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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 52

HON. JOSEPH L. CALL, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

v.)

NO. A 267861

STEVE GROGAN,)

Defendant.)

REPORTER'S DAILY TRANSCRIPT

THURSDAY, AUGUST 19, 1971

APPEARANCES:

(See Volume 1)

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Reported by:

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-and-

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Official Reporters

COPY

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- 25
- 26
- 27
- 28

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1 PEOPLE v. STEVE GROGAN
2 NO. A267861

VOLUME 36 - Pgs. 4767 to 4865
Thursday, August 19, 1971

3
4 I N D E X

5 PEOPLE'S WITNESS

6 WHITELEY, Paul J. (Resumed)

REDIRECT

4775

8 E X H I B I T S

9 PEOPLE'S EXHIBITS

IN EVIDENCE

10 1 through 4

4784

11 4-A through 4-B

4785

12 5 and 6

4786

13 7 and 8

4787

14 9-C and 9-D

4788

15 10

4789

16 10-A through 10-F

4790

17 11-A through 11-C

4790

18 12-A, B and C

4793

19 13-A, B, C and D

4794

20 14

4794

21 15 and 15-A

4795

22 16-A through 16-J

4794

23 17

4795

24 17-A

4796

25 18

4796

26 19

4797

27 20A, B, C, D and E

4798

28 20-F, 20-F1, 20-F2

4798

EXHIBITS (Cont'd.)

PEOPLE'S EXHIBITSIN EVIDENCE

20-G, 20-G1, 20-G2, 20-G3	4798
20-H	4798
21-A through 21-N	4799
22-A through 22-F	4799
23, 24 and 25	4799
26 through 29	4800
30	4801
31-A through 31-H	4801
32-A through 32-R	4804
32-T through 32-BB	4804
32-RI	4804
33-A through 33-Z8	4805
34-A through 34-F	4805
35	4805
36	4806
37-A through 37-F	4806
38-A through 38-D	4807
39-A through 39-I	4807
40-A and 40-B	4807
41	4807
42 and 42-1	4809
43-A and 43-B	4810
44	4812
46	4813
47	4813
49	4821

E X H I B I T SPEOPLE'S EXHIBITSFOR ID. IN EVIDENCE

50-A through 50-H including 50-E1 and excluding 50-E2	4823
51-1 - Partial Xerox copy of 51	4823
52-1 - Partial Xerox copy of 52	4848
53 , 54, 55	4831
56	4832
57, 58, 59	4834
60	4838
61	4839
62	4840
63-A, B and C	4841
64 through 68	4841

DEFENDANT'S EXHIBITS

A and B	4842
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1 LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 19, 1971; 9:00 A.M.

2
3
4 (Proceedings were resumed in open court
5 outside the presence of the jury.)

6 THE COURT: I'm going to call the case of the People
7 against Steve Grogan. Defendant is here and both counsel are
8 here.

9 I have here this notice of motion of the defendant
10 to dismiss appointed counsel and allow the defendant to
11 represent himself.

12 Mr. Grogan is here.

13 Now, Mr. Grogan, I have already ruled on this
14 matter and made quite a statement in the transcript.

15 I am rather inclined to deny the motion. I have
16 ruled on the matter and made a rather elongated statement,
17 and gave reasons before.

18 Without going into it, because we are in the
19 middle of the trial here, you would be a fool to try to
20 represent yourself. I would be a fool to try to represent
21 myself.

22 So I am not saying anything about you I don't say
23 about myself.

24 A person would have to nearly be an idiot to want
25 to represent himself in a criminal case whether he has even
26 practiced law or not. Just a thing that isn't done properly
27 and can't be performed, particularly with a person who has
28 not had any kind of legal education. You can't.

1 Now, that is one thing. And the other thing as
2 I will restate, you have made statements in here, and you may
3 have said it very wholeheartedly respecting disagreement with
4 Mr. Weedman and things you say he should do or has done or
5 has not done.

6 I consider him a very capable lawyer. There are
7 no two people who all agree on anything. Mr. Weedman has
8 disagreed with me throughout the trial and very properly so,
9 on many, if not all, of my rulings. He has got that right.

10 And the People are complaining about them, too.
11 That is to say, they don't agree with all of my rulings, one
12 way or the other. That doesn't mean that either the district
13 attorney is incompetent or a fool. He is a very capable
14 district attorney, and I think your lawyer is a very, very
15 capable lawyer. Very capable, courteous and well-founded in
16 the law.

2 fls

2-1

1 I can't agree with you that he is not qualified to
2 represent you in the matter. I think you are very fortunate in
3 having a man of his temperament and precision and his good
4 judgment. The fact that he doesn't agree with me or I don't
5 agree with him, that doesn't prove or disprove anything.

6 That is the reason for my ruling.

7 THE DEFENDANT: Mr. Charles Weedman, attorney for the
8 defendant, did represent to the jury that he would produce two
9 witnesses to testify to the fact that Donald Shea was seen
10 alive sometime after the alleged date of his death and both
11 witnesses did converse with the alleged victim, Donald (Shorty)
12 Shea. The fact that one of the witnesses is no longer avail-
13 able and his testimony will not be possible shows bad faith on
14 the part of the attorney for the defendant. People v.
15 Pantages, 212 Cal. 237. That is the page number.

16 That a key witness, Kenneth Como, did in fact make
17 certain declarations to the attorney, Charles Weedman, and that
18 he had seen and had a conversation with Donald (Shorty) Shea
19 as late as January 1970. Yet the said attorney failed to make
20 a sworn deposition in light of the fact that the defense witness,
21 Kenneth Como, was a maximum escape risk and had escaped on
22 more than one occasion prior to the conversation.

23 That as a result of Mr. Weedman's incompetence,
24 Kenneth Como is lost as a witness for the defense and has again
25 escaped and presently remains at large.

26 That due to the carelessness, oversight, and
27 disconcert and general laxity of the said attorney, the
28 defendant is now deprived of one of his two key witnesses for

1 his defense.

2 He, the witness, Kenneth Como, who could have by
3 his sworn statement or deposition corroborated the testimony
4 of the other witness as to Donald (Shorty) Shea's being alive
5 after the alleged date of his death; had said attorney acted
6 with concern, speed, caution and interest, Kenneth Como's
7 declaration would be available to be presented too and
8 weighed with the other testimonies, a fact absolutely germane
9 to my defense.

10 Now, the witness, Kenneth Como, had seen Mr. Shea
11 in San Francisco on his release from Folsom Prison and talked
12 to him at a bus station, in which to me my witness, or
13 ex-witness, I have no more touch with him, no more --

14 THE COURT: Well, Mr. Grogan, whether a witness is
15 subpoenaed or not is a matter of sound judgment on the part of
16 the lawyer who represents the defendant. It may be the worst
17 thing in God's world to subpoena Como in here. For one thing,
18 unfortunately, the gentleman has been convicted of felonies.
19 You start putting a man on the stand and the other counsel
20 impeach him and say, "You have been convicted of a felony or
21 felonies? What are they for?"

22 I don't know what damage it would do to your case
23 or somebody else's. It's a question of judgment. It's a
24 question of sound judgment whether a man should be subpoenaed
25 in here or not, whether his testimony should be taken. It
26 could ruin your whole case. I don't know what it would do
27 to that jury to bring a man in here that is on Death Row
28 with convictions of felonies and put him on here as a witness

1 for you. It may destroy everything you have.

2 THE DEFENDANT: I know the jury is instructed to take --

3 THE COURT: It is not for me, it is for counsel that
4 represents you. If you are asking me what I would do as a
5 lawyer, if you want to know what I would do, I wouldn't bring
6 anybody in that is either on Death Row or that stands convicted
7 up there for heinous crimes or felonies. And if I represented
8 you, or another defendant, and put them on the stand as
9 witnesses for that party, I wouldn't do it, and nobody could
10 talk me into it.

11 What I'm trying to show you is, this is judgment.
12 It is whether you are going to hurt yourself or not, and these
13 are judgments for your lawyer, not my judgments. They are
14 judgments for your lawyer, and I think he has sound thinking,
15 he has had a lot of experience.

16 THE DEFENDANT: It is not the fact that the man has been
17 convicted of felonies; it is the fact that he would bring the
18 truth to light.

19 THE COURT: You don't know what will go through the mind
20 of the jurors when you start bringing out here felony convictions,
21 or what the man says, or what his behavior is, or his
22 action on that stand.

23 My point is, those are decisions for defense
24 counsel. They are sound judgments and sound decisions there.

25 But, as I have indicated before, the Supreme Court,
26 when a man is charged with a capital offense, the judge in the
27 trial court has a great deal of latitude and discretion whether
28 to allow a man to represent himself or not, particularly when
the People are asking for the death penalty.

1 God knows I wouldn't want to represent myself --
2 I said that so many times -- and particularly if you have no
3 legal background, and I just won't grant it. I won't grant
4 the request.

5 Now, I think Mr. Needman is doing a very substan-
6 tial and good job, representing you very capably, very capably,
7 and that is my opinion, and I respectfully deny your request,
8 Mr. Grogan.

43

1 THE DEFENDANT: Well, your Honor, for the record the
2 defendant did demand that the attorney make a motion under 995
3 of the Penal Code and said demand was denied without explana-
4 tion or reason, thereby denying me, the defendant, one of my
5 avenues of defense, and forever depriving me, the defendant,
6 from preserving my record on appeal in case of a conviction,
7 i.e., a silent record constitutes a waiver and forecloses the
8 issue. People v. Ahern, 113 Cal. App. 2d 747, People v. Gomez,
9 209 Cal. App. 2d 187.

10 In other words, if he doesn't make that objection
11 or make a motion for 995 hearing, it is deemed waived. Lost
12 forever.

13 THE COURT: All right. I deny your request. Motion
14 denied.

15 THE DEFENDANT: Your Honor, in the best interests of
16 justice I would like to have this motion incorporated in the
17 record, in the transcript.

18 THE COURT: This is filed. Your motion is filed. Your
19 statement is in the reporter's transcript. That is everything
20 you can have. That is all there is to do.

21 Your statements are all recorded in the reporter's
22 transcript, and your motion is right here in the files of
23 this court.

24 THE DEFENDANT: I ask again in the best interests of
25 justice that we have every word of this in the transcript,
26 incorporated in the transcript.

27 THE COURT: No, I can't do that. But it is filed in the
28 record with the other papers and pleadings in the case.

1 And your statements appear in the reporter's transcript.

2 You have the full record for argument to any other
3 court. It is here. Ample and adequate.

4 Now, let's go ahead, gentlemen.

5 MR. KATZ: Thank you, your Honor.

6 THE COURT: Did you want to ask one or two more questions?

7 MR. KATZ: Yes. And that's all.

8 THE COURT: I am going to limit you down here.

9 MR. KATZ: Just one area, and I have discussed this --

10 THE COURT: We will make it short.

11 MR. KATZ: It will be short.

12 THE COURT: I don't want to be dictatorial about it, but
13 make it short.

14 MR. KATZ: It is, your Honor.

15 THE COURT: All right.

16 You can bring in the jury, Sheriff.

17 THE BAILIFF: Yes, sir.

18 THE COURT: Now, you have a witness?

19 MR. KATZ: Yes.

20
21 PAUL J. WHITELEY,

22 resumed the stand.

23 THE COURT: Now, you have been sworn. State your name
24 again, please.

25 THE WITNESS: Paul J. Whiteley.

26 THE COURT: Thank you.
27
28

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

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

The People, ladies and gentlemen, have asked
permission of the court to allow them to ask two or three
questions of this witness before they offer the exhibits in
evidence.

Go ahead.

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

THE COURT: Yes.

REDIRECT EXAMINATION

BY MR. KATZ:

Q Sergeant Whiteley, you recall yesterday on cross
examination you were discussing with Mr. Weedman the words
"his body" and "a body."

And just to bring us up to date in that connection,
Mr. Weedman yesterday asked you the following:

"Q Your testimony is that my client
said, 'I don't know how this could happen. You
haven't found his body.' And yet in your report
you reflect, do you not, that what my client
really said was, 'I don't know how this could
have happened. You haven't found a body'?

"A That's correct.

"Q So isn't it true that what my client
really said was, 'I don't know how this could

1 have happened. You have not found a body'?

2 "A That's correct."

3 Now, you have reference to the statement that
4 Mr. Weedman showed you in your report dated December 19, 1970,
5 in the first paragraph, is that correct?

6 A That's correct.

7 Q Now, you had also testified in that connection on
8 direct examination that on two other occasions in discussing
9 Mr. Shea, the defendant used the words "his body" as opposed
10 to "a body"; is that correct?

11 A That's correct.

12 Q Is that correctly reflected in your report in the
13 second paragraph -- and we are referring to the report of
14 December 19, 1970?

15 A Yes.

16 Q All right.

17 So lastly -- and this is my last question, your
18 Honor, and I appreciate it --

19 THE COURT: All right.

20 Q BY MR. KATZ: You testified yesterday, just so I
21 am clear here:

22 "I then said to Mr. Grogan that a number of
23 the witnesses that testified against him at the
24 grand jury hearing had related that he had told
25 them about cutting off Shorty's head, and Mr. Grogan
26 stated, 'People will say anything. You haven't
27 found where his body is.'"

28 And then you said, "Did you in fact kill

1 Shorty," and he leaned back in the chair with a
2 big grin" --

3 MR. WEEDMAN: Excuse me, your Honor. This has all been
4 asked and answered. This is not proper rebuttal. This is
5 just emphasizing what we have already heard.

6 MR. KATZ: I am clarifying the use of the words "his
7 body" --

8 MR. WEEDMAN: He is not clarifying anything.

9 THE COURT: I think it has been taken. It is taken. It
10 is for the jury. I don't think it is a matter of repeating.

11 The objection is sustained.

12 MR. WEEDMAN: There is an objection.

13 THE COURT: I will sustain the objection.

3A

3a-1

1 Q BY MR. KATZ: While he did use the word "a body"
2 on the other two occasions he did use the word "his body",
3 is that correct?

4 MR. WEEDMAN: Your Honor, this has been asked and
5 answered.

6 THE COURT: I think it is covered with the witness. It
7 is asked cautiously and carefully. I think it is for the
8 jury to determine this. I don't think it is a matter of
9 coming back and redirect examination on statements as to what
10 he meant.

11 MR. KATZ: I wasn't asking what he meant, your Honor. I
12 was just asking whether or not, to clarify --

13 MR. WEEDMAN: Excuse me, your Honor. Now counsel is
14 going to say it again.

15 THE COURT: It has been asked and answered. I think it
16 is serious. It has been asked and answered. It has been
17 covered, gentlemen.

18 I will sustain the defense objection.

19 MR. WEEDMAN: Thank you, your Honor.

20 THE COURT: Sustained.

21 You can step down. Thank you, sir.

22 MR. KATZ: I would like to approach the bench with the
23 court reporter.

24 THE COURT: Yes. Step up here.

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

27 THE COURT: Now we are in chambers. Defendant and both
28 counsel are here.

1 Go ahead, Mr. Katz.

2 MR. KATZ: Yes, your Honor.

3 I hope you understand the spirit in which I make
4 this. I make it sincerely, and I make it forthrightly.

5 I think you are denying the People due process of
6 law. I have done everything in my efforts to speed up this
7 trial, to facilitate the trying of this lawsuit. I have helped
8 Mr. Hogan get all the exhibits together. I have done every-
9 thing to move this case along.

10 I don't think I have been dilatory --

11 THE COURT: Nobody is accusing you of that.

12 MR. KATZ: I understand.

13 THE COURT: You are very capable.

14 MR. KATZ: My point is, you are now denying me at the most
15 critical phase to ask one question to clarify a latent
16 ambiguity which appears in the record.

17 Mr. Weedman showed him one small paragraph of his
18 report dated December 19th, 1970 in which the phrase "a body"
19 was used rather than "his body."

20 However, in paragraph 2 of the same report, the
21 report also reflects that Mr. Grogan on two occasions used the
22 words "his body" as opposed to the words "a body" and all I
23 wanted to do was clarify that what he testified to on direct
24 examination with reference to "his body" was in fact stated on
25 the latter two occasions.

26 That is all I was trying to do, and my last
27 question was directed to that, did he use the words "his body"
28 there in the last two statements.

1 THE COURT: Well, it has been testified to. He has made
2 a statement, and he has cross-examined on it. It is a matter
3 of argument to the jury because it was gone into yesterday.

4 You see what happens, you -- not you, but if the
5 State comes back under redirect and takes a reexamination, the
6 effect is you have got two direct examinations in there, and
7 the defendant has got one cross. Now, that is what happens.

8 As a matter of fact, it is reversible error. I
9 have had it happen to me over the 40 years I have been here.
10 It happened -- Tom Finnerty was the district attorney. I have
11 the highest respect for him and highest regard. He is a
12 friend of mine.

13 But we argued this thing out. Just to show you
14 what happens, and he wanted to re-ask and went back into 1963
15 to re-ask on direct for some clarifications.

16 It didn't get any further than the district court,
17 and the case came back because the effect was to give the
18 People two direct examinations.

19 Now, that is what happens, and this has been asked
20 and answered, gentlemen. So the record shows your objection,
21 shows your exception. I so consider it. I stand by my ruling.

22 All right. Let's go ahead.

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

26 MR. KATZ: Your Honor, there is a discussion to be had
27 concerning the exhibits after which the People will rest. We
28 have no further testimony or evidence to present.

1 THE COURT: All right.

2 Now, Mr. Katz, we have part of them. Let's take
3 what we have, and the others, I think, are in transit.

4 Have you got the clerk, yet?

5 THE CLERK: I have the exhibits, sir. We have all of the
6 exhibits.

7 THE COURT: All right.

8 I stand corrected. Go ahead.

9 MR. KATZ: May the jury be excused so they can sit in the
10 jury room while counsel and I discuss the exhibits?

11 THE COURT: Well, now, I don't know. They are being
12 offered in evidence. That is part of the trial.

13 MR. KATZ: Yes.
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4-1

1 THE COURT: I don't know whether this is part of the
2 trial or not. This is part of the trial. You are offering
3 the exhibits in evidence. I think it should be done in open
4 court in front of the jury, unless you want to stipulate to
5 that effect. It is a matter right in here. We are in trial.
6 If you want the jury out, I'll take a stipulation on it.

7 MR. WEEDMAN: Yes. We will stipulate, your Honor, that
8 we can go through them in the absence of the jury and then
9 the jury will receive those exhibits.

10 THE COURT: Do you want to stipulate that the jury may
11 go to the jury room and the offer made? Is that correct?

12 MR. KATZ: Yes, your Honor.

13 MR. WEEDMAN: Yes, your Honor. So stipulated.

14 THE COURT: All right, folks. If you will step in there.

15 Do not discuss the case, and we will proceed.

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

19 THE CLERK: Could we move for a recess? The exhibits are
20 out in the hall. I can do anything the court says, but I
21 would like to check the exhibits before I sign a receipt for
22 them.

23 THE COURT: All right. How long will that take?

24 THE CLERK: Fifteen minutes.

25 MR. KATZ: I don't know whether we need to specifically
26 have the exhibits physically here. I think Mr. Hogan can be
27 doing that while we are discussing it.

28 THE COURT: All right.

1 MR. WEEDMAN: I'm sorry, your Honor. I would like the
2 exhibits to be here, because there are very few over which
3 there will be any discussion.

4 THE COURT: Yes.

5 MR. WEEDMAN: But there are some reports in there and
6 some medical reports and things which obviously should not be
7 entered.

8 THE COURT: Why don't you offer in evidence what there is
9 no issue on.

10 MR. KATZ: I'm going to offer them in chronological order.

11 THE COURT: Without their physical presence, is that
12 correct?

13 MR. KATZ: Yes. Then we can set aside those over which
14 there is an issue.

15 THE COURT: Let's see where we get to. You can take them
16 in and start checking, Frank.

17 THE CLERK: If I could have eight minutes, I could have
18 them laid out on the counsel table.

19 MR. KATZ: I think that would be better.

20 THE COURT: All right. Five minutes. Go ahead.

21 (Brief recess.)

22 THE COURT: People against Grogan. Counsel and the
23 defendant are here.

24 Go ahead now, gentlemen, if you will, please.

25 MR. KATZ: Yes, your Honor.

26 Starting out with People's exhibit No. 1, which
27 is a wedding photo of the alleged decedent, Donald Jerome
28 Shea --

1 THE COURT: Take your microphone over there, if you
2 don't mind.

3 MR. KATZ: Yes.

4 THE COURT: Now, go ahead.

5 MR. KATZ: The People ask that People's 1 be received in
6 evidence.

7 THE COURT: People's 1. Any objection or not?

8 MR. WEEDMAN: No objection.

9 THE COURT: It will be so admitted, People's exhibit 1
10 in evidence.

1 ev.

11 MR. KATZ: People's 2, your Honor, is a Polaroid photo-
12 graph of Donald Jerome Shea. We ask that that be received
13 in evidence.

14 MR. WEEDMAN: No objection, your Honor.

2 ev.

15 THE COURT: It will be admitted.

16 MR. KATZ: People's exhibit 3, your Honor, is a certified
17 copy of a birth record of Donald Jerome Shea. We ask that
18 People's 3 be received in evidence.

19 MR. WEEDMAN: No objection.

3 ev.

20 THE COURT: It will be admitted.

21 MR. KATZ: People's 4, your Honor, is a certified copy
22 of a marriage certificate showing a marriage between Donald
23 Jerome Shea and Magdalene Fuery, F-u-e-r-y. We ask that
24 People's 4 be received in evidence.

4 ev.

25 THE COURT: That will be admitted.

26 MR. WEEDMAN: No objection, your Honor.

27 THE COURT: It will be admitted. Go ahead.

28 MR. KATZ: Thank you, your Honor.

1 We have two photographs that have been marked
2 4-A and 4-B, which are wedding photographs of Shorty Shea
3 and Magdalene Shea, and we ask that those photographs, 4-A and
4 4-B, be received in evidence.

5 MR. WEEDMAN: No objection, your Honor.

6 THE COURT: They will be admitted.

7 MR. KATZ: Your Honor, we have a photograph of Charles
8 Manson, People's 5, and we ask that that be received in
9 evidence.

10 MR. WEEDMAN: I will object to that, your Honor, on the
11 grounds that the mode of the photograph is highly prejudicial,
12 highly inflammatory.

13 THE COURT: You are objecting to -- what is the number?

14 MR. WEEDMAN: Exhibit No. 5.

15 THE COURT: May I see that, Sheriff?

16 That is Manson, is it not?

17 MR. WEEDMAN: Yes, your Honor.

18 THE COURT: Have you stated your objection, Mr. Weedman?

19 MR. WEEDMAN: Yes. The objection is, your Honor, that
20 is probably the ugliest photograph of a human being I have
21 ever seen, and the district attorney surely is in possession
22 of photographs which don't depict such a, if you will,
23 conventionally horrid person.

24 I think the photographs are deliberately being
25 produced for that purpose, your Honor, in this case.

4A

1 THE COURT: The testimony indicated that Manson was a
2 prominent member of what you call the Manson family, and the
3 picture is taken in the ordinary pursuit of the whole situa-
4 tion here. It isn't an isolated situation. In other words,
5 it is just the way Manson looked. He wanted to grow a beard,
6 and that is the way it is.

7 MR. WEEDMAN: There is no materiality as to how
8 Mr. Manson looked other than to prejudice the jury. There is
9 no materiality to that at all. There has been no issue here
10 raised in this case as to the identification of Charles
11 Manson, your Honor -- none at all. It is not an issue.

12 THE COURT: I will overrule the objection. It may be
13 admitted as People's exhibit --

14 MR. WEEDMAN: Very well.

15 MR. KATZ: That is People's 5, your Honor. That is
16 received in evidence?

17 THE COURT: It is.

18 MR. KATZ: Thank you, your Honor.

19 We have a photo of Charles Tex Watson. We ask that
20 People's 6 be received in evidence.

21 MR. WEEDMAN: Your Honor, I will likewise object to
22 receipt in evidence of exhibit 6 on the grounds previously
23 stated.

24 THE COURT: Same grounds?

25 May I see that, Sheriff?

26 Now, this 6 was a picture of whom?

27 MR. KATZ: Charles Tex Watson.

28 THE COURT: It will be admitted. Overruled.

5 Evid

6 Evid

1 MR. KATZ: And People's 7, your Honor, is a photograph
2 which I have already shown to counsel of Catherine Share --
3 and the last name is spelled S-h-a-r-e, and the Catherine
4 begins with a C rather than a K; also known as Gypsy.

5 THE COURT: Where is that exhibit?

6 MR. KATZ: That is People's 7.

7 MR. WEEDMAN: Your Honor, I will object.

8 THE COURT: Now, wait a minute.

9 Now, is there an objection, Mr. Weedman?

10 MR. WEEDMAN: Yes, I will make the same objection to
11 People's 7 for identification.

12 THE COURT: I will overrule the objection. It may be
13 admitted.

14 Now your next exhibit.

15 MR. KATZ: People's 8 is a photograph of Squeaky, or
16 Lynn Fromme -- F-r-o-m-m-e, and Lynn -- L-y-n-n, and I ask
17 that People's 8 be received in evidence.

18 MR. WEEDMAN: No objection, your Honor.

19 THE COURT: No objection. It will be admitted.

20 MR. KATZ: Your Honor, we have two revolvers, a matched
21 set, 9-A and 9-B, and I ask that these two revolvers, 9-A
22 and 9-B --

23 THE COURT: Weren't they ruled on yesterday?

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

25 THE COURT: That is bypassed.

26 MR. KATZ: That is already in evidence, yes.

27 THE COURT: Yes.

28 MR. KATZ: Your Honor, there are some certificates, oh,

7 Evid

8 Evid

1 9-C and 9-D, which pertain to the sale transaction involving
2 the revolvers 9-A and 9-B. These are the sale certificates
3 which Arch Hall produced for us. We ask that 9-C and 9-D
4 be received in evidence.

5 MR. WEEDMAN: No objection.

6 THE COURT: They will be admitted, 9-C and 9-D, in
7 evidence.

8 MR. KATZ: Your Honor, we have a brown attache case,
9 People's 10. We ask that it be received into evidence.

10 MR. WEEDMAN: May I see that?

11 Your Honor, attached with Scotch tape to the
12 outside of People's 10 for identification is a portion of an
13 Inyo County Sheriff's office form which has some writing on it.
14 I will object to that remaining on this exhibit, your Honor.

15 THE COURT: All right. Let me just see that part of it,
16 if you will.

17 Yes, I think we should take that off of there,
18 the Sheriff's business, or cover it over, one of the two.

19 MR. KATZ: I have no objection to covering that over so
20 that the jury may not view it.

21 THE COURT: I think we can cover that over without
22 mutilating it in any way here with Scotch tape.

23 Something like this ought to obliterate it, I
24 would think.

25 MR. KATZ: Yes, your Honor. That is fine.

26 THE COURT: Frank, get a piece of white paper there and
27 a pair of scissors.

28 MR. WEEDMAN: Your Honor, I really think it can be

9-C & 9D
Evid

1 removed. I don't want to really quibble about it. I think it
2 can be removed, and identified separately, your Honor.

3 THE COURT: Now, give me a piece of Scotch tape.

4 All right. Now, it will be admitted.

5 MR. KATZ: Thank you, your Honor.

6 THE COURT: As People's 10.

7 MR. KATZ: Yes.

8 Your Honor, inside the attache case are separate
9 exhibits marked numerically 10-A through 10-F, and they
10 pertain to checks in the name of William Rex Cole, drawn on
11 the George Spahn Movie Ranch account, some checks with the
12 name Duane Schwarm, -- S-c-h-w-a-r-m -- some Anacin tablets,
13 ink eradicator, cigarette papers, and other miscellaneous
14 papers, and we ask that 10-A through 10-F be received in
15 evidence.

16 THE COURT: Are they there?

17 MR. KATZ: I believe they are inside the attache case.

18 Yes, your Honor, they are in the Manila envelope
19 and are separately marked.

20 THE COURT: Did you want that covered, Mr. Grogan? Are
21 you afraid that will show through on the front?

22 THE DEFENDANT: Yes. You can see it is legible. If
23 you've got a piece of yellow paper or black paper --

24 THE COURT: Here. I'll let you put it on yourself. You
25 can put the tape around in there. Better put some on the end,
26 too, Mr. Grogan. Somebody may clip it and pull it up there.

27 THE DEFENDANT: All right.

28 THE COURT: Then it is on securely.

10 Ev

1 Now, is there any objection to the other -- to the
2 contents, Mr. Weedman?

3 MR. WEEDMAN: No objection, your Honor.

4 THE COURT: All right. It will be so admitted.

5 Now, your next exhibit.

6 MR. KATZ: Yes, your Honor. We have the series 11
7 exhibits, 11-A through 11-C, which are pawn tickets, and we
8 ask that they be received into evidence.

9 MR. WEEDMAN: No objection, your Honor.

10 THE COURT: All right. They will be so admitted.

11 MR. KATZ: I ask that 12-A, -B and -C be received in
12 evidence. These are Los Angeles Police Department pawnbroker's
13 reports --

14 MR. WEEDMAN: Excuse me, your Honor, for interrupting.

15 With respect to People's exhibits 11-A, -B and -C
16 for identification, these exhibits now bear tags unfortunately
17 placed on apparently by Department 106, indicating "Charles
18 Manson," and I will object to those tickets remaining on
19 these exhibits, your Honor.

20 THE COURT: May I see it?

21 MR. WEEDMAN: And the same is true with respect to all
22 the other exhibits insofar as they may contain such identify-
23 ing statements, your Honor.

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11A
11B
11C ev.

THE COURT: Well now, wait. Let's take one at a time.

Let me take this first.

Now, I have in front of me -- well, this is No. 11.

MR. KATZ: 11-A, 11-B and 11-C, your Honor.

THE COURT: Now, wait. 11 -- all right. 11-A, 11-B
and --

MR. KATZ: 11-C.

THE COURT: Wait till I get the C here. And 11-C.

Now, gentlemen, I overrule -- the objection is
overruled. They will be admitted.

MR. WEEDMAN: Well, your Honor, the objection is not to
the exhibit. The objection is to apparently Department 106
put stickers on there indicating Manson. The blue stickers,
your Honor.

I don't want our jury to have that.

THE COURT: Well, come around and show me, will you.

MR. WEEDMAN: Yes, your Honor.

THE COURT: Point it out.

(Conference at the bench with both
counsel and the defendant present
not reported.)

(The following proceedings were had
at the bench:)

MR. WEEDMAN: Your Honor, for the record, I will withdraw
my consent and stipulation that Department 106 may have these
exhibits, on the ground that it appears that with respect to
some of them the witnesses may be adding markings which we
cannot obliterate thereafter. That is to say, that they will

1 contain evidentiary matters which are not before this court.

2 THE COURT: In other words, what you are afraid of is that
3 exhibits we have here will be remarked in 106.

4 MR. WEEDMAN: Yes, your Honor.

5 THE COURT: Well, I will have to talk to the judge. This
6 is one of the awful conflicts that appear when you break these
7 trials up. Difficulties are insurmountable.

8 MR. KATZ: Mr. Weedman is pointing out a different
9 problem, your Honor.

10 THE COURT: Well, I will get Judge Choate on the phone
11 and tell him I will let him have these exhibits, but tell him
12 if there are going to be any alterations they should be on
13 some separate photograph of their own.

14 MR. WEEDMAN: That's right.

15 THE COURT: In other words, here is one way to do it.
16 They could photostat these exhibits at this time.

17 MR. WEEDMAN: That is a good idea.

18 THE COURT: Here is the answer to it. Then take the
19 photostats and make their own markings.

20 I will talk to him about that. In the meantime
21 let's move ahead here.

22 MR. KATZ: Yes.

23 THE COURT: All right.

24 The clerk is again instructed to cover over all
25 references on the exhibits to People against Manson.

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

5-3

1 THE COURT: Now, where are we.

2 MR. KATZ: Does the record reflect that 11-A, B and C
3 have been received into evidence now?

4 THE COURT: Yes. So ordered.

5 MR. KATZ: Thank you, your Honor.

6 Now, with respect to the 12 series, I ask that
7 12-A, B and C be received in evidence. And these are the
8 Los Angeles Police Department pawn slips.

9 And I believe your Honor has them.

10 THE COURT: Yes. You can check it from here.

11 Now, first of all, I will make the same order
12 respecting deletion of the name of Manson in there.

13 Is there any other objection now?

14 MR. WEEDMAN: No, your Honor.

15 THE COURT: Then they will be admitted subject to that
16 order.

12A,B,
C ev.

17 MR. KATZ: That's 12-A, B and C, your Honor.

18 THE COURT: Yes.

19 MR. KATZ: Thank you.

20 THE COURT: Now, your next offer.

21 Are you keeping up with this, Frank?

22 THE CLERK: Oh, yes.

23 THE COURT: All right.

24 THE CLERK: No problem at all, sir.

25 MR. KATZ: We have a series 13, which consists of 13-A,
26 13-B, 13-C and 13-D. They are redemption receipts.

27 And I ask that they be received in evidence as
28 marked.

1 MR. WEEDMAN: There is no objection, your Honor, except
2 insofar as they bear those Manson tags.

3 THE COURT: All right.

4 So admitted under the same order.

5 MR. KATZ: Your Honor, People's 14 is a Los Angeles
6 Police Department Pawnbroker's Report. We ask that this be
7 received in evidence with the understanding that any reference
8 to the Manson tags be deleted.

9 MR. WEEDMAN: No objection, your Honor.

10 THE COURT: Be so admitted.

11 MR. KATZ: Your Honor, we have in the series 15, 15-A,
12 15-B which are pawnbroker's reports from the Loan & Jewelry
13 Company and we ask that 15-A and 15-B be received in evidence.

14 MR. WEEDMAN: No objection, your Honor.

15 THE COURT: So admitted.

16 MR. KATZ: We have a series of photographs, 16-A through
17 16-J which relate to a white Mercury Comet and its contents,
18 and we ask that those photographs 16-A through 16-J be received
19 in evidence.

20 MR. WEEDMAN: Those photographs, again, your Honor, have
21 a Manson stamp on the back. I am sure your good clerk can
22 obliterate that in some fashion.

23 Otherwise there is no objection.

24 THE COURT: I will admit them.

25 I again state I will get Judge Choate on the phone.
26 I want to show it in the transcript, is the reason I am
27 repeating it.

28 I will advise him the difficulties. They mustn't

13A,B,
C, D. ev.

14 ev.

15A-BQ
ev.

16A thru
16-JQ
ev.

1 make any markings in his trial. They should make their own
2 photostats. And then they can mark in any alterations they
3 want to on their own examination.

4 Otherwise they will come back to us and to the jury
5 with their evaluation on it, which I don't want.

6 MR. WEEDMAN: All right. Thank you, your Honor.

7 MR. KATZ: Your Honor, I was in error when I referred to
8 the series 15 photographs, as 15-A and 15-B. Apparently they
9 have been marked as People's 15 and 15-A and as such I would
10 ask that they be received into evidence under those numerical
11 designations.

12 THE COURT: All right.

13 MR. WEEDMAN: No objection to that.

14 THE COURT: All right. They will be so admitted.

15 MR. KATZ: Your Honor, we have a manila packet which
16 contains some keys, and we ask that People's 17 be received
17 into evidence.

18 THE COURT: All right.

19 Now, let Mr. Weedman look at it.

20 (Short pause.)

21 THE COURT: The same ruling respecting the deletion.
22 They will be admitted.

23 MR. KATZ: Yes, your Honor.

24 THE COURT: All right.

25 MR. KATZ: We have an exhibit which is a card with the
26 name Swinger's Boutique which was found in the car of
27 Mr. Shea. And that is People's 17-A. May that be received in
28 evidence.

15-15A
x

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1 MR. WEEDMAN: 17-B, you mean?

2 MR. KATZ: 17-A. It is just 17 and 17-A.

3 THE CLERK: Yes, sir.

4 MR. WEEDMAN: Oh, I see.

17A 5 THE COURT: So admitted.

6 MR. WEEDMAN: No objection, your Honor.

7 THE COURT: Thank you.

8 MR. KATZ: We have a shoe in a manila packet, and we ask
9 that People's 18 be received in evidence.

10 MR. WEEDMAN: No objection, your Honor.

18 11 THE COURT: Be so admitted.

12 MR. KATZ: People's 19, your Honor, is a letter to
13 Magdalene Shea addressed "Dearest Niki" N-i-k-i. We ask that
14 be received in evidence as People's 19.

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1 MR. WEEDMAN: No objection, your Honor.

2 THE COURT: No objection.

3 MR. KATZ: Your Honor, there is a writing which is hear-
4 say on the back of People's 19 made by a police officer dated
5 7/28/71, and I don't think that that should be visible to the
6 jury. There has been no testimony concerning that.

7 THE COURT: Don't offer it, then.

8 MR. KATZ: No, no. We are offering the letter on the
9 front, but on the back, this should not be seen --

10 THE COURT: If you are not offering it, take it out.
11 If it is not part of your offer, just detach it. If you are
12 not offering it, you are at liberty to detach it.

13 MR. WEEDMAN: Your Honor, I don't think it should be
14 detached. It is an integral part of the paper.

15 THE COURT: All right.

16 MR. KATZ: I agree.

17 THE COURT: Are you objecting to it or not? I have to
18 make a ruling.

19 MR. WEEDMAN: Your Honor, I have no objection to that
20 little bit of writing that is on the back. It may remain on
21 the exhibit, your Honor. Neither counsel are going to comment
22 on that.

23 THE COURT: All right. Let's admit it. It will be
24 admitted.

25 MR. KATZ: Your Honor, I have some photographs, 20-A
26 through 20-E, and they show footlockers, a suitcase, and the
27 contents. May they be received in evidence as 20-A through
28 20-E?

19 Ev

1 THE COURT: Let's see where we are.

2 MR. WEEDMAN: No objection.

3 THE COURT: They will be admitted.

4 MR. KATZ: Your Honor, we have one footlocker which is
5 denominated 20-F, and inside the footlocker are 20-F1, which
6 are clothes and paraphernalia, which Magdalene Shea could not
7 identify -- which she could identify, and 20-F2 pertains to
8 miscellaneous articles of clothing which she could not identify.

9 I ask that 20-F, 20-F1 and 20-F2 be received in
10 evidence.

11 THE COURT: Any objection there?

12 MR. WEEDMAN: No objection, your Honor.

13 THE COURT: They will be so admitted.

14 MR. KATZ: Your Honor, we have another footlocker, a
15 second one, denominated 20-G, and inside of 20-G we have 20-G1,
16 which are clothes which Magdalene Shea identified, and
17 20-G2, which are cufflink boxes which Magdalene Shea identified,
18 together with their contents, and 20-G3, which pertained to
19 pantyhose and some pocketbooks which she identified.

20 We ask that 20-G and 20-G1 through 20-G3 be received
21 in evidence.

22 MR. WEEDMAN: No objection.

23 THE COURT: They will be so admitted.

24 MR. KATZ: And there is a blue suitcase and some contents.
25 We ask that that exhibit, which is marked 20-H, be received in
26 evidence.

27 MR. WEEDMAN: No objection.

28 MR. KATZ: Your Honor, we have a series of photographs

1 which were shown to Mr. Lance Victor and which depict the
2 alleged decedent, Shorty Shea, and they are numbered 21-A
3 through 21-N, and we ask that they be received in evidence.

4 THE COURT: Any objection there or not, Mr. Weedman?

5 MR. WEEDMAN: No objection, your Honor.

6 THE COURT: They will be admitted.

7 MR. KATZ: Your Honor, we have a series 22 photographs,
8 which include 22-A through 22-F and are photographs made by
9 R-West Productions, and which depict Shorty Shea, the alleged
10 decedent, and other people.

11 May they be received in evidence as 22-A through
12 22-F?

13 MR. WEEDMAN: No objection.

14 THE COURT: They will be admitted.

15 MR. KATZ: People's 23 is a blown-up photograph of the
16 alleged decedent. May that be received in evidence?

17 MR. WEEDMAN: No objection.

18 THE COURT: It will be admitted.

19 MR. KATZ: 24 is a knife in a broken condition, and we
20 ask that People's 24 be received in evidence.

21 MR. WEEDMAN: No objection.

22 THE COURT: It will be admitted.

23 MR. KATZ: 25 pertains to some magazines that were found
24 in the footlockers in the car belonging to the alleged
25 decedent. We ask that People's 25 be received in evidence.

26 MR. WEEDMAN: No objection.

27 THE COURT: It will be admitted.

28 MR. KATZ: People's 26 is a check written in the amount

1 of \$100 by Jerry Binder, payable to Don Shea, and we ask that
2 that be received in evidence.

3 MR. WEEDMAN: No objection.

4 THE COURT: It will be admitted.

5 MR. KATZ: People's 27 is a white registration slip
6 pertaining to the Mercury belonging to a Barbara P. Enfield --
7 E-n-f-i-e-l-d. May that be received in evidence as People's
8 27?

9 MR. WEEDMAN: No objection.

10 THE COURT: It will be admitted.

11 MR. KATZ: People's 28 is a General Phone Company bill
12 belonging to Sharon Babcock. May that be received in evidence?

13 MR. WEEDMAN: No objection.

14 THE COURT: It will be admitted.

15 MR. KATZ: People's 29 is an illustrative brochure of a
16 movie called "What's Up Front." We ask that People's 29 be
17 received in evidence.

18 MR. WEEDMAN: No objection, your Honor.

19 THE COURT: It will be admitted.

6a

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MR. KATZ: People's 30 is an illustrative brochure pertaining to the film "Deadwood 76," and we ask that People's 30 be received in evidence.

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MR. WEEDMAN: No objection.

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THE COURT: It will be admitted.

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MR. KATZ: Your Honor, we have a series of photographs in People's 31 marked People's 31-A through 31-H, and they pertain to Spahn Ranch. May they be received in evidence as designated?

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MR. WEEDMAN: No objection.

31A thru
31-H

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THE COURT: They will be admitted.

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MR. KATZ: Your Honor, we have a number of pictures in the 32 series, which are marked as follows: 32-A through 32-Z, then 32-AA through 32-CC -- that is three additional photographs -- and then a 32-R1, and these show various individuals who have been identified by the witnesses in the course of the People's case in chief.

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We ask that these exhibits be received into evidence as designated.

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MR. WEEDMAN: Your Honor, I would respectfully object to the receipt in evidence of People's 32-R, 32-M, 32-F, 32-W -- your Honor, excuse me. I will withdraw that for the moment. We have so many photographs and they are out of order, I'm going to have to take them one at a time.

24

25

Your Honor, I'll object to People's 32-R on the ground that it is a --

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THE COURT: May I see it, Sheriff?

28

MR. WEEDMAN: -- an ugly photograph. I think it can only tend to prejudice the jury with respect to members of the

1 so-called family.

2 THE COURT: This is a picture of whom?

3 MR. KATZ: Bruce Davis, your Honor.

4 MR. WEEDMAN: How Mr. Davis appeared, your Honor, on
5 August the 16th, 1969, or shortly thereafter, is not material
6 to any issue in this case. There is absolutely no quarrel
7 with respect to who Mr. Davis is and his identity.

8 THE COURT: Well, I'm inclined to overrule the objection.
9 It will be admitted.

10 MR. WEEDMAN: Your Honor, I'll object to People's 32-M,
11 which is a photograph of my client, on the ground --

12 THE COURT: That is whom? That is your client?

13 MR. WEEDMAN: Yes, your Honor.

14 THE COURT: May I see that?

15 MR. WEEDMAN: On the ground it unnecessarily depicts my
16 client in a most unfavorable way. Again, his identity is not
17 in issue in this case. There is no materiality or necessity
18 for this photograph.

19 THE COURT: Well, it depicts Mr. Grogan as of the time
20 of the taking of the photograph. It doesn't look like him
21 now, but the factual structure relates back to a period of
22 time here. I think it is admissible. I will admit it.

23 MR. WEEDMAN: Your Honor, I will object to 32-W -- I
24 think it was offered -- on the ground that it depicts someone
25 who is in no way material or relevant to any issue in this
26 case.

27 THE COURT: That is whom?

28 MR. KATZ: That is Ella Jo Bailey.

1 MR. WEEDMAN: The name hasn't even come up in evidence in
2 this matter.

3 MR. KATZ: Yes, it has. As a matter of fact, in the course
4 of the testimony she has been identified as a member of the
5 family living at the Gresham Street address and the Spahn
6 Ranch.

7 THE COURT: The objection is overruled.

8 MR. WEEDMAN: Your Honor, I will object to the balance of
9 the photographs which comprise People's 32 for identification
10 on the grounds that they are again photographs of such
11 designedly horrible quality as to only prejudice the jury with
12 respect to these people and therefore with respect to my
13 client. They are the kind of photographs that serve only one
14 purpose here for the prosecution, and that is to prejudice the
15 jury against these people merely by their physical appearance,
16 your Honor.

17 It is very unfair to my client. There is no
18 relevancy with respect to these particular photographs. The
19 identity of these persons who were discussed by the witnesses
20 is not an issue in this case. There is no need to have any
21 of these photographs received.

22 THE COURT: Well, I will overrule the objection. They
23 will be admitted in evidence.

24 MR. KATZ: Your Honor, there are two photographs that
25 should not be introduced because there was absolutely no
26 testimony or sufficient foundation to warrant their intro-
27 duction. One is 32-CC --

28 THE COURT: They are not being offered?

1 MR. KATZ: I'm going to take the two photographs that
2 will not be offered in this series --

3 THE COURT: There is no need for a statement if you are
4 not offering them.

5 MR. KATZ: No. I originally had said these photographs
6 were offered inclusively, but I note --

7 THE COURT: The court withdraws the ruling. Have I ruled
8 on that then?

9 MR. KATZ: Your ruling had encompassed these two
10 photographs. I want to exclude them from evidence.

11 THE COURT: They were included?

12 MR. KATZ: 32-CC and the other photograph is 32-S.

13 THE COURT: All right. They are not included. The others
14 are included. Objection overruled.

15 MR. KATZ: Thank you, your Honor.

16 THE COURT: Thank you.

17 MR. KATZ: We will separate those two photographs, 32-S
18 and 32-CC.

19 THE COURT: Thank you. Keep those separate.

20 MR. KATZ: Now, your Honor, we have a series --

21 MR. WEEDMAN: I'm getting tired of you running the case.

22 May I be excused for about five minutes, your
23 Honor?

24 THE COURT: All right. Do you want to take a short
25 recess?

26 MR. WEEDMAN: Thank you, your Honor.

27 THE COURT: Let's take a short recess.

28 (Recess.)

32 etc

1 (The following proceedings were had in
2 open court outside the presence of the
3 jury.)

4 THE COURT: Now, defendant and counsel are here. Go
5 right ahead, gentlemen.

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

7 We have a series of photographs, 33-A through
8 33-28.

9 THE COURT: All right.

10 MR. KATZ: And they are photographs made from the
11 negatives found in the car of Mr. Shea. And we ask that they
12 be received into evidence.

13 MR. WEEDMAN: No objection, your Honor.

14 THE COURT: Be admitted. Thank you.

15 Next offer.

16 MR. KATZ: Your Honor, we have a series of photographs
17 in the 34 series, 34-A through 34-F which show the area and
18 the house at Gresham Street and Independence in Canoga Park.

19 And we ask that 34-A through 34-F be received into
20 evidence.

21 MR. WEEDMAN: No objection, your Honor.

22 THE COURT: Be admitted.

23 MR. KATZ: Your Honor, People's 35 is a sales slip show-
24 ing the sale of Shorty's -- that is, the decedent's, guns to
25 Baker's Gun Shop. We ask that that be received into evidence
26 as People's 35.

27 MR. WEEDMAN: No objection, your Honor.

28 THE COURT: Be admitted.

1 MR. KATZ: Now, your Honor, this next exhibit contains
2 records of Leslie Salt mines. It is denominated People's 36.
3 We ask because of the sufficient foundation being laid, that
4 it be received into evidence. However, both counsel agree
5 that because it contains other inadmissible hearsay matter,
6 this exhibit People's 36 should not be shown to the jury.

7 THE COURT: How do you want to disjoin it?

8 MR. KATZ: It should be received into evidence so it is
9 part of the record, and part of the record on appeal if there
10 should be an appeal. But this should definitely not be shown
11 to the jury.

12 THE COURT: Well, if it is stipulated to, it will be so
13 admitted.

14 MR. WEEDMAN: So stipulated, your Honor.

15 MR. KATZ: So stipulated.

16 THE COURT: All right, so ordered and admitted.

17 MR. KATZ: Your Honor, People's 37 series of photographs
18 37-A through 37-F, and shows Myers Ranch in Death Valley; and
19 we ask that they be received into evidence as marked, 37-A
20 through 37-F.

21 MR. WEEDMAN: No objection, your Honor.

22 THE COURT: Be so admitted.

23 MR. KATZ: Series 38, your Honor, includes 38-A through
24 38-D, photographs of Barker Ranch. And we ask taht those
25 photographs be received into evidence bearing the same numerical
26 designations.

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8 fls

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1 MR. WEEDMAN: No objection, your Honor.

2 THE COURT: So admitted.

3 38-A thru
38-D

4 MR. KATZ: Your Honor, series 39 pertains to photographs
5 denominated 39-A through 39-I, and depict the area of Ballarat
6 and Goler Wash -- and Ballarat is B-a-l-l-a-r-a-t, and Goler
7 is G-o-l-e-r W-a-s-h. So we ask, therefore, that 39-A --

8 THE COURT: Wait a minute. I want to get his statement.

9 MR. WEEDMAN: No objection.

10 THE COURT: It will be so admitted.

11 39-A thru
39-I

12 MR. KATZ: That is 39-A through 39-I. Thank you.

13 Going on to series 40, your Honor, we have two
14 aerial photographs depicting the Gresham and Independence
15 intersections in Canoga Park, and we ask that 40-A and 40-B
16 be received in evidence.

17 40-A 40B

18 MR. WEEDMAN: No objection, your Honor.

19 THE COURT: They will be admitted.

20 41 Ev

21 MR. KATZ: Your Honor, People's 41 is a topographical
22 map showing Ballarat and Goler Wash. We ask that People's 41
23 be received in evidence.

24 MR. WEEDMAN: No objection, your Honor.

25 THE COURT: It will be so admitted.

26 41A

27 MR. KATZ: We have a second topographical map, which has
28 been denominated People's 41-A, and we ask that People's 41-A
be received in evidence, once again showing the Death Valley
area.

MR. WEEDMAN: No objection.

THE COURT: So admitted.

I want to interrupt again and get this off my mind.

1 We have discussed it. Pardon the interruption here.

2 Because of the importance of the situation here,
3 I rang up Judge Choate, and he is on the bench in the course
4 of the trial and he is going to ring me back, but we must --
5 and as I have indicated, none of these exhibits must be
6 touched, they mustn't be used in 106 in any sense of marking
7 the same.

8 I want our transcript to show that I recognize
9 that is very important. You can't show to the jury our
10 exhibits with someone else's notes on there. That must be
11 watched carefully.

12 I'm doing it also for this purpose; that I'm
13 counting on you, counsel, both of you, advising, repeating
14 to Judge Choate, what I'm going to do, because by slip or
15 error something could be put on the board and somebody start
16 to work on it and the court could very easily forget.

17 So keep it in mind. It's kind of a duty of yours
18 as well as mine to see that these aren't touched.

19 MR. WEEDMAN: Yes, your Honor.

20 MR. KATZ: Yes, your Honor.

21 THE COURT: Go ahead.

22 MR. KATZ: Your Honor, People's 42 is a latent finger--
23 print lift pertaining to Bruce Davis, and we ask that
24 People's 42 for identification be received in evidence.

25 With reference to that, your Honor, we had
26 deleted the name "Gary Hinman" from that exhibit, People's 42,
27 and re-numbered it 42-1.

28 With reference to 42-1, this should not be

1 received as part of the record to be shown to the jury. I
2 think counsel concurs.

3 THE COURT: So stipulate?

4 MR. WEEDMAN: So stipulated, your Honor.

5 THE COURT: Very well. But they are being offered in
6 evidence?

7 MR. KATZ: Yes.

8 THE COURT: No objection?

9 MR. WEEDMAN: No objection, your Honor.

10 THE COURT: It will be so ordered, admitted in evidence,
11 and so ordered with respect to not showing it to the jury as
12 indicated by the People.

13 MR. KATZ: In other words, People's 42 will be shown to
14 the jury, which is the latent print card. However, 42-1, which
15 is a portion taken from 42, will not be shown to the jury,
16 though received in evidence.

17 THE COURT: Right.

18 Now, counsel will have to help when these are
19 shown. The responsibility is somewhat yours, too, to see that
20 the jury doesn't look at them.

21 MR. KATZ: Yes, your Honor.

22 THE COURT: All right.

23 MR. KATZ: Now we have in the 43 series two fingerprint
24 exemplar cards pertaining to Bruce Davis, 43-A and 43-B. We
25 ask that they be received in evidence.

26 MR. WEEDMAN: Your Honor, I will object to the receipt
27 in evidence of People's 43 and 43-A, your Honor. I'm sorry;
28 it is 43-A and 43-B. I will object.

1 THE COURT: May I see them, Sheriff?

2 MR. WEEDMAN: I will object to these being received in
3 evidence, your Honor, insofar as they indicate that Bruce
4 Davis was arrested for a separate and different offense, as
5 appears to be the case here, on the ground that such evidence
6 would be prejudicial to my client; that is to say, that an
7 alleged co-conspirator was arrested in connection with some
8 other matter, your Honor.

9 THE COURT: Well, I will overrule the objection. They
10 may be admitted.

11 MR. WEEDMAN: Your Honor, I would point out for the
12 record, that the objectionable matter could be deleted without
13 destroying the integrity of the fingerprints.

14 MR. KATZ: I have no objection.

15 THE COURT: All right, then. Let's delete it. They
16 will be deleted.

17 MR. WEEDMAN: In other words --

18 THE COURT: The clerk is instructed to delete --

19 MR. WEEDMAN: Whatever material indicates that these
20 relate to an arrest --

21 THE COURT: Yes.

22 MR. WEEDMAN: -- and those matters -- I don't know if they
23 can be cut from the cards.

24 MR. KATZ: I prefer that they be covered.

25 THE COURT: Make your statement again for the clerk.

26 MR. WEEDMAN: We will object to People's 43-A and 43-B
27 insofar as those cards contain any printing or writing
28 indicating that Bruce Davis was arrested in connection with

43A
43B

1 some other matter.

2 THE COURT: Yes. Now, I have them in front of me. It
3 shows a booking number. We will delete that. The date, June 21.
4 We will delete --

5 MR. KATZ: Excuse me, your Honor, we need the date.
6 That is because they have been identified by date.

7 THE COURT: All right. The booking number, the signature
8 of the official. That is the extent of it. What else do you
9 want out?

10 MR. WEEDMAN: I can't see them quite from here.

11 THE COURT: All right. Come up here.

12 MR. WEEDMAN: I think that is probably it.

13 THE COURT: You tell me what you want to delete.

14 MR. WEEDMAN: Your Honor, I would request that this entire
15 top red line, box or printing, just be deleted, cut off here,
16 and this can be preserved in another envelope and kept with
17 the exhibits, but not shown to the jury.

18 MR. KATZ: I have no objection to that.

19 THE COURT: All right.

20 Well, instead of cutting it off, we can pretty
21 well paste that down.

22 end 8

9-1

1 THE CLERK: Would it matter if we folded it this way
2 and stapled it.

3 THE COURT: Then paste it down.

4 MR. WEEDMAN: I have no objection to that as long as the
5 jury is instructed they are not to --

6 THE COURT: Not to pull that off, yes.

7 MR. WEEDMAN: Well, of course if you fold that one down
8 that's a problem, because that -- your Honor, Mr. Katz has
9 indicated no objection to merely cutting this off.

10 THE COURT: All right. Frank, cut it off.

11 MR. KATZ: Well, in so doing, your Honor, we should
12 denominate that which is removed from the exhibit 43-B1 and
13 also 43-A1.

14 THE COURT: Right.

15 MR. KATZ: Indicating the continuity of the exhibits.

16 THE COURT: That is a fair statement.

17 MR. WEEDMAN: So stipulated.

18 THE COURT: Take this here and cut them off.

19 All right. So ordered.

20 Next exhibit.

21 MR. KATZ: Your Honor, I have a comparison photograph
22 showing a latent print with an inked print, and I ask that
23 People's 44 for identification be received into evidence.

24 MR. WEEDMAN: No objection, your Honor.

25 THE COURT: So ordered.

26 MR. KATZ: Your Honor, we have a certified sheaf of
27 documents which has been denominated People's 45, which are
28 Veterans Administration Hospital records pertaining to the

44

1 alleged decedent Donald Jerome Shea. We ask they be received
2 into evidence with the stipulation they not be shown to the
3 jury because they contain inadmissible hearsay.

4 MR. WEEDMAN: So stipulated, your Honor.

5 THE COURT: So stipulated. All right.

45 6 Be admitted.

7 MR. KATZ: Your Honor, we had set aside an exhibit No.
8 46 for some photographs of pawn tickets, and we did not use
9 that number. So I want the record to be clear there is no
10 exhibit 46 as such.

11 THE COURT: All right.

12 Your statement shows.

13 MR. KATZ: Thank you.

14 Going on to People's 47, which is a certified
15 copy of the registration showing Paul Ewart that's -- no,
16 showing the Calabassas Garage as the owner of a white Mercury,
17 we ask that People's 47 be received into evidence.

18 MR. WEEDMAN: No objection, your Honor.

47 19 THE COURT: Be admitted.

20 MR. KATZ: People's 48 consists of two photographs 48-A
21 and 48-B and depicts some individuals in or about a truck at
22 the Barker Ranch area. More particularly, Mengel Pass,
23 M-e-n-g-e-l.

24 And we ask that they be received into evidence as
25 People's 48-A and 48-B.

26 MR. WEEDMAN: Your Honor, defendant will respectfully
27 object to the receiving in evidence of 48-A and 48-B on the
28 ground that they depict persons who are in no way connected

1 with this case and that they appear collectively to reflect
2 that these persons were arrested but not in connection with
3 anything concerned with our case, your Honor.

4 And again it is evidence of the arrest of someone
5 else, not connected with the defendant, and therefore,
6 produces all of the likelihood of guilt by association, your
7 Honor, all to the defendant's prejudice.

8 THE COURT: May I see them, Sheriff.

9 THE BAILIFF: Yes, sir. (Handing)

10 MR. WEEDMAN: Here is the folder.

11 THE COURT: Thank you, Frank.

12 Now, let me see what we have.

13 I accidentally pulled that off. Better for the
14 moment let me have the stapler, Frank.

15 THE CLERK: Yes, sir.

16 THE COURT: Thank you.

17 The photographs have to do with that arrest in
18 there at the time of the -- the officers went up and made an
19 arrest prior to our controversy here.

20 MR. KATZ: Only peripherally, your Honor.

21 THE COURT: Yes. I am just thinking out loud.

22 Now, the thing I don't want to do is accentuate
23 or do anything to prejudice the jury by reason of some prior
24 arrests on misdemeanor charges that might influence the mind
25 on the basic charge here of murder. That is what is going
26 through my mind right now.

27 Go ahead.

28 MR. KATZ: Yes, your Honor. I think you will note that

1 all the photographs show are several girls together. There
2 are no police officers as I recall that are depicted in the
3 photographs.

4 There is nothing to indicate that they are shackled,
5 manacled or otherwise handcuffed or in custody as such.

6 These photographs were shown to witnesses who
7 identified these specific girls as members of the Manson
8 family who were living together as a family unit on or about
9 October 10th and October 12th, 1969. That is critical to our
10 case to show that Manson family structure and as a unit
11 existed, as it were, through and including October 10th and
12 October 12th, 1969.

13 And once again, your Honor, there is no evidence
14 as such of an arrest that was depicted in these photographs.

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1 THE COURT: Well, there is no policeman or police officer
2 in here. There are no --

3 MR. WEEDMAN: Well, your Honor, as I recall I had objected
4 to this line of questioning in any event because it tended to
5 show that certain members of the family were arrested which
6 had nothing to do with our case.

7 I believe the objection was overruled, but to
8 preserve the record I must certainly object to the introduction
9 of these.

10 THE COURT: There are police officers in here showing.
11 I misstated that.

12 Apparently they are members of the Highway Patrol,
13 in any event, or the sheriff's office.

14 MR. WEEDMAN: We have abundant testimony, your Honor --

15 THE COURT: There is a question mark in my mind, that
16 could be -- I don't know -- testimony is before the jury. But
17 I don't know whether these pictures are going to materially,
18 from the People's standpoint, assist the People one way or the
19 other. Particularly I want to overcome possibly inflammatory
20 situations, ancillary sidesweeping areas.

21 MR. KATZ: If I may be heard just for a moment.

22 THE COURT: All right.

23 MR. KATZ: There has been abundant testimony in the record
24 concerning the arrests of October 10th and October 12th, in
25 which it was determined that there were no charges that were
26 filed as a result of those so-called raids at Barker Ranch.

27 Now, the testimony is in the record and of course
28 the jury will consider it for the proper purpose for which it

1 was offered, in accordance with your Honor's instructions to
2 be given at the conclusion of the case.

3 All these photographs show is that here are some
4 girls that were living at Barker Ranch as part of the Manson
5 family on or about October 10th and October 12th, 1969. As
6 you recall, we put on Deputy Pursell who was present during
7 both of the so-called Barker Ranch raids and could identify
8 those photographs as having been taken and depicting these
9 Manson girls on or about October 10th and on or about October
10 12th, 1969.

11 He further identified the area as Mengel Pass which
12 is very close to Barker and Myers Ranch. I don't see how that
13 inflames the jury in any way. This testimony is before the
14 jury anyway.

15 THE COURT: Well, you are showing as members of the
16 family certain members of the family, back in October. Your
17 basic charge is around in August or the first of September.
18 The disappearance.

19 You are showing a different structure here to
20 start with as contrasted with the charge in the complaint or
21 the indictment.

22 MR. KATZ: Not really, your Honor, because it is evidence
23 of the family and of the conspiracy as such.

24 But what I am saying is simply this. It relates
25 to the fact Mr. Grogan himself was up at Barker Ranch follow-
26 ing the alleged killing of Shorty Shea. The testimony has
27 shown that at least in behalf of the People's case --

28 THE COURT: Well, let me repeat this question to you there.

1 MR. KATZ: Yes.

2 THE COURT: How can these pictures, taken October 10th,
3 how would you argue to the jury that on October 10th the people
4 who were arrested there, the Manson family, that you are
5 contending existed there during September or prior to September?
6 What value?

7 MR. KATZ: The relevance and value is simply this: that
8 October 10th and October 12th, 1969 serves as a touchstone
9 and a key date by which to determine when other events occur.
10 You recall that we have testimony, for example, from Paul
11 Crockett who said that he left the Barker Ranch on October
12 2nd, 1969 with Brooks Poston. Juan Flynn had previously left.

13 However, the Manson family remained. We can show
14 that the Manson family remained at Barker's Ranch until
15 October 10th and October 12th of 1969. We can show that the
16 defendant in this case continued to live with the Manson
17 family at the Barker and Myers Ranch until these raids.

18 Now, October 10th and October 12th are two
19 important dates because they serve as a touchstone by which
20 to determine the approximate dates of the alleged confessions
21 of the defendant to Crockett, to Poston and to Watkins, and
22 also as a touchstone by which to determine when Juan Flynn
23 came down to Los Angeles after which he had a conversation
24 with the defendant. So they are very important to establish
25 dates, to fix dates hard and firm.

26 MR. WEEDMAN: Your Honor, we have abundant evidence of
27 dates without showing that other persons, not connected with
28 this case, were arrested. It is very prejudicial to my client.

1 As a matter of fact this whole business during this trial of
2 the arrests of other persons, I have been at a loss to
3 counteract. But it certainly seems to me that we can help a
4 little bit by not receiving these two photographs.

10

10 1 THE COURT: I'm disturbed about the fact that they were
2 arrested for something that they are not being prosecuted upon
3 here. That disturbs me.

4 It does appear to show right up here -- now, the
5 jury can't take a picture like that, debating the man's being
6 guilty or not guilty on this offence, somebody can pop up with
7 the question, "Well, here's a couple of police officers
8 arresting these people on something. They must be bad."

9 I mean, that is what you are going to get in that
10 jury room by these photos. I think it could have a prejudicial
11 effect on a very serious matter.

12 MR. KATZ: Your Honor, there has been testimony already
13 that these people were arrested on October 10th and October 12,
14 1969. The defendant further established that apparently
15 there were no charges which stem from those arrests. So the
16 record is clear as to that.

17 THE COURT: There is no -- I don't think it particularly
18 makes any difference anyway to your case.

19 MR. KATZ: Let me give you an example, if I may.

20 Juan Flynn testified that he went up to Barker
21 and Myers Ranch in the early part of September 1969, after
22 Manson had already gone to the desert from Spahn Ranch with
23 Susan Atkins. Susan Atkins is shown in that photograph.
24 Where was the photograph taken? It was taken at Barker Ranch.
25 Where is Barker Ranch? Answer, the place they went after they
26 left Spahn Ranch.

27 This is probative for that purpose. We have to
28 balance the prejudicial effect, if any, against the probative

1 value. I think the probative value is there.

2 THE COURT: Well, I don't know. This picture is taken
3 of law enforcement officers arresting a client on matters
4 that are not the subject of criminal prosecution, and I think
5 it could be inflammatory, and in a critical situation like
6 this, I'm inclined to sustain the objection. Sustained.

7 Next offer, gentlemen.

8 MR. KATZ: We have a map or a diagram, People's 49.
9 May it be received in evidence?

10 MR. WEEDMAN: No objection, your Honor.

11 THE COURT: Admitted.

12 MR. KATZ: We have a series of photographs, 50-A through
13 50-H, in which the photograph 50-E had been separated into
14 two pieces which were re-marked 50-E1 and 50-E2, and 50-E2
15 was not shown to the jury or to the witnesses.

16 I would ask that 50-E2 be not received in evidence
17 and set aside.

18 THE COURT: You are not offering it?

19 MR. KATZ: No. But 50-A through -H, including 50-E1,
20 be received in evidence.

21 THE COURT: Show them to the defendant.

22 MR. WEEDMAN: Your Honor, I will object to the receipt
23 in evidence of all of the photographs which comprise People's
24 50 for identification on the ground that they show the arrest
25 of numerous members of the so-called Manson family, in addi-
26 tion to other persons. They show Charles Manson on the ground,
27 for example, handcuffed, with a deputy sheriff with some sort
28 of a riot gun standing behind him. One of the photographs

49 Ev

1 shows another deputy sheriff with what appears to be a shotgun,
2 a riot gun. My client is depicted himself in numerous of
3 these photographs.

4 THE COURT: Let me see them, if you will, gentlemen.

5 MR. WEEDMAN: This was for an arrest, your Honor, as we
6 know, for which no charges were filed, and certainly an
7 arrest which has no connection whatever with any issue in
8 this case.

9 THE COURT: Let's see what we have.

10 What was the date of these pictures, again?

11 MR. KATZ: August 16.

12 MR. WEEDMAN: August 16, 1969.

13 THE COURT: That is during the era or time charged in
14 the complaint as to the disappearance of Shorty Shea.

15 MR. KATZ: Yes, your Honor.

16 MR. WEEDMAN: The evidence is quite clear that Mr. Shea
17 was alive beyond any question the next week or at least the
18 week following August 16, your Honor.

19 THE COURT: Well, I would be inclined to overrule the
20 objection.

21 Now, my rulings may appear inconsistent, but I
22 consider that this is during the era or the time period
23 involved in the charge before the court and jury, and the
24 incidents of the law enforcement in there are simply incidents
25 that have to appear -- this was during the time charged, and
26 I think have probative value for the jury.

27 MR. WEEDMAN: Your Honor, we know that if the People
28 take the position that Shorty Shea died on August 16th, then

1 I will move for dismissal at this time because, I mean, it is
2 obviously absurd. The People are not taking that position.
3 They are not taking that position. So I don't feel that the
4 photographs should be received in evidence merely because the
5 original indictment includes that date, you see.

6 Now, if we didn't have such evidence, then I would
7 concede the point, of course.

8 THE COURT: I will overrule the objection. They may be
9 admitted in evidence.

10 Next offer by the People.

11 MR. KATZ: Thank you, your Honor. We have in People's 51
12 a booking slip from the Los Angeles County Sheriff's office
13 pertaining to Danny De Carlo, also known as Richard Allen
14 Smith, and which shows his signature and some information con-
15 tained thereon.

16 I ask that People's 51 be received in evidence.

17 MR. WEEDMAN: To which I will object, your Honor, on the
18 ground that it shows an arrest for an unrelated offense of a
19 purported member of the Manson family in no way connected with
20 my client.

21 THE COURT: May I see that, gentlemen?

22 MR. WEEDMAN: Yes.

23 MR. KATZ: If I may state to your Honor, as you are look-
24 ing at --

25 THE COURT: Wait until I look at it.

26 MR. KATZ: I was going to tell you the purpose for it.

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1 THE COURT: Now, go ahead.

2 MR. KATZ: Yes, your Honor.

3 This exhibit 51, together with 52, are handwriting
4 exemplars that were submitted to the handwriting man, who has
5 stated that the signatures of Richard Allen Smith were made by
6 one and the same person --

7 THE COURT: Where is the handwriting? On the back?

8 MR. KATZ: Yes. We have "Richard Allen Smith," and on
9 52, once again it appears, and the officer who booked Danny
10 De Carlo under the name of Richard Allen Smith positively
11 identified De Carlo as the man who gave the name "Richard
12 Allen Smith" and who signed the signature.

13 Thereafter, these exhibits were submitted to the
14 handwriting man, who testified in the People's case in chief.

15 THE COURT: The strength of the exhibit goes to the
16 execution of the name "Smith" on here? That is your point?

17 MR. KATZ: That is correct.

18 THE COURT: I would agree to that extent. But the rest of
19 this, it gets into a damaging, inflammatory structure here.

20 MR. KATZ: Once again, your Honor, it doesn't, for two
21 reasons: number one, you have to show at least the circumstances
22 in which the signature was secured.

23 Secondly, August 16th, 1969, has already been
24 established as the date of the so-called Spahn Ranch raid, and
25 once again Mr. Weedman very competently showed that no charges
26 emanated from those arrests on August 16th, 1969, and parti-
27 cularly Mr. Weedman brought out the fact that no charges were
28 filed against Mr. De Carlo.

1 MR. WEEDMAN: Your Honor, that testimony, of course,
2 stands. But this kind of evidence, that is sort of written
3 or printed evidence, always has more impact.

4 THE COURT: I think it ought to be culled out in some way.
5 If you want the name "Smith" in and the fact that De Carlo and
6 Smith are one and the same, that's fine. But I think it should
7 be pulled out of here in some fashion, blotted out. The rest
8 of the criminal record or filings here should be deleted in
9 some fashion.

10 MR. KATZ: There are some entries here that were gone into
11 in connection with the testimony, such as "Is this your name,
12 Deputy Sheehan?" "Are you the booking officer?" "Was there
13 an arresting officer by the name of Neureither?" -- spelled
14 N-a-u-r-e-i-t-h-e-r. "Yes." "Did Officer Neureither in your
15 presence arrest Danny De Carlo on August 16, 1969, and what
16 name did he give you?" "He gave me the name Richard Allen
17 Smith."

18 THE COURT: That is all in the testimony. That has been
19 testified to. It is right there in the transcript.

20 MR. KATZ: But the document, your Honor, shows the
21 signatures, and these are the --

22 THE COURT: Then the signature should be cut out or a
23 stipulation would handle it. A stipulation that Smith and
24 De Carlo are one and the same would handle the situation.

25 MR. KATZ: May I make a suggestion? Why don't we cut out
26 the alleged charges here, because there is other relevant data
27 that is here. For example, the description, five feet four,
28 130 pounds, the hair, the eyes, the race, the sex --

1 MR. WEEDMAN: It is all in the record, your Honor.

2 MR. KATZ: Well, if your Honor pleases, we have a right
3 to show that in the ordinary course of police business that
4 during the normal booking procedure certain information was
5 secured from Mr. De Carlo under the false name of Richard
6 Allen Smith. That is an official record of the Los Angeles
7 County Sheriff's office, and we have a right to put this on.

8 Now, I have no objection if you want to excise
9 from this document, or these documents, 51 and 52, the
10 alleged charges, 487.3 of the Penal Code, grand theft, and
11 245 P.C., A.D.W. But to emasculate this document so it has
12 no probative value would be doing a disservice both to the
13 People and to the defendant.

14 MR. WEEDMAN: It is unheard of to be introducing records
15 of arrests of persons for unconnected offenses who are not
16 related to this charge, your Honor.

17 Mr. De Carlo -- is it Danny De Carlo?

18 MR. KATZ: Yes.

19 MR. WEEDMAN: Danny De Carlo has not been charged in this
20 case, your Honor. He is supposed to be such a prominent
21 figure --

22 THE COURT: It is the People's position that Smith is a
23 member of the conspiracy, isn't that right?

24 MR. WEEDMAN: Pardon me?

25 MR. KATZ: He is a member of the family, yes.

26 THE COURT: A member of the family.

27 Now, these police records, or arrest records, are
28 damaging evidence as far as Smith is concerned respecting the

1 fact that -- in the face of the jury here -- here's a man who
2 is a member of the clan arrested for grand theft and assault
3 with a deadly weapon.

4 It can't be other than inflammatory.

5 If the purpose is to show that the man that signed
6 the name of "Smith" and Danny De Carlo are one and the same,
7 there should be some way of deleting that out of there. I
8 think it is bad.

9 MR. KATZ: I said I have no objection to deleting the
10 charges.

11 MR. WEEDMAN: Not just the charges.

12 MR. KATZ: But the physical description is part of the
13 ability to identify this person.

14 MR. WEEDMAN: Not necessarily, your Honor. It is already
15 in evidence. We have had all kinds of discussion about it.

16 THE COURT: Is there any issue that Smith and De Carlo
17 are one and the same? That is the whole thing. Is there a
18 stipulation to the jury?

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1 MR. KATZ: Outside of arguing, if your Honor please, to
2 the jury that Richard Allen Smith and Danny De Carlo are one
3 and the same person, we can argue that some exemplars were
4 submitted --

5 THE COURT: That has been testified to. You don't need
6 the exhibit in evidence. It has been testified to.

7 MR. WEEDMAN: That's right.

8 THE COURT: You don't have to have this in evidence to
9 argue that.

10 MR. KATZ: But I would like to show that on the exhibit
11 there is the description, 5 feet 4; 130 pounds; black hair;
12 brown eyes; race, Caucasian; sex, male. These items were
13 secured from Mr. De Carlo when he was using the false name and
14 the false ID of Richard Allen Smith, and the same happened at
15 Baker's Gun Shop when he sold the decedent's gun, and the same
16 description was secured by Mr. Baker. This is circumstantial
17 evidence of the identity.

18 MR. WEEDMAN: It is all in the record, your Honor. All
19 it does is serve to emphasize to the jury, if this whole docu-
20 ment goes to them, the arrest of --

21 THE COURT: I may allow this, the name "Richard Allen
22 Smith," to stand, the birth date to stand, the age to stand,
23 the height, weight, brown hair, Caucasian, to stand; the
24 signature to stand, and everything else to be deleted out.

25 MR. KATZ: I have no objection.

26 THE COURT: That will be cut out, everything but his
27 height -- I think you are entitled to that.

28 MR. KATZ: But I --

1 THE COURT: -- his birth date, his age, Caucasian, and
2 the signature.

3 MR. KATZ: But there you are referring to signatures.
4 There are at least three signatures on these documents.

5 THE COURT: There is the signature of Smith on the back,
6 another one of Smith on the back. That much may stand, just
7 that portion, and this portion.

8 Instead of me ruling today, why don't the People
9 get a photostat or Xerox of just that segment. You can take
10 that very simply. Watch me. If you will take down on the
11 photostat machine and just block this out and take this little
12 segment here, take this little segment here, and this little
13 segment here on one sheet of paper, and I would admit that,
14 if you do that. I will admit it.

15 You can't block it out in any other fashion that I
16 know of. But I would admit that much. If it is so presented
17 to the court, I will admit it. Otherwise, as at present, I
18 would refuse it. But I have no objection to it being presented
19 as indicated there.

20 MR. KATZ: Your Honor, on People's 52, we have five
21 different signatures. I don't see how we can cut up this
22 document --

23 THE COURT: That is another exhibit?

24 MR. KATZ: It is the same type of document you have in
25 front of you.

26 THE COURT: You now have another exhibit you are
27 offering? I haven't got it in front of me. I can only talk
28 from what I have here.

1 MR. KATZ: Before we rule on 51, I would like to show
2 you People's 52, which is another Los Angeles County Sheriff's
3 office booking record.

4 THE COURT: May I see it?

5 All right. Now, this has to do with Smith?

6 MR. KATZ: Yes, your Honor. It has to do with Smith.

7 THE COURT: His eyes, hair -- that is on the first page.
8 At the bottom appears the name "Richard A. Smith," signed.

9 MR. KATZ: There are more signatures on the front, your
10 Honor, the upper right-hand corner.

11 THE COURT: Wait a minute. You've got to let me catch
12 up with you. You're ahead of me.

13 I would make the same ruling. I would admit the
14 name "Richard Allen Smith," the birth date, the age, height,
15 weight, hair, eyes, Caucasian, male -- I would admit that,
16 admit the name, the signature, "Richard Allen Smith," the
17 signature at the bottom left, "Richard A. Smith." That is it.
18 That is what you want to show.

19 Your testimony, as far as that goes, sustains other
20 factual matter.

21 MR. KATZ: How about the signature of the deputy?

22 THE COURT: I will give you any signature he has got on
23 here. It may be in the exhibit. There is no problem to go
24 right to the Xerox machine, if you've got one, and just one
25 piece of paper does the whole thing.

26 MR. KATZ: We will attempt to do it, your Honor.

27 THE COURT: No problem. You can do it in three minutes
28 or less. I'm not exaggerating that.

1 I would admit it in that fashion.

2 Let's hold up the final ruling on these two and
3 finish up with the rest of your exhibits. Go ahead.

10b 4 MR. KATZ: People's 53 is a Xeroxed copy of a letter
5 pertaining to N.I.D. Productions, Incorporated. Ask that it be
6 received in evidence.

7 MR. WEEDMAN: No objection, your Honor.

8 THE COURT: So admitted.

53, 54 &
55 Ev 9 MR. KATZ: People's 54 is another letter from N.I.D.
10 Productions dated May 28, 1969. May it be received in
11 evidence?

12 MR. WEEDMAN: No objection, your Honor.

13 THE COURT: Admitted.

14 MR. KATZ: People's 55 is a telegram dated 7/22/69
15 directed to Mr. Robert Bickston. May it be received in
16 evidence?

17 MR. WEEDMAN: No objection.

18 THE COURT: So admitted.

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1 MR. KATZ: People's 56 is a telegram dated 7-29-69
2 directed to Robert Bickston. May it be received into evidence.

3 MR. WEEDMAN: No objection, your Honor.

4 THE COURT: So admitted.

5 MR. KATZ: People's 57 is a driver's license pertaining
6 to a William Joseph Vance. May it be received in evidence.

7 MR. WEEDMAN: Objection, your Honor. It is immaterial
8 and contains incompetent hearsay.

9 THE COURT: May I see it. Let me see it if you will.

10 Thank you.

11 THE BAILIFF: (Handing) Yes, sir.

12 THE COURT: Now, what is your materiality here?

13 MR. KATZ: Well, you have to take it in relation to three
14 exhibits, your Honor. 57 is a driver's license which shows
15 Bill Vance and gives his correct name. I think William Joseph
16 Vance.

17 58 is another driver's license with Mr. Vance's
18 picture on it. This time it has the name William Rex Cole.

19 People's 59 is still another certified document
20 from the Department of Motor Vehicles, i.e. a driver's license
21 showing once again Bill Vance with the name Dwayne, D-w-a-y-n-e,
22 Ernest Schwarm, S-c-h-w-a-r-m.

23 THE COURT: Now, what does that establish?

24 MR. KATZ: All right.

25 Now, this establishes that Bill Vance had
26 possession of Shorty Shea's attache case which contained his
27 guns, which is denominated People's 10.

28 And you will recall that this was found between

1 Goler Wash and Ballarat which is near the Myers and Barker's
2 Ranch.

3 And we have shown that Shorty Shea was never in the
4 desert. We have shown by our testimony that William Rex Cole
5 or Bill Vance or Dwayne E. Schwarm had possession of one of the
6 guns following the alleged death of Shorty Shea, and it is
7 obviously material to show the continuity of the possession of
8 not only the guns but the attache case which belongs to the
9 decedent.

10 Now, in addition, inside of the People's 10 were
11 some checks. The checks were all made out. There were a
12 series of checks made out to William Rex Cole, which is the
13 name appearing on one of the driver's licenses. And there
14 were another series of checks made out to, or with the name
15 and address of a Dwayne E. Schwarm, who was also known as
16 William Rex Cole.

17 THE COURT: Did you want to speak?

18 MR. KATZ: Also known as Bill Vance.

19 THE COURT: Did you want to argue that at all?

20 MR. WEEDMAN: Yes, indeed, your Honor.

21 My client has no connection with any of those
22 matters whatever. And again it is just more emphasizing by
23 showing, you know, pieces of paper and driver's licenses and
24 so on to this jury that permits the prosecutor to argue
25 matters which are obviously not applicable to my client.

26 It is raising the spectre again of the Manson
27 family, claiming that Bill Vance was a member of the Manson
28 family and then trying to tie my client into that.

29 I can't imagine anything more prejudicial and

1 erroneous, your Honor, with respect to my client's position.

2 THE COURT: I overrule the objection. It may be admitted.

3 MR. KATZ: Thank you, your Honor. I think we were talking
4 about three exhibits. 58 and 59 are the other two driver's
5 licenses and belonging to Bill Vance.

6 THE COURT: So ordered.

7 MR. WEEDMAN: I will object to 58 and 59, your Honor,
8 on the ground there is no showing there is any connection
9 between my client and Bill Vance.

10 THE COURT: I will overrule the objection. They will
11 be admitted.

12 MR. WEEDMAN: Very well, your Honor.

13 THE COURT: Thank you. Next offer.

14 MR. KATZ: Your Honor, People's 60 is a certification of
15 an August 24th arrest of Charles Manson.

16 You will recall the testimony which pertained to
17 Frank Retz and to Charles Manson and a girl on his property
18 by the name of Stephanie Scharm, S-c-h-a-r-m, and this
19 establishes by official records of the sheriff's office the
20 exact date of the confrontation between Manson and Retz.

21 Retz could not recall the exact date, but just
22 knew it was in the latter part of August 1969. These records
23 show particularly that this was in fact the date of the
24 arrest and the confrontation between Retz and Manson and also
25 corroborates the testimony of the arresting officer at that
26 time.

27 So that's People's 60.

28 THE COURT: All right.

1 MR. WEEDMAN: Again, your Honor, I will object on the
2 ground that this shows an arrest of Charles Manson in a matter
3 that is totally unrelated to any issue in this case. The
4 fact that Charles Manson of course has particularly received
5 such notoriety in connection with Tate and La Bianca is all
6 the more reason to exclude such evidence in this case.

7 THE COURT: May I see it. Thank you, Chuck.

8 THE BAILIFF: Yes, sir.

9 THE COURT: Well, let's see where we are.

10 I am inclined to think the objection is well
11 taken.

12 MR. KATZ: Your Honor, I would like to be heard.

13 THE COURT: I think it would be very inflammatory in this
14 case. I will sustain the objection.

15 MR. KATZ: May I be heard, please.

16 MR. WEEDMAN: Thank you.

17 THE COURT: Yes. Go ahead.

18 MR. KATZ: I would like the ruling withdrawn so that I
19 may argue, if I may.

20 The purpose of the record, by way of official
21 business records of the Los Angeles County Sheriff's office,
22 is to show the dates and times that Charles Manson was
23 incarcerated.

24 THE COURT: Well, that's been -- there is testimony on
25 that.

26 MR. KATZ: Excuse me, your Honor. In the critical period
27 in August of 1969. Now, obviously if Charles Manson, according
28 to our theory is in jail, Shorty couldn't have been killed

1 during those dates. That's self-evident..

2 He has to be at Spahn Ranch and he has to have
3 access to the decedent along with the defendant Mr. Grogan
4 and with Tex Watson and with Bruce Davis and possibly Bill
5 Vance.

6 So that these records unequivocally show, and
7 they are official records, that Charles Manson was arrested
8 on August 24th, 1969. That he was booked at a certain time
9 and that he was released at a certain time, and that is all
10 in the documentation that comprises People's 60 for identifica-
11 tion.

12 Now, you say that was all testified to. Well, the
13 witnesses didn't have the precise memory. We had to go to the
14 official records of the sheriff's office to determine exact
15 date and time that these events occurred.

16 And so that we are able to better pinpoint the
17 approximate date of death by showing that Manson in connection
18 with the August 24th arrest was in jail for a period of time.
19 Here it is he is arrested on August 24th, 1969 at such and
20 such a time. He was in jail until he was released on August
21 20th or August 19th, 1969 at such and such a time.

22 Then we can show in connection with the August
23 16th arrest he was in jail on such and such a time. And then
24 he was released at such and such time.

25 So we can establish the dates of the death of
26 Mr. Shea.

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1 THE COURT: Well, that would appear from the reporter's
2 transcript. You can take the transcript and argue to the jury
3 and present your same argument.

4 But this is much more inflammatory here. This man
5 is charged with murder. Now, while I recognize the position
6 of the People respecting conspiracy, nevertheless, this has
7 Manson in here arrested for possession of marijuana.

8 Maybe he is guilty or not, I don't know. But you
9 have got so much inflammatory business in here. Grand theft
10 auto, you are showing the jury. Possession of marijuana.

11 There was no prosecution on any of the charges.

12 MR. KATZ: That was clearly established by the record.

13 THE COURT: What is that?

14 MR. KATZ: That was clearly established by Mr. Weedman
15 on cross.

16 THE COURT: Well, I think it is highly inflammatory.
17 You have got him charged with burglary. Maybe he is guilty
18 or not. I'm not saying that.

19 Burglary.

20 Burglary.

21 You are showing this to the jury. With charges
22 against Grogan, it is ancillary and it is highly prejudicial.

23 MR. KATZ: All right. Your Honor, maybe there is no
24 objection if we handle it this way: If they are received into
25 evidence but not to be shown to the jury --

26 THE COURT: That I have no issue on.

27 MR. KATZ: So long as counsel can at least refer --
28 I have no reference to any arrests or anything, but be able to

1 argue that records do show that Manson was in custody between
2 certain dates, because obviously this is a critical part of
3 our case. We can show that if Manson is not available, that
4 he is in custody of the sheriffs, obviously Shorty Shea
5 wasn't killed during this period of time.

6 THE COURT: If you don't go into argument of why, but
7 the moment you tell the jury he was in jail so many times for
8 burglary or robbery, there is prejudice there.

9 MR. KATZ: I have no objection to that.

10 THE COURT: There is prejudice here.

11 MR. KATZ: Perhaps we can follow the previous procedure
12 that is introduced and have it received into evidence with
13 the stipulation that the series of documents not be shown to
14 the jury.

15 THE COURT: Admit it in evidence and not to be shown
16 to the jury and this court, in consultation with both counsel
17 and the defendant, can pinpoint what may be argued to the
18 jury at a later date.

19 MR. KATZ: Fine.

20 THE COURT: Is that much satisfactory to you, Mr. Weedman.

21 MR. WEEDMAN: It is, your Honor. Thank you.

22 THE COURT: All right. So ordered.

23 MR. KATZ: And with reference to People's 61 for identifica-
24 tion, once again, these are certified jail records showing
25 the date of the arrest and booking and release of Charles
26 Manson in connection with the August 16th raid. Once again
27 we would ask for them to be received in evidence. They will
28 not be shown to the jury and the court will give us guidelines.

1 THE COURT: Let's make it under the same rulings.

2 MR. KATZ: Yes.

3 THE COURT: Is that satisfactory?

4 MR. WEEDMAN: Yes. The record will obviously reflect
5 my objection to 61.

6 THE COURT: Yes, that leaves it open for further
7 decision on the point that basically disturbs you.

8 MR. KATZ: Yes.

9 THE COURT: All right.

10 MR. KATZ: People's 62 is a certified copy of a driver's
11 license showing Bruce Davis and the name Jack Paul McMillian,
12 and once again, I would ask that this be received into
13 evidence but not shown to the jury until we receive guidelines
14 from the court.

15 THE COURT: Any objection to that offer as stated?

16 MR. WEEDMAN: I will object to it, your Honor, but since
17 it is not being offered at this time, perhaps I can reserve
18 the objection until such time it may be offered.

19 THE COURT: You are not offering it?

20 MR. KATZ: We are asking it be received in evidence.
21 It has no relevancy unless it can be related to the two previous
22 exhibits.

23 THE COURT: Why don't you withhold your offer on that.
24 It is difficult to make a ruling at this time unless you are
25 offering it outright, or unless we have a stipulation covering
26 it.

27 MR. KATZ: All I am saying is, it would have no
28 relevance unless I can somehow refer to People's 60 and

1 People's 61. So I am just asking it be received into evidence
2 with the understanding it not be shown to the jury unless the
3 court and counsel agree it may be.

4 THE COURT: Is that satisfactory?

5 MR. WEEDMAN: Yes, your Honor.

6 THE COURT: All right. So ordered.
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1 MR. KATZ: Your Honor, 63 series are photographs of a
2 green Ford. 63-A through 63-C. We ask that it be received
3 into evidence.

4 MR. WEEDMAN: No objection, your Honor.

5 THE COURT: Be so admitted.

63-A- B C 6 MR. KATZ: 64, your Honor, is an aerial photograph of
7 Spahn Ranch and we ask that it be received in evidence.

8 THE COURT: No objection there?

64 9 MR. WEEDMAN: No objection.

68 10 THE COURT: So admitted.

11 MR. KATZ: 65 is a photograph of the so-called outlaw
12 shacks located between the Retz property and Spahn Ranch.
13 We ask that People's 65 be received into evidence.

14 MR. WEEDMAN: No objection, your Honor.

15 THE COURT: So admitted.

16 MR. KATZ: 66 is a photograph depicting Spahn Ranch and
17 in particular the area near the corrals, and we ask that
18 People's 66 be received into evidence.

19 MR. WEEDMAN: No objection, your Honor.

20 THE COURT: So admitted.

21 MR. KATZ: And the last two exhibits we have, your Honor,
22 are two large aerial photographs that have been respectively
23 marked People's 67 and 68, and which depict the Spahn Ranch
24 area, Devil's Canyon, Box Canyon, the Iverson Ranch and the
25 Santa Susana Pass area.

26 And we ask that People's 67 and 68 be received into
27 evidence.

28 MR. WEEDMAN: No objection, your Honor.

1 THE COURT: So admitted.

2 MR. KATZ: I believe that comprises all of the exhibits.

3 THE COURT: Is that it?

4 MR. WEEDMAN: Your Honor, we have testimony relative
5 to defendant's A for identification and defendant's B for
6 identification.

7 THE COURT: Now you are talking of defendant's -- you
8 are talking of People or defendant?

9 MR. WEEDMAN: Yes, sir. Defendant's, your Honor.

10 THE COURT: Yes, go ahead.

11 MR. WEEDMAN: Defendant's A and B. We have testimony
12 and I would respectfully move that these exhibits be received
13 at this time, your Honor. Even though we obviously haven't
14 closed our case.

15 THE COURT: In evidence at this time?

16 MR. WEEDMAN: Yes, your Honor.

17 THE COURT: Defendant's?

18 MR. WEEDMAN: Yes, your Honor.

19 THE COURT: Any objection?

20 MR. KATZ: No objection, your Honor.

21 THE COURT: They will be admitted.

22 MR. KATZ: Now, your Honor, before officially resting, it
23 would be my desire to have these exhibits shown to the jury.

24 THE COURT: Now, I'm going to get to that. Now, let's
25 just stop right here for a minute.

26 How long do you think it will take for the jury to
27 go through these exhibits?

28 MR. KATZ: Oh, perhaps 45 minutes to an hour, your Honor

Defts A&B

1 THE COURT: That is what I am getting at. So that
2 we are going to run into a situation here where they will be--
3 I don't know, they may want more time. I'm debating. I'm
4 trying to figure out what to do.

5 MR. WEEDMAN: Your Honor, I assume that these are going
6 to be shown to the jury in open court.

7 MR. KATZ: Yes, your Honor. That is the only proper
8 way to do it.

9 THE COURT: I think they must be.

10 MR. WEEDMAN: I can't conceive that it is going to take
11 that long. I am only hoping we don't go over to the afternoon,
12 your Honor.

13 THE COURT: I don't know what else to do but to go
14 over till this afternoon.

15 MR. KATZ: It's 11:35. I think perhaps 25 minutes
16 would be sufficient. If we had to run over five minutes, we
17 could be done for the day.

18 THE COURT: I think it ought to be done as a unit.

19 Are we ready to show them? We have got markings.

20 THE CLERK: Technically, we have to mark them.

21 MR. WEEDMAN: We will wait.

22 THE COURT: I have to go until 2:00. Let's go till 2:00
23 o'clock. That's the way we will have to do it, I'm afraid,
24 before we can do anything.

25 MR. WEEDMAN: Perhaps we should stand by if your Honor
26 wishes to contact Judge Choate.

27 THE COURT: I think we should, in connection with these
28 exhibits here.

1 Let's get the jury. We can't give them to the
2 jury anyway. That's impossible.

3 Sheriff, with the permission of counsel, will you
4 excuse the jury until 2:00 o'clock.

5 I will admonish them here.

6 MR. KATZ: Yes, your Honor.

7 THE COURT: You can bring them out, if you will.

8 THE BAILIFF: Yes, sir.

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

4 THE COURT: Now we have all the jurors and alternates
5 here.

6 Now, ladies and gentlemen, the court has just
7 finished ruling on the admissibility of the exhibits in this
8 case, and the exhibits will be shown to you. There are some
9 67 exhibits for you to look at. Then the People rest. Then
10 the defendant will proceed with the trial, with his portion
11 of the case.

12 We are just not ready to show them to you. Some
13 arrangement of the exhibits has to be made to hand to you
14 before they are handed and given to you to look at. We can't
15 do anything at this moment.

16 I'm going to excuse you -- it looks like a few
17 minutes earlier, but we just can't go any further with the
18 jury at this moment.

19 If you will kindly return promptly at 2 o'clock,
20 I will give you these exhibits and we will get over that next
21 step.

22 Do not discuss the case, please, or come to any
23 opinion or conclusion.

24 Don't go away, counsel, I'll be right back.

25 (The noon recess was taken to 2 p.m.
26 of the same day.)
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LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 19, 1971

2:10 P.M.

THE COURT: Now we are back in session, gentlemen.

People against Grogan. The jury is in the jury room.

Now, make your offer, will you, Mr. Katz.

MR. KATZ: Excuse me, your Honor.

THE COURT: Oh. All right.

MR. KATZ: Mr. Weedman is looking at the exhibit. We are just making some further deletions.

(Short pause.)

MR. KATZ: Your Honor --

THE COURT: Yes, sir.

MR. KATZ: Counsel and I have both been able to look at the modifications made with respect to People's 51 and 52. And in accordance with your Honor's instructions we have deleted all references to "prisoner" and the information which you indicated should not be shown to the jury.

THE COURT: All right.

MR. KATZ: And the partial Xerox copy then of 51 I would ask now be marked and received into evidence as 51-1.

THE COURT: Now, is there objection at that juncture?

MR. WEEDMAN: Well, I have no objection to it, your Honor, insofar as it has been modified to delete references to his having been arrested and the like.

For the record, however, I will object to its receipt in evidence, however modified, on the ground that

1 this person -- this person's identity is not relevant to any
2 issue connecting my client to any purported crime in the
3 case, your Honor.

4 THE COURT: I will overrule the objection. It may be so
5 admitted.

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14-1 1 MR. KATZ: Now, I have also a partial Xeroxed copy of
2 People's 52, which once again deletes the references to
3 "prisoner" and the fact of an arrest, or the charges emanating
4 from the arrest, if any, and I ask that this document be marked
5 and received in evidence as 52-1.

6 THE COURT: May we understand that you are making the same
7 observations, comments and same objection? Is that a fair
8 statement?

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

10 THE COURT: I will make the same ruling. It may be
52-1 11 admitted.

12 MR. KATZ: Just for the sake of clarity of the record, we
13 do have the original documents, 51 and 52, which are part of
14 the record and obviously will not be shown to the jury, nor
15 will they be referred to by counsel in argument. But they
16 should remain a part of the record, your Honor.

17 THE COURT: They are marked for identification at this
18 time?

19 MR. KATZ: Yes, they are.

20 THE COURT: The originals are marked for identification?

21 MR. KATZ: Yes.

22 THE COURT: They may stand marked for identification.

23 MR. KATZ: Thank you.

24 And 51-1 and 52-1 are now received in evidence?

25 THE COURT: They are in evidence.

26 MR. KATZ: Thank you, your Honor.

27 THE COURT: All right, gentlemen, let's get the jury and
28 see if we can get these exhibits to them.

1 Now, counsel, I'm going to let you take the first
2 10 -- it doesn't have to be in order -- take about 10 exhibits
3 and we will give them to juror No. 1 and 10 to juror No. 7,
4 and they can look at them and as they look at one, they can
5 pass them down the row. Then they can exchange at the end of
6 the rows and come back again.

7 MR. KATZ: Yes, your Honor.

8 THE COURT: So if one of you -- it doesn't make any
9 difference -- just give about 10 to the first juror.

10 MR. KATZ: Fine, your Honor.

11 THE COURT: All right. Thank you.

12 Go ahead and bring in the jury.

13 I have an observation to make before you give them
14 to the jury.

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

18 THE COURT: Now, again, we have all of our regular jurors
19 here, plus the three alternates.

20 Now, ladies and gentlemen, I have a very brief
21 statement, very brief, to make to you respecting where we are,
22 what will transpire. If any of it is repetitious, please
23 forgive me. I may be repeating -- I don't think I am -- most
24 of it.

25 When you see these exhibits, the People will rest
26 their case. Then we will go on to the defendant's side of the
27 case.

28 Now, the exhibits that have been admitted in

1 evidence by the court are exhibits concerning which testimony
2 has been taken in this court. You have seen and heard all of
3 the testimony, testimony with respect to exhibits, testimony
4 of what the witnesses have said. Now the exhibits have been
5 admitted in evidence and they will be shown to you.

6 Now, the thing that you must remember is this:
7 don't be confused by the fact that you are looking at these
8 exhibits that you are taking the case in its final summation.
9 This is only part of the case. When the defendant rests and
10 the case is argued and submitted to you, you will get all
11 these exhibits back again, and then you will make your
12 decision. In other words, you remember you are not making
13 any kind of decision at this time at all. Your minds must be
14 open, must not be frozen. You are only in the middle of the
15 case and part of the trial. You have all of the rest of the
16 testimony to hear, the defendant's side of the case, the
17 cross-examination, and this is simply an amplification, a
18 clarification, of what some of the witnesses have testified
19 to.

20 Is that about a correct statement, gentlemen?

21 MR. KATZ: Yes, your Honor.

22 MR. WEEDMAN: Thank you, your Honor.

23 THE COURT: Now, if you will, give roughly 10 exhibits to
24 this lady right on the end and 10 to the gentleman in back of
25 her.

26 You can look at them and pass them right on down.
27 As you look at one, just pass it to the next lady and the next
28 gentleman right down.

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1 MR. KATZ (handing exhibits to jurors): Thank you, your
2 Honor.

3 (Short pause.)

4 THE COURT: No, lady, just hold it for a minute.

5 JUROR NO. 12: All right.

6 THE COURT: We will get to those, folks, in a minute.

7 (Short pause. Jury viewing exhibits.)

8 THE COURT: Hold it for a minute. Now, just one minute
9 because I want to shift.

10 MR. KATZ: Okay. Fine.

11 THE COURT: If you will.

12 (Short pause.)

13 THE COURT: Now, you hold onto those now, lady. Right
14 there. That's it.

15 JUROR NO. 6: All right.

16 THE COURT: And that other lady, you hold onto yours.
17 That's it. Then we will make a change.

18 (Short pause.)

19 THE COURT: Now, still hold them now.

20 I thought you were through. Just take your time.

21 (Short pause.)

22 THE COURT: Now, lady, you give all of your exhibits to
23 this lady in back of you, and you give all of your exhibits
24 to the lady in front. And then we go right down the line
25 here. That's it.

26 (Short pause.)

27 THE COURT: Now, Sheriff, Mr. Weeks, when they finish,
28 you take the entire big bundle and give them all to this lady

1 here. Let her, as you look at them, pass them to the other two
2 jurors.

3 All right.

4 (Short pause while jurors view exhibits.)

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1 THE COURT: Now, that is all of them, isn't it?

2 Now, Sheriff, take those and let this lady at the
3 end look at them and pass them right down to those others
4 right there.

5 All right. Now you can give those to the lady at
6 the end, and you can go right on up.

7 Now, the district attorney or the defense attorney,
8 either one, can start them going again in the same fashion.

9 I think, Mr. Katz, we can do that by simply
10 holding up all four of those big pictures when the time comes.

11 MR. KATZ: Fine, your Honor. I think that is a good
12 idea.

13 THE COURT: Now, Sheriff, give them back to the clerk.

14 Now, we'll change. You two ladies change. That's
15 it. Then we'll go right down the line.

16 Madam in the back row, don't discuss these yet.
17 Don't discuss the pictures. You can look at them together,
18 but don't discuss them, please.

19 I think as fast as they get any of them through
20 here, you can take them right up and give them to the clerk.
21 Those they have finished, you can take those, Sheriff.

22 Now, Mr. Katz, I think we are ready for you. If
23 you will, follow the same procedure again.

24 MR. KATZ: Thank you, your Honor. These are the last of
25 the major exhibits.

26 THE COURT: Thank you very much.

27 Were those shown to the jury?

28 MR. KATZ: Oh, I don't care.

1 THE COURT: Show them everything. Just leave them there
2 for a few minutes.

3 MR. KATZ: I don't think it warrants the time to go into
4 the footlocker.

5 THE COURT: Wait till we get through.

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(Short pause.)

THE COURT: Have you finished?

MR. KATZ: Your Honor, can they exchange?

THE COURT: Well, have you finished?

JUROR NO. 12: Yes.

THE COURT: All right. You go down this way.

Have you finished yet, Mr. Katz?

MR. KATZ: Well, we have these, too.

THE COURT: All right. Fine.

THE CLERK: Your Honor, with permission of the court, Mr. Weedman asked that his exhibits be handed to the jury, also.

THE COURT: Let them finish with these, and then we will pass yours to the jury.

MR. WEEDMAN: All right. Fine. In time, your Honor.

THE COURT: Let them finish this.

MR. WEEDMAN: Surely.

THE COURT: Then we won't confuse them.

(Short pause.)

THE COURT: Chuck, you can show those defendant's exhibits to the alternates. Those are defendant's exhibits. Show them to the alternates only. That's right.

THE BAILIFF (handing): Yes, sir.

THE COURT: Now, I think you can go ahead and show these exhibits.

MR. KATZ: Yes, your Honor.

THE COURT: Then later we will show the alternates.

MR. KATZ: Fine.

1 THE COURT: Just take care of those folks, if you can.

2 Now, the district attorney is showing you another
3 exhibit there, ladies and gentlemen, without passing it around.
4 Just take a look at it.

5 MR. KATZ: (Holding up exhibit.) I will put it in the
6 center, if I can.

7 Tell me when you are done.

8 Now the next one.

9 MR. KATZ: Thank you.

10 THE COURT: I think they have all seen that one.

11 MR. KATZ: Thank you.

12 THE COURT: Thank you, Mr. Katz.

13 All right. The next one. Thank you.

14 (Short pause.)

15 THE COURT: All right.

16 MR. KATZ: Here we are.

17 THE COURT: All right.

18 Thank you. Now, the next one.

19 MR. KATZ: Yes, sir.

20 May I hold these up?

21 THE COURT: Sure. Show them. That is number --

22 MR. KATZ: It is a shoe. People's 18, your Honor.

23 THE COURT: Yes, that's another exhibit for the People.

24 All right.

25 MR. KATZ: People's 24.

26 THE COURT: Another exhibit for the People. All right.

27 And the handle. That is part of the exhibit.

28 Would that cover it? No, the two suitcases.

1 MR. KATZ: Your Honor, I think everybody has seen these.
2 It's not necessary to go into these.

3 THE COURT: The satchel and the suitcase. That covers
4 it.

5 MR. KATZ: Yes, your Honor.

6 THE COURT: That covers it.

7 MR. KATZ: Yes, your Honor.

8 THE COURT: While the alternates are finishing up, the
9 court is still in session. I will ask the two counsel to step
10 up here and save a little time that way. Maybe you better
11 step around here.

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1 (The following proceedings were had
2 at the bench, outside the hearing of
3 the jury.)

4 THE COURT: Court is in session. We are at the bench.

5 Now, in a few minutes, as soon as the alternates
6 have seen the big photos, you are resting?

7 MR. KATZ: Yes, your Honor.

8 THE COURT: Now, when will you -- do you want a little
9 time here?

10 MR. WEEDMAN: I certainly would, your Honor. I think
11 we agreed that Mr. Katz fairly needed three court days in order
12 to get organized.

13 THE COURT: What day do you want?

14 MR. WEEDMAN: I would like at least until next Wednesday,
15 your Honor.

16 THE COURT: Start Wednesday morning?

17 MR. WEEDMAN: Yes. That would be three court days.
18 I would prefer more time, but I don't dare ask for it.

19 THE COURT: This is Thursday. That would be Friday,
20 Monday and Tuesday.

21 MR. WEEDMAN: Yes, your Honor.

22 THE COURT: You want that?

23 MR. WEEDMAN: I would like that at least, your Honor.
24 Yes.

25 THE COURT: All right. I will see that you have it.

26 As soon as we finish, I will let them go till
27 Wednesday morning at 9:30.

28 MR. WEEDMAN: Thank you so much.

1 THE COURT: All right.

2 MR. WEEDMAN: Off the record.

3 (Discussion between court and counsel, off the
4 record.)

5 (The following proceedings were had
6 in open court within the presence and
7 hearing of the jury.)

8 THE COURT: Take them right down the line.

9 MR. WEEDMAN: Do we begin --

10 THE COURT: This is two defendant's exhibits.

11 MR. WEEDMAN: I think we can hold them up.

12 THE COURT: There will be more.

13 MR. WEEDMAN: They have all seen it before. It is just
14 a sketch.

15 The other is the photograph. I will start it
16 with Mrs. Williams.

17 (Jurors view exhibit.)

18 THE COURT: Now, Mr. Katz, do you want to show the
19 alternates those photos?

20 These, ladies and gentlemen, are photos --

21 MR. KATZ: You mean the maps here?

22 THE COURT: -- that are also exhibits.

23 MR. KATZ: Thank you, your Honor.

24 (Jurors view exhibits.)

25 THE COURT: All right. Now, we have finished the
26 exhibits, haven't we?

27 MR. KATZ: Yes, your Honor.

28 The People rest.

1 THE COURT: The People rest?

2 MR. KATZ: Yes, your Honor.

3 THE COURT: Now, ladies and gentlemen, at this juncture
4 the People rest their case. The next step will be for the
5 defendant to put on his side of the case.

6 Now, we will go over till Wednesday morning
7 at 9:30. Wednesday morning at 9:30 we will start again the
8 proceedings, and the defendant will put on his side of the
9 case this coming Wednesday. That is next week, Wednesday
10 morning, at 9:30.

11 You will pardon the repetition, but I'm trying to
12 impress you.

13 So tomorrow you will not be here, Monday you will
14 not be here, Tuesday you will not be here, and Wednesday we
15 will proceed at 9:30, and all of you please return promptly,
16 as you have been, at 9:30. You have been very diligent, and
17 I appreciate it.

18 Do not discuss the case with anybody or come to
19 any opinion or conclusion until it is finally placed in your
20 hands.

21 I'm going to recess the jury till 9:30 Wednesday
22 morning. Thank you very much.

23 And the clerk from 106 may have the exhibits.

24 MR. NEEDMAN: Your Honor, may we confer very briefly
25 in chambers?

26 THE COURT: Yes. Come in now, if you want to.

27 (The following proceedings were had in
28 the court's chambers, outside the presence
of the jury.)

1 THE COURT: All right. Now we are in chambers. The
2 defendant and counsel are present. Go ahead.

3 MR. WEEDMAN: Your Honor, we had left Ruby Pearl and
4 Lee Saunooke on call.

5 THE COURT: Yes.

6 MR. WEEDMAN: I don't know how to reach these people,
7 and I would request that they be --

8 THE COURT: Do you want to get in touch with them?

9 MR. KATZ: May I make a suggestion? I'm sure that
10 Mr. Weedman will find the full cooperation of Deputy Gleason,
11 who is outside in the courtroom, and if Mr. Weedman will just
12 advise --

13 THE COURT: Are they at the Spahn Ranch?

14 MR. KATZ: No. One is out of state. Ruby Pearl does not
15 reside in California, and as a result, it will be necessary
16 to bring her in.

17 THE COURT: I'll give you whatever you need.

18 MR. KATZ: I suggest that Mr. Weedman coordinate with
19 Mr. Gleason, or Deputy Gleason, and Deputy Gleason I'm sure,
20 will be happy to assist in any manner he can.

21 Let me suggest this: Once again the county will
22 have to pay for the transportation expenses of Miss Pearl.

23 MR. WEEDMAN: I'm not sure about that because she was
24 left on call; she was within the jurisdiction.

25 MR. KATZ: The only thing, Mr. Weedman, I don't think
26 it is fair to say that this --

27 THE COURT: Do we have her phone number? Have you got
28 her phone number?

1 MR. KATZ: I don't know it personally, but I know
2 Deputy Gleason has it. He will be able to contact her.

3 THE COURT: You can phone her from here. I mean, she is
4 on call. That ought to bring her in.

5 MR. WEEDMAN: It should.

6 THE COURT: It should bring her in.

7 MR. WEEDMAN: I mean, she's entitled to witness fees.

8 THE COURT: I have no objection to that.

9 MR. WEEDMAN: I think the procedure is that perhaps
10 Deputy Gleason can take her over to the D.A.'s office and they
11 can issue the necessary form. They have the forms; I don't
12 have them.

13 THE COURT: I will see that anything that is needed to
14 be signed -- that is in the county here?

15 MR. KATZ: Yes.

16 MR. WEEDMAN: Yes.

17 Of course, Paul Whiteley, I presume, will be
18 available.

19 MR. KATZ: Whiteley will be available. When you want
20 Lee Saunooke, all you do is tell Deputy Gleason and he will
21 contact her.

22 MR. WEEDMAN: I want to make this inquiry of Mr. Katz,
23 as to whether or not he knows the possible whereabouts of
24 Elizabeth Moreland.

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1 MR. KATZ: I do not know, Mr. Weedman. Once again I
2 would suggest that you talk with Deputy Gleason because I
3 don't want to speak for him.

4 I don't know the whereabouts of Miss Moreland,
5 and the last time I talked with them they did not know the
6 whereabouts of Miss Moreland.

7 MR. WEEDMAN: We have gone to considerable trouble trying
8 to locate her without any success. And I thought --

9 THE COURT: If anybody has got her address I will make
10 every effort to get her in.

11 MR. WEEDMAN: Fine.

12 THE COURT: The rest should be on a telephone call, isn't
13 that right?

14 MR. WEEDMAN: And I don't even need to know the telephone
15 number.

16 THE COURT: Who is going to phone Pearl?

17 MR. WEEDMAN: Well, I will ask Sgt. Gleason to do that,
18 your Honor.

19 THE COURT: Under my orders there will be no issue on
20 that.

21 MR. WEEDMAN: Finally, your Honor, I will state again for
22 the record that the district attorney's office has been I
23 think extraordinarily cooperative in supplying counsel with
24 various matters pursuant to the discovery order, and there has
25 been no question about that at all.

26 THE COURT: I appreciate that.

27 MR. WEEDMAN: And I might add so has the sheriff's
28 department.

1 Sgt. Whiteley has been, I think, extremely
2 cooperative in this respect. However, Sgt. Whiteley does I
3 believe still have considerable material in his possession
4 that I haven't seen.

5 THE COURT: All right.

6 MR. WEEDMAN: And just for the record I would like your
7 Honor just to indicate that I should be permitted to see this.

8 THE COURT: What is it you want to see?

9 MR. WEEDMAN: Well, I am not sure what he has. He does
10 have a locker over in the homicide section which appears to be
11 largely devoted to this case.

12 THE COURT: Can the D.A. advise you here?

13 MR. WEEDMAN: I don't think Mr. Katz actually knows about
14 this.

15 THE COURT: Why don't you talk to him and ask him.

16 MR. WEEDMAN: Well, I was just asking your Honor, just
17 to indicate for the record, that if Mr. Whiteley should have
18 anything which I haven't seen yet --

19 THE COURT: Well, if he has something you haven't seen
20 that is material to this case I say you are entitled to see
21 it.

22 MR. WEEDMAN: That is all we need to protect Sgt.
23 Whiteley as well.

24 THE COURT: You are entitled to it. He is directed, if it
25 has any materiality to this case, to show it to you for your
26 examination and consideration.

27 MR. WEEDMAN: I think that would do it.

28 MR. KATZ: Just out of due caution, though, I did mention

1 yesterday in the conversation with Mr. Weedman I don't recall
2 whether or not I put the name of a prospective witness down,
3 Linda Kasabian. I don't recall whether she is on the
4 discovery list or not.

5 It wasn't until several days ago, in any event,
6 that I thought about calling her, should we reach the penalty
7 phase of this trial. And I am advising Mr. Grogan and Mr.
8 Weedman, if we do reach the penalty phase of this trial, we
9 may indeed call Linda Kasabian as a witness.

10 THE COURT: Well, we better wait until we get to that
11 point.

12 MR. KATZ: I just wanted to advise him at this time.

13 THE COURT: All right. Thank you very much, gentlemen.

14 MR. KATZ: Thank you.

15 MR. WEEDMAN: Thank you.

16 (An adjournment taken at 3:45 p.m.
17 until Wednesday, August 25, 1971,
18 at 9:30 a.m.)
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