yes. Each one had a holster.

24 Q How long had you had these guns in your possession,  
25 Mrs. Saunooke, up to the time you tell us they were stolen?

26 A I think they were stolen when my saddles were.  
27 They were in the garage where the saddles were kept, and all  
28 the stuff was stolen. But at the time the saddles were stolen,

1 I never even thought about the footlocker, and I never missed  
2 it for maybe a month or so.

3 Q Miss Saunooke, my question was -- or I hope it was--  
4 how long --

5 A How long I had them?

6 Q Yes.

7 A Four or five months.

8 Q Where were you when Shorty presumably handed them  
9 over to you?

10 A He was living in my house at that time, and when  
11 he left he asked me if he could leave some things.

12 Q What house was that?

13 A On Community Street.

14 Q You say the Community Street address is about a  
15 half mile south of your former address?

16 A Yes.

17 Q What was your former address?

18 A I'm not sure of the house. It is 21028 or 21018,  
19 one of the two, on Gresham Street.

20 Q How many blocks away is the Community Street  
21 address from the Gresham Street address?

22 A It would be the second street, actually, but they  
23 are kind of long blocks in there because there is a wash  
24 runs through there.

25 Q Then if we talk in terms of blocks, it would not  
26 be fair, would it, because the blocks are quite long, is that  
27 it?

28 A Yes. They are not city blocks. That is why I



1 said a half mile.

2 Q Can you give us an idea in city blocks how far  
3 the Gresham Street house is from the Community Street house?

4 A No, I can't. I don't know what a city block is.  
5 I don't live in the city.

6 Q I misunderstood.

7 A About a half mile. You've got regular blocks laid  
8 out inside a city. They don't out there.

9 Q You are talking about --

10 A You have a street here and a street setting there.

11 Q You are talking about -- well, let me withdraw  
12 that.

13 Miss Saunooke, you are the one that talked about  
14 city blocks, I believe, in the first instance, and I assume  
15 that you had some rough idea as to that. Have you a rough  
16 idea as to city blocks?

17 A No. Cities are laid out in blocks, the country  
18 isn't.

19 Q Would it be fair to say that the Gresham Street  
20 house was about six blocks from the Community Street address?

21 A Is six blocks a half a mile?

22 Q Approximately six city blocks.

23 A If you want to call it that. To me it is a half  
24 mile.

25 Q All right. Well, I presume we can produce a map  
26 and show it.

27 When had you last seen Mr. Shea?

28 A From when?

1 Q Have you seen him recently?

2 A No, I haven't seen him --

3 Q That is my question.

4 A -- since July of 1970.

5 Q Where did you see him in July of 1970?

6 A On Community Street.

7 Q What, if anything, was he doing at your Community  
8 Street address at that time?

9 A He came over there to tell me -- the last time  
10 I saw him, the very last time, he came there at midnight to  
11 tell me about a fight he had with Charles Manson.

12 Q Are you related to Shorty Shea in any way?

13 A He claimed we were.

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1 Q My question is, Miss Saunooke --

2 A He had his family tree traced at one time ten  
3 years ago and he claimed at that time that I was his second  
4 cousin and he always treated me as such.

5 Q Are you telling us that the reason he came over  
6 to Community Street, Miss Saunooke, was to tell you that he had  
7 had a fight with Charles Manson?

8 MR. KATZ: Excuse me, your Honor, I will object on the  
9 grounds it is argumentative. She merely said that is what he  
10 told her when he saw her on that occasion.

11 MR. WEEDMAN: My question was, why did he come over  
12 there?

13 THE COURT: Give me the wording of the question.

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

16 "Q Are you telling us that the reason  
17 he came over to Community Street, Miss Saunooke,  
18 was to tell you that he had had a fight with  
19 Charles Manson?")

20 Q BY MR. KATZ: Was that the reason he came over  
21 in July?

22 A That was the last --

23 THE COURT: Wait a minute. I want to -- I want to think  
24 about the question.

25 It is somewhat argumentative, but I think it is  
26 probably a proper question.

27 You may answer.

28 Now, is the question clear to you, or do you want

1 it re-read?

2 THE WITNESS: I understood it.

3 THE COURT: All right. You can answer it.

4 THE WITNESS: That is what he came over -- that is what  
5 he said when he came in.

6 Q BY MR. WEEDMAN: You don't like Charles Manson in  
7 the slightest, do you, Mrs. Saunooke?

8 A I have a reason.

9 MR. WEEDMAN: I move to strike that, your Honor. It is  
10 not responsive.

11 Q Let me try again, Miss Saunooke. This is a death  
12 penalty case. Are you aware of that, Miss Saunooke?

13 A Yes, I am.

14 Q You realize that your testimony can put my man in  
15 the gas chamber?

16 A Yes, I do.

17 Q And you are testifying with that well in mind, are  
18 you?

19 A Yes, I am.

20 Q My question is, you don't like Charles Manson,  
21 do you?

22 A No, I don't.

23 Q And you don't like my client, either, do you?

24 A I'm afraid of him.

25 MR. WEEDMAN: I move to strike that, your Honor, as not  
26 responsive.

27 THE COURT: It may go out.

28 Q BY MR. WEEDMAN: Did you make up your mind when you

1 came in this courtroom to load up your testimony, Miss  
2 Saunooke?

3 A No.

4 MR. KATZ: I object.

5 Q BY MR. WEEDMAN: You realize you are under oath,  
6 don't you?

7 A Yes, I do.

8 Q Do you recall testifying before the grand jury in  
9 connection with this matter?

10 A Yes, I do.

11 Q Do you recall making these answers to these  
12 questions by Mr. Katz?

13 MR. KATZ: Where are we, counsel?

14 MR. WEEDMAN: Looking at page 471 of the grand jury  
15 proceedings.

16 THE COURT: Is the date there, Mr. Weedman?

17 MR. WEEDMAN: Sometime last December, your Honor. I  
18 don't have the exact date.

19 THE COURT: Go ahead.

20 MR. WEEDMAN: December 16, I believe, 1970, your Honor,  
21 is fairly close.

22 THE COURT: Thank you.

23 Q BY MR. WEEDMAN: Beginning at line 21 on this  
24 page, you had been asked by Mr. Katz,

25 "And what happened?"

26 And then I'm skipping down to line 21.

27 "Rocky was out cold on the couch and  
28 sound asleep. But it looked like he was out

1 cold the way he was laying. He was in an uncom-  
2 fortable angle, and the whole room was full of  
3 marijuana smoke. The whole place just stunk of  
4 it, and they were laughing, you know. It was funny,  
5 whatever they were laughing, discussing.

6 "Q Clem and Liz?

7 "A Clem and Liz. Clem remarked it was  
8 so funny when you cut off a person's head. You just  
9 pull it back and chop it, and when they were doing  
10 this, that they had been jacking him off, and Liz  
11 said, 'So that is what happened to Shorty?' and  
12 Clem said, 'Well, of course,' and they roared with  
13 laughter.

14 "So I thought it's time for me to beat  
15 a retreat, and I snuck back around and came in the  
16 front door."

17 Do you recall making those answers to those  
18 questions, Miss Saunooke?

19 A Yes, about that.

20 Q You didn't mention Charles Manson at all when you  
21 testified before the grand jury, did you?

22 A I don't remember.

23 Q Well, didn't this just refresh your recollection?

24 Let me show it to you, Miss Saunooke. You can  
25 begin on 471 and read that, and the next page, to yourself,  
26 if you will.

27 A (The witness reads the document.)

28 THE COURT: Repeat your question now.

1 Q BY MR. WEEDMAN: Have you completed reading your  
2 testimony in connection with what you purportedly overheard  
3 my client say?

4 A I have read it.

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1 Q Is there any reason why in court today you say  
2 that my client said Charles Manson was jacking him off?

3 A I didn't say that Charles Manson. I said that he  
4 said Charlie was.

5 I did not mention the name Manson whatsoever.

6 Q You didn't say Charles Manson?

7 A I said he said Charlie was jacking him off.  
8 you

8 Q My question to/is, he didn't say Charles Manson?

9 A No, he didn't.

10 Q Okay. But he said Charlie?

11 A That's right.

12 Q Who did you take Charlie to mean?

13 A It was probably Charles Manson.

14 Q Charlie Jones? Charlie Smith?

15 In any event, you didn't mention Charlie before the  
16 grand jury. How come you mentioned it here today, Miss  
17 Saunooke?

18 A Because that is what was said.

19 Q Did you lie to the grand jury?

20 A No. I just neglected to mention the name. I am  
21 very sorry.

22 Q Neglected, in a murder case, you neglected --

23 MR. KATZ: Excuse me, your Honor. I will object.  
24 Objection to the melodramatic and argumentative questions.

25 THE COURT: Well, the words "in a murder case" may go  
26 out. The rest is a direct question.

27 If you want to rephrase it, you may.

28 MR. WEEDMAN: That is all I have. Thank you.



INDEX

1 THE COURT: Is that all, gentlemen?

2 MR. KATZ: No.

## REDIRECT EXAMINATION

3  
4  
5 BY MR. KATZ:

6 Q Miss Saunooke, now, let's fix the dates, if we  
7 can. In March of 1970 you said you overheard a statement Clem  
8 made to Lis Moreland, is that correct?

9 A Yes, sir.

10 Q Using that as a frame of reference, March of 1970,  
11 did you see Shorty after that?

12 A No, sir.

13 Q All right.

14 Now, you said -- you told Mr. Weedman the last  
15 time you saw Shorty was July of 1970. Did you mean that?

16 A I meant '69.

17 Q You are positive it is '69 and not '70?

18 A '69.

19 Q Any doubt in your mind?

20 A No, sir.

21 MR. KATZ: No further questions.

22 MR. WEEDMAN: Oh, I don't have any more questions.

23 Thank you.

24 THE COURT: That is all.

25 MR. WEEDMAN: I am sorry, your Honor. I do want to show  
26 her the guns. Perhaps she can be directed to return at  
27 2 o'clock.

28 THE COURT: Yes. We will have to go over to 2 o'clock,

1 I guess, to get the exhibits in here.

2 Do you have something else?

3 MR. KATZ: I think that is fair.

4 THE COURT: I can't operate any faster.

5 MR. WEEDMAN: Your Honor, I would respectfully request the  
6 court instruct Miss Saunooke not to discuss her testimony with  
7 anyone until I have the further opportunity to examine her.

8 THE COURT: All right. Do not talk about the matter with  
9 anyone, lady.

10 THE WITNESS: Yes, sir.

11 THE COURT: We will go to 2 o'clock. Is that correct,  
12 gentlemen?

13 MR. KATZ: Yes, sir.

14 MR. WEEDMAN: Yes, sir.

15 THE COURT: We will go to 2 o'clock.

16 Ladies and gentlemen, kindly return promptly. Do  
17 not discuss the case or come to any opinion or conclusion.

18 Thank you very much.

19 (at 11:20 a.m. the noon recess was  
20 taken to 2 o'clock p.m. of the same  
21 day.)  
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LOS ANGELES, CALIFORNIA, WEDNESDAY, AUGUST 18, 1971

2:00 P.M.

(The following proceedings were had  
in chambers:)

THE COURT: We are in chambers, counsel and the defendant.

Here's the problem. Let me have your help here.

Defense counsel wanted two of the exhibits.

MR. KATZ: 9-A and 9-B.

THE COURT: Which you are entitled to have. There is no  
issue on that at all. They are over in Department 106 and  
I'm trying to get them.

Now, here's what I would like to do, and I'm not  
trying to push it. You are just down almost to the mechanical  
procedure at the moment. That is to say, if you withhold for  
a moment or a half hour or 20 minutes, the exhibits business,  
I don't think it will hurt your examination. It wouldn't do  
anything to hurt you.

MR. WEEDMAN: Not at all.

THE COURT: And let the People go ahead and take what  
testimony they have. I would rather wait till we get the  
exhibits. We are going to stop dead. Do you see what I am  
trying to say?

MR. KATZ: Yes, your Honor.

THE COURT: Put on your testimony, cross-examination, so  
we can take as much testimony as we can.

If it was a civil case, I would say, "This is the  
way it is going to be done." But it is not a civil case, it

1 is criminal. So I won't do anything without the full stipula-  
2 tion of both parties on any technical matter. But is there  
3 any objection --

4 MR. WEEDMAN: No, your Honor.

5 MR. KATZ: I will accommodate the court.

6 THE COURT: I'm not trying to take the right from you.

7 MR. WEEDMAN: No objection whatever to handling the  
8 exhibits --

9 THE COURT: Let's go ahead. I'll try to talk to Judge  
10 Choate now. I've got a call in for him. He rang me, and it  
11 must be over the exhibits.

12 MR. WEEDMAN: It is. I spoke with Judge Choate during  
13 the lunch hour.

14 THE COURT: What did he say?

15 MR. WEEDMAN: He called me in chambers.

16 THE COURT: That is this afternoon?

17 MR. WEEDMAN: Yes, during the lunch hour.

18 THE COURT: What did he say?

19 MR. WEEDMAN: He is going to -- of course, he wants to  
20 keep the exhibits as much as he can, and I said, "Well, it is  
21 whatever -- whatever is worked out is satisfactory to me."

22 THE COURT: Yes.

23 MR. WEEDMAN: I told him that Mr. Katz especially wanted  
24 to get these exhibits introduced.

25 THE COURT: Right.

26 And he needs all of them for that purpose.

27 MR. WEEDMAN: But Judge Choate asked me what I needed the  
28 exhibits for this afternoon, and I said, "Well, so far as I

1 can see, I only need 9-A and 9-B."

2 THE COURT: Yes.

3 MR. WEEDMAN: But I said Judge Call made it very clear  
4 that he wants them all over here; that we are really kind of  
5 stalled.

6 THE COURT: It is a criminal matter. They should be here  
7 for introduction by the People.

8 MR. WEEDMAN: So then Judge Choate said, "Well, I'll  
9 attempt to reach Judge Call."

10 THE COURT: All right.

11 MR. WEEDMAN: That is when he apparently called.

12 THE COURT: That is where we are at the moment.

13 MR. WEEDMAN: Yes. That is when he apparently called and  
14 left word.

15 Anything you want to do is agreeable with us.

16 THE COURT: Let's go ahead as far as we can.

17 THE DEFENDANT: It is not agreeable.

18 MR. WEEDMAN: What is not agreeable?

19 MR. KATZ: May I address your Honor?

20 THE COURT: Go ahead.

21 MR. KATZ: I was going to suggest to the court what I  
22 anticipate to be the following course that the People will  
23 pursue in concluding the case in chief:

1 We, of course, are done with Lee Saunooke. Counsel  
2 wishes to show Lee Saunooke the exhibits 9-A and 9-B, which  
3 are the .45 revolvers belonging to Shorty. And he perhaps may  
4 have some additional questions in that area.

5 Now, I am willing at this time in order to accom-  
6 modate counsel and the court, to put on Sgt. Whiteley out of  
7 order and commence his very short testimony.

8 THE COURT: Yes.

9 MR. KATZ: Then put on William Gleason, who is a deputy  
10 sheriff and put on his very short testimony in connection with  
11 the investigation, and then finally put on Sgt. Whiteley for  
12 the alleged admission that the defendant here made to Sgt.  
13 Whiteley when he was arrested pursuant to the grand jury  
14 warrant for the murder of Shorty Shea following the return of  
15 the grand jury indictment in September of 1970. And that will  
16 conclude my case.

17 Then I had planned, your Honor, at the conclusion  
18 of the People's case in chief to have all of the exhibits here  
19 and as counsel and I have previously discussed, to go in an  
20 orderly process and take each exhibit one by one, offer it.  
21 If counsel has an objection, then he states his objection.  
22 The court makes its ruling.

23 THE COURT: Right.

24 MR. KATZ: Then after that orderly process -- and I  
25 discussed it with the court and counsel before and we all  
26 concluded it was reasonable, I then wanted those exhibits which  
27 are received in evidence to be viewed by the jury before I  
28 rest officially, and I would rest my case in chief.

1 THE COURT: Yes.

2 MR. KATZ: After the jury has viewed the exhibits.

3 I think counsel indicated he was going -- maybe  
4 I am talking ahead of counsel now -- counsel may ask for a  
5 few days --

6 THE COURT: That I am not worried about.

7 MR. KATZ: I think that is a reasonable request. But the  
8 reason I am saying this is this will give Department 106 once  
9 again a chance to have all of the exhibits to use.

10 THE COURT: Just one minute.

11 (Phone conversation between the court and Judge  
12 Choate, not reported.)

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1 THE COURT: He says he will just order his clerk -- you  
2 see, they are cross-examining on these. He says he would like  
3 to ask his clerk to wait till you get through with your cross  
4 on A and B, and make your offer -- make the objection, if you  
5 have any, and let me rule.

6 MR. KATZ: Surely.

7 THE COURT: Then give them back to the clerk.

8 MR. KATZ: What we want to do as soon as we rest and you  
9 have ruled on the introduction or admissibility of the  
10 exhibits, then we want the jury to view them before we rest.

11 THE COURT: I think we can work that out. Let's get over  
12 this hurdle here.

13 MR. KATZ: Fine. No problem at all.

14 THE COURT: Let's go ahead.

15  
16 (The following proceedings were had  
17 in open court outside the presence  
18 of the jury:)

19 THE COURT: Now, let's go ahead with our cross-examination.

20 The two exhibits -- you can take this all down --  
21 are coming over and are in transit right now from 106, 9-A and  
22 B.

23 Did you have some questions, or had you finished  
24 your questions with the exception of 9-A and B?

25 MR. WEEDMAN: Yes, your Honor.

26 THE COURT: Well then, do you want to start with your  
27 witness? You may have some preliminary questions of your next  
28 witness till the exhibits come.



1 MR. KATZ: Apparently he is en route from 106, and I  
2 assume he will probably arrive about the same time as exhibits  
3 9-A and 9-B.

4 If we can have five minutes at the most, or ten  
5 minutes --

6 THE COURT: All right. Maybe it's the best thing. The  
7 moment they come we will get that segment finished.

8 MR. KATZ: Yes, your Honor.

9 THE COURT: It's probably better thinking. They may be  
10 here any minute.

11 As soon as they come, we will go ahead.

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

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

Defendant is here and both counsel are here. We  
have our exhibits, I take it.

MR. KATZ: No, we do not, your Honor. We are going to  
put a witness on out of order so we can move ahead.

THE COURT: Oh. All right.

MR. KATZ: We are ready to proceed.

THE COURT: Yes.

MR. KATZ: We need the jury.

THE COURT: How about your witness?

MR. KATZ: Our witness is here.

THE COURT: Don't you want to bring him in?

MR. KATZ: Right here.

THE COURT: Oh, I follow you. I wasn't following you then.  
You want to hold up the exhibit situation?

MR. KATZ: Yes.

THE COURT: All right.

Bring in the jury, Sheriff, please.

THE BAILIFF: Yes, sir.

THE COURT: And you can take the stand, Officer.

PAUL J. WHITELEY,  
recalled as a witness by the People, testified further as  
follows:

THE WITNESS: I have previously been sworn.

1 THE COURT: State your name again, please.

2 THE WITNESS: Paul J. Whiteley.

3 THE COURT: Thank you.

4 We will pull that right around. Thank you very  
5 much.

6 Here are the exhibits. Let's go ahead and finish  
7 with them.

8 MR. KATZ: Yes. I agree.

9 THE COURT: Step down, if you will. Thank you very much.

10 THE WITNESS: Yes, sir.

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

14 THE COURT: Now we have all of our regular jurors and the  
15 three alternates.

16 The witness, you take the stand and state your name,  
17 please.

18  
19 LEE SAUNOOKE,  
20 resumed the stand and testified further as follows:

21 THE WITNESS: Lee Saunooke.

22 THE COURT: You have been sworn. All right.

23 Now, go ahead, Mr. Weedman.

24 Now we are continuing with the cross.

25  
26 RE-CROSS-EXAMINATION

27 BY MR. WEEDMAN:

28 Q Miss Saunooke, I would like to show you People's

1 exhibits 9-A and 9-B for identification, a pair of revolvers  
2 (handing) and ask you if you have ever seen those guns before.

3 A Yes, sir.

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1 Q Were those Shorty's guns?

2 A I would say they were. They were more polished  
3 before.

4 Q Pardon me?

5 A They used to be a little more polished, but I would  
6 say they were his guns.

7 Q Where were they a little more polished,  
8 Miss Saunooke?

9 A He shined them all the time, continually.

10 Q Did you ever see him cleaning the inside of these  
11 guns?

12 A Yes, I have.

13 Q Have you seen him then clean the inside of the  
14 cylinders, did you?

15 A Yes. He always kept his guns clean.

16 Q Did you see him clean the inside of the barrels  
17 of both of these guns?

18 A Yes. He had a kit that he used for it.

19 Q When did you last see these guns, Miss Saunooke?

20 A The last time I saw them was when he was living at  
21 my house.

22 Q That was in July of 1969?

23 A That was in -- no. He wasn't living at my house  
24 in July of '69. He was there at that time. He lived with me  
25 in the latter part of February and part of March of '69, and he  
26 had the guns there at my house at that time.

27 Q Did he have a case for the guns at that time?

28 A Yes, he did.

1 Q When you saw Mr. Shea in July, did you see these  
2 guns in his possession?

3 That is, People's 9-A and 9-B for identification.

4 A No, I didn't.

5 Q Do you know where the guns were at that time?

6 A No. I didn't ask him.

7 Q Did Mr. Shea tell you at any time that he had  
8 pawned these particular guns, 9-A and 9-B?

9 A No, he didn't.

10 Q Did you assume because of his apparent attachment  
11 for these guns that he would never pawn them?

12 A I didn't know. If he had been broke, he might have  
13 pawned them.

14 Q Pardon me?

15 A If he had been broke, he might have pawned them.

16 Q Would it be fair to say that Mr. Shea was broke  
17 most of the time in 1969, to your knowledge?

18 A No.

19 Q He was not?

20 A No.

21 MR. WEEDMAN: All right. Thank you, Miss Saunooke.  
22 That is all I have.

23 THE COURT: Is that all, gentlemen?

24 MR. KATZ: Just a few questions.

25  
26 REDIRECT EXAMINATION

27 BY MR. KATZ:

28 Q Lee, I believe you told us that Shorty was living

1 at your house sometime in February and March of '69, is that  
2 right?

3 A Yes, sir.

4 Q Did he help you move into that house?

5 A Yes, he did.

6 Q Can you tell us whether or not he contributed to  
7 the payment of the rent and food?

8 A Yes, he did.

9 Q In other words, he helped support the family, is  
10 that right?

11 A Yes.

12 MR. KATZ: Thank you. No further questions.

13 THE COURT: Is that all now, folks, from the witness?

14 Did you want this witness back on call?

15 MR. WEEDMAN: Yes. Thank you.

16 THE COURT: I believe I told you -- if not, I'm telling  
17 you -- we may have to call you back. You may be called to come  
18 back again. I don't know. Maybe not, maybe yes. But be what  
19 we call available, on call, please. I'm not asking you to  
20 stay here, but you must be subject to call.

21 THE WITNESS: Yes.

22 THE COURT: All right. That's all. Thank you, lady.

23 MR. KATZ: Your Honor, now, pursuant to our discussion,  
24 the People would ask that People's 9-A and 9-B be received in  
25 evidence.

26 THE COURT: Now, is there an objection at this time?

27 MR. WEEDMAN: Your Honor, I will submit the matter.

28 THE COURT: All right. I will overrule any objection.

1 I will admit exhibits 9-A and 9-B in evidence.

2 Now, so the jury will fully understand, exhibits 9-A---  
3 let me have them, will you -- 9-A and 9-B here, two revolvers,  
4 the People have offered in evidence these two revolvers. Here-  
5 tofore, they have been marked for identification. That means  
6 there are numbers put on them and they are referred to by  
7 number, the revolvers marked for identification number so-and-  
8 so.

9 Now they are admitted in evidence as exhibits for  
10 the People. The People are moving that they be admitted in  
11 evidence. The court is admitting them in evidence, and at a  
12 later time they will be more fully shown to you, but I'll try  
13 to explain what has happened at this juncture.

14 Now, I'll return these at this time to the clerk  
15 in Department 106.

16 MR. KATZ: Yes, your Honor.



15-1

1 THE COURT: All right. Return it to the gentleman from  
2 106. Here you are (handing).

3 All right. Now, People go ahead.

4 MR. KATZ: Yes. Thank you.

5 The People wish to recall Sgt. Paul Whiteley to  
6 the stand.

7 THE COURT: All right.

8 Officer, you be seated.

9  
10 PAUL J. WHITELEY,

11 resumed the stand and testified further as follows:

12 THE COURT: You have been sworn. Again, state your name,  
13 if you will.

14 THE WITNESS: Paul J. Whiteley.

15 THE COURT: Thank you.

16 Now, the People may proceed.

17 MR. KATZ: Thank you.

18  
19 DIRECT EXAMINATION (Resumed)

20 BY MR. KATZ:

21 Q Just to refresh our memories, Sergeant, what is  
22 your occupation and assignment?

23 A I'm a detective sergeant with the Los Angeles  
24 County Sheriff's office, assigned to the Homicide Bureau.

25 Q How long have you worked the Homicide Bureau of  
26 the Los Angeles County Sheriff's office?

27 A Approximately four years.

28 Q And how long have you been a deputy sheriff?

1 A 14-1/2 years.

2 Q And once again calling your attention to 1969, were  
3 you working the Los Angeles County Sheriff's homicide assign-  
4 ment?

5 A Yes, I was.

6 Q And in that connection with your assignment at  
7 sheriff's homicide had you the occasion to also work missing  
8 persons cases?

9 A Yes, I have.

10 Q And further in that connection had you the  
11 opportunity to work with deputy sheriffs who were assigned to  
12 work exclusively missing persons cases?

13 A Yes.

14 Q And I take it then it is fair to say you had the  
15 experience of working missing persons cases in connection  
16 with your homicide assignment, is that correct?

17 A Yes.

18 Q And can you tell us, without reference to this  
19 case, what generally is done when a deputy is developing a  
20 missing persons case; what do you do?

21 MR. WEEDMAN: Excuse me, your Honor. I wonder if we may  
22 approach the bench.

23 THE COURT: You may answer.

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

25 THE COURT: Yes. Certainly. Better bring the reporter.

26 We will go in chambers.

27 (The following proceedings were had  
28 in chambers:)

15-3

1 THE COURT: Now, we are in chambers. Defendant and both  
2 counsel.

3 Better back up for the purpose of any argument and  
4 read the last two questions, please.

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

7 "Q And I take it then it is fair  
8 to say you had the experience of working  
9 missing persons cases in connection with  
10 your homicide assignment, is that correct?

11 "A Yes.

12 "Q And can you tell us, without  
13 reference to this case, what generally is  
14 done when a deputy is developing a missing  
15 persons case; what do you do?"

16 THE COURT: Now, go ahead.

17 MR. WEEDMAN: Your Honor, I will object on the ground  
18 that it is irrelevant and immaterial to any issue in this  
19 case as to what this officer may or may not have done in  
20 connection with missing persons cases.

21 I assume that Mr. Katz is going to --

22 THE COURT: Well, either the D.A. is asking for conclu-  
23 sions, what is generally done, that is one thing that bothers  
24 me.

25 The question -- I am not ruling, I am debating it  
26 with you.

27 MR. WEEDMAN: Yes, your Honor.

28 THE COURT: What was done, could be another situation.

15a

1 What generally is done is conclusional. Depends on how you  
2 are framing your question.

3 Read the question again now.

4 MR. KATZ: I asked what generally was done.

5 THE COURT: Read the question again. See how it is  
6 framed.

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

9 "Q And can you tell us, without  
10 reference to this case, what generally is  
11 done when a deputy is developing a missing  
12 persons case; what do you do?"

13 THE COURT: That calls for conclusions and hearsay testi-  
14 mony.

15 MR. KATZ: Your Honor, the witness has testified he is  
16 a homicide investigator who works missing persons cases.

17 Now, there is a standard procedure which is  
18 followed by the homicide bureau of the sheriff's department  
19 in the ordinary course of the police business in connection  
20 with the development of missing persons cases. The evolution,  
21 the evolution of a missing persons case.

22 He will tell you what they do in each and every  
23 instance. He then will be asked "What did you do in connec-  
24 tion with the Shorty Shea case, if anything?"

25 THE COURT: Well, there is your germane question.

26 MR. KATZ: Well, it is really just as they did in the  
27 Scott case, the L. Ewing Scott case --

28 THE COURT: One thing, it is self-serving: "What did you

15-5

1 folks do in a previous case?" That is self-serving if anything  
2 else. "What procedure do you folks have to prove a man guilty?"

3 "What have you done respecting the Shea case" is  
4 proper, not what your general procedure with other people  
5 charged with crimes is.

6 MR. KATZ: Well, your Honor, I think we are fighting  
7 shadows. I don't care. I can ask him directly. I was just  
8 laying foundation, your Honor.

15-6

1 THE COURT: Well, I think I will sustain the objection  
2 the way it is framed. That is why I stopped there to get the  
3 analysis of it.

4 In my mind I am not trying to be argumentative  
5 about it, but it is "What do you do? What is your general  
6 procedure in all of the cases that come before you? Every  
7 case, what do you do to prove missing persons?"

8 MR. KATZ: This is kind of like a business records  
9 exception in a sense.

10 THE COURT: This isn't business records. The Penal Code  
11 doesn't say you can go into this.

12 MR. KATZ: I have no objection if your Honor wants me to  
13 just ask "What did you do?"

14 THE COURT: I think if you say to this witness substan-  
15 tially this, something like this in substance, "What did you  
16 do? What steps did you take to ascertain the whereabouts of  
17 Shea?"

18 "We did this; we did this; we did this; we did  
19 this."

20 But you are asking for facts, and you are getting  
21 facts, that is my point.

22 MR. KATZ: I have no objection to frame it that way.

23 THE COURT: I don't think I would rule you out on that.  
24 The defense counsel, if he desires, can make the objection.  
25 But I think that would be permissible questioning.

26 MR. KATZ: This is precisely the question that was asked  
27 in the L. Ewing Scott case, on circumstantial evidence.

28 THE COURT: If you put it down to Shea, if you put it

1 factually "What did you do in this instance respecting Shea?"

2 MR. KATZ: Fine. I will be happy to do so.

3 THE COURT: Find out what facts you did determine.

4 MR. WEEDMAN: Well, your Honor, I think --

5 THE COURT: Go ahead.

6 MR. WEEDMAN: Of course I don't know what Mr. Katz' later  
7 questions will be, but I anticipate that much of it will be  
8 calling for hearsay so that I will undoubtedly be objecting  
9 as he moves along. And then we will just see where we end up.

10 THE COURT: Well, you make your objections. I don't know  
11 what else to say. It is very difficult.

12 You are fully entitled to make your objections  
13 and if necessary I will advise the jury that counsel has the  
14 full right to make his objections. I have said that many  
15 times.

16 It is the responsibility and a right if he thinks  
17 there is an objection, to make it. I mean, then I will rule.  
18 I don't know quite how else to go about it.

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1 MR. WEEDMAN: That's right, your Honor. Of course, I  
2 don't know exactly what Mr. Katz' questions will be.

3 THE COURT: I understand.

4 MR. WEEDMAN: And they may or may not be objectionable.

5 THE COURT: There may be no objection. Now let's go  
6 ahead.

7 MR. KATZ: Counsel, once again, has the grand jury record,  
8 and I intend to stay very close to the grand jury proceedings.  
9 So I think he is well apprised of the type of questions that  
10 I am going to be asking Sgt. Whiteley.

11 THE COURT: Let's go ahead. I will rule as they come up.

12 MR. WEEDMAN: Perhaps we might have some preliminary  
13 ruling with respect to the testimony that will indicate that  
14 Sgt. Whiteley went to various agencies and said, "Have you  
15 heard from Shorty Shea?" and they will say, "No."

16 That kind of evidence I will object to on the  
17 grounds that it is hearsay.

18 For example, he might check Social Security records  
19 and see that no deposits have been made to Shorty Shea's  
20 Social Security account.

21 THE COURT: How long an examination do you have?

22 MR. KATZ: Very short, your Honor.

23 THE COURT: Let's bring him in here. I will take it here  
24 and see what we have.

25 Bring the witness in here, please.

26 (The witness Paul Whiteley was ushered  
27 into the chambers.)

28 THE COURT: Be seated, Officer. We are in chambers with



1 the officer here.

2 Sheriff, tell the jury to take five minutes. Keep  
3 them right in the jury room, but they can take a recess.

4 We are going to take your testimony for purposes  
5 of ruling one way or the other.

6 So, you go ahead.

7  
8 EXAMINATION

9 BY MR. KATZ:

10 Q Sgt. Whiteley, were you assigned to work a  
11 missing person's case entitled "Donald Jerome Shea, also known  
12 as Shorty Shea?"

13 A Yes.

14 Q Later did this case develop to be a homicide case?

15 A Yes.

16 Q Now, in the course of your investigation concerning  
17 the missing person's case of Donald Jerome Shea, what efforts  
18 did you make to locate one Donald Jerome Shea, or Shorty Shea?

19 A The first thing that I had to do was to establish  
20 who Donald Jerome Shea was, as I only knew that he was Shorty.  
21 I contacted friends and relatives --

22 THE COURT: Of Shea?

23 THE WITNESS: -- of Mr. Shea's. I sent teletypes out to  
24 his known employers, to Missing Persons Details, to the  
25 California Identification and Investigation Section, to the  
26 Identification Section of Texas, Massachusetts, Arizona and  
27 Nevada.

28 I contacted film makers unions. Social Security

1 Administration, Internal Revenue Service, Southern California  
2 credit bureaus, voters' registration, coroner's offices of  
3 California, Arizona, Texas, and Massachusetts.

4 I have a list here.

5 I contacted the California Department of Hospitals  
6 to see if Mr. Shea might be in a mental hospital.

7 I checked the California Department of Public  
8 Health, the Veterans Administration of Massachusetts,  
9 California, Arizona and the main offices in Louisville,  
10 Kentucky.

11 I checked the license bureaus of the Los Angeles  
12 Police Department, of the Los Angeles County Sheriff's  
13 Department, the FBI.

14 That is about it.

15 THE COURT: What was the result -- excuse me.

16 MR. KATZ: I was going to ask a few more questions.

17 THE COURT: Yes.

18 Q BY MR. KATZ: Did you contact the postal authori-  
19 ties of the United States Government?

20 A Yes, I did.

21 I contacted the postal authorities at every known  
22 address that I had for Mr. Shea.

23 Q Did you also contact the Passport Division?

24 A Yes, I contacted the State Department, United States  
25 Government, Passport Division.

26 Q And further -- I don't know if you said this  
27 already, Sergeant, so forgive me for asking -- did you send out  
28 any teletype information to various Missing Persons Bureaus

1 throughout the United States giving a description of Donald  
2 Jerome Shea?

3 A Yes. I sent several nationwide teletypes.

4 Q As a result of the above efforts that you made to  
5 locate the whereabouts of Donald Jerome Shea, were you able  
6 to determine the whereabouts of Donald Jerome Shea?

7 A No.

8 THE COURT: I think it is permissible.

9 Now, did you have any objection, Mr. Weedman?

10 MR. WEEDMAN: Your Honor, I do, because --

11 THE COURT: All right. Make your objection.

12 MR. WEEDMAN: -- in each instance Sgt. Whiteley will  
13 be testifying as to things that were told him by others.

14 THE COURT: That's right.

15 MR. WEEDMAN: And to the extent that that is being  
16 offered for the truth of the matter asserted, it is obviously  
17 hearsay.

18 THE COURT: It would be hearsay. I concede that.

19 MR. KATZ: It is not offered for the truth, but for  
20 circumstantial evidence --

21 MR. WEEDMAN: Of course it is offered --

22 MR. KATZ: Of course it is not. It is offered as circum-  
23 stantial evidence to show that there was no response to the  
24 information which Sgt. Whiteley had decimated nationwide by  
25 way of teletype, and this is admissible under L. Ewing Scott.  
26  
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1 MR. WEEDMAN: If it is not being offered to show, say,  
2 for example, that the Social Security Department didn't receive  
3 any deposits in the name of Donald Jerome Shea, it is hearsay,  
4 of the most obvious kind.

5 THE COURT: Well, it is hearsay. I think it does  
6 constitute, you might say, an exception, for one thing, but  
7 the jury instruction on the point could, I think, clear up --  
8 it could state to the jury this is hearsay, but has evidentiary  
9 value in going to the point of whether or not -- what has  
10 happened to -- let us put it that way -- where is Donald Shea?  
11 Directed to that point.

12 I will admit the testimony, and your objection is  
13 noted.

14 MR. WEEDMAN: Your Honor, supposing -- if I may be heard  
15 for a moment.

16 THE COURT: Go ahead.

17 MR. WEEDMAN: Supposing Officer Whiteley testified that  
18 he talked with Mr. X and he asked Mr. X, "Have you seen Shorty  
19 Shea since August the 29th?" And Mr. X says, "No, I haven't  
20 seen Shorty Shea."

21 Now, that is hearsay. I don't think there is any  
22 question about it. And all Sergeant Whiteley is testifying to  
23 now is the same kind of evidence.

24 THE COURT: I concede it is hearsay, in my opinion, but  
25 I do think it is admissible for the consideration of the jury.

26 I will overrule the objection.

27 MR. KATZ: Now, your Honor, there is an additional part  
28 that I intend to elicit, and I don't want to surprise counsel,

1 so I will give him an opportunity to make any objection he has  
2 at this time. I will then ask Sgt. Whiteley what efforts, if  
3 any, he made to locate the body of Shorty Shea.

4 THE COURT: Let's get the question now, then, so I can --  
5 You can answer that, Sergeant.

6 THE WITNESS: From my investigation, I have spent, with  
7 my department, approximately 2000 man-hours. I have dug up  
8 areas in Devil's Canyon, Ybarra Canyon, Spahn's Ranch, Iverson's  
9 Ranch, and all the property surrounding Spahn's Ranch -- the  
10 Southern Pacific property -- and I have not found anything.

11 MR. KATZ: Your Honor, that would be basically the type  
12 of inquiry in this area. I might develop it a little further  
13 as to specifically how he -- specifically what efforts he made  
14 in this area, you know, what does he mean by "digging."

15 THE COURT: Of course, I would say this: I don't pass  
16 on the strength of the testimony. That testimony, of course,  
17 could be valuable testimony for the defendant in the fact that  
18 the People's case is directed -- the direct testimony indicating  
19 that the remains of Shea were taken down the stream and buried  
20 under leaves or gravel, coupled with the fact that the sheriff  
21 has put several thousand, did you say --

22 THE WITNESS: 2000.

23 THE COURT: -- 2000 men looking for the remains and they  
24 are not there. If anything, I would say it would assist the  
25 defendant more than it would the People. But that is not my  
26 business. This is your case. I'm telling you the immediate  
27 reflection I have.

28 MR. KATZ: I understand. But, they didn't have 2000 men;

1 there were 2000 man-hours.

2 THE COURT: Let's go ahead. I note your objection.

3 MR. WEEDMAN: Your Honor, I think, because I consider the  
4 point quite important, I think I had better make a record.

5 THE COURT: You want to object to this in open court?

6 MR. WEEDMAN: I don't need to argue it in open court,  
7 but I think I'd better object so we will have a clear record  
8 with respect to this.

9 THE COURT: You have an absolute right to do it.

10 MR. WEEDMAN: I think it is extremely important. It may  
11 be a little tedious --

12 THE COURT: I don't care. You have that right.

13 MR. WEEDMAN: I will make it as swift as I can.

14 (The following proceedings were had  
15 in open court.)

16 THE COURT: Now, gentlemen, we will go ahead. We are  
17 back in court. The defendant is here, both counsel are here.

18 Now, Sheriff, you can bring in the jury and we  
19 will proceed.

20 You can take the stand, Officer, if you will.  
21 State your name again, if you will, please.

22 THE WITNESS: Paul J. Whiteley.

23 THE COURT: Thank you. You have been sworn.

24 (The following proceedings were had  
25 in open court in the presence of the  
26 jury.)

27 THE COURT: Now we have our jurors back, plus the  
28 alternates.

1 You may proceed, Mr. Katz.

2 MR. KATZ: Thank you, your Honor.

3  
4 DIRECT EXAMINATION (Continued)

5 BY MR. KATZ:

6 Q Sergeant Whiteley, in connection with your assign-  
7 ment with the Homicide Division of the Los Angeles County  
8 Sheriff's office, were you assigned particularly to a case  
9 involving Donald Jerome Shea?

10 A Yes, I was.

11 Q When it was originally assigned to you, was this  
12 a missing persons case as such?

13 A No, sir, it wasn't.

14 Q All right. In any event, in connection with the  
15 assignment relating to or relative to Donald Jerome Shea, did  
16 you make any efforts in the course of your investigation to  
17 locate Donald Jerome Shea?

18 A Yes, I did.

19 Q Would you tell the jury what it was you did in this  
20 regard?

21 A I sent numerous nationwide teletypes to all police  
22 agencies requesting their assistance in locating Mr. Shea.

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1 Q Well, now, what information did you put in these  
2 nationwide teletypes?

3 A It had Mr. Shea's name, both Donald Jerome and  
4 Donald Jerome Shea.

5 It had his date of birth and description. It had  
6 his place of birth in Massachusetts.

7 And it had a brief summary of the circumstances  
8 surrounding why we were attempting to locate Mr. Shea.

9 Q All right.

10 And in connection with the physical description,  
11 did you put in any unusual characteristics regarding any  
12 injuries and the like?

13 A Yes, we did.

14 Q All right.

15 And who else did you contact, and what else did  
16 you do in that regard?

17 A Contacted the California Division of CII -- Crimin-  
18 al Identification and Investigation, and requested their  
19 assistance.

20 I contacted the Department of Motor Vehicles for  
21 any citations or accidents on Mr. Shea's license.

22 I contacted the coroner's offices of California,  
23 Arizona, Nevada, Texas and Massachusetts.

24 I contacted all known relatives and personal friends.

25 I contacted the Social Security Administration.  
26 California Workmen's Compensation. Film makers, unions. The  
27 State Department, Division of Passports.

28 Voter's registration of Los Angeles County. And



1 utility companies in both San Francisco and in Los Angeles  
2 County and Ventura County.

3 The postal -- U. S. Postal authorities in California,  
4 Arizona, Texas, Massachusetts. The Veteran's Administration  
5 of California, Massachusetts, Arizona and, I believe, Louis-  
6 ville, Kentucky, is the main center.

7 I contacted credit bureaus in Southern California.  
8 I contacted the mental hospitals for the State of California  
9 and also for the State of Arizona.

10 I contacted the license bureaus of Los Angeles  
11 County Sheriff's Office, and the Los Angeles Police Department.

12 Q Now, I don't know if you said this, so forgive  
13 me for asking the question: Did you also contact the FBI and  
14 ask for their assistance?

15 A Yes, I did.

16 Q Lastly, did you also contact the Internal Revenue  
17 Service?

18 A Yes, sir, I did. And I also contacted the police  
19 departments of Texas, Massachusetts, Arizona, Nevada and  
20 California.

21 Q And as a result of all those efforts that you made  
22 were you able to determine the whereabouts of Donald Jerome  
23 Shea or Donald Jerome Shorty Shea?

24 A No, sir.

25 MR. WEEDMAN: Excuse me, your Honor. I will object on  
26 the ground that all of the answers which presumably were  
27 received by Sergeant Whiteley are hearsay, your Honor.

28 THE COURT: I overrule the objection.

1 MR. WEEDMAN: Thank you.

2 THE COURT: Go ahead.

3 Q BY MR. KATZ: And in the course of your investi-  
4 gation has anyone contacted you, Sergeant Whiteley, which  
5 led you to knowledge of the whereabouts of Mr. Shea?

6 A No.

7 Q All right.

8 Now, in connection with your continuing investi-  
9 gation, did you make any efforts to locate the alleged remains  
10 or a body of Shorty Shea?

11 A Yes, sir, I have.

12 Q And when did you first begin looking for the body  
13 of Shorty Shea?

14 A In November, 1969.

15 Q And where did you commence that investigation?

16 A In Devil's Canyon, which is adjacent to Spahn's  
17 Ranch.

18 Q Approximately how far is Devil's Canyon from  
19 Spahn's Ranch, if you know?

20 A Approximately a half a mile as the crow flies.

21 Q I take it you didn't fly with the crow, is that  
22 right?

23 A That's correct.

24 Q All right.

25 On land, approximately how far is it?

26 A Two and a half miles.

27 Q All right. And can you tell us if you know what  
28 direction it is from Spahn Ranch?

1           A       It would be northeast of Spahn's Ranch.

2           Q       All right.

3                   And was there any particular part of Devil's  
4 Canyon that you went to?

5           A       I -- at that time, yes. I have searched sub-  
6 sequently the entire canyon.

7           Q       All right.

8                   You are talking about Devil's Canyon?

9           A       That's correct.

10          Q       When was it that you first went to Devil's Canyon?

11          A       November 1969.

12          Q       What did you do in Devil's Canyon?

13          A       Dug and dug.

14          Q       Did you find anything?

15          A       No, I did not.

16          Q       All right.

17                   Where is the next place you looked for the body  
18 of Shorty Shea?

19          A       Spahn's Ranch.

20          Q       And where at Spahn's Ranch?

21          A       Its entirety. I also checked the adjacent areas;  
22 the Southern Pacific property to the south; the Iverson Ranch  
23 to the northeast; Ybarra Canyon, which would be almost due  
24 north; Santa Susana Pass area.

25          Q       All right.

26                   Now, Sergeant, let's get some time periods in  
27 there if you can. Can you tell us, for example, when it was  
28 or on how many occasions you went to Spahn Ranch looking for

1 the body of Shorty Shea?

2 A I personally had been to Spahn's Ranch at least  
3 35 times.

4 Q And were you with a crew or team of deputies?

5 A Sometimes I was with just my partner. Sometimes  
6 I had as many as 45 additional sheriff's personnel with me.

7 Q And did you have the availability of any equipment  
8 to assist you in that regard?

9 A Yes.

10 Q What kind of equipment?

11 A We had pumping equipment to pump water. We had  
12 bulldozer. That's about it. And jackhammers.

13 Q And jackhammers?

14 And when you say that you searched every inch of  
15 Spahn Ranch property, are you telling us that you dug up  
16 every square inch of earth?

17 A No, sir. I didn't.

18 Q Please tell us what you mean by searching Spahn  
19 Ranch.

20 A We went over anything that looked like it could  
21 be a place where a body would be secreted.

22 Q All right.

23 So it is fair to say you did not dig up every  
24 square inch of earth, is that correct?

25 A That's correct. It's almost an impossible task.

26 Q All right.

27 And can you just describe somewhat the terrain  
28 at Spahn Ranch.

1           A     Yes. It's quite hilly, with numerous boulders.  
2                     And at the time that we were searching the area  
3 was overgrown with vegetation.

4           Q     All right.

5                     Now, when was the first time that you went to  
6 Spahn Ranch to look for Shorty's body?

7           A     In November 1969.

8           Q     Now, between the end of August or the first part  
9 of September 1969 and November of 1969, had there been any heavy  
10 rains?

11          A     Yes, there had been.

12          Q     When?

13          A     Through the months of September and October.

14          Q     And where were these rains, are we talking about  
15 Los Angeles and Chatsworth?

16          A     Yes. They were in the Chatsworth area.

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1 Q And where else had you looked besides Spahn Ranch  
2 and Devil's Canyon?

3 A Ybarra Canyon.

4 Q All right.

5 Now, where is Ybarra Canyon in relation to Spahn  
6 Ranch and Devil's Canyon?

7 A It would be almost north of Spahn Ranch. It  
8 connects into Devil's Canyon.

9 Q And approximately how many man-hours were spent in  
10 attempting to locate the body of Shorty?

11 A Just an approximation, well over 2,000 man-hours.

12 Q You are not talking about 2,000 mean, you are  
13 talking about 2,000 man-hours?

14 A That's correct.

15 Q All right.

16 Did Sgt. -- strike that. I just elevated him.

17 Did Deputy Gleason, the gentleman to my left,  
18 assist in these searches?

19 A Yes. On numerous occasions.

20 Q And did you ever look for the body of Shorty Shea  
21 at the Barker Ranch area?

22 A Yes, sir.

23 Q When was that?

24 A October of 1969. And also June of 1970.

25 Q And where did you look in the Barker and Myers  
26 Ranch area?

27 A We looked on the property as well as the surround-  
28 ing area.

1 Q You looked for obvious grave sites and the like,  
2 is that correct?

3 A That is correct.

4 Q Is it fair to say you did not dig up all of the  
5 property?

6 A No, we did not.

7 Q All right.

8 Now, there is a creek located at Spahn Ranch, is  
9 that correct?

10 A That's correct.

11 Q Where is that in relation to the main buildings  
12 where the boardwalk used to be located and the Longhorn  
13 Saloon?

14 A It runs directly behind them. It's to the south  
15 of the main buildings.

16 Q In connection with your looking for the body of  
17 Shorty Shea did you dredge any portion of that creek?

18 A Yes, we did.

19 Q When did you do that?

20 A January 1970.

21 Q And how much of the creek did you dredge?

22 A We dredged it till it was dry.

23 Q Well, that's a pretty long creek, isn't it?

24 A We had some pretty big pumping equipment.

25 Q All right.

26 Did you look at a particular section of the creek?

27 A Yes, we did.

28 Q Where did you look?

17a-3

1 A Directly behind the corral. There is a dam area  
2 there.

3 Q Is there a place that was known to you as a  
4 parachute room, which is directly in front of that creek and  
5 near the corral?

6 A Yes.

7 Q Is that the general area where you looked?

8 A Yes.

9 Q Do you recall when it was that the creek was  
10 pumped?

11 A I believe that was January 1970.

12 Q And can you tell us whether or not a Deputy  
13 Farrington from the sheriff's homicide division was with you?

14 A Yes, he was.

15 Q Was Deputy Gleason with you, too?

16 A Yes, he was.

17 Q And as a result of your efforts to locate the body  
18 in connection with digging and going to various locations,  
19 were you able to find the alleged graveside of Shorty or his  
20 remains?

21 A No, sir.

22 Q To this date do you know where the body of  
23 Shorty Shea is?

24 MR. WEEDMAN: I will object to that, your Honor, as  
25 assuming facts not in evidence.

26 THE COURT: Read the question, please.

27 MR. WEEDMAN: Let the jury figure that one out, your  
28 Honor.



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

3 "Q To this date do you know where  
4 the body of Shorty Shea is?"

5 THE COURT: Well, you can answer the question.

6 THE WITNESS: No, sir, I don't.

7 MR. KATZ: Thank you. No further questions.

8 MR. WEEDMAN: Well, your Honor, for the record, this is  
9 an ultimate fact to be determined by this jury. And I must  
10 protest as to the assumption that this matter is a foregone  
11 conclusion.

12 THE COURT: Well, the record may show your position.  
13 Overruled.

14 You may cross-examine.

15 MR. WEEDMAN: Well, your Honor, I would request at this  
16 time that the jury be instructed that the existence of a corpus  
17 delicti indeed is a fact ultimately for their determination.  
18 It may not be imposed upon them by the prosecutor or the court  
19 or anyone else.

20 THE COURT: Well, I only at this time rule. The objection  
21 overruled. The record may note -- show your exception.

22 That's all for the People?

23 MR. KATZ: Yes. With respect to this subject matter.

24 MR. WEEDMAN: Well, may I inquire if counsel has any  
25 further questions of Sgt. Whiteley.

26 THE COURT: Well, are you ready for your cross?

27 MR. KATZ: I said no, with respect to this subject matter.  
28 We have concluded our direct examination of Sgt. Whiteley.

1 MR. WEEDMAN: Well, I have no questions until Sgt.  
2 Whiteley is through testifying, your Honor.

3 THE COURT: That is all then. I have overruled the  
4 objection.

5 Any further questions? He has answered your  
6 questions. Any further questions?

7 MR. KATZ: I have no further direct examination at this  
8 time.

9 THE COURT: Any cross?

10 MR. WEEDMAN: If counsel is going to call Sgt. Whiteley  
11 back again I would like to know about it.

12 THE COURT: Any further direct?

13 MR. KATZ: Not on this subject matter. We will be going  
14 into another area which has nothing to do with this particular  
15 subject matter.

16 He is my last witness, and he will be called in  
17 a few minutes.

18 THE COURT: That is what I want to know. Any cross?

19 MR. WEEDMAN: Well, I don't know, I think it is rather  
20 unusual to keep calling a witness back and forth, your Honor.  
21 When there is no apparent need for it.

22 He is on the stand. Let's hear the rest of his  
23 testimony, then I will cross-examine.

24 THE COURT: All right. That's all at this time then.  
25 Thank you.

26 THE WITNESS: Thank you.

27 MR. KATZ: The People wish to call Deputy Gleason.  
28

WILLIAM C. GLEASON,

recalled as a witness by the People, testified further as follows:

THE COURT: Now, you were sworn. State your name.

THE WITNESS: William C. Gleason, G-l-e-a-s-o-n.

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DIRECT EXAMINATION (Resumed)

BY MR. KATZ:

Q Deputy Gleason, in August of 1969 what was your assignment?

A Assigned to the Record Bureau of the sheriff's department.

Q And in connection with that assignment were you working exclusively the record bureau, or were you working some other assignment with another department?

A I was assisting the Auto Theft Detail and the Malibu Sheriff's Substation regarding an auto theft investigation.

Q All right.

And as a result of your assignment in August of 1969 did you thereafter become familiar with members of the Manson family?

A Yes.

Q Were you later assigned to work the so-called Manson cases with the sheriff's department?

A Yes.

Q Incidentally, did you participate in the so-called August 16th, 1969 Spahn Ranch raid?

1 A Yes, I did.

2 Q Now, Deputy, at some point of time did you join  
3 the homicide bureau of the sheriff's department?

4 A Yes.

5 Q When was that?

6 A I was permanently assigned August 12th, 1970.  
7 Before that time I had been on loan to them.

8 Q And were you working part of the so-called Manson  
9 cases?

10 A Yes.

11 Q All right.

12 Now, in connection with your assignment to the  
13 homicide department were you particularly assigned to the  
14 Shorty Shea case as an investigator?

15 A Yes.

16 Q And thereafter did you assist Sgt. Whiteley who  
17 is seated to my left at the counsel table?

18 A Yes.

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1 Q And in particular, did you make any checks or  
2 efforts to locate Shorty Shea, that is, the whereabouts of  
3 Shorty Shea?

4 A Yes, I did.

5 Q What did you yourself do in that connection?

6 A I have contacted the CII, the Criminal Identifica-  
7 tion and Investigation section of the State of California.  
8 I have contacted the FBI, the voters' registration, the  
9 Department of Motor Vehicles regarding any driver's license  
10 information and also any vehicles registered to Mr. Shea.

11 I have contacted the Los Angeles County General  
12 Hospital, the Harbor General Hospital, the Long Beach General  
13 Hospital. I have contacted the Veteran's Administration,  
14 I have contacted the Bureau of Public Assistance, or Department  
15 of Public Social Services, for Los Angeles County, and I have  
16 contacted other agencies that have arrested Mr. Shea in the  
17 past.

18 THE COURT: Now, wait a minute.

19 MR. KATZ: That's all right.

20 THE COURT: Just a minute. Leave the personal comments  
21 out, if you will. You contacted other agencies, is that  
22 right?

23 THE WITNESS: Yes, sir.

24 THE COURT: All right. Go ahead.

25 THE WITNESS: And I have contacted all of Mr. Shea's  
26 known friends and relatives, employers.

27 I have contacted the film makers' union, the  
28 Screen Actors Guild, the Social Security system, the Internal

1 Revenue Service, and other agencies.

2 Q BY MR. KATZ: Did you also once again contact the  
3 FBI for assistance?

4 A Yes.

5 Q And did you send any nationwide teletypes giving  
6 the physical description and other pertinent information  
7 regarding Donald Jerome Shea?

8 A Yes, I have.

9 Q Did you just ask for a location as to the where-  
10 abouts of Donald Jerome Shea, or did you ask for it in multiple  
11 names?

12 A I asked for information on both the name Donald  
13 Jerome Shea and the name Donald Jerome, with the nickname of  
14 Shorty.

15 Q How recently have you sent these teletypes?

16 A I believe the last one was on August 6, 1971.

17 Q Did you, in substance, update what Sgt. Whiteley  
18 had been doing?

19 A Yes.

20 Q And as the result of your investigation and efforts,  
21 were you able to determine the whereabouts of Donald Jerome  
22 Shea, or Donald Jerome, or Shorty Shea?

23 A No, sir, I was not.

24 MR. KATZ: Thank you. I have no further questions.

25 THE COURT: Cross examine.  
26  
27  
28

## CROSS EXAMINATION

1 BY MR. WEEDMAN:

2  
3 Q What general hospitals did you contact, Deputy  
4 Gleason?

5 A The Los Angeles County General Hospital, the  
6 Harbor General Hospital, and Long Beach General Hospital.

7 Q What information did you provide them by way of  
8 physical description?

9 A Well, the information I furnished to the General  
10 Hospitals was his complete name, both names; his sex; race;  
11 and date of birth; and with that information they can look  
12 in their files and determine if they have any person by those  
13 names.

14 Q Are you personally aware that the Los Angeles  
15 General Hospital Records Section checked every single patient  
16 that they had had since August of 1969 in order to determine  
17 if they had a matching physical description to that of Shorty  
18 Shea?

19 A You say am I aware of that?

20 Q I'm asking you if you have any knowledge that they  
21 did so.

22 A No, sir, I do not.

23 Q How soon after you made your inquiry to the Los  
24 Angeles County General Hospital did you receive a reply from  
25 them?

26 A I made it via the telephone and held on the phone  
27 while they checked their records.

28 Q Have you any idea the number of patients that have

1 been admitted to the Los Angeles County General Hospital since  
2 August of 1969 to August the 6th of 1971?

3 A No, sir.

4 Q Would it be fair to say that it numbers in the  
5 tens of thousands?

6 MR. KATZ: I will object. He says he has no idea. It  
7 is argumentative, obviously. It would be fair to say nothing.

8 THE COURT: Let me have the question.

9 MR. WEEDMAN: I don't have to accept the fact that he  
10 has no idea. He must have some idea, your Honor. He's a  
11 deputy sheriff.

12 THE COURT: Wait a minute. Let me have the question.

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

15 "Q Have you any idea the number of  
16 patients that have been admitted to the Los  
17 Angeles County General Hospital since August of  
18 1969 to August the 6th of 1971?

19 "A No, sir.

20 "Q Would it be fair to say that it  
21 numbers in the tens of thousands?"

22 THE COURT: You can answer that question.

23 THE WITNESS: That would be a fair statement, yes.

24 Q BY MR. WEEDMAN: All right, thank you, Deputy  
25 Gleason.

26 I take it, then, that with respect to your  
27 inquiries to the Los Angeles County General Hospital, that it  
28 is a fair assumption, assuming you are an expert in this area,



1 that they merely checked their files for the name and did not  
2 check against the physical description?

3 A As far as I know, that is true, yes.

4 Q And the same would be true of the Long Beach  
5 General Hospital, would it not?

6 A Yes.

7 Q And any other hospitals that you may have checked?

8 A Yes.

9 Q Did I understand you to say, Deputy Gleason, that  
10 you had checked with the Social Security Administration?

11 A Yes.

12 Q Did you receive any information at all relative  
13 to the name that you submitted to them?

14 A Yes.

15 Q What was that information?

16 A The information was that there was no activity  
17 on Mr. Shea's account after September the 1st, 1969.

18 Q Did you ask them for any activity prior to  
19 September of 1969?

20 A Yes. We asked them for the latest information  
21 that they had indicating the most recent activity.

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1 Q Well, when did they tell you that a deposit had  
2 last been made into Mr. Shea's account, if any?

3 A As I recall, they indicated it was sometime in  
4 July of 1969.

5 Q Did they tell you the source of that?

6 A Yes.

7 Q What was that?

8 A A place called the Swinger's Boutique.

9 Q And as far as you know, is that the same Swinger's  
10 Boutique that was operated by Jerry Binder in Las Vegas?

11 A As far as I know, yes.

12 Q Any entries prior to that in his Social Security  
13 file?

14 A We did not receive that information.

15 Q Did you assume, in connection with your searching  
16 for Mr. Shea, that there would in all likelihood, if he were  
17 alive, be regular entries into his Social Security account?

18 A Well, I had no way of knowing if there would be  
19 regular deposits or reflections on his account because we only  
20 made one inquiry, the latest information.

21 Q And I assume that you submitted only the two names  
22 that you have indicated, is that so?

23 A Yes.

24 Q And I take it that you also submitted only one  
25 Social Security number, is that so?

26 A Yes, sir.

27 Q Had Mr. Shea been using a different name, and had  
28 he been issued a different Social Security card you would have

1 no way of knowing then if any entries had been credited to his  
2 account?

3 A That is correct.

4 Q You indicated that you checked records reflecting  
5 arrests of Mr. Shea.

6 A Yes.

7 Q What records were those?

8 A According to his rap sheet from CII, he had been  
9 arrested, I believe, by Ventura County Sheriffs and Los Angeles  
10 Police Department and two agencies outside of the State of  
11 California that I do not recall.

12 We sent teletypes to the agencies in the other  
13 states, and I personally contacted the Los Angeles Police  
14 Department and the Ventura County Sheriff's Department  
15 records.

16 Q Were there FBI identification numbers in connec-  
17 tion with Mr. Shea's arrest records?

18 A Yes.

19 Q And were those checked with the FBI?

20 A Yes.

21 Q Wouldn't it be true in your experience that the  
22 FBI wouldn't show any knowledge of the existence of Mr. Shea  
23 unless he was arrested by them?

24 A That is not true, sir.

25 Q Or arrested by someone?

26 A Yes. He would have to be arrested by another  
27 agency or the FBI.

28 Q So that in connection with your checks, not only

1 with the FBI, but with all other law enforcement agencies,  
2 those would be meaningless, would they not, unless Mr. Shea had  
3 been arrested and further identified as Jerome Shea?

4 A That is true, sir.

5 Q Do you know when Mr. Grogan was arrested in  
6 connection with the alleged Shorty Shea murder?

7 A Yes.

8 Q What is that date, Deputy Gleason?

9 A December 18, 1970.

10 Q And this was then, to be fair about it, approxi-  
11 mately 14 months, was it not, after your partner, Sgt. Whiteley,  
12 was in possession sufficient information to institute a missing  
13 person investigation?

14 A That is true.

15 Q Did you check with the U. S. Postal Service?

16 A Yes, I did, sir.

17 Q I take it that in connection with checking with the  
18 U. S. Postal Service, that they could not provide you with any  
19 information unless Mr. Shea, if he is alive, had used that  
20 name or names provided by you?

21 A That is true, sir.

22 Q I take it that as far as you know the U. S. Postal  
23 Service was not in a position to check anything relative to his  
24 physical description alone?

25 A No.

26 Q The same would be true with respect to credit  
27 bureaus, would it not?

28 A Yes, that is true.

1 Q Was Mr. Shea ever known through your investigation  
2 to have any credit rating with any credit bureau?

3 A None that I could find, sir.

4 Q What film makers union or group did you check with,  
5 if I understand your testimony correctly?

6 A The address we had was, I believe it was, in the  
7 7700 block of Sunset Boulevard in Hollywood.

8 Q What is the name of that organization again?

9 A That I do not recall, sir.

10 Q In any event, did you determine that Mr. Shea was  
11 or was not a member of that organization?

12 A They had no record of him.

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1 Q I take it they had no record before or after Aug-  
2 ust of 1969?

3 A None that I know of, sir.

4 Q Did you participate, Deputy Gleason, in this  
5 rather massive search for at least a possible body of Mr. Shea?

6 A Yes, I did, sir.

7 Q Did you turn up even a bone that you thought  
8 might be Mr. Shea's or any part of a corpse or a body at all?

9 A No, sir.

10 MR. WEEDMAN: Thank you, sir. That is all I have.

11 THE COURT: Is that all?

12 MR. KATZ: No. Just a few questions.

13 Your Honor, I have two aerial maps, and I ask that  
14 they be marked People's next in order.

15 THE COURT: Is that in connection with this testimony?

16 MR. KATZ: Yes.

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

18 MR. KATZ: Mr. Hogan, may we have some exhibit numbers?  
19 I don't know what our last exhibit number was.

20 THE CLERK: Your next exhibit, sir, would be No. 67.

21 MR. KATZ: Thank you. I ask that one of these aerial  
22 photographs be marked People's 67 and the second one be marked  
23 People's 68 for identification.

24 THE COURT: All right.

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

26 THE COURT: Yes, you may.

27 Q BY MR. KATZ: Let's start out, if we can, with  
28 People's 68 for identification. Would you please explain to

1 us what this photograph depicts and orient us as to directions,  
2 showing north and south and east and west.

3 A This is an aerial photograph of the general area  
4 of the Spahn Movie Ranch and Devil's Canyon. The top of the  
5 map is north, the right-hand edge is east, the bottom of the  
6 map is south, and the left-hand edge of the map is west.

7 This area that is on the photograph represents an  
8 approximate area of two and a half square miles.

9 Q All right. Now, Sergeant, there are some names  
10 stenciled on here, or placed on embossed tape which now  
11 adheres to the exhibit, People's 68.

12 Would you please tell us what you have done in  
13 that connection?

14 A Yes. I have marked specific locations, such as  
15 names of streets and other landmarks in the area of the search.

16 This heavy white line going across the lower  
17 center of the picture is the Simi Valley Freeway.

18 Q Where is Spahn's Ranch in relation to that?

19 A It is south of the Simi Valley Freeway approxi-  
20 mately half a mile.

21 Q Is that indicated on the map?

22 A Yes, it is, in the lower left-hand corner.

23 Q Would you orient us to other places that appear  
24 on the map?

25 A Yes.

26 The Santa Susana Pass Road is marked on the map  
27 as a small black line south or below the Simi Valley desig-  
28 nation. That runs across the lower left portion of the

1 photograph.

2 Topanga Canyon Boulevard is the dark line running  
3 up the right-hand lower center of the photograph.

4 The Southern Pacific Railroad tracks are indicated  
5 as a line in the lower center portion of the photo that goes  
6 across and curves and goes off the bottom of the photograph.

7 The Devil's Canyon area is the white line that  
8 goes through the center upper portion of the picture.

9 Q Is that labeled on the map?

10 A Yes. It is marked "Devil's Canyon."

11 Q All right.

12 A There are other designations. The Johnson Motor-  
13 way -- that is a fire road -- is in the upper left-hand  
14 corner of the photograph.

15 In the right center of the photograph are two  
16 designations, the River/<sup>Camp</sup>and a Waterfall.

17 Q Where is that located? On what property?

18 A That is in the Devil's Canyon area.

19 We have one more designation, or two more desig-  
20 nations. We have marked here a tunnel, which is a landmark,  
21 where the Southern Pacific Railroad tracks go under Topanga  
22 Canyon Boulevard.

23 Also just south of that tunnel is a rocky area  
24 known as Stony Point.

25 Directly north of the Santa Susana Pass Road and  
26 between Santa Susana Pass Road and the Simi Valley Freeway  
27 is the designation of "Wonderland West." That is a proposed  
28 housing development. It is a very rocky, hilly area.



1                   And up at the extreme top portion of the picture  
2 is a designation of the Sulfur Springs. Actually, the actual  
3 location of the Sulfur Springs would be off of this map by  
4 about two inches above the designation.

5           Q       All right. Now, there is an X which you have  
6 placed somewhere on this People's 68. What does that  
7 designate?

8           A       This X is just west of Topanga Canyon  
9 Boulevard and at the Southern Pacific Railroad tracks. That  
10 is where Mr. Shea's vehicle was found, or was removed from  
11 by a person --

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1 Q What I have reference to, do these markings that  
2 appear on People's 68, do they designate the various places  
3 where you looked for the body of Shorty Shea?

4 A No, not on this map.

5 Q Is there another map that better shows that?

6 A Yes.

7 Q What is the purpose of this map?

8 A This is just to give a general overall view of the  
9 entire area that we searched.

10 Q All right.

11 Now, in other words, to show where Spahn Ranch is  
12 in relation to Devil's Canyon and where Devil's Canyon is in  
13 relation to Ybarra Canyon, is that correct?

14 A Yes.

15 Q And Ybarra Canyon, is it visible on this exhibit?

16 A Ybarra Canyon is off of the top of the map. It  
17 is a canyon which runs off of the Devil's Canyon roadway or  
18 motorway and runs to the east.

19 Q All right.

20 Now, there is an area here on People's 68 which is  
21 enclosed in red or bordered in red. What does this area  
22 indicate?

23 A This area marked in red is the portion that on  
24 another map better depicts this area. The red lines indicate  
25 what portion of this map --

26 Q People's 68 --

27 A -- the other map was.

28 Q Is blown up?

18- 2

1 A Yes.

2 Q All right.

3 So let's go to People's 67 for identification.  
4 Will you explain what this photograph depicts?

5 A This is a blowup area of the same map we saw  
6 previously. The heavy white line going across the top of the  
7 photograph is the Simi Valley Freeway. The dark line curving  
8 across the center of the photograph is Santa Susana Pass Road.

9 The Spahn Movie Ranch is almost in the middle of  
10 the photograph. The dark line curving and going to the bottom  
11 of the photograph, at the right lower right-hand corner is the  
12 Southern Pacific Railroad tracks.

13 There are other designations. The gray line going  
14 from Santa Susana Pass Road up to the Simi Valley Freeway is  
15 a two-lane road called Iverson Lane.

16 I have marked some of the areas of the Spahn Movie  
17 Ranch and the other surrounding area that we have conducted  
18 searches.

19 Q How are they designated?

20 A Starting in the right-hand side of the picture --

21 Q Is that east?

22 A The eastern part of the Spahn Ranch area, there in  
23 the upper right-hand corner is an area known as the Iverson  
24 Movie Ranch. We have searched the hills and several caves in  
25 that area and also several of the movie prop buildings that  
26 were still existing.

27 In the right center of the photograph in the area  
28 designated railroad tracks, the creek, this is a creek that

1 runs generally across the middle of the photograph up behind  
2 the Spahn Movie Ranch and up into the western edge of the  
3 photo or the left-hand edge of the photo.

4 We have searched along this creek. We have found  
5 camps. Campsites that we have searched. We have searched some  
6 caves that are both south of Santa Susana Road and north of  
7 Santa Susana Road.

8 We have searched the creek behind the Spahn Movie  
9 Ranch. And all of the creek area running across the middle of  
10 the photograph to the lower -- to the left center of the  
11 photograph, up to an area known as the farmhouse or outlaw  
12 shacks area.

13 Q Let me stop you there for a moment. With respect  
14 to this label here, farmhouse area and outlaw shacks, is this  
15 on the borderline between what was formerly known as Mary  
16 Kelly's property? The property that Frank Retz originally  
17 bought?

18 A Yes.

19 Q And this was the property borderline, that is, the  
20 western borderline which separated the Mary Kelly property  
21 from the George Spahn property, is that correct?

22 A Yes, the farmhouse and outlaw shacks were on the  
23 Kelly property. Also we have searched an area designated here  
24 as a eucalyptus grove. That is a large stand of eucalyptus  
25 trees. We have searched that area.

26 On west of these locations, off of the map, are  
27 several locations we have checked, including having the  
28 county flood control district bring one bulldozer and

1 jackhammers into the area to break up large rocks and to take  
2 apart a cave that we had received information on.

3 Also west of this area, approximately one mile  
4 west of the edge of this photograph, is the Los Angeles County-  
5 Ventura County line. We have searched some portions in Ventura  
6 County in an area known as Box Canyon.

7 I have been present when myself, Sgt. Whiteley,  
8 other members of our department have searched this general area,  
9 and I have participated in most of the searches.

10 Q All right.

11 Now, if you will resume the stand for a moment,  
12 Deputy Gleason, I note that as we look at both exhibits 67  
13 and 68 it shows a rather undeveloped area of land, is that  
14 correct?

15 A Yes.

16 Q So with the exception of the few buildings that  
17 appear on these two exhibits, it's rather barren, is that  
18 correct?

19 A Yes.

20 Q And undeveloped?

21 A Yes.

22 Q And with reference to People's 68 I will put this  
23 up for just a moment to hold it and I have specific reference  
24 to Devil's Canyon. Is this a developed area?

25 A No, sir.

26 Q And would you once again point to Devil's Canyon  
27 and how it proceeds in a northerly direction on People's 68  
28 for identification.

1           A       Devil's Canyon starts approximately here on the  
2 right center portion of the photograph. This is a deep canyon  
3 with what is known as a county fire road or county fire motor-  
4 way that goes across and up off of the upper center of the  
5 photograph.

6                   The roadway is in the bottom of the canyon with  
7 steep gullys on each side.

8           Q       All right.

9                   Now, is there a lot of sand and sandstone in that  
10 area?

11          A       Yes.

12          Q       How about Spahn Ranch?

13          A       Yes.

14          Q       And how about Ybarra Canyon?

15          A       Yes.

16          Q       How about Box Canyon?

17          A       Yes. It's very sandy.

18          Q       All right.

19                   Now, did any fires occur in those areas during the  
20 course of your investigation?

21          A       Yes.

22          Q       And where did the fires occur?

23          A       It burned this whole area depicted on the map  
24 down to -- it did not include the residences in the lower  
25 right-hand corner. But everything else was burned in September  
26 of 1970.

27          Q       Just so I understand you, was Devil's Canyon burned?

28          A       Yes.

1 Q How about Spahn's Ranch?

2 A Yes, it was.

3 Q How about Box Canyon?

4 A Yes.

5 Q And how about Ybarra Canyon?

6 A Yes, it was.

7 Q And after the fire did you make some additional  
8 checks with regard to the possibility of discovering a body  
9 of Shorty Shea?

10 A Yes, we did.

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1 Q So you made checks both before and after the fire,  
2 is that correct?

3 A Yes, we have.

4 MR. KATZ: Thank you. You may resume the stand.

5 Thank you. No further questions.

6 MR. WEEDMAN: I have no more questions. Thank you,  
7 your Honor.

8 THE COURT: All right.

9 MR. KATZ: The witness wanted to confer with me for one  
10 moment, if I may.

11 THE COURT: Yes.

12 (Witness and counsel conferring, not reported.)

13 MR. KATZ: No questions.

14 THE COURT: Is that all?

15 MR. WEEDMAN: Yes, it is. Thank you.

16 THE COURT: That is all.

17 MR. KATZ: Recall Sergeant Whiteley.

18  
19 PAUL J. WHITELEY,

20 Resumed the stand.

21 THE COURT: Now, you have been sworn. State your name  
22 again, please.

23 THE WITNESS: Paul Whiteley. W-h-i-t-e-l-e-y.  
24

25 DIRECT EXAMINATION. (Resumed)

26 BY MR. KATZ:

27 Q Sgt. Whiteley, incidentally, do you recognize the  
28 areas that Deputy Gleason pointed out on People's 67 and 68



1 for identification?

2 A Yes, I do.

3 Q Do those fairly and accurately depict the general  
4 areas where you attempted to locate the alleged body of  
5 Shorty Shea?

6 A Yes.

7 Q Incidentally, I want to ask you this one last  
8 question on the subject matter, you are familiar with the  
9 manner in which the people are admitted to the hospitals such  
10 as Los Angeles County General Hospital?

11 A Yes, I am.

12 Q And assuming a person is admitted as a John Doe,  
13 is there any procedure that is required?

14 A Yes.

15 Q What is the procedure?

16 A It is a policy of almost all hospitals to contact  
17 the local Police Department, and a report is made of a Jane  
18 Doe or a John Doe admittance.

19 Q All right.

20 So if a person did not have sufficient identi-  
21 fication or could not be sufficiently identified it would be  
22 necessary to have a police report to accompany the admission  
23 of that person --

24 MR. WEEDMAN: Just a moment, your Honor. The question  
25 is leading, it is suggestive, and there is absolutely no  
26 showing that Sgt. Whiteley, whatever his other good qualifi-  
27 cations may be, has any knowledge whatever in this connection.

28 THE COURT: It may be conclusional. Leads read the

1 question again, please.

2 MR. KATZ: I will lay a further foundation, and I will  
3 withdraw it if you like.

4 THE COURT: Is it withdrawn?

5 MR. KATZ: Yes, your Honor.

6 THE COURT: All right. Withdrawn.

7 Q BY MR. KATZ: In the course of your working  
8 homicide cases and missing persons cases for approximately  
9 four years, have you been required to check with the various  
10 hospitals in an attempt to identify persons?

11 A Yes, I have.

12 Q And in the ordinary course of your business as a  
13 homicide investigator with the Los Angeles County Sheriff's  
14 office, have you had occasion to go over to such hospitals  
15 as Harbor General, Los Angeles County Hospital?

16 A Yes, I have.

17 Q Have you been required to familiarize yourself  
18 with the admitting procedures in connection with your  
19 investigation?

20 A I haven't been required, but I have done this.  
21 I have admitted many people to the Los Angeles County Hospital,  
22 General Hospital-USC Medical Center, and numerous hospitals.

23 Q All right.

24 And in doing so, have you ever participated in the  
25 admission of a person who was known as a John Doe?

26 A Yes.

27 Q And were you required as a police officer to do  
28 something in connection with the admission of a John Doe

1 before the hospital will accept that person?

2 A Yes.

3 Q What were you required to do?

4 A Write a report giving a description of the person  
5 and the clothing worn, and it was to be transmitted to the  
6 Missing Persons Detail of the Los Angeles County Sheriff's  
7 office.

8 Q Now, with reference to a John Doe booking,  
9 assuming -- strike that.

10 In the course of your investigation as a homicide  
11 investigator, have you been exposed to John Doe bookings in  
12 jail?

13 A Yes, I have.

14 Q And have you participated in such bookings?

15 A Yes, I have.

16 Q Once again, what is required before a person  
17 completes the booking procedure if he is booked in as a John  
18 Doe?

19 A An immediate telephone call to the Homicide Bureau,  
20 Missing Persons Detail, giving the information of the John  
21 Doe booking, followed up by a report.

22 Q Did you receive any information from any hospital  
23 or from any police agency giving you a physical description  
24 similar to that of Donald Jerome Shea, booked as a John Doe,  
25 or admitted to a hospital as John Doe?

26 A The way you phrased it there, yes.

27 Q All right.

28 What did you do, what kind of information did

1 you receive then?

2 A We received information of a couple of John Does  
3 in San Bernardino County which I investigated and found out  
4 ultimately who they were.

5 Q All right.

6 And they were not Donald Jerome Shea?

7 A That is correct.

8 Q But you did act upon this John Doe information  
9 you received, is that right?

10 A Yes, sir.

11 Q In an attempt to determine whether it was the  
12 same person as Donald Jerome Shea, is that correct?

13 A That's right.

14 Q Your investigation revealed what?

15 A It was completely negative in regard to Mr. Shea.

16 Q Sgt. Whiteley, as I understand it, you are one  
17 of the investigating officers in this case involving Shorty  
18 Shea, is that correct?

19 A That's correct.

20 Q As such was there a grand jury proceeding in the  
21 December of 1970 which resulted in the indictment of the  
22 defendant?

23 A Yes, there was.

24 Q And as a result of the indictment charging the  
25 defendant with the murder of Shorty Shea, did you go some  
26 place?

27 A Yes, I did.

28 Q Where did you go?

1 A To Independence, California, Inyo County.

2 Q Where is that located in relation to Los Angeles?

3 A It is approximately 224 miles northeast of Los  
4 Angeles. It is just off of Bishop and just north of Lone Pine.

5 Q How far is that from Ballarat?

6 A About 135 miles.

7 Q Can you tell us whether or not Independence is  
8 the nearest police station or sheriff's department from  
9 Ballarat?

10 A Yes, it is.

11 Q All right.

12 Now, did you see Clem in Independence in December  
13 of 1970?

14 A Yes, I did.

15 Q And as a result of the Los Angeles County Grand  
16 Jury warrant, did you arrest him for murder?

17 A Yes, I did.

18 MR. KATZ: Excuse me. May I confer with counsel?

19 (Counsel confer. Not reported.)

20 MR. KATZ: Your Honor, I think this would be a time to  
21 approach the bench.

22 THE COURT: All right.

23 MR. KATZ: Thank you.

24 THE COURT: All right. Step in chambers, then, with the  
25 reporter.

26 Let the jury go to the jury room for a few minutes.  
27 Do not discuss the case, ladies and gentlemen.

28 Step right in here, if you will.

1 (The following proceedings were held  
2 in chambers.)

3 THE COURT: Now, we are in chambers.

4 Now go ahead, Mr. Katz.

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1 MR. KATZ: Yes, your Honor.

2 I appreciate the opportunity to discuss the matter  
3 outside the presence of the jury.

4 THE COURT: We had him about to be arrested, is that it?

5 MR. KATZ: Yes. The only thing I am going to inquire of  
6 Sgt. Whiteley is the conversation he had with the defendant,  
7 Mr. Grogan --

8 THE COURT: With Grogan?

9 MR. KATZ: -- when he took him in custody after fully  
10 advising him of his rights and receiving a full and complete  
11 waiver and compliance with Miranda.

12 THE COURT: Are you prepared to show it by the witness,  
13 that he so advised him?

14 MR. KATZ: That is right. That is why I brought him into  
15 chambers so counsel can inquire. As I understand it, I don't  
16 think I am in error. I don't think it is improper to bring  
17 the foundational questions in front of the jury so that counsel  
18 has a right to demand a hearing under 405 of the Evidence  
19 Code.

20 THE COURT: Is there any problem at this time?

21 MR. WEEDMAN: I think this is a preliminary fact for your  
22 Honor to discuss.

23 THE COURT: Do you want to bring it out at this time?

24 MR. KATZ: Yes.

25 THE COURT: We are in chambers. Go ahead. The witness  
26 is here.

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20-2

EXAMINATION

BY MR. KATZ:

Q Sgt. Whiteley, were you armed with a warrant for the arrest of the defendant, Mr. Grogan, for the murder of Donald Jerome Shea?

A Yes.

Q Was that as a result of the grand jury indictment which occurred on or about December 17th, 1970?

A Yes.

Q And armed with this warrant, did you thereafter go to the City of Independence in California on or about December 18th, 1970?

A Yes.

Q And as a result of the murder warrant you had in your possession was the defendant turned over to your custody?

A Yes.

Q Did you have a conversation with the defendant concerning Shorty Shea?

A Yes.

Q Before having the conversation with the defendant concerning Shorty Shea did you advise him of certain constitutional rights?

A Yes.

Q And would you tell us exactly what you said to the defendant and what he said to you in that regard?

A I told Mr. Grogan the purpose that I was there for. I also introduced him to Deputy Gleason. I didn't have to introduce myself as he already knew me, and I read from a



1 sheriff's card, 477:

2 "You have a right to remain silent.  
3 Anything you say can and will be used against  
4 you in a court of law.

5 "You have a right to talk to a lawyer  
6 before we talk to you and to have him present  
7 while we talk to you. If you cannot afford  
8 to hire a lawyer, one will be appointed to  
9 represent you before any question<sup>ing</sup> free of  
10 charge."

11 Then I asked him three questions:

12 "Do you understand each of the rights  
13 explained to you?"

14 Mr. Grogan stated, "Yes."

15 "Do you want to talk about this case  
16 or not?"

17 Mr. Grogan stated "Yes."

18 "Do you want a lawyer or not?"

19 He stated, "No."

20 Q And thereafter did you have some sort of a conver-  
21 sation with the defendant concerning Shorty Shea?

22 A Yes, I did.

23 Q Just how did the conversation start in that regard?

24 A I asked him to tell me what he knew of Donald Shea.

25 Q And thereafter did you and the defendant discuss  
26 Shorty Shea?

27 A Yes.

28 MR. KATZ: All right. I have no further questions. This

1 inquiry went to the foundation.

2 THE COURT: Do you want to ask some questions?

3 MR. WEEDMAN: Yes, if I may.

4 THE COURT: Go ahead.

INDEX

EXAMINATION

7 BY MR. WEEDMAN:

8 Q Sgt. Whiteley, you indicated that Mr. Grogan had  
9 known you before. What do you mean by that?

10 A I had spoken to Mr. Grogan.

11 Q When was that?

12 A I spoke to him during the Robert Beausoliel trial.  
13 I spoke to him at the Spahn's Ranch. I spoke to him at county  
14 jail.

15 THE DEFENDANT: Did you come with a Capt. Davis?

16 THE COURT: Just one minute. Wait a minute. Let him  
17 finish with his questions.

18 Q BY MR. WEEDMAN: Sgt. Whiteley, when was the first  
19 time that you had any contact at all with the defendant?

20 A The first time I spoke with him was at the  
21 Los Angeles main county jail. I can't remember when it was.  
22 It seems to me that it was in the last part of 1969 or the  
23 first part of 1970.

24 Q To help us perhaps pin that date down a little  
25 better, do you know why he was in custody at that time?

26 A No, I don't. I know that he had been brought down  
27 from Inyo County.

28 Q Do you know whether or not the matter that he was

1 in the Los Angeles County Jail for at that time was pending  
2 in Van Nuys?

3 A Sounds like -- it sounds like it. I think it was  
4 grand theft auto, but I can't remember what he was in jail for  
5 at the time.

6 Q And was anyone with you at this first contact with  
7 Mr. Grogan?

8 A Yes.

9 Q Who was that, Sergeant?

10 A Charles Guenther, deputy.

11 Q Was Mr. Grogan advised of his rights at that time?

12 MR. KATZ: I will object as being immaterial to these  
13 proceedings.

14 THE COURT: You may answer the question.

15 THE WITNESS: No, sir, he wasn't.

16 Q BY MR. WEEDMAN: Did you have some conversation  
17 with him?

18 A No. I don't think you would call it a conversa-  
19 tion.

20 Q What was said at that time, Sergeant?

21 A We did all the talking, Deputy Guenther and  
22 myself.

23 Q Do I understand you that my client was not advised  
24 of any rights at that time?

25 A That's right, he was not.

26 Q Were you interrogating him at that time in connec-  
27 tion with the Shea case?

28 A No, sir. That came up in the conversation.

1                   When I say "conversation," that came up. Either  
2 myself or Deputy Guenther said it. But Mr. Grogan didn't want  
3 to talk to us.

4           Q       Did not want to talk to you?

5           A       That is correct.

6           Q       What did he say in that connection?

7           A       Something to the effect of "Find out for yourselves."

20a

#20-A

1 Q Then you, I believe, saw him after that but  
2 before you saw him on December 18, 1970, and where was that,  
3 Sergeant?

4 A I saw him at Spahn's Ranch, spoke with him there.

5 Q All right. When was that, approximately?

6 A The first part of 1970.

7 Q Did he decline to talk to you at that time?

8 MR. KATZ: I will object as being wholly immaterial,  
9 your Honor. The only question is, was there a Miranda  
10 admonition given to this defendant on or about the date of  
11 the conversation in December of 1970 and whether or not the  
12 defendant knowingly and intelligently waived it.

13 THE COURT: That could be correct, but let's get the  
14 question answered.

15 Is there any further question now?

16 MR. WEEDMAN: There is one pending, your Honor. I  
17 thought there was.

18 THE WITNESS: I forgot what the question was.

19 MR. WEEDMAN: I did, too.

20 MR. KATZ: We don't have the date or the time.

21 THE DEFENDANT: Did you talk to me?

22 MR. WEEDMAN: Just a second. I want to confer with you  
23 later. Keep this all in mind.

24 Q During this meeting with Mr. Grogan in early  
25 1970 at Spahn Ranch, did you have any conversation with him?

26 A Yes.

27 Q Was he advised of his rights?

28 MR. KATZ: Excuse me. I will object on the grounds that

1 he has not, first of all, established the time period in which  
2 the conversation took place.

3 MR. WEEDMAN: Early 1970.

4 MR. KATZ: Early 1970 doesn't mean anything. It is  
5 ambiguous as to time.

6 Further, it is immaterial with respect to the  
7 foundation that was obviously given in December of 1970.

8 THE COURT: What is your answer to that, Mr. Weedman,  
9 the position of the District Attorney?

10 MR. WEEDMAN: My answer to it is, your Honor, that we  
11 are always entitled to go back and explore other contacts  
12 between an investigating officer --

13 THE COURT: Of course, he has testified to other  
14 conversations.

15 I'm inclined to sustain the objection. Sustained.

16 MR. WEEDMAN: Your Honor, we know -- and I'm not  
17 accusing Sgt. Whiteley of this at all, but I think I have the  
18 right to explore the possibility, certainly, and not in any  
19 accusatory way at all -- but we know that repeated interroga-  
20 tions of a suspect wherein he declines to testify will  
21 vitiate consent even though it is ultimately gained. The  
22 cases are pretty clear on that point.

23 THE COURT: I'll let you take your facts here. I'll  
24 make ultimate rulings in a little while.

25 Go ahead and ask your questions.

26 Q BY MR. WEEDMAN: Did you have any conversation  
27 with Mr. Grogan at the Spahn Ranch in early 1970?

28 A Yes, I did.

1 THE COURT: Have you got your date?

2 Q BY MR. WEEDMAN: Can you fix it any closer than  
3 early 1970?

4 A No.

5 Q Did you discuss the Shea case with him at that  
6 time?

7 A No.

8 Q Was he advised of any rights during this Spahn  
9 Ranch conversation?

10 MR. KATZ: Excuse me, your Honor. I will object on the  
11 grounds, number one, it is immaterial because, first of all,  
12 he wasn't in custody; and second, they weren't even discuss-  
13 ing the Shea case.

14 THE COURT: Ask the question. Overruled.

15 THE WITNESS: What was the question, again?

16 THE DEFENDANT: Did you advise me of my rights?

17 THE WITNESS: No, I didn't. This was not a conversation  
18 where I was attempting to interview or interrogate him. It  
19 was just pleasantries of the day.

20 Q BY MR. WEEDMAN: I see. Did you have any more or  
21 any further contacts with Mr. Grogan prior to the December 18,  
22 1970, contact?

23 A Yes.

24 Q What was that?

25 A I had a couple of conversations with him at the  
26 Robert Beausoleil trial and also an altercation with him  
27 there.

28 Q Was Mr. Grogan in custody when you spoke with him

1 in connection with or at the time of the Beausoleil trial?

2 A No, he was not in custody.

3 Q Did you advise him of any rights in connection  
4 with any conferences or discussions you had with him at that  
5 time?

6 A No, sir. It was not that type of a conversation.

7 Q Was the Shea case mentioned during this contact  
8 with Mr. Grogan during the Beausoleil case?

9 A No, sir.

10 Q Did you have more than one contact with Mr. Grogan  
11 during the Beausoleil trial?

12 A Yes.

13 Q How many?

14 A More than two.

15 Q As many as five or six, if you recall?

16 A I can't recall. More than two is all I can say.

17 Q Did you prepare any reports, Sgt. Whiteley, in  
18 connection, first of all, with the first contact with  
19 Mr. Grogan in the Los Angeles County Jail when Deputy Guenther  
20 was with you?

21 A No, sir.

22 Q Did you prepare any reports in connection with  
23 the Spahn Ranch early 1970 contact with Mr. Grogan?

24 A No.

25 Q Did you prepare any reports in connection with  
26 your several contacts with Mr. Grogan during the Beausoleil  
27 trial?

28 A No, sir.



1 Q Did Mr. Grogan at any time during the contacts  
2 during the Beausoleil trial, decline to speak to you?

3 A During the Beausoleil trial?

4 Q Yes, sir.

5 A My conversations with Mr. Grogan during the  
6 Beausoleil trial were orders that I was giving him and they  
7 were really not a conversation.

8 Q I see. So you are telling us that these would  
9 not be interrogations, then, as such?

10 A No, not at all.

21 fls

21-1

1 Q Are you telling us that you, during the Beausoliel  
2 trial contacts with Mr. Grogan, did not seek him out as a  
3 possible suspect in the present Shea case?

4 A No, sir, I did not.

5 Q Would it be fair then to say that the only time  
6 that you sought him out to speak to him in connection with the  
7 Shea case was the latter part of '69, early '70 at the Los  
8 Angeles County Jail, or did --

9 A My primary reason for going was in connection with  
10 the Gary Hinman murder. Mr. Shea was a secondary thing at that  
11 time.

12 MR. WEEDMAN: May I confer with Mr. Grogan for just a  
13 moment, your Honor?

14 THE COURT: Yes. Go ahead.

15 (Conference between counsel and defendant  
16 not reported.)

17 MR. WEEDMAN: Your Honor, inasmuch as it appears that my  
18 client was questioned the latter part of 1969 or the early part  
19 of 1970 and declined to make any statements --

20 THE COURT: Set the date.

21 MR. WEEDMAN: Well, I don't know the date.

22 THE COURT: Well, as close as you can approximately.

23 MR. WEEDMAN: Well, I don't know, your Honor, because the  
24 only person that I know that has the date is Sgt. Whiteley,  
25 and the best he can do -- and it is understandable -- is to  
26 say the latter part of 1969, early part of 1970. But --

27 THE COURT: All right. Go ahead.

28 MR. WEEDMAN: But in any event he was questioned in

1 connection with the Shea matter. He declined to make any  
2 statements in that connection.

3 And I would hold that any purported consent to make  
4 a statement in December of 1970 is vitiated by that earlier  
5 refusal to discuss the matter. Therefore I would object to  
6 it, your Honor, on that ground.

7 MR. KATZ: Your Honor, there is one last --

8 THE COURT: Wait a minute now. I will listen to you.

9 MR. KATZ: There is a question I was going to ask before  
10 your ruling.

11 THE COURT: Wait a minute.

12 Now, that is your objection, Mr. Weedman?

13 MR. WEEDMAN: Yes, it is, your Honor.

14 THE COURT: Well, I would be inclined to overrule the  
15 objection. You have an argumentative position there. I am not  
16 demeaning it at all, but I think the statements to the officer  
17 going to the '70 -- December of '70 conversation -- is that  
18 correct?

19 MR. KATZ: Yes, your Honor.

20 THE COURT: That is the date I thought you said.

21 MR. KATZ: Yes.

22 THE COURT: And I think that the rights were given to the  
23 witness -- excuse me, the rights were given to the defendant  
24 at that time, and there has been laid a sufficient foundation  
25 for the testimony of the officer.

26 Now, to the extent that earlier conversations or  
27 attempted conversations with officers or law enforcement  
28 with Grogan and his not answering or from which there was no

1 conversation, that is another matter. It could or not have  
2 bearing on this December 1970 conversation.

3 My ruling would be that there has been adequate  
4 advice, and the statements of Grogan are in order. That is  
5 my ruling.

6 MR. KATZ: Thank you.

7 One last question, your Honor, in this regard.  
8 I think I should ask it.

9 THE COURT: Well, I have ruled.

10 MR. KATZ: There is a question I should ask.

11 THE COURT: All right.

12  
13 EXAMINATION

14 BY MR. KATZ:

15 Q Sergeant, the statements that Mr. Grogan made to  
16 you, on or about December 18, 1970 in Inyo County, were they  
17 made freely and voluntarily?

18 A Yes, they were.

19 MR. KATZ: Thank you. That is the last of my foundation.

20 THE COURT: I will make that ruling. Let's go ahead,  
21 gentlemen.

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

25 THE COURT: Now we are in court. Defendant is here and  
26 the witness is on the stand. Both counsel are here.

27 You can bring in the jury, Sheriff.

28 THE BAILIFF: Yes, sir.

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

THE COURT: All right. The jurors are here.

Ask your question.

MR. KATZ: Yes. Thank you.

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DIRECT EXAMINATION (Resumed)

BY MR. KATZ:

Q Sgt. Whiteley, I believe you were telling us that  
on December 18th, 1970 in the City of Independence, County of  
Inyo, and of course the State of California, you took the  
defendant, Steve Grogan, into custody for the murder of Shorty  
Shea, is that correct?

A That's correct, with my partner, Deputy Gleason.

Q Yes. And did you have a conversation with the  
defendant relative to Shorty Shea?

A Yes, I did.

Q Where did the conversation take place on December  
18th, 1970?

A In the Inyo County Jail.

Q And who was present?

A Deputy Gleason, Mr. Grogan and myself.

Q And what did you say and what did Mr. Grogan say  
and Deputy Gleason, if anything?

A I asked Mr. Grogan if he knew or if he would tell  
me what he knew of Donald Shea. He stated that he had met  
Donald Shea at Spahn's Ranch in 1969 and that Mr. Shea would

1 come and go from the ranch. That the last time that he had  
2 seen Mr. Shea, Mr. Shea told him that he was going to go to  
3 work in San Francisco in either a talcum or a salt mine.

4 Mr. Grogan then asked me how many witnesses testi-  
5 fied at the grand jury hearing. And I told him it was approxi-  
6 mately 43.

7 And Mr. Grogan stated, "I don't understand how  
8 this could have happened. You haven't found his body."

9 I then -- I then asked or told Mr. Grogan that a  
10 Manson member by the name of Gypsy had told me that --

1 MR. WEEDMAN: Excuse me, your Honor.

2 I'm certainly going to object to any statements  
3 made by somebody else even though they were purportedly made  
4 during the course of an interview with my client, your Honor.

5 THE COURT: Is that your objection? Have you stated  
6 your objection?

7 MR. WEEDMAN: Yes, indeed, your Honor.

8 THE COURT: The objection is overruled.

9 Go ahead.

10 MR. KATZ: Thank you, your Honor.

11 Q Would you continue?

12 THE COURT: Continue right from that point.

13 THE WITNESS: I told him that Gypsy--

14 MR. WEEDMAN: Excuse me, your Honor. I do want to make  
15 a better record on this. It permits the introduction of all  
16 kinds of hearsay, and presumably the jury would feel free to  
17 use it against my client. In other words, this officer is  
18 free to say any darn thing he wants to, and then it is  
19 received as part of a conversation had with my client.

20 It is highly prejudicial, it is highly unfair,  
21 and I mean that sincerely, and certainly its probative value  
22 is far outweighed by its --

23 THE COURT: The jury may draw their conclusions. It  
24 is a statement of the officer, as he says, to Grogan and his  
25 reply, if any, or reaction in respect thereto.

26 I'll overrule the objection. It can be argued  
27 to the jury.

28 MR. WEEDMAN: Thank you, your Honor.

1 THE COURT: But I think it is permissible.

2 MR. WEEDMAN: Thank you, your Honor.

3 I will request an instruction to the jury that it  
4 may be considered only in the light of my client's reply, if  
5 any, to wit, not for the truth --

6 MR. KATZ: I think that is fair.

7 THE COURT: At the proper time I will give an instruc-  
8 tion on the matter. Not right at this time. Overruled at  
9 this time, but not without prejudice to --

10 MR. WEEDMAN: Your Honor, I'm not going to renew this  
11 motion now because I know that the weeks will roll by and,  
12 frankly, I'm going to forget to do it. I'm making the motion  
13 right now that the jury be instructed that any statements  
14 made by Sgt. Whiteley may be received by the jury and con-  
15 sidered only insofar as they may shed light on any responses,  
16 if any, made by my client; that they may not be received as  
17 such, as the truth of any purported matters contained therein.

18 MR. KATZ: With respect to Gypsy, that is correct, and  
19 I think the jury can be instructed --

20 THE COURT: That is in substance a correct statement.  
21 The jury may so consider it.

22 MR. KATZ: Thank you, your Honor.

23 MR. WEEDMAN: Your Honor, I have in my possession what  
24 appears to be a report that was prepared by Sgt. Whiteley and  
25 by Charles Guenther on December 19, 1970, and with respect  
26 to purported statements made by this person, Gypsy, there  
27 do not appear to be any replies or anything pertinent by  
28 way of any statements made by my client. They are gratuitous



1 remarks made by the officers in connection with their  
2 interrogation. They are highly prejudicial. We have no way,  
3 of course, of countering these, of proving them or disproving  
4 them, your Honor.

5 My point is that these statements purportedly made  
6 by a person named Gypsy, have no probative value in this  
7 case, none whatever. According to the report, they were not  
8 asked in the form of a question of my client, nor apparently,  
9 according to this, was there any opportunity by virtue of the  
10 way it was stated for my client to affirm or deny, and indeed  
11 they apparently involve matters at which my client was not  
12 even present by their very nature, your Honor.

13 It is the kind of inflammatory and prejudicial  
14 material here, your Honor, which is bound to affect my client's  
15 position in this case.

16 THE COURT: I will overrule the objection.

17 You may finish your answer as to what was said --  
18 what you said to Grogan and what Grogan said to you. Nothing  
19 further than that.

20 Q BY MR. KATZ: You were at that point where you  
21 were telling Clem, or the defendant, something about what Gypsy  
22 told you. Do you have that in mind now?

23 A Yes.

24 Q Would you please continue now and tell us what  
25 it was you told Clem and what he said, if anything.

26 A I said that, "Gypsy has told me about finding the  
27 car down by the railroad tracks and taking it down to Gresham  
28 Street and dumping it."

1 Mr. Grogan stated, "Yeah. She told me that she  
2 had talked with you and also that Deputy Guenther had threat-  
3 ened her with the gas chamber."

4 Q That was a partner of yours, Deputy Guenther?

5 A Yes.

6 Q Charles Guenther?

7 A Yes.

8 Q And he still works homicide, is that correct?

9 A Yes.

10 Q All right.

11 A I then asked Mr. Grogan if he had ever seen  
12 Shorty's two .45 caliber revolvers, and he stated that he had  
13 seen guns like this in the possession of Danny De Carlo.

14 Q Did you describe the guns to the defendant?

15 A Yes, I did. I said that they were two .45 caliber,  
16 long-barrel revolvers, frontier type.

17 I then said to Mr. Grogan that a number of the  
18 witnesses that testified against him at the grand jury hear-  
19 ing had related that he had told them about cutting off  
20 Shorty's head, and Mr. Grogan stated, "People will say any-  
21 thing. You haven't found where his body is."

22 I then said, "Did you, in fact, kill Shorty?"

23 And he leaned back in the chair with a big grin  
24 on his face and said, "You haven't found his body."

25 I then asked him again the same question, and I  
26 got the same answer.

27 Q What was the same answer?

28 A "You haven't found his body."

1 Q Was that the sum and substance of the conversation?

2 A Yes. There was a little more, but I don't remember  
3 it.

4 MR. KATZ: No further questions.

5

6

CROSS EXAMINATION

7

BY MR. WEEDMAN:

8

Q In the same conversation, Sgt. Whiteley, didn't  
9 Mr. Grogan deny ever seeing Mr. Shea's brown attache case?

10

A Yes.

11

Q And didn't he deny knowing anything about any  
12 altercation between Mr. Manson and Mr. Shea?

13

A Yes, he did.

14

Q And didn't you take that to mean that he himself  
15 then did not participate in any altercation between Mr. Manson  
16 and Mr. Shea?

17

A I have to explain that.

18

Q All right. Go ahead.

19

A We were speaking of an altercation that took  
20 place down on Gresham Street between Mr. Shea and Mr. Manson  
21 back in 1967, I believe it was, or '68.

22

Q And Mr. Grogan told you that he didn't know any-  
23 thing about that altercation, is that so?

24

A That is correct.

25

Q Now, Sgt. Whiteley, on direct examination, I  
26 believe you testified that in response to your telling him  
27 that there were 43 witnesses, approximately, at the grand jury,  
28 that Mr. Grogan said, "I don't know how this could happen

1 without you finding the body." Is that what he said?

2 A No, I didn't say that.

3 Q I'm sorry. What did he say, then?

4 A I asked about the 43 -- I told him that there were  
5 43 witnesses, and he said, "I don't know how this could happen.  
6 You haven't found his body."

7 Q As a matter of fact, Sergeant, your testimony is  
8 that he said in that sentence, "haven't found his body," is  
9 that your recollection?

10 A Yes, sir.

11 Q Did you prepare a report dated 12/19/1970 in  
12 connection with this conversation with Mr. Grogan?

13 A Yes, I did.

14 Q And that report, does it not -- I'll direct your  
15 attention to it right there -- has the phrase, "a body," does  
16 it not? If you can read my scribbling.

17 A That is correct.  
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23-1

1 Q Your testimony is that my client said, "I don't  
2 know how this could happen. You haven't found his body."

3 And yet in your report you reflect, do you not,  
4 that what my client really said was, "I don't know how this  
5 could have happened. You haven't found a body."

6 A That's correct.

7 Q So isn't it true that what my client really said  
8 was "I don't know how this could have happened. You have not  
9 found a body"?

10 A That's correct.

11 Q All right.

12 Thank you, sir.

13 Finally, were any of the conversations or any  
14 portion of the conversation that you had with my client  
15 recorded or transcribed in any fashion?

16 A No, sir.

17 Q Did you take any notes during the direct conversa-  
18 tion with Mr. Grogan?

19 A No, sir.

20 Q When did you prepare the report of the December  
21 18, 1970 conversation?

22 A On December -- December the 18th.

23 Q What about the report that I have laid in front of  
24 you? Did you prepare that -- rather, did you prepare this  
25 report?

26 A Yes.

27 Q That bears the date 12-19-1970. Is that when the  
28 report was prepared, or was it prepared earlier?

1           A       It was prepared in the evening hours of December  
2 18th. By the date there I would imagine that it was typed on  
3 the 19th.

4           Q       All right.

5                   And was this report prepared by you upon your  
6 return to Los Angeles?

7           A       Yes, it was.

8           Q       And how did you go from Independence to Los Angeles  
9 on that occasion?

10          A       I drove. It was Mr. Grogan, Deputy Gleason and  
11 myself.

12          Q       And what is the approximate distance from  
13 Independence, where you began your automobile journey, to  
14 Los Angeles?

15          A       Approximately 225 miles.

16          Q       And about how long did it take you to make that  
17 trip?

18          A       Approximately four and a half hours.

19          Q       And it was after you returned then, to be clear  
20 about it, that you prepared the report relative to the  
21 conversation; is that so?

22          A       That's correct.

23          Q       In any event, Sergeant, does the report contain  
24 the exact words of the conversation that you had with my  
25 client?

26          A       Yes, they do.

27          Q       And you remembered the exact words even though  
28 you drove that distance in a police unit, is that correct?

23-3

1 A Yes, sir.

2 MR. WEEDMAN: All right. Thank you, Sergeant.

3 THE COURT: Is that all, gentlemen?

4 MR. KATZ: Yes, your Honor.

5 May we approach the bench before the jury is  
6 excused.

7 THE COURT: Well, all right. But can we -- are we  
8 through with our witness?

9 MR. KATZ: Well, that is the problem. I think we are  
10 but I have to confer with the court.

11 THE COURT: All right. Better step up here. Bring the  
12 reporter.

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

15 THE COURT: All right. Now, we are in chambers. Defendant  
16 and counsel.

17 All right. Now go ahead.

18 MR. KATZ: Yes, your Honor.

19 I asked for this conference out of the presence of  
20 the jury so that I could have the assistance and guidance of  
21 the court.

22 I am deeply disturbed by Mr. Weedman's questions  
23 of all of the witnesses, but particularly the questions that  
24 he propounded to Deputy Gleason which relate to the apparent  
25 time period which followed the alleged killing of Shorty Shea  
26 and before the grand jury indictment was actually returned.

27 Now, obviously counsel has -- he has already  
28 indicated by way of his questioning and by his argument, is

1 going to by way of this evidence argue that "Well, by gosh,  
2 they had the statements." He has already developed, I think,  
3 by way of questioning of Paul Watkins "They had Watkins and  
4 Grogan's statement. They had Brooks Poston's statement. They  
5 had Paul Crockett's statement in regard to the alleged con-  
6 fession of Clem concerning the killing of Shorty Shea."

7 And then Mr. Weedman of course will argue, based  
8 upon the record, "Well, why is it that they took so long? They  
9 obviously didn't believe that this statement made by Poston  
10 and Crockett and Watkins -- what was wrong with their case?  
11 They had confessions."

12 Well, the jury being lay people do not understand  
13 that it is necessary to develop an investigation. Especially  
14 where there is no body, so that independent -- there is prima  
15 facie evidence of the corpus delicti.

16 In addition thereto, this officer, Sgt. Whiteley,--  
17 and this is why I asked you to give me some advice here, --  
18 would testify that there were very specific reasons as to why  
19 there was such a long lapse of time before there was a natural  
20 grand jury indictment returned in December of 1970; and there  
21 were three reasons:

22 Reason No. 1, was of course, they wanted to conduct  
23 an independent investigation showing prima facie evidence of  
24 the corpus delicti of the crime of murder;

25 Reason No. 2, was that they were working the other  
26 Manson cases together with Los Angeles Police Department and  
27 in particular two main cases, the Gary Hinman case and the  
28 Tate and La Bianca case;



1 Reason No. 3, was that the district attorney  
2 himself -- and I was present at the staff meeting, and I refer  
3 now to the present Attorney General Evelle J. Younger, --  
4 indicated to the sheriff's office that the joint staff meeting  
5 with the Los Angeles Police Department, the sheriff's depart-  
6 ment and members of the district attorney's office, that there  
7 would be no filing on the Shorty Shea case because such an  
8 indictment would be returned not only against Mr. Grogan, who  
9 was not charged with any other crime at that time, but against  
10 Mr. Manson and Mr. Davis.

11 At that time the Tate and La Bianca proceedings  
12 were under way, and Mr. Younger expressed concern, as did  
13 LAPD, that any indictment returned with respect to a new crime  
14 involving Charles Manson would be so prejudicial as to under-  
15 mine possibly the integrity of the proceedings in Department  
16 104 before Judge Older.

17 As a result the filing date was pushed forward or  
18 backwards in terms of time so that it would not affect or  
19 prejudice not only the Tate and La Bianca proceedings but also  
20 the Gary Hinman case in which Robert Beausoliel was on trial  
21 for his life.

22 And lastly, there was one other reason why there  
23 was no filing against the defendant, Mr. Grogan. And that  
24 reason was that Mr. Grogan was a suspect in the Tate and  
25 La Bianca case and in particular the La Bianca case where our  
26 evidence showed and the district attorney was in possession of  
27 the evidence, that Clem, the defendant, went --  
28

#24

1 MR. WEEDMAN: Your Honor, counsel has no right now to  
2 bring into the record --

3 THE COURT: I may agree with you, but let him finish.

4 MR. KATZ: This is out of the presence of the jury.

5 MR. WEEDMAN: I don't care if it is outside the presence  
6 of the jury.

7 THE COURT: Finish your statement.

8 MR. WEEDMAN: Your Honor, this matter may go up on  
9 appeal. I'm going to object strenuously to counsel --

10 THE COURT: Overruled. Make your statement.

11 MR. KATZ: And lastly, as I was saying, the district  
12 attorney's office, because of information we had, namely,  
13 that the defendant, according to Linda Kasabian, had gone to  
14 the La Bianca home, that is, the outside of the home, with  
15 Charles Manson, Leslie Van Houten, Tex Watson, and Susan  
16 Atkins, and that was on the night of the La Bianca killings,  
17 and thereafter went with Linda Kasabian and Susan Atkins and  
18 Charles Manson to Manhattan Beach, where there were certain  
19 orders given by Charles Manson.

20 It was our hope at that time -- I say the district  
21 attorney's office hoped to use the testimony of Clem -- and  
22 when I refer to "Clem," I mean Mr. Grogan -- and therefore  
23 once again we were hoping for his assistance and cooperation.

24 So these are reasons why we did not -- may I  
25 finish my point -- these are the reasons why we did not file  
26 immediately after the statements were made known to the  
27 officers, and I just don't want to be placed in a position  
28 where the record is void or barren of the real reasons as to

1 why there was no filing.

2 Now, Mr. Weedman, based upon the record, your  
3 Honor, will argue that "My God, they have these statements  
4 in October of 1969. If they had a case, why didn't they file  
5 it?"

6 I'm giving you full reasons that I can establish  
7 by evidence.

8 THE COURT: I won't let any of them in because they are  
9 all highly prejudicial. If you got a conviction with any of  
10 that testimony in it, it would come back, anyway.

11 But that is beside the point. I think it would be  
12 entirely immaterial to this lawsuit. That is one thing.  
13 It would be highly prejudicial. It wouldn't prove or disprove  
14 one iota of material facts concerned with this case.

15 Now, these are serious problems and they are  
16 problems of the district attorney. I'm not demeaning the  
17 seriousness of your problems. But they are your problems, and  
18 I don't think they should be inflicted in this case, and I  
19 would sustain objection --

20 MR. KATZ: Let me ask you this question --

21 THE COURT: -- to their going in evidence.

22 MR. KATZ: I appreciate your guidance. This is the  
23 reason why I obviously did not raise them in front of the  
24 jury and wanted to get your feeling on this.

25 THE COURT: Keep away from it because I'll just sustain  
26 objection.

27 MR. KATZ: Are we going to permit, based upon the  
28 record, Mr. Weedman the opportunity to argue that --

1 THE COURT: I don't know. I'm going to decide something  
2 on that.

3 MR. KATZ: Are you going to foreclose me from presenting  
4 evidence?

5 THE COURT: I'm certainly going to stop you from going  
6 into all this other business of these other murders. This man  
7 is charged with one murder, killing Shea. I'm going to hold  
8 the testimony right in there. Why you didn't file is your  
9 own business.

10 MR. KATZ: Now, let me ask you this question: This is  
11 the only question I have: --

12 THE COURT: Go ahead.

13 MR. KATZ: Will Mr. Weedman be able to argue, will you  
14 permit him to argue, based upon the evidence in this record  
15 at this time, that our case must have been weak or we must  
16 have submitted to some political persuasion because we didn't  
17 file until almost a year after, or indeed, over a year  
18 following the statements being made known to the police? Will  
19 he be permitted to argue that?

20 THE COURT: I don't know what he is going to argue.  
21 But I'll tell you right now, I'm going to disallow that  
22 testimony. I won't fight that shadow until it gets in front  
23 of me and I'll take it on. But not until then.

24 MR. KATZ: I can't stop Mr. Weedman once he has made  
25 the statement in front of the jury.

26 THE COURT: I can't help these things. They filed a  
27 year afterwards. I'm not blaming in any way. I'm not  
28 criticizing in any way. But this is a fact. It is a fact.

1 It is again a shadow. I won't let the shadow in on this case.  
 2 You've got to hold your facts. What is the testimony and  
 3 what have you got to show this man guilty? That is your  
 4 business. No question about it. But you couldn't possibly go  
 5 into all this business of all these other problems, as serious  
 6 as they are. But Shea is not a party in those --

7 MR. KATZ: Not Shea.

8 THE COURT: I don't mean Shea. I mean Grogan. He is  
 9 not on trial here for any of these awful problems that exist,  
 10 any of these other alleged murders, and they shouldn't creep  
 11 in this record anyway. They would only be prejudicial, for  
 12 one thing.

13 MR. KATZ: Again I appreciate your Honor's ruling. I  
 14 will abide by it. I just wanted some guidance in the area,  
 15 and I didn't want to be in a position --

16 THE COURT: I say keep away, because I would sustain  
 17 objections if it goes in there, and I think it would be highly  
 18 prejudicial error, number two.

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1 MR. KATZ: All right. Your Honor, I will abide by the  
2 court's ruling and I thank you for your advice and guidance.

3 MR. WEEDMAN: May I say something for the record?

4 THE COURT: Go ahead.

5 I have ruled, but if you want to, go ahead.

6 MR. WEEDMAN: This may come as a shock to Mr. Katz, but,  
7 you know, I have discussed this matter at great length with  
8 Sgt. Whiteley, and Sgt. Whiteley has told me a good many  
9 things in connection with the long delay. So, I'm not entirely  
10 a stranger to it, although I must say that Mr. Katz is now --  
11 if what he is saying is, of course, accurate -- I have no  
12 reason to believe that he is not being forthright and candid,  
13 but, of course, he may not have been directly present at some  
14 of these decisions made by the district attorney's office --  
15 but at this point, your Honor -- and I mean this quite  
16 seriously -- based upon what Mr. Katz has now informed the  
17 court, I respectfully move for a dismissal of this action on  
18 the ground that a 14-month delay in even arresting my client  
19 and notifying him of the charges is a gross denial of due  
20 process. It has robbed my client of the ability to secure  
21 adequate witnesses in his defense, a 14-month's lapse of time  
22 which, according to Mr. Katz, was deliberately and premedi-  
23 tatedly planned by the district attorney's office.

24 I didn't realize that, if such be the case, until  
25 just now when Mr. Katz made the statement. In other words,  
26 all the information, as I understand it, that has been  
27 presented to the court and to the jury during this trial was  
28 substantially known to the district attorney's office and to the

1       sheriff's department by the middle of October --

2           MR. KATZ: That is not true.

3           MR. WEEDMAN: You let me make a statement.

4           MR. KATZ: I'm sorry.

5           MR. WEEDMAN: -- by the middle of October 1969. My client  
6 was not arrested until December the 17th of 1970, a lapse of  
7 approximately 14 months, your Honor, and in 14 months my client  
8 could surely have made substantially better gains in securing  
9 witnesses in his behalf, your Honor.

10          MR. KATZ: Your Honor, with respect to Mr. Weedman's  
11 statement --

12          THE COURT: Let me cut it down, gentlemen.

13          MR. KATZ: I have to answer --

14          THE COURT: Let me say something. Everybody is talking  
15 but me.

16                I think you have -- there is a strong argument,  
17 strong inferences, that may be drawn from your position.  
18 However, the motion is denied.

19          MR. WEEDMAN: Your Honor, I would respectfully request  
20 an evidentiary hearing with respect to my motion for a  
21 dismissal on the ground that the extended lapse of time is a  
22 denial of due process to my client.

23                I would propose during such evidentiary hearing  
24 to produce evidence that in fact my client's position with  
25 respect to defending himself against the charge has been  
26 substantially and unalterably prejudiced because of the some  
27 14-month delay in even arresting him and notifying him that  
28 he was in fact a suspect in connection with this case.



1 THE COURT: Denied. Let me rule. Motion denied. Let's  
2 go ahead. Have you finished? I have ruled.

3 MR. KATZ: The problem is the record is silent --

4 THE COURT: I know.

5 MR. KATZ: -- on one point.

6 THE COURT: Go ahead.

7 MR. KATZ: We were not in possession of all of the  
8 evidence that counsel suggests we were 14 months prior to the  
9 filing. As a matter of fact --

10 THE COURT: You have stated that in detail.

11 MR. KATZ: The only thing I stated was that we were in  
12 possession of statements.

13 THE COURT: I'm going to cut you off. That has been  
14 carefully stated.

15 MR. KATZ: Thank you.

16 THE COURT: I'm not demeaning you, but it has been stated.

17 MR. WEEDMAN: Your Honor, I can only submit in connection  
18 with that that the record of this trial speaks for itself,  
19 and I think the dates of the purported conversations are quite  
20 clear.

21 THE COURT: All right, gentlemen. I have made my ruling.  
22 Let's go.

23 (The following proceedings were had  
24 in open court:)

25 THE COURT: We are in open court.

26 MR. WEEDMAN: Your Honor, I respectfully move for a  
27 mistrial at this time because of the statements which were  
28 received in evidence as being purportedly made by a person by



1 the name of Gypsy in connection with Sgt. Whiteley's testimony  
2 on the ground, of course, that such statements were not  
3 accusatory in nature and therefore played no pertinent and  
4 probative value in the interrogation of my client by Sgt.  
5 Whiteley; that their prejudicial value highly outweighs any  
6 possible probative value in this case, your Honor, and we  
7 have, obviously, no way at all to counter the effect of those  
8 unfortunate statements purportedly made by one Gypsy as against  
9 my client.

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1 THE COURT: Motion denied.

2 MR. WEEDMAN: Thank you, your Honor.

3 THE COURT: Yes, sir. Now, before we get the jury,  
4 where are we with the People?

5 MR. KATZ: Well, the People have no redirect. We have  
6 concluded our examination.

7 THE COURT: We are through with the witness?

8 MR. KATZ: That is correct.

9 THE COURT: You can sit down. Thank you.

10 Now, where are we on the People, do the People  
11 rest?

12 MR. KATZ: No, I cannot rest until we have the issue  
13 on the exhibits.

14 THE COURT: Let me ask a question. The jury is not  
15 here.

16 MR. KATZ: Yes.

17 THE COURT: We don't have -- I can speak freely because  
18 the jury is not here.

19 MR. KATZ: Yes, your Honor.

20 THE COURT: Part of our exhibits are in Department 106.  
21 Part of them are here. Theoretically you would rest and --  
22 strike that.

23 Theoretically, you would offer the exhibits in  
24 evidence, subject to whatever objections there may be --

25 MR. KATZ: Yes.

26 THE COURT: The court would rule, plaintiff would rest.  
27 Is that correct?

28 MR. KATZ: Yes, and then we would ask your Honor to

1 permit the jury to view the exhibits.

2 THE COURT: Well, all right. I understand that.

3 Now, I am backing up again. We have part of the  
4 exhibits only. So it would be piecemeal to attempt to move  
5 at this time.

6 MR. KATZ: Yes, your Honor.

7 THE COURT: And Judge Choate has the other half, or I  
8 will say they are in 106.

9 MR. KATZ: That is correct.

10 THE COURT: So we can't very well proceed further at  
11 this moment.

12 Now, for the clerk. You can come in the picture.

13 Now, what did Judge Choate say, if anything, about  
14 letting us have those, or where do we stand?

15 THE CLERK: Your Honor, Department 106 said they would  
16 send the exhibits over this afternoon.

17 THE COURT: They said they would?

18 THE CLERK: Exhibits No. 1 to 20-H, which they have,  
19 they said they would send them this afternoon to you. They  
20 would hope to have exhibits 1 through 68 returned to them  
21 by 11:00 a.m. tomorrow.

22 THE COURT: Tomorrow.

23 Now, do you see any reason after I rule, gentle-  
24 men, tomorrow morning, why I can't send all the exhibits  
25 back to Judge Choate? Do you want a little leeway in your  
26 case?

27 MR. WEEDMAN: That is correct, your Honor.

28 THE COURT: Is there any objection to that?

1 MR. WEEDMAN: No, your Honor.

2 MR. KATZ: There is no objection after the jury has had  
3 an opportunity to view them.

4 THE COURT: No, after the jury as seen it, then send  
5 them back to Judge Choate.

6 MR. KATZ: No objection at all.

7 THE COURT: Well, you can advise him -- I should call  
8 him myself and tell him that. I think he wants to know.

9 THE CLERK: Your Honor, he said if he could have those  
10 exhibits by 11:00 a.m., tomorrow, that would be satisfactory.

11 THE COURT: I can't move until I get them.

12 THE CLERK: They will be here tonight.

13 THE COURT: We will get the exhibits and then move.  
14 That's as far as we can go at this time.

15 MR. KATZ: Yes, your Honor.

16 MR. WEEDMAN: Yes.

17 THE COURT: We will get the jury in and recess till  
18 tomorrow at 9:30. That's as far as we can go at this time.

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

21 THE COURT: Gentlemen, will you step up here again  
22 before I proceed.

23 MR. KATZ: Yes, your Honor.

24 THE COURT: On our time, step over here.

25 (Conference at the bench with both  
26 counsel and defendant present, not  
27 reported.)

28 THE COURT: Now, ladies and gentlemen, we are back in

1 court. Defendant is here. Both counsel are here. Our regular  
2 jurors are here and our alternates.

3 Ladies and gentlemen, we have gone considerably  
4 over our time, but there are very important matters that  
5 have arisen, and I have attempted religiously to abide by  
6 the time schedule I have set. But very important matters  
7 are here.

8 Now, we will recess at this time. Now, I caution  
9 you to this point because of the fact that it is important,  
10 and other matters are pending in other courts, that we act  
11 tomorrow early.

12 Is it fair to say this, there are no further --  
13 am I correct -- I am not trying to bind you by anything --

14 MR. KATZ: Yes, your Honor.

15 THE COURT: There is no further direct testimony by  
16 the People. Tomorrow morning the People expect to offer in  
17 evidence all exhibits. There may be objections by defendant.  
18 The court must rule on those that will be admitted. Those  
19 that may be rejected.

20 Then after that those exhibits that are admitted  
21 in evidence will be shown to the jury. The People then rest.

22 That is a fair statement, isn't it?

23 MR. KATZ: Yes, your Honor.

24 THE COURT: Without taking in any factual matter.

25 MR. KATZ: Completely fair, your Honor.

26 THE COURT: So I would appreciate and would ask the  
27 jurors please return promptly at 9:00 o'clock tomorrow.

28 Now, can you all make that, folks? We have

1 got so many problems here. Nine o'clock tomorrow and we'll  
2 be ready to go.

3 Do not discuss the case or come to any opinion  
4 or conclusion. Return at 9:00 o'clock tomorrow. Thank you  
5 very much.

6 MR. WEEDMAN: Thank you, your Honor.

7 MR. KATZ: Thank you, your Honor.

8 (At 4:40 p.m. adjournment was taken  
9 until the next day, Thursday,  
10 August 19, 1971, at 9:00 a.m.)  
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