

SUPREME COURT

STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff
and Respondent

VS

CHARLES MANSON
PATRICIA KRENWINKEL
SUSAN ATKINS
LESLIE VAN HOUTEN

Defendant
and Appellant

No. **4004**

CLERK'S TRANSCRIPT

Appearances:

Counsel for Plaintiff and Respondent:
THE ATTORNEY GENERAL

Appeal from the Superior Court,
County of Los Angeles

Honorable CHARLES H OLDER Judge

Counsel for Defendant and Appellant:

MANSON: I.A. KANAREK
14617 Victory Blvd.
Van Nuys, California 91401

KRENWINKEL: IN PRO PER - #8314
California Institution for Women
RR #1
Frontera, California
VAN HOUTEN: IN PRO PER - #8313
California Institution for Women
RR #1
Frontera, California

ATKINS: DAYE SHINN
3860 Crenshaw Blvd.
Los Angeles, California 90008

DEATH PENALTY
VOLUME IV - PAGES 751-1000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

CLERK'S TRANSCRIPT

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

451

JULY 16, 1970

Department No. 104

CHARLES H OLDER

Judge

E R DARROW

Clerk

J HOLLOMBE/M MEHLMAN

Reporters

B MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA

X A STOVITZ and V BUGLIOSI, Deputy
Deputy District Attorney

vs

R. S. Buckley, Public Defender by

X

MANSON, CHARLES

X

I KANAREK

Essex

X

KRENWINKEL, PATRICIA

X

P FITZGERALD

X

ATKINS, SUSAN

X

D SHINN

X

VAN HOUTEN, LESLIE

X

I REINER

EACH: Trial is resumed from July 15, 1970 with all parties present as heretofore. Outside hearing of all jurors and prospective jurors, Court advises new media regarding news interview of this date held by Attorney Paul Caruso. Court resumes selection of alternate jurors. Statutory admonitions are given and trial is continued to July 17, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

76M414Y-7/89

MINUTES

THIS MINUTE ORDER WAS
ENTERED

JULY 17, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

1 LESLIE VAN HOUTEN
2 Sybil Brand Institute
3 Los Angeles, California
4
5
6
7

FILED

JUL 17 1970

WILLIAM G. SHARP, Deputy Clerk
[Signature]
CLERK

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 PEOPLE OF THE STATE OF CALIFORNIA,)
12 Plaintiffs,)
13 vs.)
14 LESLIE VAN HOUTEN,
15 Defendant.)
16

NO. A 253156

NOTICE OF MOTION TO
SUBSTITUTE COUNSEL OF RECORD

17 TO THE HONORABLE CHARLES OLDER, JUDGE OF THE SUPERIOR COURT OF THE
18 STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES:

19 Defendant LESLIE VAN HOUTEN moves to substitute in the place
20 and stead of IRA REINER as her attorney of record in this matter
21 RONALD HUGHES as attorney of record for said defendant.

22 This motion is based on the files, papers and proceedings
23 herein together with such other documents and evidence as may be
24 introduced at the hearing in this matter.

25 Dated: July 16, 1970.

26 Leslie Van Houten
27 LESLIE VAN HOUTEN
28
29
30
31
32

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

JULY 17, 1970

Department No. 104

CHARLES H. OLDER Judge

E. P. DABROW Clerk

J. HOLLOMBE/M. MEHLMAN Reporters

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

B. MURRAY, Deputy Sheriff
Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA X A. SEVITZ and V. FUGATESE,
Deputy District Attorney

vs

☒ MANSON, CHARLES
☒ KRENTINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
☒ I. KANAREK Deputy
☒ P. FITZGERALD
☒ D. SHINN
☒ I. REINER/R. HUGHES

EACH: Trial is resumed from July 16, 1970 with all parties present as heretofore. On motion of Defendant LESLIE VAN HOUTEN, personally, and with consent of both attorneys, Ronald Hughes and Ira Reiner, the Court orders Attorney Hughes substituted in place of Attorney Reiner as counsel for Defendant LESLIE VAN HOUTEN. Attorney Reiner is excused by Court and upon inquiry by Court, Defendant CHARLES MANSON does not oppose substitution. Court resumes selection of alternate jurors. Statutory admonitions are given and trial is continued to July 20, 1970 in Department 104 at 9 am.
EACH: Remanded.

CO. J. CYA
SHER. C. CLK.
 MISC.

THIS MINUTE ORDER WAS
ENTERED

JULY 20, 1970

WILLIAM G. SHARP, COUNTY

CieloDrive.com ARCHIVES
SUPERIOR COURT

MINUTES

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

754

JULY 20, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLONBE/M MEHLMAN Reporter s
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
X/A STOVITZ and V BUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA

vs

X/ MANSON, CHARLES
X/ KRENWINKEL, PATRICIA
X/ ATKINS, SUSAN
X/ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X/ I KANAREK
X/ P FITZGERALD
X/ P FITZGERALD
X/ R HUGHES

EACH: Trial is resumed from July 17, 1970 with all parties present as heretofore. Defendant's Exhibits E (portions of copy of Los Angeles Examiner, dated July 19, 1970) and F (placard) are marked in identification for limited purposes of voir dire examination of jury. Court resumes selection of alternate jurors. Statutory admonitions are given and trial is continued to July 21, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
JULY 21, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE

Corrected Minute Per Minute
order of July 21, 1970

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

July 20, 1970

Department No. 104

CHARLES H. OLDER

Judge

E. R. DARROW Clerk

J. HOLLOMBE and M. MEHLMAN Reporter
B. MURRAY, DEPUTY SHERIFF

APPEARANCES:

(Parties and Counsel checked if present.
Counsel checked if parties represented)

Case No. A 253 156

District Attorney by
A. STOVITZ & V. Buglio Deputy
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA

VS

☒ MANSON, CHARLESR. S. Buckley, Public Defender by
☒ I. KANAREK Deputy☒ KRENWINKEL, PATRICIA☒ P. FITZGERALD☐ ATKINS, SUSAN☐ D. SHINN☐ VAN HOUTEN, LESLIE☐ R. HUGHES

Each: Trial is resumed from July 17, 1970 with all parties present as heretofore. Defendant's Exhibits E (portions of copy of Los Angeles Examiner, dated July 19, 1970) and F (placard) are marked in identification for limited purposes of voir dire examination of jury. Court resumes selection of alternate jurors. Statutory admonitions are given and trial is continued to July 21, 1970 in Department 104 at 9:00 a.m. Each: Remanded.

CO. J. _____
SHER. _____

CYA
C. CLK. _____
MISC. _____

70M414Y - 7/70

MINUTES

THIS MINUTE ORDER WAS
ENTERED

July 21, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

JULY 21, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLOMBE/M BEHLMAN Reporters
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
X A STOVITZ and V BUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I KANAREK Deputy
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from July 20, 1970 with all parties present as heretofore. By order of the Court, the following alternate jurors are impaneled and sworn to try the cause: Robert R Douglass, John N Ellis, Larry D Sheely, Miss Frances Chason, Mrs Victoria Kampman and Kenneth Daut, Jr. Court orders alternate jurors sequestered at 9 am on July 22, 1970. Outside hearing of all jurors the following motions are heard: Joint motion of defendants for change of venue due to excessive publicity is argued and denied. Motion of Defendant PATRICIA KRENWINKEL to have Court order limiting opening statement of People is argued and denied. Motion of Defendant SUSAN ATKINS to suppress confessions and admissions is denied without prejudice. Motion of all defendants to associate defendants as co-counsel is denied. Statutory admonitions are given and trial is continued to July 24, 1970 in Department 104 at 9:45 am.

EACH: Remanded.

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

MINUTES

THIS MINUTE ORDER WAS
ENTERED
JULY 22, 1970
WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

76M414Y-7/69

1 RONALD L. GOLDMAN and GARY B. FLEISCHMAN
2 Attorneys at Law
259 South Beverly Drive, Suite 200
3 Beverly Hills, California 90212

4 Telephone: 273-5700 or 878-3500

5 Attorneys for Defendant, Linda Kasabian

FILED

JUL 24 1970

WILLIAM G. SLARE, County Clerk
BY *[Signature]* DEPUTY

6
7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

11 THE PEOPLE OF THE STATE
12 OF CALIFORNIA,

13 Plaintiffs,

14 vs.

15 PATRICIA KRENWINKEL, et al.,

16 Defendants.

NO. A-253156

NOTICE OF MOTION FOR ORDER
TO QUASH SUBPOENA DUCES
TECUM, DECLARATIONS OF
RONALD L. GOLDMAN &
GARY B. FLEISCHMAN AND
POINTS AND AUTHORITIES
IN SUPPORT THEREOF

17
18 TO EACH PARTY and to the Attorneys of Record for each
19 party herein:

20 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that on
21 July 23, 1970, at 9:30 A.M., or as soon thereafter as the matter
22 can be heard, in the Courtroom of Department 104, the Honorable
23 Charles H. Older, Judge Presiding, located at 211 West Temple
24 Street, City of Los Angeles, County of Los Angeles, State of
25 California, Ronald L. Goldman and Gary B. Fleischman will move to
26 quash the Subpoena Duces Tecum heretofore issued and requiring
27 their attendance at the trial of the above-entitled matter on
28 July 23, 1970 and the production by them of certain records,
29 statements, transcriptions, notes and things.

30 Said motion is made upon the grounds, each and all:

31 (1) That the matters sought to be produced by said
32 subpoena are privileged;

1 (2) That said Subpoena calls for documents which are
2 inadmissible at the time of trial herein;

3 (3) That the declaration in support of the Application
4 for Subpena Duces Tecum does not state facts sufficient to show
5 that the documents called for in said Subpoena Duces Tecum are
6 material to the issues involved in the case; 75


7 (4) That said declaration in support of the Application
8 for Subpena Duces Tecum does not state facts sufficient to show
9 that good cause exists for the production of the documents,
10 matter and things sought pursuant to said Subpena Duces Tecum;
11 and

12 (5) That the Subpoena is too indefinite and uncertain
13 and does not sufficiently describe the documents, matters and
14 things sought to be produced.

15 Said motion will be made and based upon this notice,
16 the memorandum of Points and Authorities and the Affidavits of
17 Ronald L. Goldman and Gary B. Fleischman served and filed here-
18 with, and on all the pleadings, records and files in the above-
19 entitled action.

20 Dated: July 22, 1970.

21 RONALD L. GOLDMAN and
22 GARY B. FLEISCHMAN

23
24 BY 
25 RONALD L. GOLDMAN
26 Attorneys for Defendant
27 Linda Kasabian
28
29
30
31
32

1 DECLARATION OF RONALD L. GOLDMAN

2 I, RONALD L. GOLDMAN, declare and state as follows:

3 I am an attorney at law duly licensed to practice in the
4 State of California, and one of the attorneys of record for
5 defendant, LINDA KASABIAN, 753

6 That on or about December 15, 1969, your declarant was
7 retained by LINDA KASABIAN as co-counsel with Gary B. Fleischman
8 as her attorney in the cause now pending against her. That ever
9 since that date your declarant and Gary B. Fleischman have acted
10 as co-counsel for said LINDA KASABIAN.

11 That all discussions or conversations your declarant has
12 had with LINDA KASABIAN pertaining to or concerning the events
13 underlying the above entitled case, and all documents and things
14 in the possession of your declarant relating to such conversations,
15 were had or received by your declarant in the course of his
16 representation of said LINDA KASABIAN as an attorney at law. That
17 all such conversations your declarant has had with LINDA KASABIAN
18 were intended to be, and are, confidential communications.

19 Your declarant hereby specifically asserts the lawyer-
20 client privilege with respect to each of the documents, statements,
21 matters or things called for to be produced pursuant to the Sub-
22 poena Duces Tecum.

23 I declare under penalty of perjury the foregoing is true
24 and correct.

25 DATED: July 22, 1970.

26
27 
28 RONALD L. GOLDMAN

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32

5

6

7
8
9
10
11
12
13

14
15

16
17

18
19

POINTS AND AUTHORITIES

I

Upon a proper showing, the Superior Court has the power to quash a Subpoena Duces Tecum.

Southern Pacific Co. vs. Superior Court, 15 Cal. 2d 206, 100 Pac. 2d 302.

II

The Superior Court may quash a Subpoena and Subpoena Duces Tecum where the affidavit does not show facts sufficient to support the Subpoena Duces Tecum.

7-Up Bottling Co. vs. Superior Court, 107 Cal. App. 2d 75, 236 Pac. 2d 623.

III

The affidavit accompanying the Application for Subpoena Duces Tecum must clearly show that the requested papers contain competent and admissible evidence which is material to some disputed issue of fact at the trial.

People vs. Schmitt, 155 Cal App. 2d 87, 317 Pac. 2d 673 (1957).

"The provision of Section 1985 of the Code of Civil Procedure, stating: 'The process by which the attendance of a witness is required ***may also require him to bring with him any books, documents, or other things under his control which he is bound by law to produce in evidence' has been interpreted to require the additional showing that the matters sought would be competent evidence and admissible at the trial. (Witkin, Calif. Evidence, Sec. 543, page 591.)"

Spencer vs. Hibernia Bank, 186 Cal. App. 2d 702, 9 Cal Rptr. 867 (1960) (Hearing denied January 25, 1961).

IV

Section 954 of the Evidence Code reads, in relevant part, as follows: "Subject to Section 912 and except as otherwise

1 provided in this article, the client, whether or not a party, has
2 a privilege to refuse to disclose, and to prevent another from
3 disclosing, a confidential communication between client and lawyer
4 if the privilege is claimed by:

5 (a) The holder of the privilege;

6 (b) ***; or

7 (c) The person who was the lawyer at the time of the
8 confidential communication, but such person may not claim the
9 privilege if there is no holder of the privilege in existence or
10 if he is otherwise instructed by a person authorized to permit
11 disclosure."

12 Section 917 of the Evidence Code states, in relevant part,
13 as follows: "Whenever a privilege is claimed on the ground that
14 the matter sought to be disclosed is a communication made in
15 confidence in the course of the lawyer-client, ...relationship,
16 the communication is presumed to have been made in confidence and
17 the opponent of the claim of privilege has the burden of proof
18 to establish that the communication was not confidential.

19 V

20 Section 955 of the Evidence Code states as follows:

21 "The lawyer who received or made a communication subject to the
22 privilege under this article shall claim the privilege whenever
23 he is present when the communication is sought to be disclosed
24 and is authorized to claim the privilege under subdivision (c)
25 of Section 954." (Emphasis added).

26 Section 6068 of the Business and Professional Code states,
27 in relevant part, as follows: "The duties of attorney. It is
28 the duty of an attorney:

29 ***

30 (e) to maintain inviolate the confidence, and at every
31 peril to himself to preserve the secrets, of his client.

32 ***"

VI

A Defendant's attorney has the right to assert his client's privilege against self-incrimination, in behalf of his client.

In re Macario, 2 Cal 3d 329.

While a reasonable demand for factual information may not violate a Defendant's right against self-incrimination, an order too broad in scope must be denied if it could serve as a link in a chain of evidence against the Defendant. It must clearly appear that the information requested cannot possibly tend to incriminate the Defendant.

Prudhomme vs. Superior Court, 2 Cal 3d 320;

Bradshaw vs. Superior Court, 2 Cal 3d 332.

DATED: July 22, 1970.

Respectfully submitted,

RONALD L. GOLDMAN and
GARY B. FLEISCHMAN

BY Ronald L. Goldman
RONALD L. GOLDMAN

(VERIFICATION -- 446, 2015.5 C. C. P.)

STATE OF CALIFORNIA
COUNTY OF

} ss.

I am the

in the above entitled action; I have read the foregoing

and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I certify (or declare), under penalty of perjury,* that the foregoing is true and correct.

Executed on (date) at (place), California

Signature

(PROOF OF SERVICE BY MAIL -- 1013a, 2015.5 C. C. P.)

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

} ss.

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:

259 South Beverly Drive, Beverly Hills, California

On July 22, 1970, I served the within Notice of Motion for Order to Quash Subpoena Duces Tecum, Declarations of Ronald L. Goldman and Gary B. Fleischman and Points & Authorities in Support Thereof

on the Plaintiffs

in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Beverly Hills, California addressed as follows:

Paul J. Fitzgerald, Esq. I. A. Kanarek, Esq.
672 S. Lafayette Park Place 14617 Victory Boulevard, #1
Los Angeles, California 91401 Van Nuys, California 91401

Ronald Hughes, Esq. Daye Shinn, Esq.
211 West Temple 3860 Crenshaw Boulevard
Los Angeles, California Los Angeles, California 90008

Please see Exhibit "A" attached hereto which is incorporated herein I certify (or declare), under penalty of perjury,* that the foregoing is true and correct. by reference.

Executed on July 22, 1970 at Beverly Hills, California
(date) (place)

Signature

*Both the verification and proof of service by mail forms, being signed under penalty of perjury, do not require notarization.

(VERIFICATION — 446, 2015.5 C. C. P.)

STATE OF CALIFORNIA
COUNTY OF

} ss.

I am the

in the above entitled action; I have read the foregoing

and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I certify (or declare), under penalty of perjury,* that the foregoing is true and correct.

Executed on (date) at (place), California

Signature

(PROOF OF SERVICE BY MAIL -- 1013a, 2015.5 C. C. P.)

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

} ss.

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:

259 South Beverly Drive, Beverly Hills, California

On July 22, 1970, I served the within Notice of Motion for Order to Quash Subpoena Duces Tecum, Declarations of Ronald L. Goldman and Gary B. Fleischman and Points & Authorities in Support Thereof.

on the Plaintiffs
in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the
United States mail at Beverly Hills, California
addressed as follows:

District Attorney's Office
County of Los Angeles
600 Hall of Justice
Los Angeles, California 90012

Ira Reiner, Esq.
3910 Oakwood
Los Angeles, California

I certify (or declare), under penalty of perjury,* that the foregoing is true and correct.

Executed on July 22, 1970 at Beverly Hills, California
(date) (place)

Selma Moritz
Signature

EXHIBIT "A"

*Both the verification and proof of service by mail forms, being signed under penalty of perjury, do not require notarization.

CieloDrive.com ARCHIVES

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

JULY 24, 1970

Department No. 104

CHARLES H OLDER

Judge

E. R. DARROW

Clerk

J HOLLOMBE/II NEHLMAN

Reporters

B MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA

X A STOVITZ and V BUGLIOSI,
Deputy District Attorney

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I KAHAREK Deputy
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from July 21, 1970 with all parties present as heretofore. All parties waive reading of the indictment. Opening statement is heard on behalf of the People. Defendants each reserve opening statements. Court orders witnesses sequestered during trial. Court orders reporter to prepare copy of possible future testimony of witness Linda Kasabian for use of her attorneys, R Goldman and G Fleishman. Paul J Tate, Wilfred Parent, Mrs Winifred Chatman and William Garretson are sworn and testify for the People. People's Exhibits 1 (photo), 2 (photo), 3 (photo), 4 (photo), 5 (photo), 6 (photo), 7 (aerial photo), 8 (large diagram), 9 (photo), 10 (photo), 11 (photo), 12 (photo), 13 (photo), 14 (photo), 15 (photo), 16 (photo), 17 (photo), 18 (photo), 19 (photo), 20 (photo), 21 (photo), 22 (photo), 23 (photo) and Defendant LESLIE VAN HOUTEN'S Exhibit A (cardboard box) are all marked for identification. Statutory admonitions are given and trial is continued to July 27, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA
C. CLK. _____
MISC. _____

76M414X-7/60

MINUTES

THIS MINUTE ORDER WAS
ENTERED

JULY 27, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

I. A. KANAREK
14617 Victory Boulevard
Van Nuys, California, Suite 1

Telephones: 782 2790 : 873 4255

Attorney for Defendant
CHARLES MANSON

FILED

JUL 27 1970

FILED & SWEET, County Clerk
BY: *[Signature]* DEPUTY

767

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

THE PEOPLE OF THE)	No. Crim. A 253 156
STATE OF CALIFORNIA,)	
)	
Plaintiff,)	<u>AFFIDAVIT OF ROSAIRE DROUIN</u>
)	
vs)	
)	
CHARLES MANSON, et al,)	
)	
Defendants.)	

STATE OF FLORIDA
COUNTY OF DADE

BEFORE ME THIS DAY personally appeared ROSAIRE DROUIN,
who, being first duly sworn, deposes and says:

My name is ROSAIRE DROUIN; my age is 43; my business
address is 447 North Miami Avenue, Miami, Florida. The name of
this establishment is called J and J Liquor Bar and Package
Store; my residence address is 330 N.W. 8th Avenue, Miami,
Florida; my business telephone number is FRanklin 4-9609, area
code 305.

LINDA DROUIN KASABIAN is my daughter; I last saw my
daughter during November 1969; LINDA KASABIAN arrived in Miami,
Florida, and came to the J and J Liquor Bar and Package Store;

1 this was on or about November 1, 1969; she visited with me for
2 a period of several weeks; during the time that she was visiting
3 with me, she stated to me that she had taken "acid"; she told me
4 that she had been taking "acid" for a long, extended period of
5 time; she told me that she had given up taking "acid" in the
6 very recent past.

7
8 I observed, when my daughter came to Miami, Florida,
9 that she was pregnant; she appeared to me to be about four months
10 pregnant; she stated to me that she was, in fact, about four-
11 and-a-half months pregnant; at the time she visited me, she had
12 her infant daughter with her; both she and the infant daughter
13 had sores on their arms when she and the infant daughter came
14 to the J and J Liquor Bar and Package Store.

15
16 LINDA KASABIAN stated to me that she had enjoyed herself
17 immensely while in California, and had had a good time while
18 living in California.

19 Around Thanksgiving of 1969, I placed my daughter, and
20 her daughter - my granddaughter - on a flight to Boston, Mass.,
21 from the Miami International Airport.

22
23
24 Rosaire Drouin
Rosaire Drouin

25
26 SWORN TO AND SUBSCRIBED before me
27 this 23rd day of July A.D., 1970.

28 Olga Hold
29 Olga Hold, Notary Public
30 State of Florida at Large
31 My commission expires January 8, 1972

32
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JAN. 8, 1972
BONDED THROUGH FRED W. DIETELHOFF

1 I. A. KANAREK
2 Attorney at Law
3 14617 Victory Boulevard, Suite 1
4 Van Nuys, California
5 782 2790 : 873 4255
6
7 Attorney for Defendant,
8 CHARLES MANSON'

FILED

JUL 27 1970

WILLIAM G. SMITH, County Clerk
BY *[Signature]* DEPUTY

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

7615

11 THE PEOPLE OF THE)
12 STATE OF CALIFORNIA,)
13)
14 Plaintiff,)
15 vs)
16 CHARLES MANSON, et al.,)
17 Defendants.)

No. A 253 156

DECLARATION OF JUNE EMMER

17 STATE OF CALIFORNIA)
18) ss
19 COUNTY OF LOS ANGELES)

20 I, JUNE EMMER, declare:

21 LINDA KASABIAN came to Miami, Florida near the end of
22 October, 1969. She informed me that she had "hitch-hiked", with
23 her baby, from California to Florida.

24 LINDA KASABIAN'S father is Rosarie Drouin.

25 LINDA KASABIAN lived in my home for about one month
26 immediately following her arrival in Miami, Florida, during the
27 end of October, 1969; upon leaving Miami, Florida, she traveled
28 by way of an airplane to Boston, Massachusetts.

29 During the approximate month that LINDA KASABIAN lived in
30 my home, she told me, on several occasions, that she had been
31 taking "acid" for a very long time, and that she had taken "acid"
32 continuously while she was living in California.

1 LINDA KASABIAN used the terms "LSD" and "acid" inter-
2 changeably.

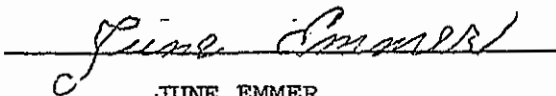
3 LINDA KASABIAN stated to me on several occasions, during
4 this approximate period of one month that she lived in my home,
5 that "LSD" or "acid" placed her in "another world", and that when
6 she was on a "LSD" or "acid" "trip" she was in "another world"
7 and "walked on air". 770

8 LINDA KASABIAN stated to me that the taking of "LSD" or
9 "acid" "trips" had affected her thinking processes so that she
10 "did not care what happened".

11 LINDA KASABIAN stated to me on several occasions, during
12 this approximate period of one month that she lived in my home,
13 that she had a very pleasant and enjoyable time while she was
14 living in California, and that she had traveled to Florida from
15 California by way of New Mexico.

16
17 I declare, under penalty of perjury, that the foregoing
18 is true and correct.

19 Executed on July 27, 1970, at Van Nuys, California.

20
21 
22 JUNE EMMER
23 Declarant
24
25
26
27
28
29
30
31
32

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

JULY 27, 1970 Department No. 104
CHARLES H. OLDER Judge E. R. DARROW Clerk
J. HOLLOMBE/11 MEHLMAN Reporters
B. MURRAY, Deputy Sheriff (Parties and Counsel checked if present,
 Counsel shown opposite parties represented)
 Case No. A253156 Evelle J. Younger, District Attorney by
THE PEOPLE OF THE STATE OF CALIFORNIA X A. STOVITZ and V. BUGLIOSI Deputy
 Deputy District Attorney

vs

<u>X</u> MANSON, CHARLES <u>X</u> KREFFWINKEL, PATRICIA <u>X</u> ATKINS, SUSAN <u>X</u> VAN HOUTEN, LESLIE <u>X</u> KASABIAN, LINDA	R. S. Buckley, Public Defender by: <u>X</u> I. KANAREK Deputy <u>X</u> P. FITZGERALD <u>X</u> D. SHINN <u>X</u> R. HUGHES <u>X</u> R. GOLDMAN and G. FLEISHMAN
---	---

EACH: Trial is resumed from July 24, 1970, outside of presence of all jurors, for hearing on motion of Attorneys R. Goldman and G. Fleishman to quash subpoena duces tecum of Defendant PATRICIA KREFFWINKEL. Motion is argued and continued to July 28, 1970 in Department 104 at 9 am. In the presence of the jury, trial is resumed and William Garretson, previously sworn, resumes testimony for People. Outside of hearing of all jurors, joint motion of defendants for evidentiary hearing on present sanity of LINDA KASABIAN is argued and denied. Joint motion of defendants for mistrial is denied. Frank Guerrero, Tom Vargas and Dennis Hearst are sworn and testify for People. LINDA KASABIAN, in presence of her counsel, is sworn and testifies as witness for the People. People's Exhibits 24 through 35 (all photographs) are marked for identification. Court's special Exhibit 1 (statement of Defendant Manson) is marked for identification. Statutory admonitions are given and trial is continued to July 28, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. CYA
 SHER. C. CLK.
MISC.

THIS MINUTE ORDER WAS
ENTERED
JULY 28, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

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

JULY 28, 1970

Department No. 104

CHARLES H OLDER Judge

E B DARROW Clerk

J HOLLOMBE/M MEHLMAN Reporters
B MURRAY, Deputy SheriffAPPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
DeputyTHE PEOPLE OF THE STATE OF CALIFORNIA X A STOVITZ and V BUGLIOSI,
Deputy District Attorney

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE
X KASABIAN, LINDA

R. S. Buckley, Public Defender by
X K KANAPEK Deputy
X P FITZGERALD
X D SHINN
X R HUGHES
X G FLEISHMAN and R GOLDMAN

EACH: Trial is resumed from July 27, 1970, outside of presence of all jurors, for hearing on motion to quash subpoena deuces tecum. Hearing is continued to July 28, 1970 in Department 104 at 9 am. In the presence of all jurors, trial is resumed and LINDA KASABIAN, previously sworn, resumes testimony for the People. People's Exhibits 36 (photo), 37 (photo), 38 (photo), 39 (knife), 40 (.22 cal. gun), 41 (rope) and 42 (photo) are marked for identification. Statutory admonitions are given and trial is continued to July 29, 1970 in Department 104 at 9 am.

EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
_____ MISC. _____

7035414Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED
JULY 29, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

1 I. A. KANAREK
2 Attorney at Law
3 14617 Victory Boulevard
4 Van Nuys, California

5 782 2790 : 873 4255

6 Attorney for Defendant,
7 CHARLES MANSON

FILED

JUL 29 1970

JOHN C. CLARK, County Clerk

DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA X
9 FOR THE COUNTY OF LOS ANGELES

10
11 THE PEOPLE OF THE
12 STATE OF CALIFORNIA,

13 Plaintiff,

14 vs

15 CHARLES MANSON, et al.,

16 Defendants

No. A 258 361

) NOTICE OF MOTION REQUESTING THE
) COURT TO ORDER PETER J. PITCHESS,
) SHERIFF OF THE COUNTY OF LOS ANGELES,
) CALIFORNIA TO CEASE AND DESIST
) HARASSING THE DEFENDANT, CHARLES
) MANSON: AND TO CEASE AND DESIST
) INTERFERING WITH DEFENDANT, CHARLES
) MANSON'S PREPARATION OF HIS DEFENSE
) OF HIS LIFE IN THE TRIAL NOW IN
) PROGRESS;

) POINTS AND AUTHORITIES IN SUPPORT
) OF SAID MOTION;

) DECLARATION OF CHARLES MANSON.

17
18
19
20
21 TO PETER J. PITCHESS, SHERIFF OF THE COUNTY OF LOS ANGELES,
22 CALIFORNIA:

23 PLEASE TAKE NOTICE that on July 31, 1970, at the
24 hour of 11:00 a.m. in Department 104 of the above entitled Court,
25 or as soon thereafter as the matter may be heard, I. A. KANAREK,
26 attorney for defendant, CHARLES MANSON, will respectfully move this
27 honorable Court for an Order directing PETER J. PITCHESS, Sheriff
28 of the County of Los Angeles, California, to cease and desist
29 harassing the defendant, CHARLES MANSON; and for an Order directing
30 PETER J. PITCHESS, Sheriff of the County of Los Angeles, California,
31 to cease and desist interfering with the defendant, CHARLES
32 MANSON'S preparation of his defense of his life in the trial now

1 in progress.

2 Said motion will be based upon this Notice of Motion,
3 the declaration of defendant, CHARLES MANSON, all the files,
4 records and documents pertaining to the above entitled case,
5 and the accompanying Points and Authorities.

6

7

Dated: July 29, 1970.

8

9

Respectfully submitted,

10

11

I. A. Kanarek

12

I. A. KANAREK

13

Attorney for Defendant,

14

CHARLES MANSON

15

16

POINTS AND AUTHORITIES

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

The SIXTH AMENDMENT to the United States Constitution guarantees the defendant, CHARLES MANSON, the right to effective counsel; this guarantee comes to the defendant, CHARLES MANSON, by way of the due process clause of the FOURTEENTH AMENDMENT to the United States Constitution; furthermore, the defendant, CHARLES MANSON, is guaranteed the right to effective counsel by way of the California Constitution; and, included in this guaranteed right to effective counsel is the right that the ATTORNEY-CLIENT privilege shall remain inviolate.

PETER J. PITCHES, Sheriff of the County of Los Angeles, California, by his unjust and barbaric treatment of the defendant, CHARLES MANSON, as set out herein, is denying said defendant his above set out guaranteed rights at a time when he is in trial for is life, as follows:

1. By harassing defendant, CHARLES MANSON, and by interfering with said defendant's consultations with his potential witnesses, while in the presence of his attorney, I. A. KANAREK; and by reading the writings between the defendant-client, CHARLES MANSON and his attorney, I. A. KANAREK.

2. California law provides that prior to conviction a defendant shall not be submitted to any greater restraint than that necessary to keep him in custody.

Penal Code, Section 688.; due process and equal protection clause of the Fourteenth Amendment

I. A. KANAREK

Attorney for Defendant,

CHARLES MANSON

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32

4
5

7

8

9
10
11

13
14
15

16
17

18
19

20
21
22
23

24
25
26
27
28
29

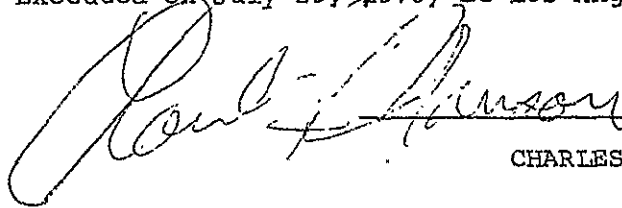
30
32
34

1 material handed by me to my attorney, I. A. KANAREK.

2 7. All my pencils and pens have been confiscated.

3
4 I declare, under penalty of perjury, that the foregoing
5 is true and correct.

6 Executed on July 29, 1970, at Los Angeles, California.

7
8 
9

CHARLES MANSON

777

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

JULY 29, 1970

Department No. 104

CHARLES H. OLDER

Judge

E. R. DARROW

Clerk

J. HOLLOMBER/M. F. HILMAN

Reporters

B. MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA

☒ A. SCOVITZ, Deputy
Deputy District Attorney

VS

X | MANSON, CHARLES
X | KREWEINKEL, PATRICIA
X | ATKINS, SUSAN
X | KASABIAN, LINDA
X | VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X | A. KANAREK
X | P. FITZGERALD
X | D. SHINN
X | R. COLDMAN and G. FLEISHMAN
X | R. HUGHES

EACH: Trial is resumed from July 28, 1970 with all parties present as heretofore. LINDA KASABIAN, previously sworn, resumes testimony for People. People's Exhibits 43 (photo), 44 (photo), 45 (photo), 46 (photo), 47 (sword in two pieces, by reference to case A057452), 48 (photo by reference to case A057452), 49 (photo), 50 (shirt), 51 (denim trousers), 52 (black T-shirt), 53 (white T-shirt), 54 (blue T-shirt), 55 (denim trousers), 56 (denim trousers), 57 (photo), 58 (photo), 59 (photo), 60 (photo), 61 (photo), 62 (photo), 63 (photo), 64 (photo), 65 (wallet and contents), 66 (photo), 67 (photo), 68 (photo), 69 (photo) and 70 (photo) are marked for identification. The Court calls all counsel to the bench. Out of the presence of the jury, the Court states that Mr Kanarek has again violated the Court's order and repeated warnings to Mr Kanarek not to interrupt the Court, counsel or a witness with objections or motions by interrupting the witness's answer to a question put to her by the prosecutor. The Court finds Mr Kanarek in direct contempt of Court and sentences him to one night in the County Jail commencing immediately after the court adjourns and continuing until 7:00 am tomorrow morning. The Court further orders that Mr Kanarek is to have free access to confer with his client Mr Manson during such period in custody. Later: Mr Ernest Graves, attorney, appears on request of Mr Manson and makes motion to Court to reconsider contempt ruling and for stay of execution. Motions are denied and Mr Kanarek is ordered committed to County Jail. At conference at the bench, and out of the presence of the jury, the Court finds Mr Ronald Hughes in direct contempt of Court for profane and improper language. The Court fines Mr Hughes the sum of \$75.00 payable forthwith, or spend one night in the County Jail commencing immediately after the court adjourns and continuing until 7:00 am tomorrow morning. The Court further orders that Mr Hughes is to have free access to confer with his client Miss Van Houten during such period in custody. Later: Mr Ernest Graves, attorney, appears on behalf of Mr Hughes. Court refuses to change order of contempt and Mr Hughes, upon failure to pay fine is ordered committed to County Jail. Statutory admonitions are given and trial is continued to July 30, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
JULY 30, 1970

WILLIAM G. SHARP, COUNTY
CLERK

CieloDrive.com ARCHIVES
SUPERIOR COURT

MINUTES

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

JULY 30, 1970

Department No. 104

CHARLES H OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE/II MEHLIAN Reporter
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. 4253156

Evelle J. Younger, District Attorney by
Deputy
A. STOVITZ and V. BUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA X

VS

X | MANSON, CHARLES
X | KRENWINKEL, PATRICIA
X | ATKINS, SUSAN
X | KASABIAN, LINDA
X | VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X | I. KANAREK Deputy
X | P. FITZGERALD
X | D. SHINN
X | G. FLEISHMAN
X | R. HUGHES

EACH: Trial is resumed from July 29, 1970, outside of presence of the jury, for hearing on motion of Defendant PATRICIA KRENWINKEL to have Court enforce service and compliance with subpoena deuces tecum served on Mary Neiswinder, reporter of Long Beach Press Telegram. Respondent, appearing with counsel, George Johnson, claims immunity against producing identity of informant and further states she has no documents under her control as described in the subpoena. Court does not order the subpoena into effect. On motion of Defendant CHARLES MANSON, Attorneys P. Caruso and S. RAPPAPORT having agreed to being put on call, Court quashes body attachments ordered and held for above attorneys. Trial is resumed in presence of jurors with all parties present as heretofore. LINDA KASABIAN, previously sworn, resumes testimony for People. People's Exhibits 71 through 74 (all photos), 75 (leather thong), 76 through 86 (all photos), are marked for identification. Statutory admonitions are given and trial is continued to July 31, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
JULY 31, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

76M414X-7/69

MINUTES

1 I. A. KANAREK
Attorney at Law
2 14617 Victory Boulevard
Van Nuys, California

3 782 2790 : 8734255

4 Attorney for Defendant,
5 CHARLES MANSON

FILED
JUL 31 1970

WILLIAM G. SUTTER, County Clerk
EX. *[Signature]* DEPUTY

NO PROOF OF SERVICE
NOT CALENDARED
ATTY NOTIFIED *[Signature]* 8/13/70

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

11 THE PEOPLE OF THE STATE
12 OF CALIFORNIA,

13 Plaintiff,

14 vs

15 CHARLES MANSON, et al.,

16 Defendants.

No. A 258 361

NOTICE OF MOTION TO
HAVE THE WITNESS,
JUNE EMMER, EXAMINED
CONDITIONALLY

17 PLEASE TAKE NOTICE that on August 3, 1970, at the hour
18 of 9:00 a.m., in Department 104 of the above entitled Court, or
19 as soon thereafter as the matter may be heard, I. A. KANAREK,
20 attorney for defendant, CHARLES MANSON, will move this honorable
21 Court for an Order that a witness, JUNE EMMER, be examined
22 conditionally at a time and place specified by said Court, and
23 before a magistrate designated by said Court.

24 Said motion will be based upon this Notice of Motion,
25 the accompanying declarations, all the files, records and documents
26 pertaining to the above entitled case, and the accompanying
27 points and authorities.

28 Dated: July 31, 1970.

30 *[Signature]*

31 I. A. KANAREK
Attorney for Defendant,
32 CHARLES MANSON

1 POINTS AND AUTHORITIES

2
3 The defendant has a right that a witness be examined
4 conditionally upon Order of the Court.

5 Penal Code, Sections 1335, 1339.

7B1

6
7 A material witness for the defendant may be examined
8 conditionally if he or she is about to leave the State. The
9 witness, JUNE EMMER, is about to leave the State of California,
10 therefore, it is imperative that the Court order that the
11 witness, JUNE EMMER, be examined conditionally.

12 Penal Code, Section 1336.

13
14 The conditional examination of a witness about to leave
15 the State must be predicated upon a supporting affidavit or
16 declaration. The declarations of I. A. KANAREK and JUNE EMMER,
17 herein, satisfy Penal Code, Section 1337.

1 I. A. KANAREK
Attorney at Law
2 14617 Victory Boulevard
Van Nuys, California

3 782 2790 : 873 4255

4 Attorney for Defendant,
5 CHARLES MANSON

6
7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10
11 THE PEOPLE OF THE)
STATE OF CALIFORNIA,)
12)
Plaintiff,)
13)
vs)
14 CHARLES MANSON, et al.,)
15)
Defendants.)
16

No. A 258 361

DECLARATION OF I. A. KANAREK
PURSUANT TO PENAL CODE
SECTION 1337.

17 STATE OF CALIFORNIA)
18) ss
COUNTY OF LOS ANGELES)

19 I, I. A. KANAREK, declare:

20 I am the attorney for the defendant, CHARLES MANSON, in
21 the above entitled action, who is charged with seven counts of
22 murder and one count of conspiracy. His trial is now in progress,
23 and testimony is now being taken in connection with said trial.

24 The testimony of a witness, JUNE EMMER, now present in
25 the State of California, who resides at
26 Miami, Florida, is material to the defense of said defendant,
27 CHARLES MANSON, in the above entitled action.

28 I declare, under penalty of perjury, that the foregoing
29 is true and correct.

30 Executed on July 31, 1970, at Van Nuys, California.

31 
32 I. A. KANAREK
Declarant

1 I. A. KANAREK
Attorney at Law
2 14617 Victory Boulevard
Van Nuys, California 91401

3 782 2790 : 873 4255

4 Attorney for Defendant,
5 CHARLES MANSON

6
7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10
11 THE PEOPLE OF THE)
STATE OF CALIFORNIA,)

No. 258 361

12 Plaintiff,)

13 vs)

14 CHARLES MANSON, et al.,)

15 Defendants.)
16

DECLARATION OF JUNE EMMER
PURSUANT TO PENAL CODE
SECTION 1337.

17 STATE OF CALIFORNIA)

) ss

18 COUNTY OF LOS ANGELES)

19 I, JUNE EMMER, declare:

20 I have been in the State of California, County of Los
21 Angeles, since July 27, 1970. My residence address is

22 10305 S.W. 40th Terr., Miami, Florida.

23 I have been available since July 27, 1970, to testify in
24 the above entitled case.

25 Because of my employment in Miami, Florida, it is
26 imperative that I return to my work as soon as possible, and I
27 am about to leave the State of California. I am remaining here,
28 only, until my testimony has been completed, when I shall
29 immediately return to Miami, Florida.

30 LINDA KASABIAN came to Miami, Florida near the end of
31 October, 1969. She informed me that she had "hitch-hiked", with
32 her baby, from California to Florida.

1 LINDA KASABIAN'S father is Rosarie Drouin.

2 LINDA KASABIAN lived in my home for about one month
3 immediately following her arrival in Miami, Florida, during the
4 end of October, 1969; upon leaving Miami, Florida, she traveled
5 by way of an airplane to Boston, Massachusetts.

6 During the approximate month that LINDA KASABIAN lived
7 in my home, she stated to me, on several occasions, that she had
8 been taking "acid" for a very long time, and that she had taken
9 "acid" continuously while she was living in California. 782

10 LINDA KASABIAN used the terms "LSD" and "acid" inter-
11 changeably.

12 LINDA KASABIAN stated to me on several occasions, during
13 this approximate period of one month that she lived in my home,
14 that "LSD" or "acid" placed her in "another world", and that when
15 she was on a "LSD" or "acid" "trip" she was in "another world"
16 and "walked on air".

17 LINDA KASABIAN stated to me that the taking of "LSD" or
18 "acid" "trips" had affected her thinking processes so that she
19 "did not care what happened".

20 LINDA KASABIAN stated to me on several occasions, during
21 this approximate period of one month that she lived in my home,
22 that she had a very pleasant and enjoyable time while she was
23 living in California, and that she had traveled to Florida from
24 California by way of New Mexico.

25
26 I declare, under penalty of perjury, that the foregoing
27 is true and correct.

28 Executed on July 31, 1970, at Van Nuys, California.

29
30
31
32


JUNE EMMER

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

JULY 31, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DABECU Clerk

J. HOLLOMBE/M. NEHLIAN Reporters
B. HURNAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. 4253156

Evelle J. Younger, District Attorney by
Deputy
A. STOVITZ AND V. BUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA ☒

VS

☒ MANSON, CHARLES
☒ KRENWINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ KASABIAN, LINDA

R. S. Buckley, Public Defender by
☒ I. KANAREK Deputy
☒ P. FITZGERALD
☒ D. SHINN
☒ G. FLEISHMAN and R. GOLDMAN

EACH: Trial is resumed from July 30, 1970, outside the presence of the jury for hearing on motion of counsel for Defendant LINDA KASABIAN to quash subpoena duces tecum of Defendant PATRICIA KRENWINKEL. Motion is argued. Court finds that the attorney and client relationship is still in effect and motion to quash is granted. Trial is resumed in the presence of all jurors. LINDA KASABIAN returns to witness stand for further cross-examination and testimony. Court modifies its order of July 24, 1970 nunc pro tunc and orders court reporter to prepare one copy of all proceedings for either Attorneys R. Goldman or G. Fleishman in which their presence is required by the Court. Outside of presence of jury, Court sets motion of Defendant CHARLES MANSON to have witness June Emmer examined conditionally for August 3, 1970 at 8:30 am. Witness is instructed to return. Statutory admonitions are given and trial is continued to August 3, 1970 in Department 104 at 9:45 am.

EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

76M414Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED

AUGUST 3, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

1 I. A. KANAREK
2 Attorney at Law
3 14617 Victory Boulevard
4 Van Nuys, California 91401

5 782-2790 : 873-4255

6 Attorney for Defendant,
7 CHARLES MANSON
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

FILED

AUG 3 1970

WILLIAM G. SHARP, County Clerk
BY *[Signature]*

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

THE PEOPLE OF THE)
STATE OF CALIFORNIA,)
)
Plaintiff,)
)
vs.)
)
CHARLES MANSON, et. al.,)
)
Defendants.)

No. A 253 156

NOTICE OF MOTION FOR A
MISTRIAL;

POINTS AND AUTHORITIES IN
SUPPORT OF SAID MOTION.

TO THE DISTRICT ATTORNEY OF LOS ANGELES COUNTY:

PLEASE TAKE NOTICE that on August 3, 1970, at the
hour of ^{2:00 P.M.} ~~9:00 a.m.~~ in Department 104 of the above entitled Court
or as soon thereafter as counsel can be heard, I. A. KANAREK,
attorney for defendant, CHARLES MANSON, will move the Court to
declare a mistrial in the above entitled case on the ground that
the withholding of immunity for Linda Kasabian over the objection
of defense counsel has fatally infected the trial and denied
defendant CHARLES MANSON, and all defendants, a fair trial,
and due process of law under the FOURTEENTH AMENDMENT to the
United States Constitution and due process under the California
Constitution.

Said motion will be based upon all of the files,
records and proceedings in the above entitled case and the

///

///

///

1 accompanying Points and Authorities.

2
3 Dated: August 2, 1970.

4 Respectfully submitted,

5
6 
7 I. A. KANAREK

8 Attorney for Defendant, . 787
9 CHARLES MANSON

10 POINTS AND AUTHORITIES

11
12 In People vs. Walther, 27 Cal.App. 2d 583, 81 P.2d
13 452, which case has previously been cited to the Court, it has
14 been held at 81 P.2d 455 et seq., that the evidence of a
15 co-conspirator should be examined with great care when such
16 co-conspirator is granted immunity; the Court pointing out that
17 the evidence of the co-conspirator is open to suspicion since
18 said co-conspirator is escaping the threatened penalty of the
19 law. The case holds "when a co-defendant who is a co-conspira-
20 tor has been offered immunity from prosecution in reward for
21 his testimony, the cause should be promptly dismissed against
22 him. Otherwise, the maintenance of the action against him
23 throughout the trial may serve to intimidate the witness and
24 furnish an inducement for him to color his testimony. Moreover,
25 retaining a person as a party defendant throughout the trial,
26 who has been promised immunity from prosecution in reward for
27 his evidence may become a mere subterfuge to avoid the necessity
28 of adhering to the established rule that the fact of the
29 existence of a conspiracy may not be proved by the admissions of
30 a co-conspirator."


31 In the instant case, Linda Kasabian is a charged
32 co-conspirator; and the record in the instant case reveals that

1 a timely request was made, even before the trial started, that
2 since the prosecution proposed immunity for Linda Kasabian,
3 that that immunity be granted before trial (before she started
4 to testify). This request was not granted.

5 The bizarre position of the District Attorney in
6 connection with the matter of immunity as it pertains to
7 Linda Kasabian is violative of defendant CHARLES MANSON'S 788
8 right to a fair trial and due process under the FOURTEENTH
9 AMENDMENT of the United States Constitution and the California
10 Constitution.

11 It is prayed that the Court declare a mistrial.
12

13 Respectfully submitted,

14 
15

16 I. A. KANAREK

17 Attorney for Defendant,
18 CHARLES MANSON
19
20
21
22
23
24
25
26
27
28
29
30
31
32

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

AUGUST 3, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE/11 MEHLMAN Reporter s
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
A. STOVITZ and V. BUGLICSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA ☒

vs

☒ MANSON, CHARLES
☒ KRENNIKEL, PATRICIA
☒ ATKINS, SUSAN
☒ KASABIAN, LINDA
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
☒ I. KANAREK Deputy
☒ P. FITZGERALD
☒ D. SHINN
☒ R. GOLDMAN and G. FLEISHTAN
☒ R. HUGHES

EACH: Trial is resumed from July 31, 1970, outside of presence of jury, on motion of Defendant CHARLES MANSON for conditional examination of witness June Emmer. June Emmer is sworn and testifies for defendant. Trial is resumed in the presence of the jury. LINDA KASABIAN, previously sworn, returns to witness stand for further cross-examination and testimony. Outside of hearing of jury, motion of Defendant CHARLES MANSON for mistrial based on alleged grant of immunity to co-defendant LINDA KASABIAN is argued and denied. Statutory admonitions are given and trial is continued to August 4, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

76M414Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED
AUGUST 4, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

AUGUST 4, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLOWAY/M MEHLMAN Reporters
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
A STOVITZ and V BUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X] MANSON, CHARLES
X] KRENNINKEL, PATRICIA
X] ATKINS, SUSAN
X] KASABIAN, LINDA
X] VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X] I KAMARUK Deputy
X] P FITZGERALD
X] D SHINN
X] R GOLDMAN and G FLEISHMAN
X] R HUGHES

EACH: Trial is resumed from August 3, 1970, outside of presence of the jury. Motion of Defendant CHARLES MANSON for continuance to prepare motion for mistrial denied. Joint motion of defendant for mistrial and dismissal on grounds of current prejudicial publicity is argued and denied. Defendant's special Exhibits A (portion of LA Times, dated 8/4/70), B (portion of LA Times, dated 8/4/70) and C (portion of LA Examiner dated 8/4/70) are marked for identification for limited purposes of motion for mistrial and dismissal only. Trial is resumed in presence of jury. LINDA KASABIAN, previously sworn, resumes witness stand for further cross examination and testimony. In open court, Defendant CHARLES MANSON personally displays newspaper within open view of jury. Out of presence of other jurors, Court conducts voir dire examination, under oath of individual jurors as to possible prejudice arising out of conduct of defendant. Court's special Exhibit 2 (portion of LA Times, dated 8/4/70) is marked for identification for limited purposes of this special examination of jury. It appearing to Court that a violation of the Court's orders has occurred, the following proceedings are had: D Shinn, A Stovitz and W Murray are sworn and testify. The Court finds Attorney Daye Shinn in wilful and direct contempt of Court for violation of Court's order of August 4, 1970 regarding newspapers in court. Court further sentences Daye Shinn to three nights in county jail commencing August 4, 1970 at recess of trial and continuing to 7 am the following day for each of the three following days. Said contemnor Shinn to have full attorney privileges and access to confer with client either in morning before court or in evening at recess of court. Request for stay of execution denied. All contempt proceedings heard out of presence of jury. Contemnor Shinn committed forthwith. Statutory admonitions are given and trial is continued to August 5, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER _____
CYA _____
C. CLK. _____
MISC. _____

76M414X-7/68

MINUTES

THIS MINUTE ORDER WAS
ENTERED
AUGUST 5, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

AUGUST 5, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DABROW Clerk

J. HOLLOMBE/M. MEHLMAN Reporter
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. 4253156

Evelle J. Younger, District Attorney by
Deputy
A. STOVITZ and V. BUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA

X

VS

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X KASABIAN, LINDA
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I. KANAREK
X P. FITZGERALD
X D. SHINN
X R. GOLDMAN
X R. HUGHES

EACH: Trial is resumed from August 4, 1970 with all parties present as heretofore. Outside of hearing of jury, Court examines juror Walter Vitzelio as to his physical condition. Court does not find sufficient cause to excuse said juror at this time and accordingly denies defendant's joint motion to excuse juror. Motion of Attorney D. Shinn for continuance due to stated physical condition is denied. Joint motion of Defendants CHARLES MANSON and PATRICIA KRENWINKEL for mistrial and or evidentiary hearing due to current newspaper publicity is argued and denied. Trial is now resumed in presence of jury. LINDA KASABIAN, previously sworn, resumes witness stand for further cross examination and testimony. Statutory admonitions are given and trial is continued to August 6, 1970 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

76M14Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED

AUGUST 7, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

AUGUST 6, 1970

Department No. 104CHARLES H OLDER JudgeE. R. DARROW ClerkJ HOLLOMBE/M MEHLMAN Reporter
B MURRAY, Deputy SheriffAPPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)Case No. 253156Evelle J. Younger, District Attorney by
Deputy
A STOVITZ and V BUGLIOSI,
Deputy District AttorneyTHE PEOPLE OF THE STATE OF CALIFORNIA X

VS

X MANSON, CHARLES
X KREFFENKEL, PATRICIA
X ATKINS, SUSAN
X KASABIAN, LINDA
X VAN HOUTEN, LESLIER. S. Buckley, Public Defender by
X I KANAREK Deputy
X P FITZGERALD
X D SHINN
X R GOLDMAN
X R HUGHES

EACH: Trial is resumed from August 4, 1970 in Department 104 with all parties present as heretofore. LINDA KASABIAN, previously sworn, returns to witness stand for further cross examination and testimony. Outside of hearing of jury, motion of Attorney D Shinn for short continuance due to physical condition is denied. Trial is resumed in presence of jury. Defendant's Exhibit B (map of Los Angeles area) and People's Exhibit 87 (photo) are marked for identification. Pursuant to stipulation, statutory admonitions are deemed given and trial is continued to August 6, 1970 in Department 104 at 9:15 am. EACH: Remanded.

CO. J. CYA
SHER. C. CLK.
 MISC.

MINUTES

76M414X-7/69

THIS MINUTE ORDER WAS
ENTERED
AUGUST 7, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

AUGUST 7, 1970

Department No. 104CHARLES H OLDER JudgeE R DARROW Clerk
J HOLLOMBE/M MEHLMAN Reporter
B MURRAY, Deputy Sheriff

APPEARANCES:
 (Parties and Counsel checked if present,
 Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
 Deputy
A STOVITZ and V BUGLIOSI,
 Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X KASABIAN, LINDA
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I KAHAREK Deputy
X P. FITZGERALD
X D SHINN
X R GOLDMAN and G FLEISHMAN
X R HUGHES

EACH: Trial is resumed from August 6, 1970, outside of presence of jurors, for hearing on motion of Defendant PATRICIA KRENWINKEL to enforce compliance with subpoenas deuces tecum issued July 14, 1970. Paul Whitely is sworn and testifies to effect that material and documents requested do not exist. Motion of Attorney Daye Shinn for continuance due to physical condition is denied. In the presence of the jury, with all parties present as heretofore, LINDA KASABIAN, previously sworn, returns to the witness stand for further cross examination and testimony. Out of presence of jury, Court questions juror Walter Vitzelio regarding his request to be excused from further jury service due to illness. Court states there is sufficient cause to excuse juror and now in the presence of jury, does order juror excused. By random chance, the clerk draws the name of alternate juror Larry D Sheely from the jury selection box. Juror is sworn to try the cause. People's Exhibits 88 (photo) and 89 (photo) are marked for identification. Statutory admonitions are given and trial is continued to August 10, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. CYA
 SHER. C. CLK.
 MISC.

MINUTES

THIS MINUTE ORDER WAS
 ENTERED
 AUGUST 10, 1970

WILLIAM G. SHARP, COUNTY
 CLERK AND CLERK OF THE
 SUPERIOR COURT

1 EVELLE J. YOUNGER
 2 District Attorney of Los Angeles County
 3 600 Hall of Justice
 4 Los Angeles, California 90012
 5 Telephone: 626-3888

6 Attorney for Plaintiff

FILED

AUG 10 1976

WILLIAM G. SHARP, County Clerk
 BY *[Signature]* DEPUTY

*Charges dismissed
 as to A Kasabian in
 8/13/76*

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

794

11 THE PEOPLE OF THE STATE OF CALIFORNIA,)

12 Plaintiff,)

13 v.)

14 CHARLES MANSON, SUSAN ATKINS,
 15 LESLIE VAN HOUTEN, PATRICIA
 16 KRENWINKEL, and CHARLES WATSON,

17 Defendants.)

S.C. No. A-253156

PETITION AND REQUEST
 FOR AN ORDER GRANTING A
 WITNESS IMMUNITY
 PURSUANT TO SECTIONS
 1324 AND 1099 PENAL CODE
 OF CALIFORNIA

18 Comes now the District Attorney of the County of
 19 Los Angeles, pursuant to Section 1324 and 1099 of the Penal Code
 20 of the State of California, and alleges:

21 That there is now pending in the Superior Court of the
 22 State of California for the County of Los Angeles a case entitled
 23 The People of the State of California, plaintiff, v. Charles Manson,
 24 Susan Atkins, Leslie Van Houten, Patricia Krenwinkel, and Charles
 25 Watson, defendants, Superior Court No. A-253156, wherein defendants
 26 are charged under Sections 187 and 182 of the Penal Code of the State
 27 of California with the crimes of Murder, seven counts, and
 28 Conspiracy To Commit Murder, one count.

29 That Linda Kasabian is a necessary witness for the People
 30 and the testimony of this witness is material, competent and
 31 relevant. That petitioner believes this witness will testify in
 32 substance as follows:

1 On the evening of August 8, 1969, at Spahn Ranch,
2 Los Angeles County, Defendant Charles Manson instructed her to get
3 a knife, a fresh change of clothing, her driver's license, and to go
4 along with Charles Tex Watson, Susan Atkins and Patricia Krenwinkel,
5 and do everything that Tex told her to do. That she, Linda
6 Kasabian, accompanied Charles Watson, Susan Atkins, and Patricia 735
7 Krenwinkel in the late evening hours of August 8, 1969, and the
8 early morning hours of August 9, 1969, to 10050 Cielo Drive,
9 Los Angeles. That she observed a person whom she later learned to
10 be Steven Parent, shot to death by Charles Watson. That she later
11 observed the defendants, Charles Watson, Patricia Krenwinkel and
12 Susan Atkins at the residence located at that address. That she
13 thereafter observed a person whom she learned to be Mr. Frykowski
14 and a person by the name of Miss Abigail Folger, exit said premises.
15 That she, Linda Kasabian, thereafter returned to the '59 Ford
16 automobile and waited there for the return of Charles Watson, Susan
17 Atkins and Patricia Krenwinkel. That thereafter Watson drove away
18 from said location. She was handed clothing that she threw out of
19 the automobile, and she was handed knives that she threw out of the
20 automobile.

21 Linda Kasabian will further testify that in the late
22 evening hours of August 9, 1969, Charles Manson instructed Charles
23 Watson and the other defendants that they were going out on another
24 mission. That Linda Kasabian accompanied all the above-named
25 defendants in a '59 automobile to an address at 3267 Waverly Drive
26 in the City of Los Angeles. That she observed Charles Manson exit
27 the automobile. That Charles Manson thereafter returned to the car
28 and handed Linda Kasabian a wallet. That Linda Kasabian, Charles
29 Manson, Susan Atkins, and one Steve Grogan then drove away from said
30 home and ended up at a gasoline station in the San Fernando Valley.
31 That thereafter, Linda Kasabian secreted the wallet in the ladies
32 restroom at said service station.

1 That the use of the above named person as a witness is
2 not contrary to the public interest and could not subject said
3 person to criminal prosecution in another jurisdiction.

4 WHEREFORE, the District Attorney of Los Angeles County
5 respectfully requests that, pursuant to the provisions of Sections
6 1324 and 1099 of the Penal Code of the State of California, an order
7 be issued, forthwith, by this Honorable Court directing that
8 Linda Kasabian testify fully in the above-entitled case and that
9 the case against Linda Kasabian be dismissed. 795

11 EVELLE J. YOUNGER, District Attorney
12 of Los Angeles County,
13 State of California

14 By *Aaron H. Stovitz*
15 AARON H. STOVITZ, Head
16 Trials Division

17 DATED: 8/10/70
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

1 EVELLE J. YOUNGER
 District Attorney of Los Angeles County
 2 600 Hall of Justice
 Los Angeles, California
 3 Telephone: 626-3888

4 Attorney for Plaintiff
 5
 6
 7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES
 10

11 THE PEOPLE OF THE STATE OF CALIFORNIA,)

12 Plaintiff,)

13 v.)

14 CHARLES MANSON, SUSAN ATKINS,
 15 LESLIE VAN HOUTEN, PATRICIA
 KRENWINKEL, and CHARLES WATSON,

16 Defendants.)
 17

S.C. No. A-253156

ORDER REQUIRING WITNESS
 TO ANSWER QUESTIONS
 PURSUANT TO SECTIONS
 1324 AND 1099 OF THE
 PENAL CODE OF CALIFORNIA

18 Petition having been filed by the District Attorney of the County of
 19 Los Angeles pursuant to Section 1324 and 1099 of the Penal Code of
 20 the State of California requesting that Linda Kasabian, a necessary
 21 witness in the Superior Court of the State of California for the
 22 County of Los Angeles, case No. A-253156, be granted immunity:

23 That there is good cause why this order should now be
 24 made; That this order is not contrary to the public interest; and
 25 further that said Linda Kasabian is a necessary witness and that
 26 she cannot be subject to criminal prosecution in another jurisdiction
 27 through compliance with this Court's order;

28 IT IS HEREBY ORDERED that the said Linda Kasabian shall
 29 answer such questions and produce such evidence in the case of The
 30 People of the State of California, plaintiff, v. Charles Manson,
 31 Susan Atkins, Leslie Van Houten, Patricia Krenwinkel and Charles
 32 Watson, defendants in the Superior Court of the Los Angeles Judicial

1 District, case No. A-253156, as may be material, competent and
2 relevant to the case.

3 After complying with this order, the above named witness
4 shall not be prosecuted or subjected to penalty or forfeiture for or
5 on account of any question, fact or thing, which, in accordance with
6 this order, the witness was required to answer or produce. Further,
7 the witness nevertheless may be prosecuted or subjected to penalty
8 or forfeiture for any perjury or attempt to omit an answer or failing
9 to answer, or in producing, or failing to produce evidence in
10 accordance with this order. 798

11
12
13 Charles H. Older
14 Judge of the Superior Court
15 County of Los Angeles
16 State of California

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
DATED: August 10, 1970

1 I. A. Kanarek
2 Attorney at Law
3 14617 Victory Boulevard
4 Van Nuys, Calif. 91401
5 782-2790 : 873-4255
6 Attorney for Defendant,
7 CHARLES MANSON

FILED

AUG 10 1970

WILLIAM G. EMMETT, Clerk
BY *[Signature]* ~~RECEIVED~~

*Received
8/10/70
WSE*

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

789

11 THE PEOPLE OF THE)
12 STATE OF CALIFORNIA,)
13 Plaintiff,)
14 -vs-)
15 CHARLES MANSON, et al.,)
16 Defendants)

253156
No. A ~~250-361~~

MOTION FOR MISTRIAL
DUE TO FAILURE OF
DISCHARGE OF LINDA
KASABIAN IN CONFORMITY
WITH THE APPLICABLE LAW

17
18 TO THE PEOPLE OF THE STATE OF CALIFORNIA AND ITS ATTORNEY, THE
19 DISTRICT ATTORNEY OF LOS ANGELES COUNTY, PATRICIA KRENWINKEL AND
20 HER ATTORNEY, PAUL FITZGERALD, SUSAN ATKINS AND HER ATTORNEY,
21 DAYE SHINN, AND LESLIE VAN HOUTEN AND HER ATTORNEY, RONALD HUGHES:

22
23 Please take notice that on August 10, 1970, at 9:45 A.M.
24 or soon thereafter, as counsel can be heard, in Department 104 or
25 the above entitled Court, the Honorable Charles Older, Judge
26 presiding, attorney I. A. Kanarek, attorney for Charles Manson,
27 will move the Court to grant a mistrial.

28 This Notice of Motion is based upon all the files, re-
29 cords and proceedings in the above entitled case, and the accom-
30 panying Points and Authorities.

31 *
32 *

POINTS AND AUTHORITIES

I

That it is settled law that before immunity can be granted pursuant to Penal Code, Sec. 1324, it is necessary that the witness getting immunity take the witness stand and assert the privilege against self-incrimination as a reason for refusing to testify. In the instant case the witness, Linda Kasabian, has never exercised or asserted the aforementioned privilege against self-incrimination. Thus, the procedure set forth in Penal Code, Sec. 1324, cannot be invoked.

II

Penal Code, Sec. 1323.5, makes it clear that Linda Kasabian may only be a competent witness as long as she stands accused or charged if she testifies at her own request. In the instant case it is clear that Linda Kasabian was called as a witness not at her request, but rather at the request of the prosecution; and, furthermore, timely objection was made to her being called to testify.

III

Penal Code, Sec. 1099, makes it clear that before a defendant can be called to testify by the prosecution, the defendant must be discharged.

In People vs. Roberts, 65 Cal 2nd 514, the California Supreme Court, at page 519, makes it clear that Penal Code, Sec. 1099, may be used to dismiss the charges as to one defendant, so that he may be a witness for the prosecution; however, the case makes it clear that the dismissal of the charges must take place before the defendant can be called as a witness; the Court, at the bottom of page 520, in the Roberts case, points out that the charges in the Roberts case were dismissed against the witness, one, May Coleman, "before defendant's trial began." (Emphasis added)

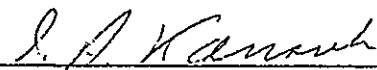
In People vs. Haynes, 244 Cal Ap 2nd 579,

1 once again it is manifest that due process of
2 law, and the very wording of the statute it-
3 self, makes it mandatory and encumbant upon
4 the prosecution that a defendant be discharg-
5 ed before the prosecution can call the de-
6 fendant as a witness (see bottom of page 584).
7 Pertinent also is People vs. Alverson, 60 Cal
8 2nd 803, where it is made clear that a defend-
9 ant must be discharged before he can become
10 a witness for the prosecution. This same prin-
11 ciple is enunciated in People vs. Spivak, 166
12 Cal Ap 2nd 796, at 814. In People vs. Griffin,
13 98 Cal Ap 2nd 1, at page 49, the Court makes
14 it clear that Penal Code 1099 provides for
15 dismissal of the charges against a co-defend-
16 ant "for the purpose of using him as a witness";
17 and at page 50, quoting with approval People
18 vs. Walther, 27 Cal Ap 2nd 583, makes it clear
19 that the dismissal should occur promptly.

20 The Walther case, which has previously been brought to
21 the Court's attention on several occasions, points out that prompt
22 dismissal, along with the granting of immunity, is necessary so
23 that the dismissed defendant, testifying as a witness for the pro-
24 secution, will testify in an atmosphere where he (or she) will not
25 be beholden to the prosecution. Despite the request on behalf of
26 prompt dismissal (and prompt granting of immunity), such request
27 was denied.

28 It is moved that a mistrial be granted.

29 Respectfully submitted,

30 
31 I. A. KANAREK,
32 Attorney for defendant,
Charles Manson

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

AUGUST 10, 1970

Department No. 104

CHARLES H OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE/M. MEHLMAN Reporter
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
A. STOVITZ and V. FULICSE,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA X

VS

X MANSON, CHARLES
X KRENWITTEL, PATRICIA
X ATKINS, SUSAN
X KASABIAN, LINDA
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I. KANAREK Deputy
X P. FITZGERALD
X D. SHINN
X R. GOLDMAN and G. FLEISHMAN
X R. HUGHES

EACH: Trial is resumed from August 7, 1970, outside of presence of jury, for hearing on joint motion of defendant for mistrial on grounds of improper discharge of People's witness LINDA KASABIAN. Motion is argued and denied. On petition and request of district attorney, Court signs order granting immunity under the provisions of Sections 1324 and 1099 PC, to LINDA KASABIAN. In the presence of jury, LINDA KASABIAN, previously sworn, returns to witness stand for further testimony and cross examination. People's Exhibit 4 (photo), previously marked for identification only, is now admitted in evidence. Statutory admonitions are given and trial is continued to August 11, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
AUGUST 11, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

CieloDrive.com ARCHIVES

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

M-14

AUGUST 11, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE/M. MEHIAN Reporter
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
A. STOVITZ and V. DUBLOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X MANSON, CHARLES
X KREIENWINKEL, PATRICIA
X ATKINS, SUSAN
X KASABIAN, LINDA
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I. KANAREK Deputy
X P. FITZGERALD
X D. SHINN
X R. GOLDMAN and G. FLEISHTAN
X R. HUGHES

EACH: Trial is resumed from August 10, 1970 with all parties present as heretofore. LINDA KASABIAN, previously sworn, returns to witness stand for further cross examination and testimony. People's Exhibit 26 (photo), previously marked for identification, is now admitted in evidence. People's Exhibits 90 (photo), 91 (photo), 92 (photo), 93 (photo) are marked for identification. Statutory admonitions are given and trial is continued to August 12, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. CYA
SHER. C. CLK.
 MISC.

THIS MINUTE ORDER WAS
ENTERED
AUGUST 12, 1970

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

Case

August 12, 1970 Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE/M. MEHLMAN Reporter
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
A. SCOTTIE and V. EUGENIE,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA

vs

X MANSON, CHARLES
X KREN/WINKEL, PATRICIA
X ATKINS, SUSAN
X KASABIAN, LINDA
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I. KAMANEK Deputy
X P. FITZGERALD
X D. SHINN
X R. GOLDMAN and G. FLEISHMAN
X R. HUGHES

EACH: Trial is resumed from August 11, 1970 with all parties present as heretofore. LINDA KASABIAN, previously sworn, resumes testimony and answer to cross examination. Defendant's Exhibits C (photo), D (photo), E (photo), F (photo) and G (plastic bag and contents of green leafy substance) are marked for identification. Statutory admonitions are given and trial is continued to August 13, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ C. CLK. _____
SHER. _____ MISC. _____

THIS MINUTE ORDER WAS
ENTERED

AUGUST 14, 1970

WILLIAM G. SHARP, COUNTY

CieloDrive.com ARCHIVES

MINUTES

SUPERIOR COURT

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

AUGUST 13, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMAN / E. MEEHAN Reporter
B. MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
A. STEVENS Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA E

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X KASABIAN, LINDA
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X T. KANAREK Deputy
X P. FITZGERALD
X D. SHIEN
X R. GOLDMAN and G. FLEISHMAN
X R. HUGHES

EACH: Trial is resumed from August 12, 1970, out of presence of jury, for hearing on following motions: Joint motion of defendants for order of Court to sheriff of County of Los Angeles to cease and desist harassing defendant is called, and on objection of defendants to presence of representatives of Office of District Attorney, is continued to August 20, 1970 in Department 104 at 9 am to obtain presence of county counsel. On motion of Defendant LINDA KASABIAN, cause is advanced from August 17, 1970 for trial setting as to Defendant LINDA KASABIAN. On written petition of People, pursuant to Section 1385 PC, Court orders all charges pending in case A253156 as to Defendant LINDA KASABIAN dismissed. Petition is ordered filed and Defendant LINDA KASABIAN to be released forthwith. In the presence of the jury: LINDA KASABIAN, previously sworn, returns to witness stand for further cross examination and testimony. Pursuant to stipulation, Court orders larger, but duplicate photographs substituted for People's Exhibits E and F. Defendant's Exhibit H (photo), People's Exhibits 94 (photo) and 95 (leather thong) are marked for identification. Statutory admonitions are given and trial is continued to August 14, 1970 in Department 104 at 9:45 am.

CO. J. C. CLK.
SHER. MISC.

THIS MINUTE ORDER WAS
ENTERED
AUGUST 14, 1970

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

300

AUGUST 14, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE/M. MEHLMAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
A. STOVITZ and V. LUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA

vs

X | MANSON, CHARLES
X | KRENWINKEL, PATRICIA
X | ATKINS, SUSAN
X | VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X | I. KANAREK
X | P. FITZGERALD
X | D. SHINN
X | R. HUGHES

EACH: Trial is resumed from August 13, 1970 with all parties present as heretofore. Linda Kasabian, previously sworn, returns to witness stand for further testimony and cross examination. Ronald Goldman and Gary Fleishman appear as counsel on behalf of witness Kasabian. Outside of presence of jury and pursuant to stipulation, it is agreed that the conditional testimony of defense witness John Marsh may be taken out of order. Outside of presence of jury, John Marsh is sworn and testifies for defendants. People's Exhibits 96 (letter of Defendant Manson), 97a (photo), 97b (photo), 97c (photo), 97d (photo), 97e (photo) and Defendant's Exhibits i (photo), j (capsule with white powder) are marked for identification. Statutory admonitions are given and trial is continued to August 17, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____ CVA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED

AUGUST 17, 1970

CieloDrive.com ARCHIVES

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

AUGUST 17, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLOMBE/M MEHLMAN Reporter
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA X

A STOVITZ and V BUGLIOSI,
Deputy District Attorney

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I KANAREK Deputy
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from August 14, 1970 with all parties present as heretofore. Linda Kasabian, previously sworn, returns to witness stand for further cross-examination and testimony. On motion of People, Court allows People to reopen direct examination of witness Kasabian. On representation of the Office of District Attorney, Court orders Diane Lake, prospective witness for the People, returned to Patton State Hospital for further custody. Statutory admonitions are given and trial is continued to August 18, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED

AUGUST 18, 1970

CieloDrive.com ARCHIVES
CLERK AND CLERK OF THE

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

AUGUST 18, 1970

Department No. 104

CHARLES H OLDER Judge

E. R. DARROW Clerk

J HOLLOMBE/M. NEHLMAN Reporter s
B LUMLEY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA ☒ A STOVITZ and v BUGLIOSI,
Deputy District Attorney

vs

☒ IMANSON, CHARLES
☒ KREINWIKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
☒ I KANAREK Deputy
☒ P FITZGERALD
☒ D SHIIN
☒ R HUGHES

EACH: Trial is resumed from August 17, 1970 with all parties present as heretofore. Linda Kasabian, previously sworn, returns to witness stand for further cross examination and testimony. Statutory admonitions are given and trial is continued to August 19, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
AUGUST 19, 1970

CieloDrive.com ARCHIVES
WILLIAM G. SHARP, COUNTY CLERK

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

AUGUST 19, 1970

Department No. 104

CHARLES H OLDER

Judge

E R DABROW

Clerk

J HOLLONBE/1 MEHLMAN
B MURRAY, Deputy Sheriff

Reporters

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA ☒

A SIOVITZ and V BUGLIOSI,
Deputy District Attorney

vs

☒ MANSON, CHARLES
☒ KRENWINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

☒ I KANAREK Deputy
☒ P FITZGERALD
☒ D SHINN
☒ R HUGHES

EACH: Trial is resumed from August 18, 1970 with all parties present as heretofore. LINDA KASABIAN, previously sworn, returns to witness stand for further cross examination and testimony. Timothy Ireland, Rudolf Weber and Jin Asin are sworn and testify for the People.

People's Exhibit 98 (diagram) is marked for identification. Statutory admonitions are given and trial is continued to August 20, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____
C. CLK. _____
MISC. _____

CYA

THIS MINUTE ORDER WAS
ENTERED

AUGUST 20, 1970

CieloDrive.com ARCHIVES
CLERK AND CLERK OF THE

JOHN D. MAHARG, County Counsel
 MICHAEL H. DOUGHERTY, Deputy County Counsel
 648 Hall of Administration
 500 West Temple Street
 Los Angeles, California 90012

625-3611, Extension 65647

Attorneys for Respondent
 PETER J. PITCHESS

FILED

AUG 20 1970

WILLIAM C. SHARP, CLERK OF COURT

BY: *[Signature]* DEPUTY CLERK

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

810

THE PEOPLE OF THE STATE
 OF CALIFORNIA,

Plaintiff,

v.

CHARLES MANSON, et al.,

Defendants.

NO. A 258,361

DECLARATION OF FREDERICK ALLEN
 IN OPPOSITION TO NOTICE OF
 MOTION REQUESTING THE COURT
 TO ORDER PETER J. PITCHESS,
 etc.

STATE OF CALIFORNIA }

COUNTY OF LOS ANGELES }

ss.

I, FREDERICK ALLEN, declare:

I am employed by the Los Angeles County Sheriff's
 Department and have been so employed for the past nine years. I
 am a Lieutenant in that Department. At present, I am a Watch
 Commander in the Hall of Justice Jail and had this assignment for
 the past year.

I have been present in the attorney room of the Hall of
 Justice Jail on at least twelve to twenty-four occasions when I
 have observed Mr. Charles Manson seated in that room talking with
 his attorney. On these occasions, I have stood by a desk in the
 room at which a deputy sheriff is normally stationed. It is this
 deputy at this desk that is responsible for supervising Mr. Manson
 and his visitors when they are in the attorney room. I have never

JOHN D. MAHARG, COUNTY COUNSEL
 648 HALL OF ADMINISTRATION
 LOS ANGELES, CALIFORNIA 90012
 MADISON 5-3611

1 been able to overhear any conversation between Mr. Manson and his
2 attorney. The ceiling of the attorney room is covered with
3 acoustic tile, and the sound does not carry very well. In my
4 opinion, the deputy sheriff that supervises Mr. Manson and his
5 visitors cannot overhear their conversations when he is at his
6 normal location at the desk. 811

7 I declare under penalty of perjury that the foregoing is
8 true and correct.

9 Executed on 20 day of August, 1970, at Los Angeles,
10 California.

11
12 
13 FREDERICK ALLEN

14 JOHN D. MAHARG, COUNTY COUNSEL
15 648 HALL OF ADMINISTRATION
16 LOS ANGELES, CALIFORNIA 90012
17 MADISON 5-3611

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32 MHD:111
8/19/70

1 JOHN D. MAHARG, County Counsel
 2 MICHAEL H. DOUGHERTY, Deputy County Counsel
 3 648 Hall of Administration
 4 500 West Temple Street
 5 Los Angeles, California 90012

6 625-3611, Extension 65647

7 Attorneys for Respondent
 8 PETER J. PITCHESS

FILED

AUG 20 1970

WILLIAM G. SHARP, County Clerk

BY *[Signature]* DEPUTY

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

812

10 FOR THE COUNTY OF LOS ANGELES

11 THE PEOPLE OF THE STATE
 12 OF CALIFORNIA,

13 Plaintiff,

14 v.

15 CHARLES MANSON, et al.,

16 Defendants.

NO. A 258,361

DECLARATION OF JOHN GALBRAITH
 IN OPPOSITION TO NOTICE OF
 MOTION REQUESTING THE COURT
 TO ORDER PETER J. PITCHESS,
 etc.

17 STATE OF CALIFORNIA)

ss.

18 COUNTY OF LOS ANGELES)

19 I, JOHN GALBRAITH, declare:

20 I am employed as a Deputy Sheriff of Los Angeles County
 21 and have been so employed for the last thirteen months. I have
 22 been assigned to the Hall of Justice Jail since November 24, 1969.
 23 Since this date, I have worked the 7:30 A.M. to 3:30 P.M. shift in
 24 the jail. During the time I have been assigned to the Hall of
 25 Justice Jail, I have completely searched Mr. Charles Manson
 26 approximately fifty times.

27 When I have searched him, the procedure followed is to
 28 have him undress and to check his clothing for any contraband.
 29 While he is undressed, I have him face me and hold his hands over
 30 his head and wiggle his fingers. He opens his mouth and wiggles
 31 his tongue, and at that time I visually examine the interior of his
 32

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 5-3611

1 mouth. He turns his head to the left and right, and I visually
2 examine in and behind his ears. He bends over and brushes his hair
3 from back to front. He then lifts his penis and scrotum. He turns
4 around, bends over, and spreads his checks and coughs. I visually
5 inspect his rectum. Then he stands on each foot and wiggles his
6 toes, and I visually inspect the bottom of his feet.

7 This is the entire search procedure I follow. I do not
8 touch him in any manner during the search. I follow exactly the
9 same procedure with any inmate who is to be completely searched.
10 Mr. Manson generally does not have to be told to go through the
11 above procedure. He is used to the procedure and does it without
12 being directed through it step by step. 813

13 I was present about six weeks ago when another deputy
14 sheriff took about fifteen pencils from Mr. Manson. He was left
15 with four pencils at this time which is what the jail regulations
16 allow. The regulations do not allow inmates to possess a ballpoint
17 pen as prisoners tend to tatoo themselves with such a pen, and the
18 barrel of such a pen can be used to make handcuff keys. I usually
19 observe Mr. Manson leaving for court in the morning. Each time I
20 have observed him leaving for court, I have seen him carrying two
21 pencils.

22 I declare under penalty of perjury that the foregoing is
23 true and correct.

24 Executed on this 20 day of August, 1970, at
25 Los Angeles, California.

26
27 John C. Galbraith
JOHN GALBRAITH

28
29
30
31
32 MHD:111
8/19/70

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 5-3611

JOHN D. MAHARG, County Counsel
MICHAEL H. DOUGHERTY, Deputy County Counsel
648 Hall of Administration
500 West Temple Street
Los Angeles, California 90012

625-3611, Extension 65647

Attorneys for Respondent
PETER J. PITCHESS

FILED

AUG 20 1970

WILLIAM G. SHARP, County Clerk
BY *[Signature]* DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

814

FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE
OF CALIFORNIA,

NO. A 258,361

Plaintiff,

v.

CHARLES MANSON, et al.,

Defendants.

DECLARATION OF JAMES CLINE
IN OPPOSITION TO NOTICE OF
MOTION REQUESTING THE COURT
TO ORDER PETER J. PITCHESS,
etc.

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.

I, JAMES CLINE, declare:

I am employed by the Los Angeles County Sheriff's
Department. I am a Captain in that Department. I have been
employed by the Department for the last twelve years.

I am the Commander of the Hall of Justice Jail and have
had this assignment for the past four and one-half months. I was
assigned to the jail for a year when I was a Deputy Sheriff. For
six months during the year 1969, I worked for the California
Department of Justice as an advisor to police departments
throughout the State of California. A portion of the advice I
gave these departments related to jail problems. I am a Research
Associate for Long Beach State College; and as such, act as a
consultant on as-needed basis on various problems of criminal

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 5-3611

1 justice including jail problems.

2 On a usual day when Mr. Charles Manson is due in court,
3 he will be subject to three complete searches -- at the time he
4 leaves for court, at the time he leaves court for lunch, and when
5 he is returned to the jail for the evening. The search consists
6 of having him remove his clothing and searching the clothing for
7 contraband. His hair, eyes, nose, mouth, hands, and feet are 815
8 checked. In the search, a deputy will not probe any body cavity,
9 but these will merely be viewed. In the past, money, drugs, keys
10 and other items of contraband have been found in the body cavities
11 which are viewed during the course of this type of search.

12 The morning search is to prevent an inmate from taking
13 contraband to the court with him. In the past, the morning search
14 of other inmates has turned up items like spoons filed on concrete
15 to the sharpness of a knife, hypodermic needles, razor blades, and
16 other metal objects.

17 The purpose of the other two searches is to make sure the
18 inmate has not received any contraband from persons he has come
19 into contact with while in the courtroom or while on his way to or
20 from the courtroom. The items searched for include weapons, drugs,
21 money, etc.

22 Mr. Manson may also be subject to this type of search
23 after he has received visitors in the attorney room. However, he
24 is not searched every time he has visitors, but just when the
25 deputy in the attorney room has lost sight of him for a time while
26 he is in contact with his visitors. He may also be subject to
27 this type of search if information is received that he might possess
28 some contraband.

29 When Mr. Manson's attorney visits him, they are required
30 to sit in a location about twenty feet from the Deputy Sheriff
31 stationed at the desk in the attorney room. This location was
32 chosen because the deputy at the desk has a clear view of them in

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 5-3611

1 that location.

2 I must pass through the attorney room each time I enter
3 or leave my office. I pass right by the desk at which the deputy
4 is seated that would have a clear view of Mr. Manson and his
5 attorney if they were present. Frequently when I pass the desk,
6 there is an inmate and his attorney consulting at the approximate
7 location where Mr. Manson and his attorney consult. On those
8 occasions, I have never been able to overhear any of their- - 816
9 conversations. Sound does not carry very well in the attorney
10 room as the ceiling is covered with acoustic tile. Starting about
11 two weeks ago, Mr. Manson was required to talk with his visitors
12 other than his attorney through a screen separating him from his
13 visitors. This came about as a result of finding personal letters
14 on his person that had not been reviewed by members of my staff.
15 However, on two or three occasions in the last two weeks, he has
16 been allowed to talk to visitors directly in the attorney room
17 when we have been informed that the visitors are important witnesses
18 for Mr. Manson. He is always allowed to speak with his attorney in
19 the attorney room if the attorney is by himself.

20 Any papers that are passed to him are scanned by members
21 of my staff. They are scanned only so far as to ascertain that
22 there is nothing in the contents of these papers that would affect
23 the security of the jail such as escape plans.

24 Mr. Manson is taken to court by a circuitous route. The
25 route is varied from time to time. This is to preclude any escape
26 attempt, to maintain security, and to protect the public. It is
27 not for the purpose of exercising or tiring him. Mr. Manson gets
28 no exercise other than getting to and from court.

29 The above security procedures have been followed in
30 numerous other cases where an inmate has been charged with capital
31 offense. There never has been any intention to interfere with
32 Mr. Manson in any way. The above procedures are necessary, in my

1 opinion, in order to maintain the security of the jail and to
2 protect the public.

3 I declare under penalty of perjury that the foregoing is
4 true and correct.

5 Executed on the 19 day of August, 1970, at
6 Los Angeles, California.

7
8 
9 JAMES CLINE

10
11 817
12

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MARION 5-3611

MHD:111
8/19/70

JOHN D. MAHARG, County Counsel
 MICHAEL H. DOUGHERTY, Deputy County Counsel
 648 Hall of Administration
 500 West Temple Street
 Los Angeles, California 90012

625-3611, Extension 65647

Attorneys for Respondent
 PETER J. PITCHESS

FILED

AUG 20 1970

WILLIAM G. SHARP
 BY: *[Signature]* Clerk

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

818

THE PEOPLE OF THE STATE
 OF CALIFORNIA,

NO. A 258,361

Plaintiff,

v.

CHARLES MANSON, et al.,

Defendants.

POINTS AND AUTHORITIES
 IN OPPOSITION TO NOTICE
 OF MOTION REQUESTING
 THE COURT TO ORDER
 PETER J. PITCHESS, etc.

JOHN D. MAHARG, COUNTY COUNSEL
 648 HALL OF ADMINISTRATION
 LOS ANGELES, CALIFORNIA 90012
 MADISON 5-3611

The moving party is asking the Court to immunize him from the usual jail regulations concerning searches that require him to talk with his attorney in the attorney room or that require the inspection of written materials he receives. However, one prisoner can claim no greater rights than another prisoner. In re Chessman, 44 Cal. 2nd 1, 9 and 10.

The general rule is that courts should be very reluctant in interfering with a jailor's control of his prisoners and the security precaution he feels are reasonable and necessary.

"In conclusion, it seems necessary to recall the admonition of In re Riddle (1962) supra, 57 Cal. 2d 848, 852: 'The courts are and should be reluctant to interfere with or to hamper the discipline and control

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 5-3611

1 that must exist in a prison.
2 Petitions containing such charges
3 must be carefully scrutinized and
4 the facts carefully weighed with
5 the thought in mind that they are
6 frequently filed by prisoners who
7 are keen and ready, on the
8 slightest pretext, or none at all,
9 to harass and to annoy the prison
10 officials and to weaken their
11 power and control. These prisoners
12 include many violent and unscrupulous
13 men who are ever alert to set law
14 and order at defiance within or
15 without the prison walls.' "

819

16 In re Allison, 66 Cal. 2d 282, 294.

17
18 The burden of proof is on the moving party in this type
19 of proceeding.

20 "The burden of proof is, of course,
21 on the petitioner for the writ
22 (citations). To be entitled to
23 any relief, he must allege and
24 prove that cruel, inhuman, or
25 excessive punishment was inflicted
26 upon him in violation of his
27 fundamental and basic rights."

28 In re Riddle, supra, 852.

29
30 Until the moving party can establish that his treatment is so
31 inhuman that the result is a denial of his fundamental rights, the
32 / / /

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 5-3611

1 Court must assume he has been treated as humanly as possible.

2 In re Ferguson, 55 Cal. 2d 663, 671.

3 DATED: August 18, 1970

4 Respectfully submitted,

5 JOHN D. MAHARG, County Counsel
6 MICHAEL H. DOUGHERTY,
7 Deputy County Counsel

8 By:



9 MICHAEL H. DOUGHERTY
10 Deputy County Counsel

11 Attorneys for Respondent
12 PETER J. PITCHESS

13 820

31
32 MHD:111

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

AUGUST 20, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLONBE/A NEILMAN Reporter
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA E

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I KANAREK Deputy
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from August 19, 1970, outside of presence of the jury, for hearing on joint motion of defendants for order to Sheriff of County of Los Angeles to desist harassing defendants and interfering in preparation of their trial. Michael Dougherty, Deputy County Counsel, appears on the motion. CHARLES MANSON is sworn and testifies on behalf of defendants' motion. Court continues hearing on motion to August 21, 1970 in Department 104 at 8:30 am. Court orders reporter to prepare copy of proceedings on defendants' motion for office of county counsel. Trial is resumed in presence of jury. Mrs Winifred Chatman, previously sworn, is called and testifies for People. John Swartz, Jr, Jerry DeRosa, William Whisenhunt, Robert Burbridge and Raymond Kilgrow are sworn and testify for the People. People's Exhibits 101 through 119 inclusive (each a photo), 120 (piece of wood), 121 (piece of wood), 122 (photo), 123 (photo) are all marked for identification. Defendant's Exhibit K (photo) is marked for identification. Statutory admonitions are given and trial is continued to August 21, 1970 in Department 104 at 9:45 am.

EACH: Remanded.

CO. J. CYA
SHER. C. CLK.
 MISC.

THIS MINUTE ORDER WAS
ENTERED
AUGUST 21, 1970

WILLIAM G. SHARP, COUNTY
CLERK
SUPERIOR COURT

CieloDrive.com ARCHIVES

MINUTES

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

422

AUGUST 21, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE/N. MEHLMAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA X A. STOVITZ and V. LESLIE, Deputy District Attorney

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I. KANAREK Deputy
X P. FITZGERALD
X D. SHINN
X R. HUGHES

EACH: Trial is resumed from August 20, 1970, outside of presence of jury, for continuation of hearing on motion of Defendant CHARLES MANSON for order to Sheriff of Los Angeles County to desist harassing defendants. M Dougherty, Deputy County Counsel, appears on the motion. CHARLES MANSON, previously sworn, resumes testimony for defendant on the motion. Court visits county jail interview facilities at Hall of Justice. James L. Cline is sworn and testifies in opposition to motion. Hearing is continued to August 24, 1970 in Department 104 at 9 am. Trial is resumed in presence of jury with all parties present as heretofore. Michael McGann, John Finken and Doctor Thomas Noguchi are sworn and testifies for People. People's Exhibits 124 through 138 inclusive (all photos), 139 (wrist watch), 140 (photo), 141 through 147 inclusive (all photos), 148 (diagram), 148A (diagram), 149 through 159 (all photos) are marked for identification. Statutory admonitions are given and trial is continued to August 24, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. CYA
SHER. C. CLK.
 MISC.

THIS MINUTE ORDER WAS
ENTERED

AUGUST 24, 1970

CieloDrive.com ARCHIVES
WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE

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

422X

AUGUST 24, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLOMBE/M MEHLMAN Reporters
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
A STOVITZ and V BUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender ~~by~~
X I KANAREK Deputy
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from August 21, 1970, outside of presence of jury for resumption of hearing on motion of Defendant CHARLES MANSON for order to Sheriff of County of Los Angeles to desist harassing defendants.

Michael Dougherty, Deputy County Counsel, appears in opposition to motion.

James L Cline, previously sworn, is called by defendant. Defendant's Exhibit

A (letter dated 7/13/70) is marked for identification for purposes of this motion only. Motion is argued. Court finds no harassment of defendant

and motion is denied. Trial is resumed in presence of jury with all

parties present as heretofore. Thomas Noguchi, previously sworn, resumes testimony for People. People's Exhibits 160 (2 page diagram), 161

through 164 (all photos), 165 (2 page diagram), 166 (.22 cal. bullet),

167 through 175 (all photos), 176 (2 page diagram), 177 (.22 cal. bullet),

178 through 183 (all photos), 184 (2 page diagram), 185 (.22 cal. bullet),

186 (.22 cal. bullet), 187 (1 page drawing), 188 (photo), 189 (photo),

190 (1 page drawing) are marked for identification. Statutory admonitions

are given and trial is continued to August 25, 1970 in Department 104 at

9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

MINUTES

THIS MINUTE ORDER WAS
ENTERED
AUGUST 26, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

Doc

AUGUST 25, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLOMBE/M NEHLMAN Reporter s
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
A STOVITZ and V BUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X T KANARUK Deputy
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from August 24, 1970 with all jurors and parties present as heretofore. Thomas Noguchi, previously sworn, resumes testimony for People. Outside of hearing of jury, motion of Defendant CHARLES MANSON to represent himself in propria persona is denied. In presence of jury, King Baggot and M Joseph Granado are sworn and testify for the People. People's Exhibits 191A (photo), 191B (photo), 191C (photo), 191D (photo), 191E (photo) are marked for identification. Statutory admonitions are given and trial is continued to August 26, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. CYA
SHER. C. CLK.
 MISC.

76M414Y-7/G9

MINUTES

THIS MINUTE ORDER WAS
ENTERED

AUGUST 26, 1970
WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

340

AUGUST 26, 1970Department No. 104CHARLES H OLDER

Judge

E R DARROW

Clerk

J HOLLOMBE/M MEHLMAN

Reporters

B MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA XA STOVITZ and V BUGLIOSI,
Deputy District Attorney

vs

X MANSON, CHARLES

R. S. Buckley, Public Defender by

X I KANAREK

Deputy

X KRENWINKEL, PATRICIAX P FITZGERALDX ATKINS, SUSANX D SHINNX VAN HOUTEN, LESLIEX R HUGHES

EACH: Trial is resumed from August 25, 1970 with all jurors and parties present as heretofore. Helen Tebbe is sworn and testifies for the People. M Joseph Granado, previously sworn, resumes testimony for the People. Frank L Struthers and Ruth Sivick are sworn and testify for the People. People's Exhibits 192 (envelope with hair sample), 193 (knife), 194 (rope), 194A (piece of rope), 194B (piece of rope), 195 (photo), 196 (sketch), 197 (piece of wood), 198 (radio), 200 (aerial photo), 200 (diagram), 202 (photo), 203 (photo), 204 (photo), 205 (photo), 206 (photo), 207 (fork). and 208 (knife) are marked for identification. On motion of People, Court orders larger and duplicate photographs substituted for People's Exhibits 27 (photo) and 122 (photo). Statutory admonitions are given and trial is continued to August 27, 1970 in Department 104 at 9:45 pm. EACH: Remanded.

CO. J. _____
SHER. _____

GYA _____

C. CLK. _____

MISC. _____

THIS MINUTE ORDER WAS
ENTERED

AUGUST 28, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

AUGUST 27, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE/M. MEHMAN Reporter
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
A. STOVITZ and V. BUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA ☒

vs

☒ MANSON, CHARLES
☒ KRENWINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
☒ I. KANAREK Deputy
☒ P. FITZGERALD
☒ D. SHINN
☒ R. HUGHES

EACH: Trial is resumed from August 26, 1970 with all jurors and parties present as heretofore. John Fokianos, William Rodriguez, Edward Cline, Danny Galindo, Gary Broda and Doctor David Katsuyama are sworn and testify for the People. People's Exhibits 209 (photo), 210 (knife), 211 through 213 (all photos), 214 (envelope with kitchen utensils), 215 through 226 (all photos), 227 (photo), 228 (cord), 229 (plug) and 230 (2 page diagram) are marked for identification. People's Exhibits 208 (knife) and 227 (photo) are withdrawn by People. Statutory admonitions are given and trial is continued to August 28, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED

AUGUST 28, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

AUGUST 28, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLIMBE/M MEHLMAN Reporters
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. 253156

Evelle J. Younger, District Attorney by
Deputy
A STOVITZ and V BUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I KANAREK ~~Deputy~~
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from August 27, 1970 with all jurors and parties present as heretofore. The Court, upon being informed that Defendant SUSAN ATKINS is ill, does order proceedings recessed and medical examination for the defendant. Doctor Armon Toomasian is summoned from Central County Jail and examines defendant. Upon his recommendation that Defendant SUSAN ATKINS is physically able to proceed, the Court orders trial resumed. Doctor David Katsuyama and M Joseph Granado, previously sworn, resume testimony for the People. People's Exhibits 231 through 238 (all photos), 239 (cord), 240 (diagram) and 241 (leather thongs) are marked for identification. Outside of hearing of jury, Court interviews Defendant SUSAN ATKINS regarding her continued complaint of illness. Court finds defendant unable to proceed with the trial at this time and orders her taken to County Hospital for medical examination. In open court and in presence of jury, Court explains nature of delay, gives statutory admonitions and recesses court to August 31, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 1, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

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

828

AUGUST 31, 1970Department No. 104CHARLES H. OLDER JudgeE. R. DARROW ClerkJ. HOLLOMBE/M. MEHLMAN Reporters
B. MURRAY, Deputy SheriffAPPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
A. STOVITZ and V. BUGLIOSI,
Deputy District AttorneyTHE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIER. S. Buckley, Public Defender by
X I. KANAREK Deputy
X P. FITZGERALD
X D. SHINN
X R. HUGHES

EACH: Trial is resumed from August 28, 1970 with all jurors and parties present as heretofore. Upon being informed that Defendant SUSAN ATKINS is still ill, Court conducts inquiry in chambers. Defendant SUSAN ATKINS is interviewed by judge. Court consults with Doctors Ballard and McCarron over telephone regarding condition of defendant. Court finding Defendant SUSAN ATKINS not being physically able to proceed with trial at this time, does now order proceedings recessed until September 1, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. CYA
SHER. C. CLK.
 MISC.

70M414Y-7/09

MINUTES

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 1, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

1 JOHN D. MAHARG, County Counsel
 2 MICHAEL H. DOUGHERTY, Deputy County Counsel
 3 648 Hall of Administration
 4 500 West Temple Street
 5 Los Angeles, California 90012
 6 625-3611, Extension 65647

7 Attorneys for Respondent
 8 PETER J. PITCHESS

FILED 829

SEP 1 1970
 WILLIAM G. SHARP, County Clerk
 BY *[Signature]* DEPUTY

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

11 THE PEOPLE OF THE STATE
 12 OF CALIFORNIA

13 Plaintiff,

14 v.

15 CHARLES MANSON, et al.,

16 Defendants.

NO. A 258,361

DECLARATION OF H. B. CRAMER
 IN OPPOSITION TO MOTION
 REQUESTING THE COURT TO
 ORDER PETER J. PITCHESS,
 etc.

17 STATE OF CALIFORNIA

18 COUNTY OF LOS ANGELES

ss.

19 I, H. B. CRAMER, declare:

20 I am employed by the Los Angeles County Sheriff's
 21 Department and have been employed by it for the past twenty-three
 22 years. I have been the Chief of the Jail Division of that Department
 23 for the past two years. Prior to becoming Chief of the Jail Division,
 24 I had worked in the Jail in various capacities as a Deputy,
 25 Lieutenant, and Captain for an additional four years. Because of
 26 my six years of experience in the Jail Division, I am familiar with
 27 jail problems, procedure, security, and discipline.

28 Prior to August 1, 1970, I have received a number of
 29 reports that many of the visitor-witnesses that were allowed to see
 30 Patricia Krenwinkle, Susan Atkins, and Leslie Van Houten in the
 31 Attorney Room of Sybil Brand Institute appeared to be making personal
 32 visits.


JOHN D. MAHARG, COUNTY COUNSEL
 648 HALL OF ADMINISTRATION
 LOS ANGELES, CALIFORNIA 90012
 MADISON 5-3611

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 5-3611

1 Instances of laughing, giggling, and the eating of peanuts, etc.
2 that took place during these visits were reported to me. Sometimes
3 there would be more than one of the moving parties present and two
4 or three visitor-witnesses. From these reports, it did not appear
5 to me that the attorneys for the moving parties were able to
6 control these interviews in any proper manner. Under these
7 circumstances, it was becoming difficult to control the moving
8 parties and their visitor-witnesses. Because of the above facts
9 and considerations, I directed the Captain of Sybil Brand Institute
10 to require visitor-witnesses visiting the moving parties to be
11 interviewed in the Visitor's Room.

12 I declare under penalty of perjury that the foregoing is
13 true and correct.

14 Executed on the 1st day of September, 1970, at
15 Los Angeles, California.

16
17 
18 H. B. CRAMER

22 830

32 MHD:111
8/31/70

JOHN D. MAHARG, County Counsel
 MICHAEL H. DOUGHERTY, Deputy County Counsel
 648 Hall of Administration
 500 West Temple Street
 Los Angeles, California 90012

625-3611, Extension 65647

Attorneys for Respondent
 PETER J. PITCHESS

FILED

SEP 1 1970

WILLIAM G. SHARP, County Clerk
 BY *[Signature]* DEPUTY

831

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE
 OF CALIFORNIA,

Plaintiff,

v.

CHARLES MANSON, et al.,

Defendants.

NO. A 258,361

DECLARATION OF MURLE HESS
 IN OPPOSITION TO MOTION
 REQUESTING THE COURT TO
 ORDER PETER J. PITCHESS,
 etc.

STATE OF CALIFORNIA }

COUNTY OF LOS ANGELES }

ss.

I, MURLE HESS, declare:

I am employed by the Los Angeles County Sheriff's Department. I have been so employed for the past eleven years and am a Lieutenant in that Department. I am one of the Watch Commanders at Sybil Brand Institute. I have been assigned to Sybil Brand Institute for the last five years. Prior to this time, I worked one and one-half years in the Attorney Room when I was a Deputy Sheriff.

I have a Bachelor's Degree in Police Administration from California State College at Los Angeles. I was assigned for four years as a training officer in the Sheriff's Academy. As a training officer, I lectured new deputy sheriffs in jail procedure during this four years. I have taught two semesters at El Cerritos College a course entitled, "Women in Law Enforcement." This course

JOHN D. MAHARG, COUNTY COUNSEL
 648 HALL OF ADMINISTRATION
 LOS ANGELES, CALIFORNIA 90012
 MADISON 5-3611

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 5-3611

included instruction in jail procedures.

1 Susan Atkins, Patricia Krenwinkle, and Leslie Van Houten
2 all are allowed to have pencils and paper while they are at the
3 Institute. All of them do have pencils and paper. All are allowed
4 to have in their possession any legal papers they might feel
5 necessary to have. However, none of them maintain any legal papers
6 at the Institute. 832

7 We do not allow any of the inmates in the Institute to
8 carry papers with them to court. On an average day, approximately
9 one hundred inmates are sent to court. Any papers they carry with
10 them to court would have to be reviewed if they contain contraband.
11 Because of this, it would be an impossible task to search a large
12 volume of papers, considering the number of inmates that must go to
13 court each morning. If an inmate wishes to take legal papers --
14 i.e., pleadings, transcripts, etc. -- to court, she is allowed to
15 do so. It is the transportation of handwritten notes and messages
16 which inmates are not allowed to take with them.

17 All papers that are passed between an attorney and an
18 inmate are subject to a cursory examination to make sure no
19 contraband is concealed in the papers. The contents of the papers
20 are scanned only to the extent necessary to make sure they do not
21 contain any escape plans or any other types of contraband.

22 When any of the attorneys representing Susan Atkins,
23 Patricia Krenwinkle, and Leslie Van Houten visit any of these
24 inmates, whether it is their client they are visiting or not, the
25 visit takes place in the Attorney Room. This used to be the policy
26 when the attorneys brought witnesses with them. However, commencing
27 about August 1, 1970, the policy was changed and these inmates were
28 required to use the Visitor's Room in talking with prospective
29 witnesses in the company of their attorneys. In the Visitor's
30 Room, the inmates and the visiting witnesses are separated by a
31 plate of glass. The inmate and the visitor have a completely
32 unobstructed view of each other, but must talk through a telephone.
The Visitor's Room is arranged in this matter so as to preclude

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 5-3611

1 the possibility that the visitors could pass contraband such as
2 weapons, drugs, etc. to the inmate.

3 If the attorney, during a witness's visit in the
4 Visitor's Room, wishes to transfer portion of some papers to an
5 inmate, he merely must ask one of the deputy who supervises visits
6 to take the paper to the inmate. 833

7 The change in procedure on August 1, 1970, with regard
8 to where the moving parties could visit with witnesses came as a
9 result of an order of Chief H. B. Cramer who is the Chief of the
10 Jail Division of the Los Angeles County Sheriff's Department.

11 The records of Sybil Brand Institute reveals that since
12 January 1, 1970, Susan Atkins has had forty-two witness visits by
13 thirteen different persons; that since this date, Leslie Van Houten
14 has had twenty-seven witness visits by eleven different persons;
15 and that Patricia Krenwinkle has had thirty-six witness visits
16 by twelve different persons. All the visitors except one had been
17 seen previously by the moving parties in the Attorney Room prior
18 to August 1, 1970. Some of the prospective witnesses had seen
19 each of these witnesses frequently. For example, since January 1,
20 1970, Steven Grogan has visited in the Attorney Room Patricia
21 Krenwinkle ten times, Susan Atkins nine times, and Leslie Van Houten
22 six times.

23 I declare under penalty of perjury that the foregoing is
24 true and correct.

25 Executed on the 31 day of August, 1970, at
26 Los Angeles, California.

27
28 
29
30
31
32

MURLE HESS

MHD:111

1 PAUL J. FITZGERALD, RONALD
2 HUGHES and DAYE SHINN
3 672 South Lafayette Park Place
4 Suite 38
5 Los Angeles, California 90057
6 380-3411

7 Attorneys for Defendants
8 KRENWINKEL, VAN HOUTEN and
9 ATKINS

Received 9-1-70
[Signature]

WILLIAM G. SHARP
BY *[Signature]* DEPUTY

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

12 THE PEOPLE OF THE STATE OF
13 CALIFORNIA,

14 Plaintiff,

15 vs.

16 CHARLES MANSON, PATRICIA KRENWINKEL,
17 LESLIE VAN HOUTEN, SUSAN ATKINS,
18 et al.,

19 Defendants.

NO. A-253156

NOTICE OF MOTION REQUESTING
THE COURT TO ORDER PETER J.
PITCHESS, SHERIFF OF THE
COUNTY OF LOS ANGELES, TO
CEASE AND DESIST INTER-
FERING WITH DEFENDANTS
KRENWINKEL, VAN HOUTEN AND
ATKINS PREPARATION OF THEIR
DEFENSE, DECLARATION OF
PATRICIA KRENWINKEL, LESLIE
VAN HOUTEN AND SUSAN ATKINS;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF

20 TO PETER J. PITCHESS, SHERIFF OF THE COUNTY OF LOS ANGELES,
21 CALIFORNIA:

22 PLEASE TAKE NOTICE that on ~~August~~ ^{September} 1, 1970, at the
23 hour of 9:00 A.M., in Department 104 of the above-entitled
24 Court, or as soon thereafter as the matter may be heard, PAUL J.
25 FITZGERALD, RONALD HUGHES and DAYE SHINN, attorneys for defendants
26 PATRICIA KRENWINKEL, LESLIE VAN HOUTEN and SUSAN ATKINS, will
27 respectfully move this Court for an order directing that PETER J.
28 PITCHESS, Sheriff of the County of Los Angeles, California, cease
29 and desist from interfering with the defendants PATRICIA KRENWINKEL,
30 LESLIE VAN HOUTEN and SUSAN ATKINS' preparation of their defense.

31 Said motion will be based upon this Notice of Motion,
32 the Declarations of the defendants PATRICIA KRENWINKEL, LESLIE

1 VAN HOUTEN and SUSAN ATKINS, and all of the files, records and
2 documents pertaining to the above-entitled case, and the
3 Memorandum of Points and Authorities in support of said motion,
4 and upon such oral and documentary evidence as may be presented
5 at the hearing of said motion.

6 DATED: August 24, 1970.

888

7 

8 PAUL J. FITZGERALD
9 Attorney for Defendant PATRICIA
10 KRENWINKEL

11 

12 RONALD HUGHES
13 Attorney for Defendant LESLIE VAN
14 HOUTEN

15 

16 DAYE SHINN
17 Attorney for Defendant SUSAN ATKINS
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

1 MEMORANDUM OF POINTS AND AUTHORITIES
2 IN SUPPORT OF MOTION

3
4 CONSULTATION WITH COUNSEL

5 "Effective legal representation requires
6 full disclosure of facts by the defendant
7 to his attorney. Hence, an essential
8 element of the right to counsel is the . . . 838
9 opportunity for the defendant to consult
10 with his counsel in private, free from
11 observation."

12 In Re Snyder (1923), 62 Cal. App. 697, 699;

13 In Re Qualls (1943), 58 Cal. App. 2d 330, 331, 333;

14 In Re Ochse (1951), 38 Cal. 2d 230, 231;

15 In Re Malone (1955), 44 Cal. 2d 700, 703.

16 Witkin, California Criminal Procedure, Sec. 374,
17 pp. 367.

18
19 " . . . Article I, Section 13 of the
20 Constitution (California) confers upon
21 a defendant the right to counsel.

22 In Re Levi, 39 Cal. 2d 41;

23 In Re Roberts, 40 Cal. 2d 775.

24 This right includes the right of the
25 accused to consult with his counsel
26 before trial in order that the accused
27 and his attorney may present a proper
28 defense."

29 Powell v. Alabama, 287 U.S. 45;

30 People v. Sarazzawski, 27 Cal. 2d 7;

31 People v. Boyden, 116 Cal. App. 2d 278;

32 People v. Mattson, 51 Cal. 2d 777.

1 "Without such a privilege the consti-
2 tutional right to counsel would be a
3 sham. If the attorney is not given
4 a reasonable opportunity to ascertain
5 the facts surrounding the charged crime
6 so he can prepare a proper defense, the
7 accused's basic right to effective rep- 837
8 resentation would be denied."

9 People v. Chesser, 29 Cal. 2d 815;

10 In Re Ochse, 38 Cal. 2d 230.

11 Cornell v. Superior Court (1959), 52 Cal. 2d 99,
12 338 P. 2d 447, 449.

13
14 "The basic right involved is not limited
15 simply to meetings between the client and
16 his counsel. If necessary, third persons
17 may accompany counsel during his consulta-
18 tions with his client."

19 Cornell v. Superior Court, supra, 338 P. 2d 447,
20 449.

21 Witkin, California Criminal Procedure, Sec. 375,
22 pp. 367.

23
24 "The right to consultation with counsel
25 means the right of private consultation
26 without the presence of law enforcement
27 officers."

28 In Re Ochse, 38 Cal. 2d 230, 238;

29 In Re Qualls, 58 Cal. App. 2d 330;

30 In Re Snyder, 62 Cal. App. 697.

31 Cornell v. Superior Court, supra, 338 P. 2d 447,
32 449.

1 "It appears that three or four deputy
2 sheriffs were seated in the conference
3 room as guards. Although the deputies
4 testified they did not listen to defendant's
5 conversation with Mr. Miller (attorney), one
6 of them admitted that if he had been concen-
7 trating his attention on the discussion, he
8 probably could have overheard it. We dis- ~~343~~
9 approve of this practice, which jeopardizes
10 a prisoner's right to private consultation
11 with his attorney without the presence of
12 law enforcement officers, even though within
13 the confines of a jail."

14 See Cornell v. Superior Court (1959), 52 Cal. 2d
15 99, 103, 72 A.L.R. 2d 1116, and cases cited.
16 (footnote) In Re Poe (1966), 65 Cal. 2d 25,
17 32, 51 Cal. Rptr. 896.

18
19 " . . . An accused's right to quietly pre-
20 pare his own defense in his own cell without
21 interference by beatings, threats of death,
22 and destruction of papers by his jailers
23 is closely related to the established right
24 to counsel of accused's choice, with time
25 and opportunity to consult privately with
26 such counsel so that there can be adequate
27 preparation for trial. . . ."

28 In Re Malone (1955), 44 Cal. 2d 700, 703, 284
29 P. 2d 805, 807.

30
31 ". . . The right of an accused to be not
32 merely physically in attendance but also

1 physically and mentally able to under-
2 stand what is going on (is also a sub-
3 stantial right of a defendant)."

4 In Re Malone, supra, 44 Cal. 2d 700, 703.

5
6 "Any order or action of the court, which,
7 without evident necessity, imposed
8 physical burdens, pains and restraints
9 upon a prisoner during the progress of
10 his trial, inevitably tends to confuse
11 and embarrass his mental faculties, and
12 thereby materially to abridge and pre-
13 judicially affect his constitutional rights
14 of defense."

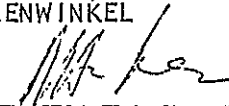
15 People v. Harrington (1871), 42 Cal. 165, 168

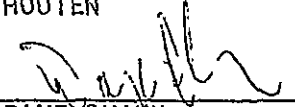
16 quoted in In Re Malone, supra, 44 Cal. 2d 700,
17 703.

18 Respectfully submitted,

19 

20 PAUL J. FITZGERALD
21 Attorney for Defendant PATRICIA
22 KRENWINKEL

23 
24 RONALD HUGHES
25 Attorney for Defendant LESLIE VAN
26 HOUTEN

27 
28 DAYE SHINN
29 Attorney for Defendant SUSAN ATKINS
30
31
32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

3

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

25
26
27
28
29

30
31
32

1 That prior to approximately August 1, 1970, such inter-
2 views and consultations with my counsel and material witnesses
3 took place in the attorney room of the Sybil Brand Institute.
4 Such interviews and consultations prior to August 1, 1970, were
5 conducted in glass walled rooms within the attorney room, and
6 were not overheard to my knowledge by representatives of the Los
7 Angeles County Sheriff's Office. It is my understanding that
8 such interviews were private. Some interviews and consultations
9 with my attorney and material witnesses also took place at a 841
10 designated area for inmate attorney visiting. Interviews and
11 consultations, it is my understanding, at this location were also
12 private.

13 That on or about August 1, 1970, I was informed that
14 the procedure for interviews and consultations with third persons
15 and my attorney were to take place at a different location: to
16 wit, the regular visiting facility where inmates visit with
17 regular visitors, not attorneys. That on or about and after August
18 1, 1970, each and every visit with my attorney and third persons
19 has taken place at the regular visiting facility. At the regular
20 visiting facility, I am required to place myself behind a thick
21 glass portion and consult with my attorney by way of "telephone".
22 That I am required to place a phone to my mouth and ear and my
23 attorney is required to place a phone to his mouth and ear in
24 order to consult with me. That I am required, in order to talk
25 to a third person witness, to put another phone to my ear in order
26 to talk to such other third person which results in me being un-
27 able to talk with said third person and my attorney at the same
28 time. That as a result of this procedure, the interview and con-
29 sultation between myself, the attorney and the third party is
30 materially limited and hampered, and has the result of depriving
31 me of adequate representation and the preparation of my defense.
32 Said consultation at the regular visiting facility also prevents

1 me from discussing the content of documents, records, books,
2 legal papers and miscellaneous memoranda with my attorney and
3 said third person. That I am not allowed to be handed documents
4 by my attorney when being interviewed at the regular visiting
5 facility. 342


6 That my attorney has informed me that it is necessary
7 for me to read various documents, legal papers, records and
8 memoranda in connection with my case. That as the result of such
9 information by my attorney, I believe that it is necessary for me
10 to read and peruse and on occasion study such documents. That I
11 am unable to read, peruse and study such documents in the court-
12 room while trial is being conducted. That it is necessary for me
13 to read, peruse and study such materials in the jail after and
14 before court hours. That it is necessary for me to have a tablet
15 of paper and a pencil before and after court hours so that I may
16 write material for my attorney in connection with the preparation
17 of my defense. That it is necessary for me to take notes of
18 materials given to me by my attorney. That I am not permitted by
19 the Los Angeles County Sheriff to have in my possession a paper
20 tablet and a pencil and to transport said tablet and pencil from
21 the jail to the court or from the court to the jail. That such
22 a deprivation results in rendering me unable to assist in the
23 preparation of my defense. That on a number of occasions, my
24 attorney has attempted to give me written materials, documents and
25 records in the courtroom to be transmitted and transported by me
26 to the Sybil Brand Institute. That on each and every occasion,
27 representatives of the Sheriff's Office have refused and not per-
28 mitted me to transport such documents. Documents given to me by
29 my attorney that have been refused by Los Angeles County Sheriffs
30 Deputies include the publicity order, the supplemental publicity
31 order, the publicity order in regard to witnesses, the indictment
32 in this case, statements of numerous witnesses, published accounts

1 of events connected with this case, information regarding my
2 past life, and various and sundry legal documents in connection
3 with this case. ... 343

4 That when I am interviewed at the Los Angeles County Jail
5 by my attorney and my attorney attempts to hand me legal documents
6 and other written materials including witness statements, a
7 Deputy Sheriff reads such materials. That my attorney is unable
8 to hand to me anything of a confidential nature and I am unable
9 to hand to my attorney at the Los Angeles County Jail any material
10 of a confidential nature without incurring the risk of a Deputy
11 Sheriff reading the materials.

12 I declare under penalty of perjury that the foregoing is
13 true and correct.

14 Executed on August 25, 1970, at Los Angeles, California.

15
16 
17 PATRICIA KRENWINKEL
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32

594

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

25
26
27
28
29

30
31
32

1 That prior to approximately August 1, 1970, such inter-
2 views and consultations with my counsel and material witnesses
3 took place in the attorney room of the Sybil Brand Institute. 845
4 Such interviews and consultations prior to August 1, 1970, were
5 conducted in glass walled rooms within the attorney room, and
6 were not overheard to my knowledge by representatives of the Los
7 Angeles County Sheriff's Office. It is my understanding that
8 such interviews were private. Some interviews and consultations
9 with my attorney and material witnesses also took place at a
10 designated area for inmate attorney visiting. Interviews and
11 consultations, it is my understanding, at this location were also
12 private.

13 That on or about August 1, 1970, I was informed that
14 the procedure for interviews and consultations with third persons
15 and my attorney were to take place at a different location: to
16 wit, the regular visiting facility where inmates visit with regu-
17 lar visitors, not attorneys. That on or about and after August
18 1, 1970, each and every visit with my attorney and third persons
19 has taken place at the regular visiting facility. At the regular
20 visiting facility, I am required to place myself behind a thick
21 glass portion and consult with my attorney by way of "telephone."
22 That I am required to place a phone to my mouth and ear and my
23 attorney is required to place a phone to his mouth and ear in
24 order to consult with me. That I am required, in order to talk
25 to a third person witness, to put another phone to my ear in order
26 to talk to such other third person which results in me being un-
27 able to talk with said third person and my attorney at the same
28 time. That as a result of this procedure, the interview and con-
29 sultation between myself, the attorney and the third party is
30 materially limited and hampered, and has the result of depriving
31 me of adequate representation and the preparation of my defense.
32 Said consultation at the regular visiting facility also prevents

1 me from discussing the content of documents, records, books,
2 legal papers and miscellaneous memoranda with my attorney and
3 said third person. That I am not allowed to be handed documents
4 by my attorney when being interviewed at the regular visiting
5 facility. 346

6 That my attorney has informed me that it is necessary,
7 for me to read various documents, legal papers, records and
8 memoranda in connection with my case. That as the result of such
9 information by my attorney, I believe that it is necessary for me
10 to read and peruse and on occasion study such documents. That I
11 am unable to read, peruse and study such documents in the court-
12 room while trial is being conducted. That it is necessary for me
13 to read, peruse and study such materials in the jail after and
14 before court hours. That it is necessary for me to have a tablet
15 of paper and a pencil before and after court hours so that I may
16 write material for my attorney in connection with the preparation
17 of my defense. That it is necessary for me to take notes of
18 materials given to me by my attorney. That I am not permitted by
19 the Los Angeles County Sheriff to have in my possession a paper
20 tablet and a pencil and to transport said tablet and pencil from
21 the jail to the court or from the court to the jail. That such
22 a deprivation results in rendering me unable to assist in the
23 preparation of my defense. That on a number of occasions, my
24 attorney has attempted to give me written materials, documents and
25 records in the courtroom to be transmitted and transported by me
26 to the Sybil Brand Institute. That on each and every occasion,
27 representatives of the Sheriff's Office have refused and not per-
28 mitted me to transport such documents. Documents given to me by
29 my attorney that have been refused by Los Angeles County Sheriffs
30 Deputies include the publicity order, the supplemental publicity
31 order, the publicity order in regard to witnesses, the indictment
32 in this case, statements of numerous witnesses, published accounts

1 of events connected with this case, information regarding my
2 past life, and various and sundry legal documents in connection
3 with this case. 347

4 That when I am interviewed at the Los Angeles County Jail
5 by my attorney and my attorney attempts to hand me legal documents
6 and other written materials including witness statements, a
7 Deputy Sheriff reads such materials. That my attorney is unable
8 to hand to me anything of a confidential nature and I am unable
9 to hand to my attorney at the Los Angeles County Jail any material
10 of a confidential nature without incurring the risk of a Deputy
11 Sheriff reading the materials.

12 I declare under penalty of perjury that the foregoing
13 is true and correct.

14 Executed on August 25, 1970, at Los Angeles, California.

15
16 Leslie Van Houten
17 LESLIE VAN HOUTEN
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32

三六

4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----

24
25
26
27
28

29
30
31

32

1 views and consultations with my counsel and material witnesses
2 took place in the attorney room of the Sybil Brand Institute. (b)(7)
3 Such interviews and consultations prior to August 1, 1970, were
4 conducted in glass walled rooms within the attorney room, and
5 were not overheard to my knowledge by representatives of the Los
6 Angeles County Sheriff's Office. It is my understanding that
7 such interviews were private. Some interviews and consultations
8 with my attorney and material witnesses also took place at a
9 designated area for inmate attorney visiting. Interviews and
10 consultations, it is my understanding, at this location were also
11 private.

12 That on or about August 1, 1970, I was informed that
13 the procedure for interviews and consultations with third persons
14 and my attorney were to take place at a different location: to
15 wit, the regular visiting facility where inmates visit with regu-
16 lar visitors, not attorneys. That on or about and after August
17 1, 1970, each and every visit with my attorney and third persons
18 has taken place at the regular visiting facility. At the regular
19 visiting facility, I am required to place myself behind a thick
20 glass portion and consult with my attorney by way of "telephone."
21 That I am required to place a phone to my mouth and ear and my
22 attorney is required to place a phone to his mouth and ear in
23 order to consult with me. That I am required, in order to talk
24 to a third person witness, to put another phone to my ear in order
25 to talk to such other third person which results in me being un-
26 able to talk to such third person and my attorney at the same
27 time. That as a result of this procedure, the interview and con-
28 sultation between myself, the attorney and the third party is
29 materially limited and hampered, and has the result of depriving
30 me of adequate representation and the preparation of my defense.
31 Said consultation at the regular visiting facility also prevents
32 me from discussing the content of documents, records, books,

1 legal papers and miscellaneous memoranda with my attorney and
2 said third person. That I am not allowed to be handed documents
3 by my attorney when being interviewed at the regular visiting
4 facility. 390

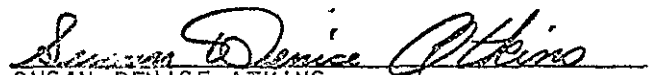
5 That my attorney has informed me that it is necessary
6 for me to read various documents, legal papers, records and
7 memoranda in connection with my case. That as the result of such
8 information by my attorney, I believe that it is necessary for me
9 to read and peruse and on occasion study such documents. That I
10 am unable to read, peruse and study such documents in the court-
11 room while trial is being conducted. That it is necessary for me
12 to read, peruse and study such materials in the jail after and
13 before court hours. That it is necessary for me to have a tablet
14 of paper and a pencil before and after court hours so that I may
15 write material for my attorney in connection with the preparation
16 of my defense. That it is necessary for me to take notes of
17 materials given to me by my attorney. That I am not permitted by
18 the Los Angeles County Sheriff to have in my possession a paper
19 tablet and a pencil and to transport said tablet and pencil from
20 the jail to the court or from the court to the jail. That such
21 a deprivation results in rendering me unable to assist in the
22 preparation of my defense. That on a number of occasions, my
23 attorney has attempted to give me written materials, documents and
24 records in the courtroom to be transmitted and transported by me
25 to the Sybil Brand Institute. That on each and every occasion,
26 representatives of the Sheriff's Office have refused and not per-
27 mitted me to transport such documents. Documents given to me by
28 my attorney that have been refused by Los Angeles County Sheriffs
29 Deputies include the publicity order, the supplemental publicity
30 order, the publicity order in regard to witnesses, the indictment
31 in this case, statements of numerous witnesses, published accounts
32 of events connected with this case, information regarding my

1 past life, and various and sundry legal documents in connection
2 with this case. 451

3 That when I am interviewed at the Los Angeles County Jail
4 by my attorney and my attorney attempts to had me legal documents
5 and other written materials including witness statements, a
6 Deputy Sheriff reads such materials. That my attorney is unable
7 to hand to me anything of a confidential nature and I am unable
8 to hand to my attorney at the Los Angeles County Jail any material
9 of a confidential nature without incurring the risk of a Deputy
10 Sheriff reading the materials.

11 I declare under penalty of perjury that the foregoing
12 is true and correct.

13 Executed on August 25, 1970, at Los Angeles, California.

14
15 
16 SUSAN DENISE ATKINS
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

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

SEPTEMBER 1, 1970

Department No. 104

CHARLES H. OLDER

Judge

E. R. DARROW

Clerk

J. HOLLOMBE/M. MEHLMAN

Reporters

B. MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA

X A. STOVITZ and V. BUGLIOSI,
Deputy District Attorney

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender

X I. KANAREK
X P. FITZGERALD
X D. SHINN
X R. HUGHES

EACH: Cause is resumed, outside of hearing of jury, for hearing on joint motion of Defendants PATRICIA KRENWINKEL, SUSAN ATKINS and LESLIE VAN HOUTEN for Court order to Sheriff of County of Los Angeles to desist harassing defendants. Defendant SUSAN ATKINS, being ill and not present, it is stipulated by her counsel, D. Shinn, that Court may hear and rule on motion in her absence. Michael Dougherty, Deputy County Counsel, appears in opposition to motion. Harold B. Cramer is sworn and testifies in opposition to motion. Court declares its intent to visit jail facilities at Sybil Brand Institute. Further hearing on motion is continued to September 2, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO250
BO060

CO. J. _____
SHER. _____

CYA
C. CLK. _____
MISC. _____

76M414Y-7/79

MINUTES

THIS MINUTE ORDER WAS
ENTERED

SEPTEMBER 1, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

(15)

SEPTEMBER 2, 1970

Department No. 104

CHARLES H OLDER

Judge

E R DARROW

Clerk

J HOLLOMBE/M MEHLMAN

Reporters

B MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
A STOVITZ and V BUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X] MANSON, CHARLES
X] KRENWINKEL, PATRICIA
X] ATKINS, SUSAN
X] VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender By:
X] I KANAREK Deputy
X] P FITZGERALD
X] D SHINN
X] R HUGHES

CO115
BO445

Cause is resumed from September 1, 1970, outside of presence of jury, for continuation of hearing on motion of Defendants PATRICIA KRENWINKEL, SUSAN ATKINS and LESLIE VAN HOUTEN for order to Sheriff of County of Los Angeles to cease harassing defendant. Pursuant to stipulation with counsel for defendant, Court proceeds on motion in absence of Defendant SUSAN ATKINS who has not yet been transported to court due to illness. Michael Dougherty, Deputy County Counsel, appears in opposition to motion. Motion is argued and denied without prejudice. Trial is resumed in presence of jury with all jurors and parties, including Defendant SUSAN ATKINS, present as heretofore. Upon Defendant SUSAN ATKINS stating in open court that she is unable to continue, the Court does now order evidentiary hearing as to physical condition of said defendant. Outside of presence of jury, Court proceeds with evidentiary hearing. DOCTOR Margaret McCarron is called by Court and is sworn and testifies for purposes of this hearing only. SUSAN ATKINS is called by defense, sworn and testifies for purposes of this hearing only. Issue of physical condition is argued and Court finds that defendant is able to continue with the trial. Trial is resumed in presence of the jury. M Joseph Gradedo, previously sworn, resumes testimony for the People. People's Exhibits 192A, 192B, 199A, 199B and 199C (each a slide with hair sample), 242 (diagram), 243 (glasses) and 244 (leather thongs) are marked for identification. Statutory admonitions are given and trial is continued to September 3, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

76M414Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 3, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

SEPTEMBER 3, 1970

Department No. 104

CHARLES H OLDER

Judge

E R DARROW

Clerk

J HOLLOMBE/M IEHLMAN

Reporters

B MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA ☒

A STOVITZ and V BUGLIOSI,
Deputy District Attorney

vs

☒ MANSON, CHARLES
☒ KRENWINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

☒ I KANAREK
☒ P FITZGERALD
☒ D SHINN
☒ R HUGHES

COL45
BO400

EACH: Trial is resumed from September 2, 1970 with all jurors and parties present as heretofore. M Joseph Granado, previously sworn, resumes testimony for the People. Jerome Boen, Frank R Escalante, Jack E Swan and Harold Dolan are sworn and testify for the People. People's Exhibits 245 (exhibit board), 245A through 245F (all photos on exhibit board), 246 (exhibit board), 246A through 246F (all photos on exhibit board), 247 (finger print) are marked for identification. Defendant's Exhibits L1 through L22 (each a photo), M (fingerprint), N1 through N5 (each a photo), o (fingerprint) are marked for identification. Statutory admonitions are given and trial is continued to September 4, 1970 in Department 104 at 9:45 am.

EACH: Remanded.

CO. J. _____
SHER. _____

CYA
C. CLK. _____
MISC. _____

70M114Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED

SEPTEMBER 8, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

955

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

SEPTEMBER 4, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLOMBE/M MEHLMAN Reporter
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. 4253156

Evelle J. Younger, District Attorney by
A STOVITZ and V BUGLIOSI,
Deputy District Attorney

THE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender, by
X I KANAREK
X P FITZGERALD
X D SHINN
X R HUGHES

CO140
BO400

EACH: Trial is resumed from September 3, 1970 with all jurors and parties present as heretofore. James Boen, previously sworn, resumes testimony for the People. Harold Dolan, Steven Weiss, Michael Watson, Robert Calkins, Dudley Varney and William J Lee are sworn and testify for the People. People's Exhibits 248A through 248F (each a photo on one exhibit board), 249 (two cartridges and seven shell casings), 250 (envelope and contents of portion of bullet), 251 (envelope and four fragments of bullet) are marked for identification. Defendant's Exhibits P (fingerprint exemplar), Q (photocopy of gun), R (police report) are marked for identification. Defendant's duplicate numbered Exhibit L4 (photo) is remarked L4a. Outside of hearing of jury, prospective witness Michael Hendricks is called by People and sworn. Court allows defendants to conduct voir dire examination of witness pursuant to Section 701 EC. Court finds witness competent to testify under provisions of Section 701 EC. Statutory admonitions are given and trial is continued to September 10, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED

SEPTEMBER 10, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

76M414Y-7/89

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

SEPTEMBER 10, 1970

Department No. 104CHARLES H OLDER JudgeE. R. DARROW ClerkJ HOLLOMBE and M MEHLMAN Reporters
B MURRAY, Deputy SheriffAPPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
V BUGLIOSI and D MUSICH,
Deputy District Attorney and
S KAY, Deputy District AttorneyTHE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X MANSON, CHARLES
X KREIWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIER. S. Buckley, Public Defender ~~by~~
X I KANAREK ~~Deputy~~
X P FITZGERALD
X D SHINN
X R HUGHESCO150
BO350

EACH: Trial is resumed from September 4, 1970, outside of presence of the jury, with all parties present as heretofore. Deputy District Attorneys Donald Musich and Stephen Kay are substituted in place of Deputy District Attorney Aaron Stovitz. On motion of defendants, Court conducts evidentiary hearing as to the admissability of the testimony of witness Robert Calkins and material evidence introduced concurrently with the testimony. Robert Calkins and William J Lee, previously sworn, are called by People and testify in support of admissability of testimony. Vincent Bugliosi, Deputy District Attorney, is called by Defendant CHARLES MANSON, sworn and testifies for purposes of the evidentiary hearing only. Issue is argued and submitted subject to further testimony by witness Robert Calkins. Jury is returned into court and trial is resumed in their presence. Edward C Lomax and Thomas Walleman are sworn and testify for the People. Statutory admonitions are given and trial is continued to September 11, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. CYA
SHER. C. CLK.
 MISC.

70M414Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 15, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

FILED

DECLARATION IN SUPPORT OF MOTION
IN RE COMPETENCY OF WITNESS
MICHAEL HENDRIX

SEP 11 1970

EDWARD G. SHARP, County Clerk
CY *[Signature]* DEPUTY

I, PAUL J. FITZGERALD, declare:

THAT I am an attorney licensed to practice in the State of California.

THAT I am the attorney for Patricia Krenwinkel in 857 Case No. A-253156 currently on trial in Department 104 of the Los Angeles Superior Court.

THAT on September 7, 1970, at approximately 6:15 p.m., I interviewed Michael Hendrix in the Los Angeles County Jail Attorney Room, 441 Bauchett Street, Los Angeles, California.

THAT Hendrix informed me that he is eighteen years of age, having been born April 17, 1952, in Kansas City, Missouri, to Lewis and Lena Hendrix.

THAT in 1962, Hendrix moved with his family to Simi Valley, California, and has resided continuously in Ventura, Los Angeles and San Bernardino Counties.

THAT Hendrix informed me that in early 1970, he was arrested in San Bernardino County for numerous burglaries.

THAT as a result of said arrests, petitions in the Juvenile Court were lodged against him.

THAT upon conclusion of the juvenile proceedings in San Bernardino County, Hendrix was transferred to Ventura County, where petitions were filed against him in the Ventura County Juvenile Court, charging him with additional burglaries.

THAT he attempted to interpose his "insanity" as a defense to the charges in Ventura County.

THAT the aforementioned petitions were sustained against him and he was committed to the California Youth Authority.

THAT upon placement within the California Youth Authority, Hendrix attempted to commit suicide by cutting his left arm and

1 attempted to blind himself by deliberately exposing his eyes to
2 ultraviolet light.

3 THAT according to Hendrix, he (Hendrix) is insane.

4 THAT he (Hendrix) told a psychologist for the California
5 Youth Authority that when he was released, he was going to blow up
6 the new Police Department in Ventura County and was going to go on
7 a robbing, shooting spree. 558

8 THAT Hendrix maintains he is an "expert" in the field of
9 firearms; having been illegally engaged in the theft, transporta-
10 tion, receiving, trading and selling of firearms for a period of
11 two years.

12 THAT Hendrix has owned, possessed, and used over
13 seventy-five separate and distinct firearms.

14 THAT Hendrix always carries a gun and stated he could
15 easily kill anyone he chose to. "I could shoot anybody and I could
16 still get a good night's sleep. If I were on the street, I would
17 snuff (kill) Manson myself. I would blow him up - I would make it
18 look as though it were an accident - like the Mafia."

19 THAT upon my release, I am going to jump on and maybe
20 kill my father. He knocked my teeth out because I attempted to
21 join the service."

22 THAT Hendrix stated he is an expert in the field of
23 explosives and demolition, having manufactured and ignited hundreds
24 of bombs. Hendrix alleged that he blew up a house in Ventura
25 County with a bomb and riddled the house with machine gun bullets.

26 THAT Hendrix maintains he always carries a pistol in a
27 shoulder holster and frequently carries materials for bomb making.

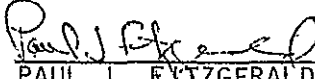
28 THAT Hendrix states he has a "hang-up" about guns and
29 that guns are the reason he is presently in an institution for the
30 criminally insane, Atascadero State Hospital, which he refers to
31 as "Disneyland."

32 THAT Hendrix stated that he would say anything on the

1 witness stand, regardless of its truth or falsity, in order to
2 secure his release from the California Youth Authority.

3 I declare under penalty of perjury that the foregoing
4 is true and correct.

5 Executed on September 9, 1970, at Los Angeles,
6 California.

7
8
9 
10 PAUL J. FITZGERALD
11 Attorney
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

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

8100

SEPTEMBER 11 1970

Department No. 104

CHARLES H OLDER

Judge

E R DARROW

Clerk

J HOLLOMBE and M MEHLMAN
B MURRAY, Deputy Sheriff

Reporters

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA

X V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

X HANSON, CHARLES
X KRETZWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I KANAREK

Deputy

X P FITZGERALD

X D SHINN

X R HUGHES

C0150
B0350

EACH: Trial is resumed from December 10, 1970 with all jurors and parties present as heretofore. Danny DeCarlo is sworn and testifies for the People. Outside of hearing of jury, Court states it has read and considered the California Youth Authority and Atascadero State Hospital files of prospective witness Michael Hendricks. Outside of hearing of jury, Court finds Attorney Irving Kanarek in direct contempt of Court for disrupting the testimony of witness Danny DeCarlo and for his failure to obey orders of the Court. Attorneys I Kanarek and P Fitzgerald are heard on issue of contempt. Court sentences Attorney Irving Kanarek to County Jail for period of time commencing forthwith to release at 8:00 am on Monday, September 14, 1970. Attorney Kanarek is to retain full attorney and law library privileges and use of telephone. Statutory admonitions are given and trial is continued to September 17, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 17, 1970

WILLIAM G. SHARP, COUNTY

CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

CieloDrive.com ARCHIVES

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

SEPTEMBER 17, 1970

Department No. 104

CHARLES H. OLDER _____ Judge

E. R. DARROW _____ Clerk

J. HOLLOWAY and M. MEHLMAN _____ Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D. MUSICH AND S. KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KREINWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I. KANAREK _____ Deputy
X P. FITZGERALD
X D. SHINN
X R. HUGHES

EACH: Trial is resumed from September 11, 1970 with all jurors and parties present as heretofore. Danny DeCarlo, previously sworn, resumes testimony for the People. People's Exhibits 252 (large photo), 253 (large photo) and 254 (small drawing of gun) are marked for identification. Defendant's Exhibit U (photo) is marked for identification. Statutory admonitions are given and trial is continued to September 18, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO215
BO400

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 18, 1970

WILLIAM G. SHARP, COUNTY
CLERK OF THE
SUPERIOR COURT

CieloDrive.com ARCHIVES

MINUTES

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

862

SEPTEMBER 18, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLOMBE/M MEHLMAN Reporters
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA ☒ V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

VS

☒ MANSON, CHARLES
☒ KRENWINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
☒ I KANAREK Deputy
☒ P FITZGERALD
☒ D SHINN
☒ R HUGHES

CO215
B0400

EACH: Trial is resumed from September 17, 1970, outside of presence of jury for voir dire examination of witness Danny DeCarlo. Danny DeCarlo, represented by Attorney Michael Nassatier and previously sworn, returns to witness stand for voir dire examination. Defendant's Exhibit V (copy of information A058069) is marked for identification. Voir dire examination is concluded. Outside of hearing of jury, defendant's motion to suppress evidence under Section 1538.5 PC is resumed from September 10, 1970. Robert L Calkins, previously sworn, resumes testimony for People in opposition to the motion. Motion is argued and denied. On order of Court, jury is returned into the courtroom. Danny De Carlo resumes testimony for the People. At the bench and outside of hearing of the Court, Court overrules objections of Defendant CHARLES MANSON to appearance of Charles Watson in the presence of the jury and upon subpoena of Defendant PATRICIA KRENWINKEL, Charles Watson is called to the courtroom and identified by witness Danny De Carlo in the presence of the jury. Outside of hearing of jury, motion of Defendant CHARLES MANSON for mistrial, based on ruling of Court allowing appearance of Charles Watson before the jury, is argued and denied. Statutory admonitions are given and trial is continued to September 21, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 22, 1970

WILLIAM G. SHARP, COUNTY

CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

CieloDrive.com ARCHIVES

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

SEPTEMBER 21, 1970

Department No. 104

CHARLES H OLDER Judge

E. R. DARROW Clerk

J HOLLOMBE and H MEHLMAN Reporters
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRETZWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I KANAREK Deputy
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from September 18, 1970 with all jurors and parties present as heretofore. Danny DeCarlo and William J Lee, previously sworn, resume testimony for the People. People's Exhibits 255 (diagram), 256 (diagram), 257 (seven page evidence report) and 258 (black T-shirt) are marked for identification. Defendant's Exhibits W (photo), X (photo), Y (photo), Z (photo), AA (photo), BB (photo) are marked for identification. Statutory admonitions are given and trial is continued to September 22, 1970 in Department 104 at 9:45 am.
EACH: Remanded.

C0215
B0400

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 22, 1970

WILLIAM G. SHARP, COUNTY
CLERK OF THE
SUPERIOR COURT

MINUTES

CieloDrive.com ARCHIVES

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

SEPTEMBER 22, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLOMBE and M MEHLMAN Reporters
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case NoA253156

Evelle J. Younger, District Attorney by
Deputy
X W BUGLIOSI, D MUSICH, and S KAY,
Deputy District Attorneys

THE PEOPLE OF THE STATE OF CALIFORNIA

vs

X MANSON, CHARLES
X KRENTWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I KANAREK Deputy
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from September 21, 1970 with all jurors and parties present as heretofore. Ruby Pearl, previously sworn, resumes testimony for the People. David Hannum, William C Gleason, Ralph Marshall, Samuel Olmstead and George D Grap are sworn and testify for the People. Pursuant to stipulation, Richard Bates is deemed called, sworn and testified as witness for the People. People's Exhibit 259 (photo) is marked for identification. Defendant's Exhibits CC (photo), DD (photo), EE (photo), FF (report of conversation) and GG (report of police officer) are marked for identification. Outside of the presence of the jury, Court appoints Doctors George Y Abe and Thomas J Meyers pursuant to Section 730 EC to examine prospective witness Michael D Hendricks. Court reporter is directed to prepare transcript, original and two copies, of these proceedings and of prior testimony of witness Hendricks. Statutory admonitions are given and trial is continued to September 23, 1970 in Department 104 at 9:45 am. EACH: Remanded.

C0215
B0405

CO. J. _____
SHER. _____
CYA
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 24, 1970

WILLIAM G. SHARP, COUNTY
CLERK OF THE
SUPERIOR COURT
CieloDrive.com ARCHIVES

VII

1 I. A. KANAREK
2 Attorney at Law
3 14617 Victory Boulevard
4 Van Nuys, California 91401
5 873-4255; 782-2790
6
7 Attorney for Defendant Charles Manson

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

10
11 THE PEOPLE OF THE STATE OF CALIFORNIA,) No. A253156
12 Plaintiff,)
13 vs.) ORDER TO SHOW CAUSE IN
14 CHARLES MANSON, et al.,) RE CONTEMPT
15 Defendants.)
16

17 TO VINCENT BUGLIOSI, DEPUTY DISTRICT ATTORNEY OF LOS ANGELES
18 COUNTY, STATE OF CALIFORNIA:

19 YOU ARE HEREBY ORDERED TO APPEAR before the above-entitled
20 Court in Department 104, thereof, at the hour of _____ .M.,
21 at the Courthouse located at 111 North Hill Street, Los Angeles,
22 California, then and there to show cause, if any you have, why
23 you should not be adjudged guilty of contempt of Court and
24 prosecuted according for your wilful conduct which occurred on
25 September 18, 1970, which wilful conduct by you is more fully
26 described in the Declaration of Sandra Good for an Order to Show
27 Cause in re Contempt filed herein, and a copy of which Declaration
28 shall be served on you and attached to a copy of this Order.

29 DATED: _____, 1970.

30
31
32 JUDGE OF THE SUPERIOR COURT OF THE
STATE OF CALIFORNIA

FILED

SEP 23 1976

WILLIAM G. S. P. County Clerk
BY: *[Signature]* DEPUTY

No court action taken

1 I. A. KANAREK
2 Attorney at Law
3 14617 Victory Boulevard
4 Van Nuys, California 91401
5 782-2790; 873-4255
6
7
8 Attorney for Defendant Charles Manson

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

10
11 THE PEOPLE OF THE STATE OF CALIFORNIA,) No. A 253156
12)
13 Plaintiff,)
14 vs.)
15 CHARLES MANSON, et al.,)
16)
17 Defendants.)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
29)
30)
31)
32)

17 I, SANDRA GOODP, declare as follows:

18 I am a subpoenaed witness in the above entitled case,
19 who has not yet testified at the trial of the above matter,
20 which is currently in progress in Department 104 of the above
21 entitled Court.

22 Vincent Bugliosi, Deputy District Attorney of Los
23 Angeles County, is a prosecutor engaged in said trial.

24 Vincent Bugliosi, Deputy District Attorney, knows, and
25 on September 18, 1970, knew, that I was a subpoenaed witness
26 in the above entitled case. On said September 18, 1970, at a
27 time when I was at or near the intersection of Temple and
28 Broadway, Los Angeles, California, near the Hall of Justice,
29 at about 4:30 or 5:00 P.M., Vincent Bugliosi approached me
30 and caused himself to be located in my immediate vicinity; at
31 said time and place, there were, in my immediate presence, one
32 Michael Grant and Jeff Jacobs; at said time and place, said

55.

1 Vincent Bugliosi uttered certain words to me; at the time said
2 Vincent Bugliosi uttered said certain words to me, one Stan
3 Atkinson, whom I know to be a newsman in the City of Los
4 Angeles, was standing about four or five feet away from me,
5 and the said Vincent Bugliosi; said Vincent Bugliosi included
6 in his language to me the following: that I, Sandra Goode, was
7 a "goddam two-bit ^{who's a murderer} vicious ~~where~~"; that he was sick of my
8 f-----g around; that he knew that I "s-----d Charlie Manson's
9 d--k; that he has proof and he is going to bring it out in the
10 trial, that I was a "goddam f-----g ^{tramp} ~~where~~"; then he said, "I
11 have one thing to say - I'm going to get you, and I'm going to
12 get you good. I'm going to have you behind bars if it's the last
13 thing I do" ^{& see that you get the death penalty} while Mr. Bugliosi was making the aforementioned
14 statements to me, I did not say one word; all the while that
15 Mr. Bugliosi was speaking, Stan Atkinson was standing about
16 four or five feet away, as aforementioned; ~~as well as~~ as Ronald
17 Hughes, an attorney, ~~who~~ was standing within close proximity to
18 me and Mr. Bugliosi, while Mr. Bugliosi was making ~~the~~ ^{some of the}
19 statements ~~as~~ previously mentioned. This all occurred in public
20 on the public sidewalk adjacent to the Hall of Justice, at a
21 time of day when there were many passersby.

22 Declarant alleges that the language uttered by Vincent
23 Bugliosi was wilful, malicious and designed to obstruct the
24 orderly progress of the justice proceedings and trial in
25 connection with the above entitled case.

26 I declare under penalty of perjury that the foregoing
27 is true and correct.

28 Executed at Los Angeles, California, this 21st day of
29 September, 1970.

30 Sandra Goode
31 SANDRA GOODE
32

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

SEPTEMBER 23, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE and M. ITHLMAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
THE PEOPLE OF THE STATE OF CALIFORNIA vs V. DUCLOS, D. MUSICH and S. KAY,
Deputy District Attorneys

vs

X] MANSON, CHARLES
X] KRENTINKEL, PATRICIA
X] ATKINS, SUSAN
X] VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X] I. KANARLIK Deputy
X] P. FITZGERALD
X] D. SHINN
X] R. HUGHES

EACH: Trial is resumed from September 22, 1970 with all jurors and parties present as heretofore. Barbara Hoyt is sworn and testifies for the People. In chambers and out of presence of jury, Court rules that the conversation of Defendant SUSAN ATKINS with witness Barbara Hoyt in which her purported confession to alleged crimes occurred is not incriminating to other defendants and is admissible. Motion of all defendants to sever is denied. Statutory admonitions are given and trial is continued to September 24, 1970 in Department 104 at 9:45 am.

EACH: Remanded.

CO215
BO415

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED

SEPTEMBER 25, 1970

WILLIAM G. SHARP, COUNTY

CieloDrive.com ARCHIVES
SUPERIOR COURT

MINUTES

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

363

SEPTEMBER 24, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DAREOW Clerk

J. HOLLOMBE/M. NEHLMAN Reporter
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D. MUSICH and S. RAY,
Deputy District Attorneys

vs

X | MANSON, CHARLES
X | KRENNWINKEL, PATRICIA
X | ATKINS, SUSAN
X | VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X | I. KANAREK Deputy
X | P. FITZGERALD
X | D. SHIIN
X | R. HUGHES

EACH: Trial is resumed from September 23, 1970 with all jurors and parties present as heretofore. Barbara Hoyt, previously sworn, resumes testimony for the People. Defendant's Exhibits HH (diagram), II (pamphlet) are marked for identification. Statutory admonitions are given and trial is continued to September 25, 1970 in Department 104 at 9:45 am.
EACH: Remanded.

CO215
B0400

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 28, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
CieloDrive.com ARCHIVES

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

370

SEPTEMBER 25, 1970 Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE and M. MEHLMAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
~~Deputy~~

THE PEOPLE OF THE STATE OF CALIFORNIA ☒ V. BUGLIOSI, D. MUSICH and S. KAY,
Deputy District Attorneys

vs

☒ MANSON, CHARLES
☒ KRENWINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
☒ I. KANAREK ~~Deputy~~
☒ P. FITZGERALD
☒ D. SHINN
☒ R. HUGHES

EACH: Trial is resumed from September 24, 1970 with all jurors and parties present as heretofore. Barbara Hoyt and George D. Grap, previously sworn, resume testimony for the People. Donald Dunlop is sworn and testifies for the People. Defendant's Exhibits JJ through WW (all photographs) are marked for identification. Statutory admonitions are given and trial is continued to September 28, 1970 in Department 104 at 9:45 am. EACH: Remanded.

C0215
B0355

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 29, 1970

WILLIAM G. SHARP, COUNTY
CLERK OF THE
SUPERIOR COURT

CieloDrive.com ARCHIVES

MINUTES

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

8-1

SEPTEMBER 22, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLONBE and M. MEHLMAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA ☒ V. BUGLIOSI, D. MUSICH and S. KAY,
Deputy District Attorneys

vs

☒ MANSON, CHARLES
☒ KREZWINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
☒ I. KANAREK Deputy
☒ P. FITZGERALD
☒ D. SHINN
☒ R. HUGHES

EACH: Trial is resumed from September 25, 1970 with all jurors and parties present as heretofore. Juan Flynn is sworn and testifies for the People. People's Exhibit 260 (photo) is marked for identification. Statutory admonitions are given and trial is continued to September 29, 1970 in Department 104 at 9:45 am. EACH: Remanded.

C0214
B0400

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 29, 1970

WILLIAM G. SHARP, COUNTY

CieloDrive.com ARCHIVES
SUPERIOR COURT

MINUTES

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

SEPTEMBER 29, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE and H. MEHLMAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA ☒ V. BUGLIOSI, D. IUSICH and S. KAY,
Deputy District Attorneys

vs

☒ MANSON, CHARLES
☒ KREINWINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
☒ I. KANAREK Deputy
☒ P. FITZGERALD
☒ D. SHINN
☒ R. HUGHES

EACH: Trial is resumed from September 28, 1970 with all parties and jurors present as heretofore. Juan Flynn, previously sworn, resumes testimony for the People. Defendant's Exhibits XX through ZZ (each a photograph), AB through AT (each a photograph) are marked for identification. Statutory admonitions are given and trial is continued to September 30, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO215
B0400

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
SEPTEMBER 30, 1970

WILLIAM G. SHARP, COUNTY
CLERK OF THE
SUPERIOR COURT
CieloDrive.com ARCHIVES

MINUTES

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

SEPTEMBER 30, 1970

Department No. 104

CHARLES H OLDER

Judge

E R DARROW

Clerk

J HOLLOMBE and M MEHLMAN
B MURRAY, Deputy Sheriff

Reporters

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA ☒ V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

☒ MANSON, CHARLES
☒ KREINWINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
Deputy

☒ I KANAREK
☒ P FITZGERALD
☒ D SHINN
☒ R HUGHES

EACH: Trial is resumed from September 29, 1970 in chambers and outside of presence of jury for hearing on issue of admissability of statements of SUSAN ATKINS to Ronni Howard and Virginia Graham. Issue is submitted pending receipt by Court of additional evidence. Trial is resumed in court with all jurors and parties present as heretofore. Juan Flynn, previously sworn, resumes testimony for People. Defendant's Exhibits AU (photo), AV (photo) AW (photo) are marked for identification. Statutory admonitions are given and trial is continued to October 1, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO215
BO400

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
OCTOBER 1, 1970

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

871

OCTOBER 1, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

L JOHNSON and H NEHLMAN Reporters
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

THE PEOPLE OF THE STATE OF CALIFORNIA

vs

X MANSON, CHARLES
X KREHWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
Deputy
X I KANAREK
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from September 30, 1970 with all jurors and parties present as heretofore. Juan Flynn, previously sworn, resumes testimony for the People. Court finds Deputy District Attorney Vincent Bugliosi in direct contempt of Court for improper conduct during trial and imposes fine of \$50.00 or one night in County Jail. Payment of fine being tendered, receipt M280149 is issued. In open court, out of presence of jury, Court conducts hearing on competency of prospective witness Michael Hendricks. Doctors George Y Abe and Thomas J Meyers are sworn and testify. Court's special Exhibits 3 (report of Doctor Abe dated September 29, 1970), 4 (report of Doctor Meyers dated September 18, 1970) are admitted in evidence. Court finds Michael Hendricks competent to testify. Trial is resumed in presence of jury. Defendant CHARLES MANSON deliberately and continuously disrupting the proceedings of court is removed to the court lockup. In chambers, the Court instructs Defendant CHARLES MANSON as to his conduct and rights to remain in court. Trial is resumed in open court in presence of jury. All defendants deliberately and continuously disrupting the proceedings of the court, are ordered removed. Statutory admonitions are given and trial is continued to October 2, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
OCTOBER 2, 1970

CieloDrive.com ARCHIVES
WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE

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

OCTOBER 2, 1970

Department No. 104

CHARLES H OLDER

Judge

E. R. DAFROW

Clerk

M MEHLMAN and L JOHNSON

Reporter s

B MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

~~Deputy~~

THE PEOPLE OF THE STATE OF CALIFORNIA

X V EUGLICS, D MUSICK and S KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

~~Deputy~~

X I KANAREK
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from October 1, 1970 in chambers. Court discusses with counsel the conduct of all defendants in court. Trial is now resumed in open court, with all jurors and parties present as heretofore.

Upon all defendants deliberately and continuously disrupting the trial, and their refusal to desist, the Court orders all defendants removed from court and placed in locations where loudspeakers have been installed and they may hear proceedings. Court further instructs all defendants ~~that~~ may return to court at any time they agree to refrain from disrupting the court. Pursuant to statements from People and all defendants that prospective witness Michael Hendricks will not be called to testify,

Court orders said witness returned to Atascadero State Hospital for continuation of diagnostic study. Juan Flynn, previously sworn, resumes testimony for the People. David Steuber is sworn and testifies for the People.

Court orders portion of tape recorded conversation between Juan Flynn and Officer Steuber played before jury. In chambers, Court conducts preliminary examination of prospective witness Roni Howard to determine whether her testimony is admissable. Roni Howard is sworn and testifies for limited purposes of this examination. Statutory admonitions are given and trial is continued to October 5, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
OCTOBER 5, 1970

WILLIAM G. SHARP, COUNTY

CieloDrive.com ARCHIVES
SUPERIOR COURT

MINUTES

522

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

October 5, 1970

Department No. 104

CHARLES H. OLDER

Judge

E. R. DARROW

Clerk

J. HOLLOMBE and M. NEHLIAN
B. MURRAY, Deputy Sheriff

Reporter s

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA X

V. BUGLIOSI, D. MUSICH and S. KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KREHWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I. KANAREK

Deputy

X P. FITZGERALD

X D. SHINN

X R. HUGHES

*Ronni Howard was
5 ft on limited issue of this
hearing*

EACH: Trial is resumed from October 2, 1970 in chambers and out of presence of jury for hearing on issue of admissability of testimony of prospective witnesses Ronni Howard and Virginia Graham. Hearing is continued to later date for presentation of additional evidence. Court's special Exhibit 5 (transcript of conversation of Ronni Howard) is marked for identification. Trial is resumed in court in presence of jury with all parties present as heretofore. Upon Defendant CHARLES MANSON'S attempting to physically assault the judge and the three female defendants deliberately disrupting the court and refusing to desist, the Court orders all defendants removed from the courtroom and placed in facilities where they may hear court proceedings by loudspeakers installed for that purpose. In open court, out of presence of jury, Court hears motion of defendants under Section 1538.5 PC to suppress testimony and evidence produced by Officer Manuel Gutierrez. Manuel Gutierrez is sworn and testifies for People in opposition to motion of defendant. Motion is submitted and denied. Trial is again resumed in presence of jury, with defendants still absent due to their disruptive conduct. Paul Whitely, Manuel Gutierrez, Albert LaValle, Jack Holt and Dwayne Wolfer are sworn and testify for the People. People's Exhibits 261 (photo) and 262 (large aerial photo) are marked for identification. Outside of presence of jury, Court conducts hearing on admissability of certain police reports prepared by Officer Wolfer. Hearing is continued to October 6, 1970 for presentation of additional evidence. Statutory admonitions are given and trial is continued to October 6, 1970 in Department 104 at 9:45 am.
EACH: REMANDED.

CO215

B0405

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
OCTOBER 6, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
Cielodrive.com ARCHIVES

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

1977

OCTOBER 6, 1970

Department No. 104

CHARLES H. OIDER

Judge

E. R. DARROW

Clerk

J. HOLLOMBE and M. NEHLMAN

Reporters

B. MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA

X | B. BUGLIOSI, D. MUSICH, Deputy
and S. KAY, Deputy District Attorneys

vs

X |

MANSON, CHARLES

X |

KREMFINKEL, PATRICIA

X |

ATKINS, SUSAN

X |

VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X |

I. KANATSKY

Deputy

X |

P. FITZGERALD

X |

D. SHINN

X |

R. HUGHES

EACH: Trial is resumed from October 5, 1970, outside of presence of the jury and with all defendants still absent from court due to their continued refusal to obey orders of Court not to disrupt the trial proceedings. Court verifies ability of defendants to hear proceedings by means of loudspeakers installed for that purpose. Court resumes hearing on motion of defendants to suppress evidence and testimony of Officer Dwayne Wolfer. Dwayne Wolfer, previously sworn, resumes testimony both in opposition to motion of defendants and for People on the trial. Motion is argued. Court finds no wilful failure to make discovery and motion is denied. On order of Court, jury is returned into courtroom. Dwayne Wolfer returns to witness stand to resume testimony. Jerrold Friedman and Gloria Hardway are sworn and testify for the People. People's Exhibits AX (police report), AY (analysis evidence report), AZ (employee's report), BC (diagram) are marked for identification. People's Exhibit 263 (Sybil Brand Institute record) is marked for identification. Statutory admonitions are given and trial is continued to October 7, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO214
BO400

CO. J. _____
SHER. _____

CYA
C. CLK. _____
MISC. _____

TGM:HAY-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED
OCTOBER 7, 1970

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

OCTOBER 7, 1970

Department No. 104CHARLES H OLDER JudgeE R DARROW ClerkJ HOLLOMBE and M MEHLMAN ReportersB MURRAY, Deputy Sheriff

Case No. A253156

APPEARANCES:(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Evelle J. Younger, District Attorney by

~~Deputy~~THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

VS

X MANSON, CHARLES
X KREMWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I KANAREK~~Deputy~~X P FITZGERALDX R SHINNX R HUGHES

EACH: Trial is resumed from October 6, 1970, outside of presence of jury, in open court with all defendants and all counsel present as heretofore. Court questions all defendants as to their proposed conduct in court. Upon their stated refusal to obey order of Court and their continued disruptive conduct, they are ordered removed by the Court and placed in locations where loudspeakers have been installed to enable them to hear the trial proceedings. Court orders jury returned into court and trial is resumed in absence of all defendants. Michael McGann and William C Gleason, previously sworn, resume testimony for the People. Rachel Vurgess is sworn and testifies for the People. People's Exhibit 264 (44 photographs) is marked for identification. Out of presence of jury, Court conducts hearing on proposed and edited statements of Ronnie Howard and Virginia Graham regarding their alleged conversation with Defendant SUSAN ATKINS. Statutory admonitions are given and trial and other proceedings are continued to October 8, 1970 in Department 104 at 9 am.

EACH: Remanded.

CO. J. CYA
 SHER. C. CLK.
MISC.

THIS MINUTE ORDER WAS
 ENTERED
 OCTOBER 8, 1970

WILLIAM G. SHARP, COUNTY
 CLERK AND CLERK OF THE
 SUPERIOR COURT

2102

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

OCTOBER 8, 1970

Department No. 104

CHARLES H OLDER

Judge

E R DARROW

Clerk

J HOLLOMBE and M MEHLMAN

Reporter s

B TURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No.

1253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA

X V BUGLIOSI, D MUSTICH and S KAY,
Deputy District Attorneys

vs

X
X
X
X

HANSON, CHARLES
KRENNKEL, PATRICIA
ATKINS, SUSAN
VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I KANAREK
X P FITZGERALD
X D SHINN
X R HUGHES

CO200
B0515

EACH: Trial is resumed from October 7, 1970 in open court outside of presence of jury and with defendants absent by their personal refusal to appear in court. Court inquires of counsel for defendants if defendants are willing to return to court. Upon counsel confirming refusal of defendants to return, Court orders defendants to remain in facilities where they are able to hear trial proceedings by means of loudspeakers. Court further advises counsel that all or any of defendants may return immediately upon their affirming to Court that they will not disrupt the proceedings. Court now resumes hearing on admissability of statements of Ronni Howard and Virginia Graham.

R E Stanley, being present in court, appears as counsel for Virginia Graham. Virginia Graham is sworn and Ronni Howard, previously sworn, now testify on limited question of admissability of their statements. In chambers, Court asks question of William Farr, reporter for Los Angeles Examiner, re purported violation of Court's publicity order, to wit: delivery of transcript of Virginia Graham's statement to news media. Court directs court reporter to prepare additional copy of these proceedings for use of Mr Farr. Hearing on purported violation of publicity order is continued pending reply of Mr Farr to Court's questions. Later: Mr Farr appears and under provisions of Section 1070 EC declines to answer questions of the Court. In chambers, Court resumes hearing on admissability of statements of Ronnie Howard and Virginia Graham. Court and counsel join in effort to edit the statements. Statutory admonitions are given and trial is continued to October 9, 1970

CO. J. _____
SHER. _____

CYA
C. CLK. _____
MISC. _____

in Department 104 at 9 am. Remanded. OCTOBER 9, 1970

THIS MINUTE ORDER WAS
ENTERED

WILLIAM G. SHARP, COUNTY

CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

October 8, 1970 Department No. 104
 CHARLES H. OLDER Judge E. R. DARROW Clerk

J. HOLLOMBE and M. MEHLMAN Reporter
 B. MURRAY, DEPUTY SHERIFF

APPEARANCES:
 (Parties and Counsel checked if present.
 Counsel shown opposite parties represented.)
 [X] [] Counsel, District Attorney by
 [X] V. BUGLIOSI, D. MUSICH Deputy
 [] S. KAY, Deputy District Attorneys

Case No. A 253 156

THE PEOPLE OF THE STATE OF CALIFORNIA

VS

[X] MANSON, CHARLES	R. S. Buckley, Public Defender by [X] I. KANAREK Deputy
[X] KRENWINKEL, PATRICIA	[X] P. FITZGERALD
X ATKINS, SUSAN	X D. SHINN
X VAN HOUTEN, LESLIE	X R. HUGHES

EACH: Trial is resumed from October 7, 1970 in open court outside of presence of jury and with defendants absent by their personal refusal to appear in court. Court inquires of counsel for defendants if defendants are willing to return to court. Upon counsel confirming refusal of defendants to return, court orders defendants to remain in facilities where they are able to hear trial proceedings by means of loudspeakers. Court further advises counsel that all or any of defendants may return immediately upon their affirming to Court that they will not disrupt the proceedings. Court now resumes hearing on admissability of statements of Ronni Howard and Virginia Graham.

R. E. Stanley, being present in court, appears as counsel for Virginia Graham. Virginia Graham is sworn and Ronni Howard, previously sworn, now testify on limited question of admissability of their statements. In chambers, Court asks question of William Farr, reporter for Los Angeles Examiner, re purported violation of Court's publicity order, to wit: delivery of transcript of Virginia Graham's statement to news media. Court directs court reporter to prepare additional copy of these proceedings for use of Mr. Farr. Hearing on purported violation of publicity order is continued pending reply of Mr. Farr to Court's questions. Later: Mr. Farr appears and under provisions of Section 1070 EC declines to answer questions of the Court. In chambers, Court resumes hearing on admissability of statements of Ronnie Howard and Virginia Graham. Court and counsel join in effort to edit the statements.

CO. J. _____ C. CLK. _____ Statutory admonitions are given and October 9, 1970
 SHER. _____ MISC. _____ trial is continued to October 9, 1970 in Department 104 at 9:00 a.m. Remanded.
 7644-2V -7/70 MINUTES

THIS MINUTE ORDER WAS
 ENTERED
 WILLIAM G. SHARP, COUNTY
 CLERK AND CLERK OF THE
 SUPERIOR COURT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

RALPH E. GOLDBERG
WILLIAM WHITSETT
McCUTCHEN, BLACK, VERLEGER & SHEA
HOWARD J. PRIVETT
615 South Flower Street, Suite 1111
Los Angeles, California 90017
620-9000

Attorneys for Columbia Broadcasting
System, Inc., and Jon Goodman

FILED

OCT 9 1970

WILLIAM G. SHARP, County Clerk
BY *[Signature]* DEPUTY

381

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

PEOPLE OF THE STATE OF CALIFORNIA)
)
Plaintiffs,)
)
vs.)
)
CHARLES MANSON, et al.,)
)
Defendants.)

NO. A-253 156

IN THE MATTER OF THE SUBPOENA)
DUCES TECUM, CRIMINAL, ISSUED)
JULY 31, 1970, ON BEHALF OF THE)
SUPERIOR COURT OF THE STATE OF)
CALIFORNIA FOR THE COUNTY OF LOS)
ANGELES)

Label no D-100

DECLARATIONS OF JON GOODMAN AND JAMES
ZAILLIAN IN SUPPORT OF MOTION TO QUASH
SUBPOENA DUCES TECUM

DECLARATION OF JON GOODMAN

382

JON GOODMAN declares and says:

1. I am and have since April, 1967, been a newsman for KNX Radio, Los Angeles. I make this declaration on my own behalf and on behalf of my employer, Columbia Broadcasting System, Inc., the licensed operator of KNX, hereinafter sometimes referred to as "C.B.S."

2. Attached hereto and marked Exhibit "A" is a copy of the Subpoena Duces Tecum Criminal and Application for Subpoena Duces Tecum served upon me on July 31, 1970.

3. I have been employed in the broadcasting industry since February, 1960. During that time I have been a disc jockey, news announcer and news reporter for various radio stations, including two all news radio stations, KFBK in Sacramento, and presently KNX in Los Angeles. As a reporter I have been responsible for covering a broad range of matters, including visits of Presidents, the Apollo astronauts dinner and the Sirhan Sirhan trial.

4. During my years as a reporter, I personally have conducted interviews on a confidential basis, where it was essential that I disclose neither the information obtained nor its source. Many interviewees rely upon my discretion not to attribute information to them in broadcasts; others rely upon my word, express or implied, not to publish certain matters disclosed in the course of an interview.

5. I have been covering news stories similar to the Manson trial for the last four years. My trial and legal experience as a reporter also includes coverage of the Sirhan Sirhan trial and the Bowles and Gray case in which Hale Champion was

1 kidnapped following a killing in Oregon. I have found that each
2 of these cases, and others, have enabled me to develop associations
3 with many attorneys and others in and around the court house.
4 Often these associations have led to important news stories and
5 they quite commonly contribute to my understanding and knowledge
6 in reporting the events that occur. However, I find that I must
7 use the utmost personal discretion in order to avoid violating
8 the trust reposed in me and to maintain the confidence of these
9 associates. 883

10 6. I am usually assigned to a trial on a continuing
11 basis and experience has taught me that this continuous associa-
12 tion is necessary in order to develop the personal relationships
13 and trusts, with participants on all sides of a controversy, which
14 are essential to fair and accurate news reporting.

15 7. I have covered the Manson case continuously since
16 its inception in August, 1969. I estimate that I have covered
17 95% of the pretrial meetings and with Alex Sullivan, another KNX
18 reporter, I have covered every phase of the actual trial. During
19 this time span numerous opportunities have been presented for
20 informal off-the-record discussions with the attorneys on both
21 sides of the case. One such opportunity that has been available
22 has been off-the-record luncheons with an attorney. It is the
23 unwritten code of these luncheons that anything discussed will
24 never be reported; the information being strictly for the
25 reporters' background, enabling him to better understand the
26 progression of events at the trial. If any of this information
27 and/or its source were ever disclosed, it would result in a
28 serious breach of confidence and in most instances the source
29 would decline further association with the reporter.

30 8. The luncheons mentioned are only one example of the

1 numerous confidential and personal contacts with news sources that
2 occur during the continuous coverage of a court proceeding. Others
3 can occur at the press club or in the corridors of the Hall of
4 Justice. Each such contact serves to enhance the reporter's
5 background and to assist him in the preparation of news reports.

6 9. On July 16, 1970, I was present at the court house
7 in my normal capacity as a news reporter for KNX radio. All 884
8 information gathered by me that day is the property of C.B.S.
9 Based on the information I obtained from various court house
10 sources on July 16, 1970, I prepared the following "voicer" which
11 was broadcast that day on KNX radio:

12 "A co-counsel of a former attorney for Susan
13 Atkins appeared briefly in court today on subpoena
14 from Charles Manson's attorney, I. A. Kanarek. Paul
15 Caruso, who says he had no idea why he was summoned,
16 did say that he conferred with Atkins twice following
17 the Grand Jury indictment of the defendants."

18 10. Upon the advice of counsel and relying upon Article
19 I., Section 9 of the California Constitution and the First and
20 Fourteenth Amendments to the United States Constitution, and the
21 privilege extended to newsmen by California Evidence Code, Section
22 1070, I respectfully decline to state the identity of any persons
23 I may have interviewed on July 16, 1970, and I also respectfully
24 decline to state whether or not I actually recorded any interviews
25 on July 16, 1970.

26 I declare under penalty of perjury that the foregoing
27 is true and correct.

28 Executed this 5th day of October, 1970, within the State
29 of California.

30 
JON GOODMAN

1 DECLARATION OF JAMES ZAILLIAN

2
3 JAMES ZAILLIAN declares and says:

4 1. I am the news director of KNX Radio, Los Angeles.
5 I make this declaration on my own behalf and on behalf of
6 my employer, Columbia Broadcasting System, Inc., the licensed
7 operator of KNX, hereinafter sometimes referred to as "C.B.S." 885

8 2. I have been employed in the broadcasting industry
9 since 1951. During that time I have been staff reporter,
10 reporter, political editor, news writer, staff newsman, assistant
11 news director and news director of KNX. I also served for
12 two years as an editorial director for KABC. As a reporter,
13 I have been responsible for covering a broad range of matters,
14 including national and state political conventions and campaigns,
15 civil rights events, international affairs and the visits
16 of presidents, foreign dignitaries, senators, congressmen
17 and the like.

18 3. As news director of KNX, I am responsible for
19 the daily newscasts and for general management of the news
20 department as a whole. All KNX news reporters are ultimately
21 responsible to me, and it is my duty to see that KNX has
22 sufficient news reporters on the job. I am personally responsible
23 for what is and what is not broadcast on the air.

24 4. All portions of taped interviews not broadcast
25 are known in the trade as "outs". Only a fraction of the
26 thousands of feet of tape accumulated in gathering the news is
27 actually broadcast. News reporters and editors initially
28 decide what goes on the air or becomes an "out". Their work
29 is directly supervised by the news producer who is responsible
30 for overseeing the content and quality of a broadcast. I

1 regularly review scripts of newscasts and other proposed
2 broadcast material, although I do not personally review
3 everything before it is broadcast.

4 5. As a news reporter, I conducted many interviews
5 which were given in confidence, that is where the person inter-
6 viewed relied upon my word, express or implied, not to broadcast
7 any or some part of the content of the interview and/or not. 886
8 to attribute the same to the interviewee. As news director,
9 I know that KNX reporters conduct such confidential interviews.
10 Their reputations as reporters who can be relied upon to exercise
11 discretion and not to disclose confidential material or its
12 source is a valuable asset to them personally and to C.B.S.
13 in gathering news. Confidential interviews as well as inter-
14 views which are only partially off the record are of immense
15 value to a reporter and to C.B.S. in providing background
16 information and leads which are essential to intelligent assess-
17 ment and accurate reporting of news events.

18 6. Today a radio news reporter need not record
19 interviews by handwritten notes. His sound equipment can
20 and in fact does from time to time serve to record interviews.
21 All sound recordings of interviews that are not broadcast are
22 placed among the "outs". Because of the future value of such
23 interviews in gathering and disseminating news, KNX has a policy
24 of retaining some of the "outs". As a necessary concomitant
25 of that retention policy, it is also the policy of KNX not
26 to disclose "outs" and this is a policy of C.B.S.

27 7. In my opinion, based upon my experience as a
28 reporter and as a part of management of the news department of
29 KNX, that it would impede the ability of C.B.S. to gather
30 and disseminate the news if the Court should order the disclosure

1 of "outs". The fact that the Court ordered a disclosure of
2 "outs", in my opinion, would have an immediate impact upon the
3 free flow of information to reporters out of fear that anything
4 said to a reporter may be subject to future disclosure. Although
5 the "outs" in any given interview may be of no particular
6 significance, I and the reporters I supervise genuinely fear
7 that an order compelling disclosure of "outs" will have a
8 seriously detrimental effect upon our ability to gather news.- 387
9 Avoiding disclosure of the "outs" is critical to maintaining
10 our news gathering contacts and associations free of the
11 restrictions that would be imposed by fear that the "outs"
12 will later be disclosed. It is noteworthy in this connection
13 that the Department of Justice Guidelines For Subpoenas To
14 The News Media, as reported by Honorable John W. Mitchell,
15 Attorney General of the United States, in an address before
16 the House of Delegates of the American Bar Association on August
17 10, 1970, set forth the following limitation:

18 "In requesting the Attorney General's
19 authorization for a subpoena, the following
20 principles will apply:

21 * * *

22 "D. Authorization requests for subpoenas
23 should normally be limited to the verification
24 of published information and to such surrounding
25 circumstances as relate to the accuracy of the
26 published information."

27 8. Each reporter has unique abilities which are
28 essential to a proper job of news reporting. If a reporter
29 must be taken from his job to spend hours of his working
30 day reviewing "outs" to see what is confidential, his news

1. services are lost and cannot be replaced. This burden would
2 be severe and would so greatly impede the ability of C.B.S.
3 to gather and disseminate the news, that I, as news director,
4 would strongly recommend a change in the retention policy of
5 KNX if the Court should order a disclosure of "outs" upon even
6 a limited basis. That is, in my opinion KNX should forego
7 the substantial benefit of retaining "outs" in order to protect
8 its news gathering facilities from the burden and impairment
9 that will necessarily result from compelled disclosure of the
10 "outs". 888

11 9. In my years as a newsman, several events have
12 occurred which demonstrate the basis for the fear of disclosure
13 felt by news sources. Perhaps, the most dramatic was when a
14 tape recording of an interview was used in a voice print test to
15 identify the interviewee in a criminal case. The possibility
16 that anyone giving an interview may be identified by matching a
17 voice print, would necessarily hinder the free flow of information
18 to the press if "outs" are subject to compelled disclosure.

19 10. Another graphic demonstration that the use of
20 subpoenas to obtain news material will impose serious restric-
21 tions on news gathering has been the marked tendency of
22 participants at various events to attack newsmen and destroy
23 their cameras and tape recorders. People have become aware that
24 news material may disclose their identities and have sought its
25 destruction. This occurred during the Democratic convention in
26 Chicago where not only the civilian participants, but also
27 members of the police force made an effort to disrupt attempts
28 by newsmen to report the events. These occurrences have become so
29 commonplace that serious discussions have taken place within the
30 industry as to the feasibility of having reporters wear steel

1 helmets. In fact, many local stations have their mobile
2 units carry helmets. KNX does this with my approval.

3 11. Over my twenty years in the news profession
4 the issuance of subpoenas directed at the news media was an
5 infrequent occurrence until the recent past. Now, it appears
6 that representatives of the media are being used to replace
7 or augment the investigative functions of law enforcement agencies.
8 As I see it, this is not only detrimental to broadcasters, who
9 may lose their status as neutrals by this connection with 889
10 law enforcement, but also encourages a relaxation of the investi-
11 gation procedures of the authorities charged with the responsi-
12 bility for law enforcement.

13 12. I understand that in connection with their
14 investigation activities, police agencies are often compelled
15 to disclose their confidential informers. However, the press
16 differs from the police. The very function of the police
17 is to catalog information and preserve evidence for the purpose
18 of presenting it in court. That is one of the very important
19 functions of the police departments, and they are organized
20 and equipped for that purpose. The press, however, is not.
21 And I doubt very seriously that it should be so organized and
22 equipped. I have always felt that the freedom of the press
23 provisions of the Constitution were written to accentuate the
24 distinction between the press and those exercising police power
25 and I am confident many of our news sources rely upon the
26 existence of such a distinction in granting us interviews.

27 13. There is a very real danger of limiting the
28 dissemination of ideas and points of view by compelling a
29 broadcaster to turn over "outs" to the authorities. This is
30 especially true with respect to a significant body of our

1 citizens who espouse causes which are contrary to tradition
2 or otherwise unpopular (at the moment militant civil rights
3 groups and war protestors, in the past the labor-movement
4 and socialist organizations, and in the future, it could be
5 anyone). Their only means of reaching the public eye and ear is
6 often through confidential relationships with the press. These
7 relationships have led to a more complete and accurate coverage 890
8 of events which often have political overtones. The guaranteed
9 freedoms of the press should operate to preserve such relationships,
10 free from the spectre of government intervention, and thus foster
11 dissemination of all ideas and points of view.

12 14. My policy, in regard to trial coverage, is to have
13 the same reporter cover an entire trial on a continuous basis.
14 The necessity for newsmen to establish confidential relationships
15 is the basis for this policy. By being in constant contact with
16 the trial and the personalities involved, a reporter develops
17 a certain understanding and insight into the matters and perso-
18 nalities involved. As such the reporters become known to the
19 participants in the proceedings and can discuss matters with
20 them in depth on an informal basis. Once these contacts are
21 established, a reporter becomes privy to many matters not
22 for public dissemination which greatly improve his understand-
23 ing of the trial proceedings and the accuracy of his news
24 reports. Such information also helps the repoter anticipate
25 upcoming newsworthy events.

26 15. For the Manson case, I specifically chose Jon
27 Goodman to cover the trial because of his prior experience around
28 the court house, including coverage of the Sirhan Sirhan trial.
29 The same considerations dictated my choice of Alex Sullivan as
30 Jon's alternate. Alex has a degree in political science from

1 Harvard and has spent years covering stories around the court
2 house. Each of these reporters has uncovered numerous impor-
3 tant news stories based on information received through sources,
4 that were developed by their continuing presence around the court
5 house and their reliability in publishing only that which was
6 proper for publication. 891

7 16. On July 16, 1970, Jon Goodman was present on
8 assignment at the Manson trial. Whatever information he gathered
9 that day is the property of C.B.S. and is now in its possession.
10 This includes a tape of the "voicer" that Jon prepared, based on
11 the information gathered on July 16, 1970, which was broadcast
12 that evening on KNX.

13 17. Based upon the advice of counsel and relying
14 upon Article I, Section 9 of the California Constitution and
15 the First and Fourteenth Amendments to the United States
16 Constitution and the privilege extended to newsmen by California
17 Evidence Code, Section 1070, I, on behalf of myself and my
18 employer, C.B.S., respectfully decline to state whether or
19 not Jon Goodman recorded any interviews on July 16, 1970,
20 or whether or not C.B.S. has in its possession the tape recording
21 requested by the Subpoena Duces Tecum issued in this cause on
22 July 31, 1970.

23 I declare under penalty of perjury that the foregoing
24 is true and correct.

25 Executed this 7th day of October, 1970, within the
26 State of California.

27
28 
29 JAMES ZAILLIAN
30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

892

EXHIBIT "A" TO DECLARATION
OF JON GOODMAN

NAME, ADDRESS, AND TELEPHONE NUMBER
OF ATTORNEY(S)

JOHN D. MAHARG, County Counsel
DONALD K. BYRNE, ASS'T County Counsel
648 Hall of Administration
Los Angeles, California 90012
625-3611, Ext. 65888

ATTORNEY(S) FOR

Superior Court

893

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

THE PEOPLE OF THE STATE OF CALIFORNIA

PLAINTIFF(S)

VS

CHARLES MANSON, et al.

DEFENDANT(S)

CASE NUMBER

A-253156

APPLICATION

FOR SUBPENA DUCES TECUM

STATE OF CALIFORNIA, County of Los Angeles

the Court

The undersigned states: That he is attorney of record for ~~Plaintiff~~ ~~Defendant~~ in the above entitled action; that said cause was duly set down for trial August 10, 1970 at 9:00 A.M. in Department 104 of the above entitled Court.

That Jon Goodman

has in his possession or under his control the following documents:
(Designate and name the exact things to be produced)

A tape recording of an interview with attorney Paul Caruso made July 16, 1970, relating to Susan Denise Atkins.

That the above documents are material to the issues involved in the case by reason of the following facts:

Declarant is informed and believes that the tape recording in question contains evidence of a possible violation of the Order re Publicity in the above entitled case.

894

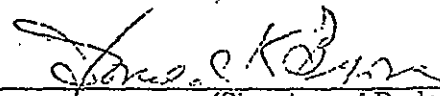
That good cause exists for the production of the above described matters and things by reason of the following facts:

Declarant is informed and believes that the said tape recording contains statements of an attorney connected with the above entitled case made in violation of court order.

WHEREFORE request is made that Subpena Duces Tecum issue.

Executed July 31, 19 70, at Los Angeles, California.

I declare under penalty of perjury that the foregoing is true and correct.


(Signature of Declarant)

NAME, ADDRESS, AND TELEPHONE NUMBER
OF ATTORNEY(S)

JOHN D. MAHARG, County Counsel
DONALD K. BYRNE, Ass't County Counsel
648 Hall of Administration
Los Angeles, California 90012
625-3611 Ext. 65888

ATTORNEY(S) FOR Superior Court

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

THE PEOPLE OF THE STATE OF CALIFORNIA

VS

CHARLES MANSON, et al.

DEFENDANT(S)

CRIMINAL CASE NUMBER

A-253156

SUBPENA
Duces Tecum
CRIMINAL

895

PEOPLE OF THE STATE OF CALIFORNIA TO:

JON GOODMAN

We command you, that all singular business and excuses laid aside, you attend a session of the Superior Court of the County of Los Angeles to be held at the Court Room of Department No. 104 located at 816 Hall of Justice City of Los Angeles County of Los Angeles on August 10, 1970 at 9:00 A.M., then and there to testify as a witness in this action on the part of the Superior Court and that you bring with you and there produce the documents now in your custody or under your control, described in the copy of the application for subpoena duces tecum attached hereto which is incorporated herein by reference.

For failure to attend, and to produce said documents, you may be deemed guilty of a contempt of court, liable to pay all damages sustained thereby to the parties aggrieved, and forfeit One Hundred Dollars in addition thereto.

Dated: July 31, 1970

(SEAL SUPERIOR COURT
LOS ANGELES COUNTY)

WILLIAM G. SHARP, County Clerk and Clerk
of the Superior Court of the State of California
for the County of Los Angeles

By E. R. DARRON Deputy

(OVER)

SUBPENA Duces Tecum
CRIMINAL

76SS03A- CA 7.69

DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

I the undersigned state that: I served the foregoing subpoena by showing the original and delivering a true copy thereof, together with a copy of the application in support thereof, to each of the following named persons, personally, on the dates set forth opposite each name.

Name of Person Served

Date of Service

I declare under penalty of perjury that the foregoing is true and correct.

Executed

, 19 , at

, California.

896

(Signature)

1 PROOF OF SERVICE BY MAIL

2
3 Cynthia K. Evans hereby states: that her
4 business address is 615 South Flower Street, Los Angeles,
5 California 90017; that she is a citizen of the United States
6 over the age of 18 years employed in the County of Los Angeles,
7 California, and not a party to this cause; that on Oct. 8,
8 1970, she served a copy of the document or documents to which
9 this proof of service is attached upon each of the persons
10 named below by depositing the same, enclosed in sealed envelopes
11 addressed respectively as shown below with postage thereon fully
12 prepaid, in a mail box, mail chute or like facility regularly 897
13 maintained by the Government of the United States at 615 South
14 Flower Street, Los Angeles, California 90017; that the names
15 and addresses of the persons served, as shown on said envelopes,
16 were as follows:

17 John D. Maharg, Esq.
18 County Counsel
19 Donald K. Byrne
20 Ass't County Counsel
Suite 648
Hall of Administration
Los Angeles, California 90012

Harry P. Warner, Esq.
1900 Avenue of the Stars
Suite 2440-Century City
Los Angeles, California 90067

21 Tankel, Toll, Strassman & Leavitt
22 1900 Avenue of the Stars
Suite 2440-Century City
23 Los Angeles, California 90067
24

25 I certify (or declare) under penalty of perjury that
26 the foregoing is true and correct.

27 Executed at Los Angeles, California, on Oct. 8,
28 1970.

29 Cynthia K. Evans
30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

RALPH E. GOLDBERG
WILLIAM WHITSETT
McCUTCHEN, BLACK, VERLEGER & SHEA
HOWARD J. PRIVETT
615 South Flower Street, Suite 1111
Los Angeles, California 90017
620-9000

Attorneys for Columbia Broadcasting
System, Inc., and Jon Goodman

FILED

OCT 9 1970

WILLIAM G. SHARP, County Clerk
BY *[Signature]* DEPUTY

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

898

PEOPLE OF THE STATE OF CALIFORNIA)
)
Plaintiffs,)
)
vs.)
)
CHARLES MANSON, et al.,)
)
Defendants.)
)

)
IN THE MATTER OF THE SUBPOENA)
DUCES TECUM, CRIMINAL, ISSUED)
JULY 31, 1970, ON BEHALF OF THE)
SUPERIOR COURT OF THE STATE OF)
CALIFORNIA FOR THE COUNTY OF LOS)
ANGELES)
_____)

NO. A-253 156

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF MOTION TO QUASH SUBPOENA
DUCES TECUM

1 Prefatory Statement.

2 Columbia Broadcasting System, Inc. (hereinafter "CBS")
3 is the licensed operator of KNX Radio in Los Angeles. Some 35
4 professional newsmen, including Mr. James Zaillian and Mr. Jon
5 Goodman, are employed by KNX Radio in gathering, reporting and
6 analyzing news.

7 The whole process of investigation, inquiry and 899
8 communication involved in the collection and analysis of news
9 requires contacts and associations with sources who may make
10 disclosures to reporters free from the spector of government
11 scrutiny. The declarations of Messrs. Zaillian and Goodman
12 submitted herewith confirm what common sense and experience
13 indicate; i.e., that the news media cannot perform their
14 functions effectively unless reporters are able to protect
15 the sources of their information. Chief Justice Bell, of
16 the Supreme Court of Pennsylvania, touched the very core
17 of this crucial and sensitive aspect of freedom of the press,
18 saying:

19 "We would be unrealistic if we did not
20 take judicial notice of another matter of wide
21 public knowledge and great importance, namely,
22 that important information, tips and leads
23 will dry up and the public will often be
24 deprived of the knowledge of dereliction of
25 public duty, bribery, corruption, conspiracy
26 and other crimes committed or possibly com-
27 mitted by public officials or by powerful
28 individuals or organizations, unless
29 newsmen are able to fully and completely
30 protect the sources of their information.

1 It is vitally important that this public
2 shield against governmental inefficiency,
3 corruption and crime be preserved against
4 piercing and erosion." In Re Taylor, 900
5 412 Pa. 32, 193 A.2d 181, 185 (1963).

6 The use of the subpoena power to attempt to compel
7 the production of radio "outs" (recordings which were not
8 broadcast but were obtained for use and used by the broadcaster
9 in the preparation of news reports) is a relatively new and
10 serious threat to the right of reporters to retain the con-
11 fidentiality of their news gathering sources. Since the
12 continued vitality of that right is critical to the ability
13 of CBS newsmen effectively to perform their public responsi-
14 bilities, CBS and Jon Goodman have both an immediate concern
15 and a public obligation to resist disclosure of the radio
16 "outs" sought on behalf of the Court in the case at bar.

17 Their motion to quash the subpoena duces tecum issued
18 in the name of Jon Goodman on July 31, 1970, is made upon each
19 of three major grounds which are discussed in detail herein-
20 below. The first of these, dealing with the legal sufficiency
21 of the subpoena, presents no new issue of law and may be
22 decided by an application of well established legal principles.
23 The remaining two grounds, based upon Section 1070 of the Cali-
24 fornia Evidence Code and the freedoms of the press guaranteed
25 by the California Constitution (Article I, Section 9) and the
26 First and Fourteenth Amendments to the United States Constitu-
27 tion, raise issues which have not been passed upon by the
28 California Appellate Courts. However, both issues have been
29 decided recently (on facts strikingly similar to those in the
30 case at bar) by Honorable Lawrence S. Mana, Judge of the

1 Superior Court for the City and County of San Francisco in
2 People of the State of California vs. Jose A. Rios, et al., 301
3 No. 75 129. Judge Mana ruled in the trial of that case that
4 the process of the Court could not be used to compel produc-
5 tion or disclosure of television "outs" (film taken for news
6 purposes but not shown on the air) by reason of section 1070
7 of the California Evidence Code and the First and Fourteenth
8 Amendments to the United States Constitution and entered an
9 order quashing the subpoena duces tecum which purported to
10 command the production of television "outs". (A true copy of
11 the transcript of Judge Mana's ruling on July 15, 1970, and
12 of the formal order quashing the subpoena duces tecum, dated
13 July 20, 1970, are annexed hereto as Exhibit "A" for such
14 benefit as they may be to the Court.)

15 I. The Subpoena Duces Tecum Is Invalid And
16 Unenforceable In That The Application
17 Fails To State Facts Showing Good Cause
18 and Does Not Set Forth In Full Detail
19 The Materiality of The Recording Desired
20 To Be Produced As Required By California
21 Code of Civil Procedure Sections 1985
22 and 2036.

23 The validity of a subpoena duces tecum issued in a
24 criminal proceeding must be judged by the standards applicable
25 to such subpoenas in civil cases. People v. Schmitt, 155 C.A.2d
26 87, 105-06, 317 P.2d 673 (1957); People v. Clinesmith, 175
27 C.A.2d Supp. 911, 346 P.2d 923 (1959).

28 The clear mandate of California Code of Civil Pro-
29 cedure Sections 1985 and 2036, as they have been consistently
30 interpreted and applied by the appellate courts, is that the
subpoena power may not be invoked to secure discovery unless
specific facts have been stated, under oath, showing in full
detail (a) the materiality of the requested records to the

1 issues to be tried, and (b) good cause for the production of
2 such records. Where the application for a subpoena duces
3 tecum fails to satisfy fully either of the statutory require-
4 ments, the subpoena issued thereon has no force or effect and
5 must be quashed. Pacific Auto Ins. Co. v. Superior Court, 902
6 273 C.A.2d 61, 77 Cal.Rptr. 836 (1969); Johnson v. Superior
7 Court, 258 C.A.2d 829, 66 Cal.Rptr. 134 (1968); Smith-Golden
8 Inc. v. Superior Court, 41 C.A. 2d 512, 107 P.2d 299 (1940).

9 The required showing of good cause and materiality
10 is not satisfied by legal conclusions or general information
11 and belief allegations. Specific facts must be stated. This
12 black letter rule of California discovery law is reviewed by
13 Judge McCoy in the Johnson case, supra 835-36, in part,
14 as follows:

15 "The affiant cannot rely merely upon the
16 legal conclusion, stated in general terms, that
17 the desired documentary evidence is relevant
18 and material.' (McClatchy Newspapers v.
19 Superior Court, 26 Cal.2d 386, 396 [159 P.2d
20 944]; Ex parte Clarke, 126 Cal. 235, 241-242,
21 [58 P. 546, 77 Am.St. Rep. 176, 46 A.L.R. 835]);
22 the party seeking the issuance of a subpoena
23 for the production of documents 'must first show
24 the materiality of the desired evidence and
25 cannot obtain permission to search through all
26 [his adversary's] papers and records merely
27 in the hope or expectation that the investiga-
28 tion will disclose favorable information.'
29 (McClatchy Newspapers v. Superior Court,
30 supra, at p. 398.) 'A mere allegation that

1 the records are material, . . . constitutes
2 a conclusion of law which does not meet the
3 requirements' of section 1985. (Seven Up
4 Bottling Co. v. Superior Court, 107 Cal.App.2d
5 75, 77 [236 P.2d 623].) Similarly, 'an affi-
6 davit wherein the material facts necessary for
7 the issuance of a subpoena duces tecum are
8 alleged only on information and belief without
9 setting forth supporting facts is insufficient.'
10 (Proctor & Gamble Mfg. Co. v. Superior Court,
11 124 Cal.App.2d 157, 161 [268 P.2d 199], and
12 cases there cited.)

13 * * *

14 "With respect to the required showing of
15 good cause the law is even more explicit. As
16 enacted in 1963, section 2036 of the Code of
17 Civil Procedure provides that a party who is
18 required to show good cause under the provisions
19 of section 1985, among others 'shall show
20 specific facts justifying discovery and mere
21 proof of the relevance of the information sought
22 to the subject matter of the action shall not
23 be sufficient.' By the mandate of this section
24 good cause 'must now be articulated in any given
25 case by an affirmative showing of specific facts
26 justifying discovery.' (Flora Crane Service,
27 Inc. v. Superior Court, 234 Cal.App.2d 767, 792
28 [45 Cal.Rptr. 79].)"

29 Moreover, the facts required to support the issuance
30 of a valid subpoena duces tecum must be sufficient to warrant

983

1 a search and seizure under Article 1, Section 19 of the
2 California Constitution and the Fourth and Fourteenth Amend-
3 ments to the Constitution of the United States. Federal Trade
4 Comm. v. American Tobacco Co., 264 U.S. 298, 44 Sup.Ct. 336
5 (1924); McClatchy Newspapers v. Superior Court, 26 C.2d 386,
6 159 P.2d 944 (1945); Ex parte Clarke, 126 Cal. 235, 58 Pac.
7 546 (1899); People Ex Rel Dept. of Public Works v. Younger, 904
8 5 C.A.3d 575, 86 Cal.Rptr. 237 (1970).

9 In the Younger case, supra 580, the Court affirmed
10 an order quashing a subpoena duces tecum which sought the
11 production of an appraisal report, saying:

12 "As to 'materiality' (as required by Code
13 Civ. Proc. §1985) appellants' affidavit stated
14 only that 'The requested information is of value
15 in establishing the value of the property which
16 is the subject of this action.' The affidavit
17 thus contains no adequate showing of either good
18 cause or materiality. (Johnson v. Superior Court
19 (1968) 258 Cal.App.2d 829, 834-837 [66 Cal.Rptr.
20 134].) McClatchy Newspapers v. Superior Court
21 (1945) 26 Cal.2d 386, 396 [159 P.2d 944]: 'A
22 party or witness has a constitutional right to be
23 free from unreasonable searches and seizures, and
24 it is therefore incumbent upon the one seeking an
25 inspection to show clearly that he has a right
26 thereto and that the constitutional guarantees
27 will not be infringed. Hence, the affidavit in
28 support of the demand for inspection . . .
29 [of books, papers, etc.] . . . must clearly
30 show that they contain competent and admissible

1 evidence which is material to the issues to be
2 tried. [Italics added.] The affiant cannot
3 rely merely upon the legal conclusion, stated
4 in general terms, that the desired documentary
5 evidence is relevant and material.' (Cf.
6 Greyhound Corp. v. Superior Court (1961) 56 Cal.2d 255, 393-395 [15 Cal.Rptr. 90, 364 P.2d 266].)" 935

7
8
9 The Application for Subpoena Duces Tecum in the case
10 at bar makes no factual showing of any sort, but consists
11 entirely of two conclusionary allegations stated on informa-
12 tion and belief. They are:

13 "Declarant is informed and believes that the
14 tape recording in question contains evidence
15 of a possible violation of the Order re Pub-
16 licity in the above entitled case."

17
18 "Declarant is informed and believes that the
19 said tape recording contains statements of an
20 attorney connected with the above entitled case
21 made in violation of court order."

22 No tenable argument can be made that the quoted
23 averments satisfy either the statutory or constitutional
24 requirements for the issuance of a valid subpoena duces
25 tecum. They, at most, indicate a desire to review a tape
26 recording to determine whether any statement may have been
27 made that would be a violation of the terms of the Order
28 re Publicity entered in this action. Such a "fishing
29 expedition" would be an unwarranted intrusion into the
30 private records of any citizen and cannot be sustained. This

1 is particularly true where, as here, the inquiry encroaches
2 upon First Amendment freedoms. In that circumstance (as is
3 discussed in detail in Part III, infra.) an order for the 906
4 production of private records is appropriate only when there has
5 been a clear showing of a compelling and overriding state
6 interest that cannot be served by alternative means. Gibson v.
7 Florida Legislative Investigation Committee, 372 U.S. 536, 546,
8 83 S.Ct. 880 (1963); In Re Caldwell, ____ F.Supp. ____ (N.D.
9 Calif. 1970).

10 No such showing has been attempted or could be made
11 in this case. It must be noted that the referenced Order re
12 Publicity, a true copy of which is annexed hereto as Exhibit "B",
13 prohibits only communications made "for public dissemination"
14 regarding certain specified matters to the extent they have
15 not been published previously. It is clear from the declara-
16 tions submitted herewith that none of the information broadcast
17 by Jon Goodman on July 16, 1970, violated the Order re Publicity.
18 Any other information which Mr. Goodman may have obtained in
19 the course of his news gathering activities on July 16, 1970,
20 has not been disseminated to the public and properly cannot
21 be assumed to be within the ambit of the communications prohi-
22 bited by the Order re Publicity.

23 For each and all of the reasons set forth above, we
24 respectfully submit that the subpoena duces tecum issued on
25 July 31, 1970, is invalid and must be quashed.

26
27 II. The Subpoena Duces Tecum Is Unenforceable
28 Under The Provisions Of Section 1070 of
29 The California Evidence Code.

30 Section 1070 of the Evidence Code reads, in
full, as follows:

1 "\$1070. Newsman's refusal to disclose
2 News Source

3 "A publisher, editor, reporter, or other
4 person connected with or employed upon a news- 907
5 paper, or by a press association or wire
6 service, cannot be adjudged in contempt of
7 court, the Legislature, or any administrative
8 body, for refusing to disclose the source of
9 any information procured for publication and
10 published in a newspaper.

11 "Nor can a radio or television news
12 reporter or other person connected with or
13 employed by a radio or television station be
14 so adjudged in contempt for refusing to dis-
15 close the source of any information procured
16 for and used for news or news commentary
17 purposes on radio or television."

18 By this statute, the Legislature has withdrawn the
19 power to enforce a subpoena duces tecum which would compel a
20 reporter to reveal the source of any information obtained
21 for news purposes. Since all voice recordings necessarily
22 and inseparably integrate the "source" with the content of
23 information communicated to a reporter, the production of
24 such recordings cannot be compelled by the Court.

25 The only reported California case in which Section
26 1070 or its predecessor (Code of Civil Procedure § 1881(b))
27 has been applied is In Re Howard, 136 C.A.2d 816, 289 P.2d
28 537 (1955). In that case, Mr. Howard, a newspaper reporter
29 who had quoted statements made by a Mr. Andrade in a published
30 news story, was subsequently adjudged in contempt of court for

1 refusing to answer the following question:

2 "Mr. Howard; when you were in Sebastopol area
3 as you have testified, did you have a conversa- 908
4 tion with Mr. Peter Andrade which became the
5 subject of the article which you subsequently
6 wrote and which is now in evidence as Plaintiff's
7 Exhibit # 7a and # 7b?" Supra, 818.

8 The Court of Appeal reversed the contempt order
9 holding that Mr. Howard's reliance on the predecessor to
10 Section 1070 was proper and that the privilege conferred by
11 the statute had not been waived by the quotations he attributed
12 to Andrade in the published story. The Court of Appeal having
13 sustained the privilege of the reporter in the Howard case
14 to refuse to state whether he had a conversation with a
15 man he subsequently quoted in a published article, it follows,
16 a fortiori, that Jon Goodman cannot be compelled to reveal
17 whether he attended an interview with attorney Paul Caruso
18 or to produce any recording which would tend to disclose
19 that fact.

20 Pennsylvania, like California, has a statute which
21 provides that newsmen shall not be "required to disclose the
22 source of any information" obtained for news purposes. Its
23 statute was more recently interpreted and applied by the
24 Supreme Court of Pennsylvania in, In Re Taylor, 412 Pa. 32,
25 193 A.2d 181 (1963), to reverse the conviction of two newsmen
26 for contempt, arising out of their refusal to respond to a
27 subpoena duces tecum which commanded the production of various
28 tape recordings, written statements and memoranda of interviews,
29 conversations and conferences had by the reporters with one
30 John J. Fitzpatrick. Both the reasoning and the holding of the

1 Court in that case are applicable to and should be dispositive
2 of the issues in this case, as appears from the following excerpts
3 from the opinion:

4 "We turn then to the interpretation of the
5 Act of 1937, supra. The interpretation of that 969
6 Statute in this case boils down in the last
7 analysis to the meaning of 'the source of any
8 information procured or obtained by such
9 person.' We believe the language of the
10 Statute is clear. The common and approved
11 meaning or usage of the words 'source of
12 information' includes documents as well as
13 personal informants. Statutory Construction
14 Act, May 28, 1937, P.L. 1019, Art. 3, § 33,
15 46 P.S. § 533; Webster's New International
16 Dictionary, Second Edition, p. 245, 3rd
17 Edition, p. 2177; 10 Oxford English Dictionary,
18 p. 275-76. 'Source' means not only the
19 identity of the person, but likewise includes
20 documents, inanimate objects and all sources
21 of information.

22 * * *

23 "The Act of 1937 is a wise and salutary
24 declaration of public policy whose spiritual
25 father is the revered Constitutionally ordained
26 freedom of the press. The Act must therefore,
27 we repeat, be liberally and broadly construed
28 in order to carry out the clear objective and
29 intent of the Legislature which has placed
30 the gathering and the protection of the source

1 of news as of greater importance to the public
2 interest and of more value to the public
3 welfare than the disclosure of the alleged
4 crime or the alleged criminal.

5 * * *

910

6 "If the Act of 1937 applied only to
7 persons and does not include documents, then
8 logically appellants would have to disclose
9 and produce all documents in their possession.
10 However, Judge Kelley in an attempt to fairly
11 (although erroneously) limit the source of
12 information to persons as distinguished from
13 documents, ruled that appellants were required
14 to produce only the documents and tape record-
15 ings allegedly evidencing what Fitzpatrick had
16 told reporters with all names deleted. No one
17 could know with certainty whether the documents
18 as deleted by the newsman would still reveal
19 sources of information which the Act intended
20 to protect. Judge Kelley based his ruling
21 principally if not solely on his conclusion
22 that the Bulletin had waived the privilege
23 created by the Act of 1937 by publishing in
24 its aforesaid article on December 30, 1962,
25 the single sentence hereinabove quoted: 'However,
26 much of the subsequent questioning dealt with
27 what John Fitzpatrick had told Bulletin repor-
28 ters.' This obviously gave Fitzpatrick as the
29 leading source, but the identity of many other
30 persons may have been revealed in the questions .

1 and/or the answers.

2 "If a Court can select or direct newsmen
3 in its or their judgment to select or delete
4 what information is disclosed by the informer.
5 or to furnish the documents in full with only
6 the names deleted which the newsman or the
7 Court sincerely believes should be deleted,
8 the purpose, the object and the intent of
9 the Act will be realistically nullified.

911

10 We therefore hold that a waiver by a newsman
11 applies only to the statements made by the
12 informer which are actually published or
13 publicly disclosed and not to other state-
14 ments made by the informer to the newspaper."
15 Taylor, supra, 184-186.

16 Clearly, California Evidence Code Section 1070 affords
17 no less protection to news sources than that provided by the
18 Pennsylvania Act of 1937. The language of the statutes is
19 substantially the same and the purposes they were intended to
20 serve are identical. Both, we respectfully submit, operate to
21 foreclose the use of the subpoena power to compel production
22 of radio "outs".

23
24 III. Radio "Outs" Are Protected Against
25 Compelled Disclosure By The Con-
26 stitutionally Ordained Freedom of
The Press.

27 Constitutional protection of the freedom of the press
28 "rests on the assumption that the widest possible dissemination
29 of information from diverse and antagonistic sources is essential
30 to the welfare of the public, and that a free press is a con-

1 dition of a free society." Associated Press v. United States,
2 326 U.S. 1, 20, 65 S.Ct. 1416 (1945). Freedom to gather news
3 is, of course, a factual and constitutional precondition of 912
4 freedom of the press to disseminate news, e.g., Martin v.
5 City of Struther, 319 U.S. 141, 63 S.Ct. 862 (1943), and the
6 freedom of the public to receive news. See, Lamont v. Postmaster
7 General, 381 U.S. 301, 85 S.Ct. 1493 (1965).

8 Just as the Supreme Court has been required frequently
9 to reemphasize the paramount importance of free press and speech,
10 it has also been obliged to make clear the extremely perishable
11 nature of those freedoms:

12 "These freedoms are delicate and vulnerable, as
13 well as supremely precious in our society. The
14 threat of sanctions may deter their exercise
15 almost as potently as the actual application of
16 sanctions. . . . First Amendment freedoms need
17 breathing space to survive" NAACP v.
18 Button, 371 U.S. 415, 433, 83 S.Ct. 328 (1963).

19 "It is particularly important that the exer-
20 cise of the power of compulsory process be carefully
21 circumscribed when the investigative process tends
22 to impinge upon such highly sensitive areas as
23 freedom of speech or press, freedom of political
24 association, and freedom of communication of
25 ideas. . . ." Sweezy v. New Hampshire, 354 U.S.
26 234, 245, 77 S.Ct. 1203 (1957) (opinion of Chief
27 Justice Warren).

28 The Court has therefore sought to insulate the right to gather
29 and disseminate ideas--and particularly news--from even those
30 influences and intrusions which were not directly or intentionally

1 suppressive, but which nevertheless might have tended to. 913
2 "inhibit the full exercise of First Amendment freedoms."
3 Dombrowski v. Pfister, 380 U.S. 479, 486, 85 S.Ct. 1116 (1964).
4 It has done so on the premise that, without such protection
5 from even indirect restraints, "free expression--of transcendent
6 value to all society, and not merely to those exercising
7 rights--might be the loser." Ibid. See, e.g., New York Times
8 Co. v. Sullivan, 376 U.S. 254, 279, 84 S.Ct. 710 (1964);
9 Gibson v. Florida Legislative Investigation Committee,
10 372 U.S. 539, 83 S.Ct. 889 (1963); Watkins v. U.S., 354 U.S.
11 178, 177 S.Ct. 1173 (1957); Sweezy v. New Hampshire, 354
12 U.S. 234 (1957); Thornhill v. Alabama, 310 U.S. 88, 97-98,
13 60 S.Ct. 736 (1940).

14 As a corollary to that premise, there has also
15 developed a substantial body of constitutional law specifically
16 protecting anonymity and the privacy of relations whenever those
17 factors were deemed essential, or even appropriate, to the
18 full exercise of a constitutional liberty. Thus, in Talley
19 v. California, 362 U.S. 60, 80 S.Ct. 536 (1960), the Supreme
20 Court held void on its face a Los Angeles city ordinance
21 forbidding the distribution of any handbill not disclosing
22 the names and addresses of its author, distributor and sponsor.
23 Noting that the Federalist Papers, advocating the adoption of
24 the Constitution itself, were published under fictitious names,
25 the Court observed:

26 "Anonymous pamphlets, leaflets, brochures
27 and even books have played an important role in
28 the progress of mankind It is plain that
29 anonymity has sometimes been assumed for the
30 most constructive purposes." Talley, supra 64-65.

1 Likewise, in NAACP v. Alabama, 357 U.S. 449, 462,
2 78 S.Ct. 1163 (1958), the Court invalidated a judicial order
3 requiring the production to a state attorney general of the 914
4 NAACP's membership list on the ground that "privacy in one's
5 associations" was necessary to protect "freedom of association."
6 There, the requisite freedom from state scrutiny was held to
7 be constitutionally protected even though the underlying
8 freedom of association is not among those explicitly identified
9 by the First Amendment. Similarly, in Griswold v. Connecticut,
10 381 U.S. 479, 85 S.Ct. 1678 (1965), the Court found that
11 the privacy of the marital relation was protected as falling
12 within the penumbra of associational rights implicit in the
13 Bill of Rights.

14 Against this background it is perfectly clear that
15 the Constitution protects that privacy for communications which
16 is essential to the functioning of a free press. Unlike the
17 rights at issue in NAACP v. Alabama and Griswold v. Connecticut,
18 cited supra, the underlying right involved in this case is not
19 based upon inference and implication and does not require analysis
20 of constitutional penumbras and emanations. Freedom of the press
21 is expressly guaranteed by the California and the United States
22 Constitutions and, as we have shown above, has been regarded
23 throughout our history as the very core of a free society.

24 Two cases, United States v. Rumely, 345 U.S. 41,
25 73 S.Ct. 543 (1953), and United States v. Peck, 154 F.Supp.
26 603 (D.D.C. 1957), despite the existence in each of an
27 adequate alternative ground for decision, indicate the
28 constitutional protection accorded to the news-gathering
29 relationships of reporters. In the Peck case, where the
30 court entered a judgment of acquittal from a prior conviction

1 of contempt of Congress, it was the newsman's political
2 associations which were deemed too close to the press
3 function to permit Congressional inquiry.

4 "The danger inherent in such an investi- 915
5 gation is found not only in the effect upon
6 those investigated but also in the potential
7 effect upon others in the same field. There
8 is no need to stress the importance to our
9 society of a free press -- and, therefore,
10 of the necessity of enabling writers to formu-
11 late ideas and associations freely and without
12 fear of governmental retribution by investigation
13 or otherwise To inhibit the freedom of
14 thought and association of newspapermen is to
15 infringe upon the freedom of the press. It is
16 also a temptation to those investigating news-
17 papermen to wander into the field of press
18 content, and at times during these hearings the
19 Subcommittee was unable to resist even
20 this direct invasion. . . ." Peck, supra 605.

21 In the Rumely case, where the reversal of a similar
22 contempt conviction was affirmed, two concurring Justices (and
23 doubtless the majority of the Court had it been necessary to
24 reach the question) would protect from governmental investiga-
25 tion a publisher's relations with his subscribers:

26 "A requirement that a publisher disclose the
27 identity of those who buy his books, pamphlets,
28 or papers is indeed the beginning of surveillance
29 of the press. True, no legal sanction is involved
30 here. Congress has imposed no tax, established

1 no board of censors, instituted no licensing system.
2 But the potential restraint is equally severe.
3 The finger of government leveled against the
4 press is ominous. Once the government can demand 916
5 of a publisher the names of the purchasers of his
6 publications, the free press as we know it dis-
7 appears. Then the spectre of a government agent
8 will look over the shoulder of everyone who reads.
9 The purchase of a book or pamphlet today may result
10 in a subpoena tomorrow. Fear of criticism goes
11 with every person into the bookstall. The subtle,
12 imponderable pressures of the orthodox lay hold.
13 Some will fear to read what is unpopular what the
14 powers-that-be dislike. When the light of publicity
15 may reach any student, any teacher, inquiry will be
16 discouraged. . . . Through the harassment of hear-
17 ings, investigations, reports, and subpoenas govern-
18 ment will hold a club over speech and over the
19 press" Rumely, supra, 57-58.

20 A reporter's relations with his news sources are
21 clearly no less essential to the continued meaningful existence
22 of the press freedom than the relations between a publisher
23 and his subscribers, and such relationships must be accorded
24 the constitutional protection from inquiry which was found
25 applicable in the Peck and Rumely cases. The validity of
26 the position we espouse here has been recognized both by
27 the present Attorney General and by his predecessor in office.
28 Former Attorney General Clark has said:

29 "To concede the power in the judiciary to
30 force members of the press and other communications

1 media to divulge information they have developed
2 in performing their function would be the destruc-
3 tion of the effectiveness of the press." N.Y.
4 Times, Feb. 5, 1970, p. 26. 917

5 Attorney General Mitchell stated on February 5, 1970:

6 "The department has always recognized the
7 particular sensitivity of the press in this
8 area, especially with regard to confidential
9 informants, and the special place occupied by
10 the press under the Constitution." N.Y. Times,
11 Feb. 6, 1970, p. 40.

12 More recently, on August 10, 1970, Attorney General
13 Mitchell, in an address before the House of Delegates of the
14 American Bar Association, published a set of guidelines to
15 be followed by Justice Department attorneys in requesting the
16 issuance of subpoenas to the news media, saying that they
17 represent "a genuine effort by the Department to accomodate
18 the respective responsibilities of the news reporter and the
19 federal prosecutor". Prominent among the limitations imposed
20 on requests for the Attorney General's authorization to obtain
21 a subpoena is the statement that such requests "should normally
22 be limited to the verification of published information and
23 to such surrounding circumstances as relate to the accuracy
24 of the published information." (Emphasis added.) (A true
25 copy of the text of the Guidelines as released by the Department
26 of Justice is annexed hereto as Exhibit "C" for the convenience
27 of Court and Counsel). For purposes of this case, it is most
28 significant that the Attorney General has thus recognized that
29 protection against disclosure of unpublished information
30 collected by newsmen is important to the preservation of freedom

1 of the press.

2 There can be no serious question about the imperative
3 nature of the need for newsmen to retain the confidentiality of
4 the communications they rely upon in gathering, understanding,
5 analyzing and disseminating news. The declarations submitted
6 herewith summarize many of the working considerations which
7 impose the need for such confidentiality and compel the con-
8 clusion that the essentials of a free press cannot be preserved
9 unless it is assured.

10 Every day, in widely differing contexts, reporters
11 get news information that is expressly or impliedly "not for
12 attribution" or "not for publication." More important, every
13 day and from many different sources, reporters get background
14 data that is not intended or suitable for publication but that
15 is critical in assessing the significance and credibility of
16 events and other data that are for publication. Perhaps most
17 important of all, reporters continuously seek and obtain the
18 sort of understanding and comprehension of events that can
19 come only from contacts and associations in which highly
20 personal communications are possible.

21 The denial of privacy in such news gathering activities
22 or even the threat of such a denial will inevitably dry up
23 the flow of facts, ideas, leads, opinions and criticisms which
24 the press must have if it is to serve its Constitutionally
25 protected function. Without communications that are free from
26 the threat of government scrutiny, the press in substantial
27 measure would be reduced to the status of a courier for
28 public statements and press releases shorn of the ability to
29 engage in knowledgeable analysis and intelligent choice. Such
30 a courier function is not the role of a free and independent

1 press under our Constitution.

2 The Constitutional assurance of privacy and confi-
3 dentiality in the news-gathering relationships of newsmen 919
4 evokes important information from office holders fearful of
5 superiors, businessmen fearful of competitors, gangsters fearful
6 of reprisal, and from men in all fields who may be fearful
7 of censure for unorthodox or unpopular views. It elicits
8 valuable background in important diplomatic and labor negoti-
9 ations and many similar situations where disclosure would
10 adversely affect the informant's bargaining position. Public
11 figures of all sorts, including government officials, political
12 candidates, corporate officers, labor leaders, movie stars and
13 baseball heroes, who will speak in public only in carefully
14 guarded words, achieve a more informative candor in private
15 communications.

16 Since we are here concerned with no mere "penumbra" of
17 the Constitution (cf. Griswold v. Connecticut, 381 U.S. 479,
18 85 S.Ct. 1678 (1965)), but with the very core of the First
19 Amendment, freedom of the press, and indeed with one of the
20 most critical functions of the press, the collection and
21 analysis of news data, there should be no question that the
22 necessary privacy from state intrusion is guaranteed.

23 Understandably, it may be suggested that the public
24 interest in avoiding abridgement of the press freedom, which will
25 flow from enforcement of the subpoena in this case, is in
26 conflict with, and must be balanced against, the public
27 interest in the administration of justice. Assuming, arguendo,
28 that to be true (but see United States v. Roebel, 389 U.S. 258,
29 268 n. 20, 88 S.Ct. 419 (1967)), it is necessary first to
30 identify the affected interests with precision.

1 On the free press side of the scale, the adverse
2 effects from upholding this and similar subpoenas are long
3 range and widespread. The record demonstrates that privacy
4 in a newsman's relations and communications with his sources 920
5 are indispensable to the operation of a free press and that
6 they will not survive state intrusion by exercise of the subpoena
7 power. If the Court accepts those propositions--and, indeed,
8 we believe them to be self-evident--the following conclusions,
9 dispositive of this motion, are ineluctable:

10 First, the short-range (and still undisclosed) need
11 of the State to obtain information from the recording identified
12 in the subpoena cannot possibly justify the long-range crippling
13 effect on the news-gathering process that will be occasioned
14 by the precedent arising from the upholding of the subpoena and
15 the consequent restrictions it will impose on the relations
16 and communications between newsmen and their sources.

17 Second, any expectation of long-range benefits
18 to the "administration of justice" stemming from subpoenas
19 to the professional press is almost entirely illusory.
20 Given the validity of the propositions recited above, the more
21 subpoenas issued and upheld compelling newsmen to
22 disclose communications and the identity of their sources,
23 the fewer sources and the less information will there be for
24 reporters to divulge. Not only, then, will such subpoenas
25 dangerously curtail the compilation of news, but they will
26 destroy at the same time the very "administration-of-justice"
27 value in whose name such abridgement of the press freedom is
28 perpetrated.

29 In any balancing of these interests, attention must
30 be given to the decisions of the Supreme Court of the United

1 States which "have consistently held that only a compelling
2 state interest in the regulation of a subject within the
3 State's constitutional power to regulate can justify limiting
4 First Amendment freedoms." NAACP v. Button, 371 U.S. 415,
5 438, 83 S.Ct. 328 (1963). 921

6 Such a showing of "compelling state interest" has
7 consistantly been required as the precondition of any govern-
8 mental invasion into spheres of privacy protected by the
9 First Amendment, whether by way of invesgitations, e.g.,
10 Gibson v. Florida Legislative Investigation Committee, 372 U.S.
11 539, 546, 83 S.Ct. 880 (1963); DeGregory v. Attorney General of
12 New Hampshire, 383 U.S. 825, 829, 86 S.Ct. 1148 (1966), or
13 other methods of compelling disclosures, e.g., Bates v. Little
14 Rock, 361 U.S. 516, 524, 80 S.Ct. 412 (1960); Louisiana ex
15 rel. Cremillion v. NAACP, 366 U.S. 293, 296-297, 81 S.Ct. 1333
16 (1961). Defining this requirement in a case where an asserted
17 state interest in the investigation of subversion was held
18 insufficient to justify inquiry into protected associations,
19 the Court stated:

20 "We understand this to mean -- regardless
21 of the label applied, be it 'nexus,' 'foundation,'
22 or whatever -- that it is an essential prere-
23 quisite to the validity of an investigation
24 which intrudes into the area of constitutionally
25 protected rights of speech, press, association
26 and petition that the State convincingly show a sub-
27 stantial relation between the information sought
28 and a subject of overriding and compelling state
29 interest 'Where there is a significant
30 encroachment upon personal liberty, the State

1 may prevail only upon showing a subordinating
2 'interest which is compelling.'" Gibson, supra 546.

3 Applied to the subpoena in this case, the necessary
4 elements of such a showing are not present. The information
5 to be produced is sought only for investigative purposes to
6 determine if there has been a violation of an order of the
7 Court. No proceedings are presently pending against the
8 attorney whose alleged communications with reporters are
9 under investigation. And, no prejudice to the prosecution or
10 the defense in the Manson case could have resulted from the
11 alleged communications since they have never been published.

12 It is true that the rule limiting the use of sub-
13 poenas to evidence that is relevant to the issues in a case
14 is ordinarily administered with considerable elasticity.
15 But that degree of tolerance may not be indulged where
16 inquiry touches First Amendment interests, for in these
17 latter areas compulsory disclosure is forbidden unless it is
18 "demonstrated to bear a crucial relation to a proper govern-
19 mental interest or is essential to fulfillment of a proper
20 governmental purpose." Gibson, supra 549.

21 In the First Amendment area, even relevant inquiries
22 may not be pursued without some solid basis for belief that
23 they will be productive. For example, Jordan v. Hutcheson,
24 323 F.2d 597, 606 (4th Cir. 1963), condemned a legislative
25 investigation which purported to inquire into certain criminal
26 activities but also resulted in the disclosure of constitutional-
27 ly protected associations, saying that courts "can and should
28 protect the activities of the plaintiffs . . . in maintaining
29 the privacy of their First Amendment activities against irrep-
30 arable injury unless and until there is a reasonably demonstrated

1 factual basis for assuming that they are guilty of the offenses
2 which the Committee is interested in investigating."

3 In addition, the information sought must be shown to be
4 unobtainable by other means which do not intrude upon First
5 Amendment freedoms. Garland v. Torre, 259 F.2d 545 (2d Cir.
6 1958); In Re Caldwell, ___ F.Supp. ___ (N.D. Calif. 1970). 923

7 The applicable rule is well stated in Judge Zirpoli's Memorandum
8 Opinion in the Caldwell case, as follows:

9 "When the exercise of the . . . power of
10 testimonial compulsion so necessary to the
11 effective functioning of the court may impinge
12 upon or repress First Amendment rights of
13 freedom of speech, press and association,
14 which centuries of experience have found to
15 be indispensable to the survival of a free
16 society, such power shall not be exercised
17 in a manner likely to do so until there has
18 been a clear showing of a compelling and
19 overriding national interest that cannot be
20 served by alternative means." (Emphasis added.)

21 Since no such showings have been attempted in this
22 case, no sound basis exists for even the contention that the
23 Constitutional rights of the moving parties should be surren-
24 dered to protect the public interest in the administration of
25 justice.

26 Conclusion.

27 On each and all of the grounds set forth above, we
28 respectfully submit that the Subpoena Duces Tecum issued in
29 this case on July 31, 1970, is invalid and unenforceable

30 //

1 and must be quashed in the interests of justice.

2 Respectfully submitted,

3 RALPH E. GOLDBERG
4 WILLIAM WHITSETT
5 McCUTCHEN, BLACK, VERLEGER & SHEA
6 HOWARD J. PRIVETT

By Howard J. Privett
HOWARD J. PRIVETT
Attorneys for Columbia Broad-
casting System, Inc. and Jon
Goodman

924

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

"EXHIBIT A"

925

SUPERIOR COURT OF THE STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

THE HON. LAWRENCE S. MANA, JUDGE

DEPARTMENT NO. 25

---ooo---

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

No. 75 129

926

JOSE A. RIOS, DANILO MELENDEZ, GARY L.
LESCALLET, JOSE M. MARTINEZ, NELSON
RODRIGUEZ, and RODOLFO A. MARTINEZ,

Defendants.

JULY 15, 1970

RULING OF THE COURT

WEDNESDAY, JULY 15, 1970

2:30 P.M.

---00000---

927

(The session had by the court from 1:30 until 2:30 was

reported but not transcribed on a daily basis.)

THE COURT: Well, by statement of counsel, I am going to overlook the sufficiency of the affidavit upon which the

subpoena duces tecum was issued, and I am going to decide and do decide that the "oures" -- primarily, I am going to -- and

this hasn't been allowed in any event, but it might be raised in a subsequent appeal, the question of standing, and that was a question in the Caldwell case, but I think the situation in it was a little different.

In the Caldwell case where the subpoena was directed

against Mr. Caldwell, and then the newspaper, New York Times, interviewed, and the question was whether New York Times had

any standing to intervene, and the Court determined that they did have standing.

In this particular case each of the three television

stations have been subpoenaed, or their corporate officer has been subpoenaed to produce this, so the Court takes the position that they are the proper parties to raise the issue and make the motion to quash the subpoena duces tecum, insofar as it refers to the "oures."

Getting back to where I was, the Court is taking the

position that Evidence Code 1070 is applicable, and that the "oures" are not subject to the motion to quash, and,

MB
JY

1 additionally, the Court is not going to be ruling solely on 928
2 that grounds, but is ruling that the "outs" are protected under
3 the Fourteenth and the First Amendments of the Constitution
4 under the provision of the Freedom of the Press.

5 So, the subpoenas in each of the three cases will be
6 quashed, insofar as they relate to the television "outs" of the
7 days in question.

8 MR. GARRY: Could we have that portion of it? You said
9 we are not going to have the rest of it written up. Could we
10 have that portion of what your Honor's ruling is written up?

11 THE COURT: Do you intend to take some kind of legal
12 action immediately? If you do, I will have the whole thing
13 written up.

14 MR. GARRY: No, I don't intend to take any legal action,
15 but I would like to have it in writing as to what your Honor's
16 ruling is, because I am going to come back to other matters
17 that will come up.

18 THE COURT: Well, all right. You want my order. The
19 proceedings from the point that I have indicated what my
20 opinion would be will be transcribed.

21 MR. GARRY: Yes, that is the only thing I am asking.
22
23
24
25
26

--o0o--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

STATE OF CALIFORNIA

ss.

929

City and County of San Francisco

I, MARJORIE E. BOILER, an Official Certified Shorthand Reporter, hereby certify that the foregoing is a full, true and correct statement of the proceedings requested by counsel had in the above-entitled matter, and that the same is a full, true and correct transcription of the shorthand notes as taken by me in said matter.

Marjorie E. Boiler
Official Court Reporter

1 CHARLES B. COHLER
2 BROBECK, FLEGER & HARRISON
3 111 Sutter Street
4 San Francisco, California 94104
5 Telephone: 434-0900
6
7
8 Attorneys for Ronald E. Mires
9 and Westinghouse Broadcasting
10 Company, Inc.

FILED
IN OPEN COURT
JUL 15 1970
MARILYN MONAHAN, CLERK
By F. WALL
Deputy Clerk

930

8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 FOR THE CITY AND COUNTY OF SAN FRANCISCO

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA,

13 vs.

14 JOSE A. RIOS, et al.,

15 Defendants.

Department No. 23

No. 75129

(Criminal)

17 ORDER QUASHING SUBPOENA DUCES TECUM

18 CALLING FOR "TELEVISION 'OUTS'"

19 The motions of (1) Westinghouse Broadcasting
20 Company, Inc., the licensed operator of television station
21 KPIX, and its news director, Ronald E. Mires, (2) Bay Area
22 Educational Television Association, the licensed operator
23 of KQED TV, and its assistant general manager, Gerald Marans,
24 and (3) Chronicle Broadcasting Co., licensed operator of
25 KRON TV, and its news director, Victor Burton, each to
26 quash a subpoena duces tecum addressed to the custodian
27 of records of the respective stations insofar as such
28 subpoena seeks to compel production of television film
29 not broadcast (hereinafter referred to as "television 'outs'"),
30 having duly come on for hearing on July 15, 1970; the

1 defendants and the People having stipulated that if
2 called as a witness Ronald E. Mires would testify as
3 set forth in his Declaration filed herein July 14, 1970,
4 and the defendants and the People having waived their
5 right of cross-examination of Ronald E. Mires; and the
6 Court having considered the Declaration of Ronald E. Mires
7 and having heard and considered the argument of all
8 counsel for the defendants, the People and the movants who
9 wished to be heard,

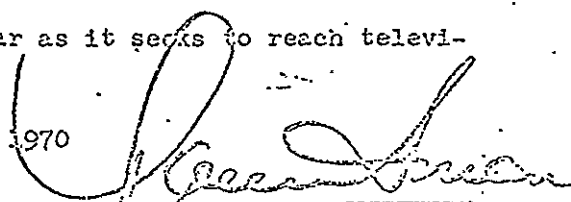
10 IT IS HEREBY ORDERED ADJUDGED AND DECREED that:

11 1. Section 1070 of the California Evidence Code
12 precludes use of this Court's process to compel production
13 or disclosure of television "outs"; and

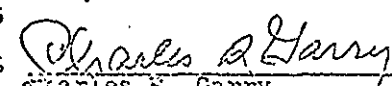
14 2. The First and Fourteenth Amendments to the
15 U. S. Constitution preclude this Court from compelling
16 production or disclosure of television "outs"; and

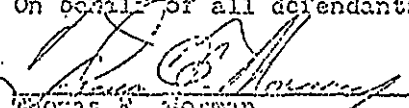
17 3. Upon each of the foregoing grounds, severally,
18 each subpoena duces tecum hereinabove described must be
19 and hereby is quashed insofar as it seeks to reach televi-
20 sion "outs".

21 DATED: July 20, 1970

22 
23 Lawrence S. Kane
Judge of the Superior Court

24 Approved as to form:

25 
26 Charles R. Garry
27 On behalf of all defendants

28 
29 Thomas F. Norman
On behalf of the People
30

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

932

"EXHIBIT B"

FILED

DEC 70 1968

WILLIAM G. SIMPSON, Clerk

R. A. Bancroft
BY R. A. BANCROFT, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

933

PEOPLE OF THE STATE OF
CALIFORNIA

Plaintiffs,

NO. A 253156

vs.

CHARLES MANSON, et al.,

ORDER RE PUBLICITY

Defendants.

It is apparent, and this Court is going to take judicial notice of the fact, that this case has received extensive news media coverage as a direct result of its apparent public interest; further, it is equally apparent to this Court by reading various newspapers and weekly periodicals that this news media coverage is not limited to the County of Los Angeles, but has been extensive not only in the entire State of California but in the Nation as well, and of this fact the Court now takes judicial notice. This Court is of the firm conviction that the impossible task of attempting to choose between the constitutional guarantees of a free press and fair trial need not be made, but that they are compatible with some reasonable restrictions imposed upon pretrial publicity. It further appears to the Court that the dissemination by any means of public communication of any out-of-court statements relating

to this case may interfere with the constitutional right of the defendants to a fair trial and disrupt the proper administration of justice. Some of the defendants now being for the first time before this Court, this Court now exercises its jurisdiction and assumes its duty to do everything within its constitutional powers to make certain that each defendant does receive a fair trial, and now issues the following orders, a violation of which will be considered as a contempt of this Court and will result in appropriate action to punish for such contempt. 934

It is the order of this Court that no party to this action nor any attorney connected with this case as defense counsel or as prosecutor, nor any other attorney associated with this case, nor a judicial attache or employee, nor any public official now holding office, including but not limited to any chief of police or any sheriff, who has obtained information related to this action, which information has not previously been disseminated to the public, nor any agent, deputy, or employee of any such persons, nor any grand juror, nor any witness having appeared before the Grand Jury in this matter, nor any person subpoenaed to testify at the trial of this matter, shall release or authorize the release for public dissemination of any purported extrajudicial statement of the defendant relating to this case, nor shall any such persons release or authorize the release of any documents, exhibits, or any evidence, the admissibility of which may have to be determined by the Court, nor shall any such person make any statement for public dissemination as to the existence or possible existence of any document, exhibit, or any other evidence, the admissibility of which may have to be determined by the Court. Nor shall any such persons express outside of court an opinion or make any comment for public dissemination as to the weight, value, or effect of any evidence as tending to establish guilt or innocence. Nor shall any such persons make any statement outside of court.

1 dissemination as to the weight, value, or effect of any testimony
2 that has been given. Nor shall any such persons issue any
3 statement for public dissemination as to the identity of any
4 prospective witness, or his probable testimony, or the effect
5 thereof. Nor shall any such person make any out-of-court 935
6 statement for public dissemination as to the weight, value, source,
7 or effect of any purported evidence alleged to have been
8 accumulated as a result of the investigation of this matter.
9 Nor shall any such person make any statement for public dissemination
10 as to the content, nature, substance, or effect of any testimony
11 which may be given in any proceeding related to this matter, except
12 that a witness may discuss any matter with any attorney of record or
13 agent thereof.

14 This order does not include any of the following:

15 1. Factual statements of the accused person's name,
16 age, residence, occupation, and family status.

17 2. The circumstances of the arrest, namely, the
18 time and place of the arrest, the identity of the
19 arresting and investigating officers and agencies, and
20 the length of the investigation.

21 3. The nature, substance, and text of the charge,
22 including a brief description of the offenses charged.

23 4. Quotations from, or any reference without
24 comment to, public records of the Court in the case,
25 or to other public records or communications heretofore
26 disseminated to the public.

27 5. The scheduling and result of any stage of the
28 judicial proceeding held in open court in an open or
29 public session.

30 6. A request for assistance in obtaining evidence.

31 7. Any information as to any person not in custody
32 who is sought as a possible suspect or witness, nor any

statement aimed at warning the public of any possible danger as to such person not in custody.

8. A request for assistance in the obtaining of evidence or the names of possible witnesses.

936

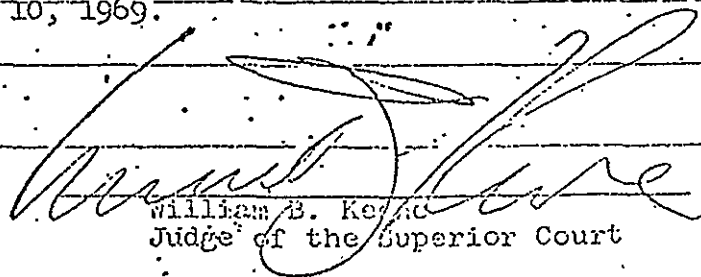
Further, this order is not intended to preclude any witness from discussing any matter in connection with the case with any of the attorneys representing the defendant or the People, or any representative of such attorneys.

It is further the order of the Court that the Grand Jury transcripts in this case not be disclosed to any person (other than those specifically mentioned in Penal Code Section 938.1) until 10 days after a copy thereof has been delivered by this Court to each defendant named in the indictment; provided, however, that if any defendant, during such time, shall move the Court that such transcript, or any portion thereof, not be available for public inspection pending trial, such time shall be extended subject to the Court's ruling on such motion.

It is further ordered that a copy of this order be attached to any subpoena served on any witness in this matter, and that the return of service of the subpoena shall also include the fact of service of a copy of this order.

This order shall be in force until this matter has been disposed of or until further order of Court.

Dated: December 10, 1969.


William B. Keene
Judge of the Superior Court

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

937

"EXHIBIT C"

DEPARTMENT OF JUSTICE GUIDELINES
FOR SUBPOENAS TO THE NEWS MEDIA

938

- FIRST: The Department of Justice recognizes that compulsory process in some circumstances may have a limiting effect on the exercise of First Amendment rights. In determining whether to request issuance of a subpoena to the press, the approach in every case must be to weigh that limiting effect against the public interest to be served in the fair administration of justice.
- SECOND: The Department of Justice does not consider the press "an investigative arm of the government." Therefore, all reasonable attempts should be made to obtain information from non-press sources before there is any consideration of subpoenaing the press.
- THIRD: It is the policy of the Department to insist that negotiations with the press be attempted in all cases in which a subpoena is contemplated. These negotiations should attempt to accommodate the interests of the grand jury with the interests of the news media.
- In these negotiations, where the nature of the investigation permits, the government should make clear what its needs are in a particular case as well as its willingness to respond to particular problems of the news media.
- FOURTH: If negotiations fail, no Justice Department official should request, or make any arrangements for, a subpoena to the press without the express authorization of the Attorney General.
- If a subpoena is obtained under such circumstances without this authorization, the Department will -- as a matter of course -- move to quash the subpoena without prejudice to its rights subsequently to request the subpoena upon the proper authorization.

FIFTH: In requesting the Attorney General's authorization for a subpoena, the following principles will apply:

A. There should be sufficient reason to believe that a crime has occurred, from disclosures by non-press sources. The Department does not approve of utilizing the press as a spring board for investigations.

B. There should be sufficient reason to believe that the information sought is essential to a successful investigation -- particularly with reference to directly establishing guilt or innocence. The subpoena should not be used to obtain peripheral, non-essential or speculative information.

C. The government should have unsuccessfully attempted to obtain the information from alternative non-press sources.

D. Authorization requests for subpoenas should normally be limited to the verification of published information and to such surrounding circumstances as relate to the accuracy of the published information.

E. Great caution should be observed in requesting subpoena authorization by the Attorney General for unpublished information, or where an orthodox First Amendment defense is raised or where a serious claim of confidentiality is alleged.

F. Even subpoena authorization requests for publicly disclosed information should be treated with care because, for example, cameramen have recently been subjected to harassment on the grounds that their photographs will become available to the government.

G. In any event, subpoenas should, wherever possible, be directed at material information regarding a limited subject matter, should cover a reasonably limited period of time, and should avoid requiring production of a large volume of unpublished material. They should give reasonable and timely notice of the demand for documents.

These are general rules designed to cover the great majority of cases. It must always be remembered that emergencies and other unusual situations may develop where a subpoena request to the Attorney General may be submitted which does not exactly conform to these guidelines.

1

3

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

940

Harry P. Warner, Esq.
1900 Avenue of the Stars
Suite 2440-Century City
Los Angeles, California 90067

Tankel, Toll, Strassman & Leavitt
1900 Avenue of the Stars
Suite 2440-Century City
Los Angeles, California 90067

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, California, on Oct. 8,
19 70.

Septimo Cano

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

OCTOBER 9, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE and M. IEHLMAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Y. BUGLIOSI, Deputy
D. MUSICH and S. KAY
Deputy District Attorneys

THE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I. KANAREK, Deputy
X P. FITZGERALD
X D. SHINN
X R. HUGHES

*Complete statements
of Ronni Howard dated
11-22-69*

CO100
BO445

EACH: Trial is resumed from October 8, 1970, in chambers and outside of presence of the jury, for continuation of hearing on admissibility of statements of Virginia Graham and Ronni Howard, Court's special Exhibit 6 (complete statement of Virginia Graham, short complete statement of Virginia Graham as given to Deputy District Attorney Stephen Kay and notes of Deputy District Attorney Vincent Bugliosi), 7-4 (complete statement of Ronni Howard dated October 3, 1970 as given to Deputy District Attorney Donald Musich, edited statement of Ronni Howard and notes of Deputy District Attorney Vincent Bugliosi) are marked for identification. Joint motion of all defendants to suppress admissions of SUSAN ATKINS is argued and denied. Objections of Defendant SUSAN ATKINS to edited statements of Virginia Graham and Ronni Howard are overruled. In open court, out of presence of jury, Court hears joint motion of Defendants CHARLES MANSON, PATRICIA KRENWINKEL AND LESLIE VAN HOUTEN not to allow Ronni HOWARD and VIRGINIA GRAHAM to testify, or in the alternative, to grant defendants' motion to sever based on grounds of ineffective editing. Motion is argued and denied. On order of the Court, jury is returned into courtroom. All defendants remain outside of courtroom by reason of their express wish not to return and their continued failure to comply with Court order not to disrupt the court proceedings. Loudspeakers remain installed and all defendants are able to hear the court proceedings. Trial is resumed in presence of the jury. Virginia Graham is sworn and testifies for the People. Statutory admonitions are given and trial is continued to October 13, 1970, 9:45 am in Department 104. EACH: Remanded.

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
OCTOBER 13, 1970

WILLIAM G. SHARP, COUNTY

CLERK AND CLERK OF THE
SUPERIOR COURT

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

OCTOBER 13, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE and M. MEHLIAN Reporter s
B. MURRAY, Deputy SheriffAPPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
~~Deputy~~
THE PEOPLE OF THE STATE OF CALIFORNIA ☒ V. BUGLIOSI, D. MUSICH and S. KAY
Deputy District Attorneys

vs

☒ MANSON, CHARLES
☒ KRENWINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

 R. S. Buckley, Public Defender by
☒ I. KANAREK ~~Deputy~~
☒ P. FITZGERALD
☒ D. SHINN
☒ R. HUGHES

EACH: Trial is resumed from October 9, 1970, outside of presence of the jury. Defendants still not agreeing to abide with order of Court not to disrupt the trial proceedings, and expressing a desire not to appear in court, remain absent from court, being located where they can hear proceedings by loudspeakers installed for that purpose.

Virginia Graham, previously sworn, resumes testimony for the People.

CO300 Attorney R. Steinberg appears as counsel for Witness Virginia Graham.
B0200

By order of the Court, the jury is returned into court. Virginia Graham resumes testimony before the jury. Outside of presence of jury, Ronni Howard, previously sworn, is recalled and testifies for the People. Statutory admonitions are given and trial is continued to October 14, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

76M414Y-7/09

MINUTES

THIS MINUTE ORDER WAS
ENTERED

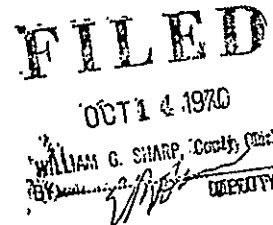
10/14/70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

1 I. A. KANAREK
2 14617 Victory Boulevard
3 Van Nuys, California

4 Telephones: 782-2790; 873-4255

5 Attorney for Defendant
6 CHARLES MANSON



943

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10
11 People of the State of California,) NO. A253/56
12)
13 Plaintiff,)
14 -vs-)
15 CHARLES MANSON, et al.,)
16 Defendants.)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
29)
30)
31)
32)

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.

I, I. A. KANAREK, declare:

That I am the attorney for CHARLES MANSON, Defendant in the above-entitled action.

Because of matters raised in the above-entitled case by the prosecution, Declarant believes it is desirable, in connection with the defense of CHARLES MANSON that people of the Black or Negro race who have known CHARLES MANSON for some period of time, testify concerning his (Charles Manson's) relationship with people of the Black or Negro race; Declarant is informed and believes that CHARLES ARTHUR RICH, Los Angeles County Book No. 125459, presently confined in the Los Angeles (Central) Jail, has known CHARLES MANSON at least about 15 years; said CHARLES ARTHUR RICH, Declarant is informed and believes, has been confined with CHARLES MANSON both at McNeil

1 Island Federal Penetentiary and other places of confinement;
2 Declarant is informed and believes that it is desirable that
3 Declarant consult with Defendant MANSON in the presence of
4 CHARLES ARTHUR RICH in order to best determine what path to
5 follow in the above-entitled matter which is now in trial as
6 to matters in which CHARLES ARTHUR RICH may be knowledgeable.

7 *I have spoken with Mr. Duane Peterson, Deputy Public
8 Defender for Mr. Charles Arthur Rich, and it is agreeable with him
9 that Charles Arthur Rich meet with ~~representative~~ Charles Manson.* *gfk*

10 I certify (or declare), under penalty of perjury, that
11 the foregoing is true and correct. *Bdr*

12 Executed at Los Angeles, California, this *5th* day of
13 October, 1970.

I. A. Kanarek *10-8-70*

I. A. Kanarek

14 I. A. KANAREK
15 Attorney for Defendant
16 CHARLES MANSON

944

17 O R D E R

18 IT IS HEREBY ORDERED that I. A. KANAREK be allowed to
19 consult with CHARLES MANSON in the presence of CHARLES ARTHUR
20 RICH and that the Sheriff of Los Angeles County, who has both
21 CHARLES MANSON and CHARLES ARTHUR RICH in his custody, make
22 arrangements for said consultation at a time and place conveni-
23 ent to the Sheriff of Los Angeles County.

24 *Charles H. Older*
25 Judge of the Superior Court

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

11:10

OCTOBER 14, 1970

Department No. 104

CHARLES H CLDER

Judge

E R DARROW

Clerk

J HOLLOMBE and M LEMLIAN
B MURRAY, Deputy Sheriff

Reporters

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA

x J BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

X | MANSON, CHARLES
X | KRENNIKEL, PATRICIA
X | ATKINS, SUSAN
X | VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender, by

X | KANAREK
X | FITZGERALD
X | SHINN
X | HUGHES

Deputy

EACH: Trial is resumed from October 13, 1970, outside of presence of the jury with all defendants still absent from court due to their continued refusal to comply with order of Court not to disrupt the trial proceedings. Defendants remain in facilities where they may hear proceedings by loudspeaker. Ronni Howard, previously sworn, resumes testimony for the People. Joint motion of defendants to prevent witness Ronni Howard from testifying in front of the jury is argued and denied. Jury is ordered into court. Ronni Howard aka Veronica Hughes resumes testimony before the jury. Outside of hearing of the jury, counsel and Court discuss authenticity and admissability of People's Exhibit 265. People's Exhibit 265 (letter from Defendant SUSAN ATKINS to Ronni Howard) is marked for identification. Court signs order that Attorney I A Kanarek be allowed to consult with CHARLES MANSON in presence of Charles Arthur Rich and that Sheriff who has custody of both CHARLES MANSON and Arthur Rich make arrangements for said consultation at a time and place convenient to Sheriff not in conflict with court proceedings. Statutory admonitions are given and trial is continued to October 15, 1970 in Department 104 at 9 am.

EACH: Remanded.

COL45
BO345

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

70M414Y-7/49

MINUTES

THIS MINUTE ORDER WAS
ENTERED
10/15/70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

11415

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

OCTOBER 15, 1970

Department No. 104

CHARLES H OLDER Judge

APPEARANCES: E R DARROW Clerk
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

J HOLLOMBE and M NEHLMAN Reporters
D HUNTER, Deputy Sheriff

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy
V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

THE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X HANSON, CHARLES
X KREMWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I KANAREK
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from October 14, 1970 in Court chambers and out of the presence of jury for hearing on questions of editing and admissibility of various letter written by Defendant SUSAN ATKINS. On order of the Court, marking of Court's special Exhibit 5 is stricken and transcript is now incorporated as part of Court's special Exhibit 7.

COO45
BO450

On order of Court, marking of letter from Defendant SUSAN ATKINS as People's Exhibit 265 is stricken and now marked Court's Exhibit 8 for identification. Court's special Exhibit 9 (copy of letter from Defendant Atkins to Jo Stevenson), 10 (copy of letter from Defendant Atkins to Kitt Fletcher), 11 (copy of letter from Defendant Atkins to Kitt Fletcher dated 12-17-69) are marked for identification. On motion of the People, Court orders Court's special Exhibit 10 withdrawn and number is deleted. Trial is continued to October 16, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. C. CLK.
SHER. MISC.

70M414Y-7/69

THIS MINUTE ORDER WAS
ENTERED
10/16/70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

CieloDrive.com ARCHIVES

b

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

OCTOBER 16, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARRCH Clerk

J HOLLOMBE and M LEHMAN Reporter s
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy:

THE PEOPLE OF THE STATE OF CALIFORNIA X

V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KREZWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I KAHAREK Deputy:
X P FITZGERALD
X D SHINN
X R HUGHES

GO145
BO410

EACH: Trial is resumed from October 16, 1970 in chambers and outside of presence of the jury for resumption of hearing on editing, deletion and admissability of letters of SUSAN ATKINS. Joint motion of defendants to suppress letters due to ineffective deletion is denied. On order of the Court, jury is returned into court and trial is resumed in presence of the jury. All defendants remain absent from court due to their continued failure to obey order of the Court not to disrupt the trial. On question by the Court, counsel affirm that defendants desire not to return to court and will not obey order of the Court. Loudspeakers remain installed to enable defendants to hear proceedings. Gregg Jacobsen is sworn and testifies for the People. People's Exhibits 266 (Beatles album of 2 records), 267 (copy of lyrics of People's Exhibit 266), 268 (copy of revelation 9) are marked for identification. Statutory admonitions are given and trial is continued to October 19, 1970 in Department 104 at 9:45 pm. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
10/19/70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

76M414Y-7/69

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

OCTOBER 19, 1970

Department No. 104

CHARLES H. OLDER

Judge

J. HOLLOMEE and M. MULLMAN
B. MURRAY, Deputy Sheriff

Reporters

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

E. R. DARRON

Clerk

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA

X V BUGLIOSI, D. MUSICH and S. KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I. KANAREK
X P. FITZGERALD
X D. SHINN
X R. HUGHES

Deputy

CO200
BO200

EACH: Trial is resumed from October 16, 1970 in presence of the jury with all defendants still absent from courtroom due to their continued failure to comply with order of Court not to disrupt the proceedings of the Court. Defendants remain in facilities where they can hear proceedings by means of loudspeakers. Out of hearing of jury, Court orders Attorney Ronald Hughes to show cause why he should not be held in contempt for his failure to appear for this morning's session of court. Hearing is set for October 20, 1970 in Department 104 at 9 am. Gregg Jacobson, previously sworn, resumes testimony for the People. Statutory admonitions are given and trial is continued to October 20, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

763414Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED

10/20/70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

b

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

OCTOBER 20, 1970

Department No. 104

CHARLES H OLDER Judge

E. P. DARRC/I Clerk

J. HOLLOMBE and M. FEHLIAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA ☒ V BUGLIOSI, D. MUSICH and S. KAY,
Deputy District Attorneys

vs

☒ MANSON, CHARLES
☒ KREINWITZEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
☒ I. KANAREK Deputy
☒ P. FITZGERALD
☒ D. SHINN
☒ R. HUGHES

EACH: Cause is called for hearing on order to Ronald Hughes to show cause why he should not be held in contempt for failure to appear in court for morning session on October 19, 1970. Deputy Public Defender Richard Hanki appears on behalf of contemnor Hughes. Ronald Hughes is sworn and testifies for purposes of this hearing only. Matter is argued and submitted. Trial is resumed from October 19, 1970 in presence of the jury with all defendants still absent from court due to their continued refusal to comply with order of the Court not to disrupt the trial proceedings. On question by the Court, Attorneys for defendants confirm desire of defendants not to return to court. Loudspeakers remain installed allowing defendants to hear all proceedings. Gregg Jacobson, previously sworn, resumes testimony for the People. Shahroks Hatami is sworn and testifies for the People. Jury is excused from courtroom and out of the presence of the jury, Court conducts hearing on admissability of in court identification of Defendant CHARLES MANSON by Witness Hatami. Shahroks Hatami and Vincent Bugliosi, both previously sworn, testify on issue of in court identification. Issue of in court identification is argued and Court rules it inadmissable. On order of Court, jury is returned into courtroom. Shahroks Hatami resumes testimony before jury. Statutory admonitions are given and trial is continued to October 21, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
10/21/70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

76M414Y-7/69

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

OCTOBER 21, 1970

Department No. 104

CHARLES H. OLDER Judge

J. HOLLOMBE and M. MEHLMAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES: E. R. DARROW Clerk
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

--- Case No. A253156

Evelle J. Younger, District Attorney by
Dep. V. BUGLIOSI, D. MUSICH and S. KAY,
Deputy District Attorneys

THE PEOPLE OF THE STATE OF CALIFORNIA X

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I. KANAREK Dep. P. FITZGERALD
X D. SHINN
X R. HUGHES

EACH: Trial is resumed from October 20, 1970 in chambers and out of presence of the jury. Court advises all defendants of their right to appear in court and right to confront witnesses. Defendants express no desire to return to court and refuse to promise not to disrupt the trial proceedings. Defendants remain in facilities where they may hear trial proceedings by loudspeakers installed for that purpose. Trial is resumed in presence of the jury. Shahroks Hatami and William J Lee, previously sworn, resume testimony for the People. Rudolph Altobelli and Charles A Koenig are sworn and testify for the People. Statutory admonitions are given and trial is continued to October 22, 1970 in Department 104 at 9 am. EACH: Remanded.

C0050
B0455

CO. J. CYA
SHER. C. CLK.
 MISC.

TGS1114X-7/00

MINUTES

THIS MINUTE ORDER WAS
ENTERED

10.23.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

1 PAUL J. FITZGERALD, RONALD
2 HUGHES, DAYE SHINN and I. A.
3 KANAREK
4 672 South Lafayette Park Place
5 Suite 38
6 Los Angeles, California 90057
7 380-3411
8 Attorneys for Defendants *10-29-71*

FILED

OCT 22 1970

JUAN G. SHARP, County Clerk
BY *[Signature]* DEPUTY.

351

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

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA,
13 Plaintiff,
14 vs.
15 CHARLES MANSON, LESLIE VAN
16 HOUTEN, PATRICIA KRENWINKEL,
17 SUSAN ATKINS, et al.,
18 Defendants.

NO. A-253156

MOTION FOR EVIDENTIARY
HEARING TO DETERMINE
CAPACITY OF WITNESS DIANE E.
LAKE TO TESTIFY PURSUANT TO
EVIDENCE CODE, SECTIONS 701
AND 405

19 Defendants CHARLES MANSON, LESLIE VAN HOUTEN, PATRICIA
20 KRENWINKEL and SUSAN ATKINS hereby move the above-entitled Court
21 for an evidentiary hearing to determine the competency of witness
22 DIANE E. LAKE also known as DIANE BLUESTEIN also known as "SNAKE".
23 Said motion is pursuant to Evidence Code, Section 701 which sets
24 out standards for competency of a witness and Evidence Code,
25 Section 405 which sets out the method for a determination of a
26 foundational or preliminary fact.

27 Said motion is based upon all the papers, files, pleadings
28 in the above-entitled action, the Declaration of counsel, and on
29 such other and further evidence as may be introduced at the hear-
30 ing of said motion.

31 *****
32 *****

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

DATED: August 12, 1970



PAUL J. FITZGERALD
Attorney for Defendant PATRICIA
KRENWINKEL
for RONALD HUGHES, DAYE SHINN and I.A.
KANAREK

952

1 following allegations:

2 "Diane Elizabeth Lake proposed con-
3 servatee, is a patient at Patton State
4 Hospital, and has no legally appointed
5 guardian or conservator.

6 "Said proposed conservatee is gravely
7 disabled as a result of a mental disorder
8 and is incapable of accepting treatment
9 and care voluntarily; and by reason thereof
10 said proposed conservatee is unable to prop- 354
11 persly care for herself or her property.

12 "It is necessary that a temporary
13 conservator be appointed in order to pro-
14 vide suitable food, shelter, care, treatment,
15 and placement, and in order to protect the
16 property of said proposed conservatee pend-
17 ing hearing on this petition."

18 That on April 3, 1970, the Superior Court of Inyo County
19 in Case Number 4120 issued Letters of Conservatorship to one
20 Donald Talmadge who was thereby appointed conservator of the
21 person and property of Diane E. Lake.

22 That on January 8, 1970, John P. McMurry, Judge of the
23 Superior Court of Inyo County ordered witness Diane E. Lake
24 committed for ninety (90) days observation pursuant to Welfare
25 and Institutions Code, Section 6550.

26 That the official records of Patton State Hospital,
27 Drawer B, Patton, California 92369, reflect that witness Lake
28 was admitted on January 10, 1970, and has continued in residence
29 at that location through and including the present date.

30 That upon witness Lake's admission on January 10, 1970,
31 she told representatives of Patton State Hospital that she had
32 "taken marijuana, LSD, hashish, for a period of four years."

1 On January 12, 1970, witness Lake told H. W. Oshrin,
2 M.D., that she had used LSD, marijuana, hashish, mescaline and
3 something called synthetic grass over a four year period. That
4 Dr. Oshrin described witness Lake as laughing inappropriately,
5 speech is rather vague and evasive, very difficult to follow and
6 difficult to rectify misunderstandings. "She spoke in a monotonous
7 low tone of voice. She admits to having visual hallucinations
8 under the influence of drugs. She also admits to having hallu-
9 cinations in the present. She is unable to determine if voices
10 she hears are thoughts or voices or whether they come from the
11 inside or the outside. She has difficulty thinking in the ab-955
12 stract."

13 That H. W. Oshrin, M.D. diagnosed witness Lake as
14 suffering from schizophrenia, chronic undifferentiated type
15 (with group delinquent reaction), behavior disorder of childhood
16 and adolescence, drug dependence, hallucinogens (prominent).
17 He described her prognosis as "extremely guarded for any improve-
18 ment in this girl." The recommendation of Dr. Oshrin was "it is
19 felt that she is gravely disabled and in need of long-term care
20 and treatment as well as placement after she leaves the hospital
21 with twenty-four hour supervision for many years."

22 On January 13, 1970, during a psychological interview
23 by Bruce Meeks, Ph.D., Staff Psychologist, Patton State Hospital,
24 witness Lake stated: "That she had bad trips while on LSD. After
25 the first few LSD experiences, she stated she only complied with
26 others to take LSD out of fear of social rejection. She stated
27 that she still has flashbacks from these experiences and much
28 of the time she states that she feels as if she is still ex-
29 perencing the effects of the LSD, in which her perceptions are
30 either cloudy or else very sharp and clear." The psychologist,
31 Meeks, opined that "Diane still hears voices telling her things
32 to do. These voices are of a hallucinatory nature. The patient

1 also has been observed in a group situation in which she is
2 withdrawn most of the time and remains largely uninvolved with
3 the group and makes no spontaneous contributions to the group.
4 Her verbalizations in that setting are frequently peculiar and
5 are difficult for other patients to understand. She appears to
6 be responding to her own autistic thoughts rather than to the
7 conversation taking place in the group." Dr. Meeks referred to
8 witness Lake at this time as appearing "lost in her own thoughts"
9 and her discourse was confused and incoherent at times. Dr. 056
10 Meeks described the results of psychological testing as follows:
11 "The test results present a picture of a highly disturbed person
12 who is presently psychotic. The patient frequently experiences
13 hallucinations and depersonalization. She expresses many ideas
14 of reference and some feelings of persecution. Although Diane
15 is typical of people who become involved with the law, her
16 difficulties do not stem from the classical amoral and asocial
17 sociopathic personality. Diane is a highly conforming, highly
18 suggestible, and obedient girl who is very fearful of rejection.
19 Her thought processes are frequently autistic, alogical, confused
20 and confabulated, as is characteristic of the psychotic individual.
21 Some of her test responses are blatantly psychotic, for example,
22 in describing a perception of a man's skull, on the Rorschach,
23 she described two white spots as being 'shackerles' which are,
24 'holes in your brain that let air into your brain to breathe.'
25 'I am using my imagination there is one here (pointing to the
26 sternum) and one above your stomach.' She frequently feels a
27 loss of self as she stated in response to one of the test ques-
28 tions, 'I need what they want me to need.' She is very confused
29 and disturbed by her past sexual experiences. In summary, the
30 patient is presently seen to be psychotic. Her extensive ex-
31 periences with drugs and her description of many of her present
32 symptoms would suggest that the present schizophrenic reaction

1 was precipitated by her drug experiences and her social situation.
2 Diane is a very insecure dependent girl who is very confused by
3 the threatening world about her and by her chaotic and abnormal
4 experiences during the past two years. Diagnostic impression:
5 Schizophrenia, acute schizophrenic episode."

6 On January 13, 1970, witness Lake was also interviewed
7 and evaluated by Linda Hall, a psychiatric social worker employed
8 by the Patton State Hospital. Linda Hall reported in part as
9 follows: 957

10 "I feel that this girl is gravely disabled and in need
11 of conservatorship. She is need of continued care and treatment.
12 Certify for fourteen days intensive treatment and refer for con-
13 servatorship as gravely disabled."

14 Subsequent reports and apparent examinations resulted in
15 an apparent change of diagnosis. Apparently, Diane Lake is no
16 longer considered to be possessed of a mental state of psychotic
17 proportions. She nonetheless continues to be incarcerated at
18 Patton State Hospital, apparently pursuant to the aforementioned
19 Letters of Conservatorship.

20 That counsel is of the opinion that Diane Lake may be
21 disqualified as a witness as the result of being incapable of
22 expressing herself concerning the matters at issue and may be
23 incapable of understanding the duty of a witness to tell the truth.

24 I declare under penalty of perjury that the foregoing
25 is true and correct, except as to those matters stated on informa-
26 tion and belief, and as to those matters, I believe them to be
27 true.

28 Executed on August 12, 1970, at Los Angeles, California.

29
30 
31 PAUL J. FITZGERALD
32

POINTS AND AUTHORITIES IN SUPPORT OF
MOTION

Evidence Code, Section 701.

"A person is disqualified to be a witness if he is: (a) incapable of expressing himself concerning the matters so as to be understood, either directly or through interpretation by one who can understand him; or (b) incapable of understanding the duty of a witness to tell the truth."

Evidence Code, Section 405.

"Determination of Foundational and Other Preliminary Facts. (a) When the existence of a preliminary fact is disputed, the Court shall indicate which party has the duty of producing evidence and the burden of proof on the issue as implied by the rule of law under which the question arises. The Court shall determine the existence or nonexistence of the preliminary fact and shall admit or exclude the proffered evidence as required by the rule of law under which the question arises. . . ."

The opponent who challenges a witness' mental capacity to testify, on the ground that she is mentally defective has the burden of proof on this issue.

See Evidence Code, Section 405, Comment;

1 People v. Craig (1896), 111 Cal. 460, 469;
2 People v. Tyree (1913), 21 Cal. App. 701, 706;
3 People v. Gasser (1917), 34 Cal. App. 541, 543.

4
5 The determination is finally made by the trial judge,
6 without resubmission of the issue to the jury.

7 Evidence Code, Section 405;

8 Evidence Code, Section 701, Comment;

9 See People v. Tyree, supra;

10 People v. Delaney (1921), 52 Cal. App. 765, 769;

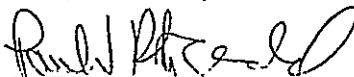
11 People v. McCaughan (1957), 49 Cal. 2d 409, 421.

12 959

13 "Although the trial judge determines
14 competency (sound discretion demands the
15 exercise of great caution in qualifying
16 as competent a witness who has a history
17 of insane delusions relating to the very
18 subject of inquiry in a case in which
19 the question is not simply whether or not
20 an act was done but, rather, the manner in
21 which it was done and in which testimony
22 as to details may mean the difference be-
23 tween conviction and acquittal."

24 People v. McCaughan (1957), 49 Cal. 2d 409, 421;
25 Witkin, California Evidence, Section 768, 769 and
26 770.

27 Respectfully submitted,

28 

29 PAUL J. FITZGERALD
30 Attorney for Defendant PATRICIA
31 KRENWINKEL
32 For RONALD HUGHES, DAYE SHINN and
I. A. KANAREK

(11)

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

OCTOBER 22, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLOMBE and M MEHLMAN Reporter s
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA ~~X~~ V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

~~X~~ MANSON, CHARLES
~~X~~ KRENWINKEL, PATRICIA
~~X~~ ATKINS, SUSAN
~~X~~ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

~~X~~ I KANAREK
~~X~~ P FITZGERALD
~~X~~ D SHINN
~~X~~ R HUGHES

EACH: Trial is resumed from October 21, 1970 in presence of the jury with all parties, including defendants present. Charles A Koenig, previously sworn, resumes testimony for People. Roseanne Walker is sworn and testifies for the People. Court orders jury removed from courtroom and out of their presence, Court conducts hearing on admissability of testimony of Witness Roseanne Walker. Court rules that certain portions of anticipated testimony are not admissable. On order of Court, jury is returned into courtroom and Roseanne Walker resumes testimony before the jury. In chambers and out of presence of the jury, Court conducts hearing on admissability of testimony of Father David H Ryan. Court rules testimony inadmissable. Harold True is sworn and testifies for the People. In chambers, Court appoints Doctors Harold C Deering and Blake Skrdla pursuant to the provisions of Section 730 EC to examine prospective Witness Diane Lake. Statutory admonitions are given and trial is continued to October 23, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED

10/26/70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

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

OCTOBER 23, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLONBE and M. MEHLMAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. 1253196 1253151

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA

X V. BUGLIOSI, D. MUSICH Deputy
and S. KAY, Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I. KANAREK Deputy
X P. FITZGERALD
X D. SHINN
X R. HUGHES

CO045
BO500

EACH: Trial is resumed from October 23, 1970 in presence of the jury with all parties present as heretofore. Terry Melchor and Stephanie Schramm are sworn and testify for the People. Court orders jury removed from court and out of their presence, Court conducts hearing on admissability of certain statements by Defendant CHARLES MANSON on March 2, 1970. Sidney J. Nuckles, Jr. is sworn and testifies for the People on hearing. Daye Shinn and CHARLES MANSON are sworn and testify for defendants for limited purpose of this hearing only. Hearing is continued to October 26, 1970 in Department 104 at 9 am. Statutory admonitions are given and trial is continued to October 26, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

76M414Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED

10/26/70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

082

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

OCTOBER 23, 1970

Department No. 104

CHARLES H OLDER

Judge

E. R. DARROW

Clerk

J HOLLOMBE and M MEHLMAN
B MURRAY, Deputy Sheriff

Reporter s

APPEARANCES:

(Parties and Counsel checked if present.

Counsel shown opposite parties represented.)

Evelle J. Younger, District Attorney by

X V BUGLIOSI, D MUSICH ~~Depoxy~~

 and S KAY, Deputy District Attorney.

Case No. A253156

THE PEOPLE OF THE STATE OF CALIFORNIA

VS

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender ~~by~~

X I KANAREK ~~Depoxy~~

X P FITZGERALD

X D SHINN

X R HUGHES

C0045
B0500

EACH: Trial is resumed from October 22, 1970 in presence of the jury with all parties present as heretofore. Terry Melchor and Stephanie Schramm are sworn and testify for the People. Court orders jury removed from court and out of their presence, Court conducts hearing on admissability of certain statements by Defendant CHARLES MANSON on March 2, 1970. Sidney J Nuckles, Jr is sworn and testifies for the People on hearing. Daye Shinn and CHARLES MANSON are sworn and testify for defendants for limited purpose of this hearing only. Hearing is continued to October 26, 1970 in Department 104 at 9 am. Statutory admonitions are given and trial is continued to October 26, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

76M414Y - 7/70

MINUTES

THIS MINUTE ORDER WAS
ENTERED
10/26/70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

b

414

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

OCTOBER 26, 1970

Department No. 104

CHARLES H OLDER Judge

M FLETCHER Clerk

J HOLLOMBE and M MEHLMAN Reporter s
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253196 : 4253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D MUSICH and S KAY, Deputy
Deputy District Attorneys

vs

X MANSON, CHARLES

R. S. Buckley, Public Defender by

X I KANAREK Deputy

X KRENWINKEL, PATRICIA

X P FITZGERALD

X ATKINS, SUSAN

X D SHINN

X VAN HOUTEN, LESLIE

X R HUGHES

EACH: Trial is resumed from October 23, 1970 in presence of the jury with all parties present as heretofore. Janet Marie Owens and Lelia Koler are sworn and testify for the People. On motion of Defendant CHARLES MANSON, objecting to witnesses Owens and Koler being allowed to testify, Court orders that Witnesses Owens and Koler's testimony is deemed as evidence received only against SUSAN ATKINS and is not to relate to any other defendant. Outside the presence of the jury, People's motion is argued regarding the admissability of SUSAN ATKINS' letters, Special Exhibits 8, 9, 11. Court orders that letters will be read by reporter to the jury. Defendant's motion to suppress the reading of the letters to the jury is denied. Court orders the reading of the letters deferred until the closing of the People's case. John McKellar, Sr is sworn and testifies for the People. Court orders John McKellar, Sr's testimony as evidence received only against PATRICIA KRENWINKEL. Frank Patchett is sworn and testifies for the People. People's Exhibit 269 (map of the LaBianca residence area) is marked for identification. Brooks Poston is sworn and testifies for the People. On order of the Court, Brooks Poston's testimony is limited solely to CHARLES MANSON. Jury is admonished and trial continued to October 27, 1970, 9 am in Department 104., EACH: Remanded.

COO45
BO545

MANUEL GUTERREZ, previously sworn, is recalled and testifies for people.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
10/27/70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

763114X-7/69

952

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

October 26, 1970

Department No. 104

CHARLES H. OLDER

Judge

M. FLETCHER

Clerk

J. HOLLOMBE and M. MEHLMAN

Reporter

B. MURRAY, DEPUTY SHERIFF

APPEARANCES:

(Parties and Counsel checked if present.
Counsel shown opposite parties represented.)

☒ District Attorney by

☒ V. BUGLIOSI, D. MUSICH Deputy

☐ S. KAY, Deputy District Attorneys

Case No. A 253 156

THE PEOPLE OF THE STATE OF CALIFORNIA

VS

☒ MANSON, CHARLES

☒ KRENWINKEL, PATRICIA

X ATKINS, SUSAN

X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

☒ I. KANAREK Deputy

☒ P. FITZGERALD

X D. SHINN

X R. HUGHES

EACH: Trial is resumed from October 23, 1970 in presence of the jury with all parties present as heretofore. Janet Marie Owens and Lelia Koler are sworn and testify for the People. On motion of defendant CHARLES MANSON, objecting to witnesses Owens and Koler being allowed to testify, Court orders that Witnesses Owens and Koler's testimony is deemed as evidence received only against SUSAN ATKINS and is not to relate to any other defendant. Outside the presence of the jury, People's motion is argued regarding the admissability of SUSAN ATKINS' letters, Special Exhibits 8, 9, 11. Court orders that letters will be read by reporter to the jury. Defendant's motion to suppress the reading of the letters to the jury is denied. Court orders the reading of the letters deferred until the closing of the People's case. John McKellar, Sr. is sworn and testifies for the People. Court orders John McKellar, Sr's testimony as evidence received only against PATRICIA KRENWINKEL. Frank Patchett is sworn and testifies for the People. People's Exhibit 269 (map of the LaBianca residence area) is marked for identification. Brooks Poston is sworn and testifies for the People. On order of the Court, Brooks Poston's testimony is limited solely to CHARLES MANSON. Jury is admonished and trial continued to October 27, 1970, at 9:00 a.m. in Department 104. Manuel Guterrez, previously sworn, is recalled and testifies for the People. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED

10/27/70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

76M414V - 7/70

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

OCTOBER 27, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLONBE and M. MEHLMAN Reporter
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D. MUSICH and S. KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I. KANAREK
X P. FITZGERALD
X D. SHINN
X R. HUGHES

CO045
BO515

EACH: Trial is resumed from October 26, 1970 in presence of the jury with all parties present as heretofore. Brooks Poston, previously sworn, resumes testimony for the People. Paul Watkins is sworn and testifies for the People. Outside of hearing of the jury, motion of the People to have Defendant PATRICIA KRENWINKEL submit handwriting exemplar is opposed by defendant, argued and granted by the Court. Court offers to appoint independent handwriting experts in addition to People's experts and orders Defendant PATRICIA KRENWINKEL to submit exemplar no later than 4:30 pm on October 30, 1970. Statutory admonitions are given and trial is continued to October 28, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

76M414Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED
10.28.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

OCTOBER 28, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE and M. MEHLMAN Reporters

B. MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA X V. BUGLIOSI, D. MUSICH and S. KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I. KANAREK Deputy
X P. FITZGERALD
X D. SHINN
X R. HUGHES

CO045
BO545

EACH: Trial is resumed from October 27, 1970 in presence of the jury with all parties and defendants present as heretofore. Paul Watkins, previously sworn, resumes testimony for the People. Pursuant to stipulation by and between People and all defendants, and with consent of Court, the reporter reads deleted form of letters marked Court's special Exhibits 8, 9 and 11 to jury from reporter's transcript number 128. Outside of hearing of jury, William R. Maupin is sworn and testifies for the People and upon objection by defendant, the Court rules that his testimony is not admissible. Defendant PATRICIA KRENWINKEL, on advice of, and by her counsel, refuses to comply with Court order to submit handwriting exemplar. Statutory admonitions are deemed given and trial is continued to October 29, 1970 in Department 104 at 1:45 pm. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

TOM414Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED

10.29.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

OCTOBER 29, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLOUBE and M MEHLMAN Reporters
B MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I KANAREK Deputy
X P FITZGERALD
X D SHINN
X R HUGHES

CO315
B0200

EACH: Trial is resumed from October 28, 1970, outside of presence of the jury for hearing on competency of prospective witness Diane Lake. All parties and defendants are present as heretofore. Doctors Blake Skrdla and Harold C Deering are sworn and testify for the People. Court's special Exhibits 13 (report of Doctor Blake Skrdla, dated 10/27/70) and 14 (report of Doctor Harold Deering, dated October 28, 1970) are admitted in evidence. Court's special Exhibits 15 (2 page copy of order of commitment of Diane Lake), 16 (1 page document shown as application for 72 hour detention), 17 (2 page document shown as psychiatric examination), 18 (2 page document shown as social history evaluation), 19 (1 page addendum to social history evaluation), 20 (1 page State of California Mental Hygiene diagnosis), 21 (1 page declaration of H Oshrin), 22 (2 page psychological assessment), 23 (1 page notice of hearing on appointment of conservator), 24 (2 page petition for appointment of conservator), 25 (1 page recommendation for conservatorship), 26 (order appointing temporary conservator), 27 (1 page letters of temporary conservatorship), 28 (letters of conservatorship), 29 (file no. 6937-J of Superior Court of Inyo County, by reference), 30 (file no. 113848-6 of Patton State Hospital, by reference) are marked for identification. Witness instructed to return by Court. Hearing and trial proceedings are continued to October 30, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ CYA _____
 SHER. _____ C. CLK. _____
 _____ MISC. _____

THIS MINUTE ORDER WAS
 ENTERED
 10.30.70

WILLIAM G. SHARP, COUNTY
 CLERK AND CLERK OF THE
 SUPERIOR COURT

b

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

OCTOBER 30, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLOMBE And M MEHLMAN Reporter s
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA x V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

x MANSON, CHARLES
x KRENWINKEL, PATRICIA
x ATKINS, SUSAN
x VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
x I KANAREK Deputy
x P FITZGERALD
x D SHINN
x R HUGHES

CO145
B0435

701 EC

EACH: Trial is resumed from October 29, 1970, outside of presence of the jury, with all parties and defendants present as heretofore. Hearing on competency of prospective witness, Diane Lake, is resumed. Doctor Harold C Deering, previously sworn, resumes testimony for the People. Diane Lake is called by People, waives privilege of confidentiality between doctor and patient, is sworn and testifies for limited purpose of this hearing. Cecile M Harbauer, Doctor Bruce W Meeks and Diane Belohovek are called by defendants, sworn and testify for limited purpose of this hearing. Court's Special Exhibits 15 through 28, previously marked for identification, are admitted in evidence. Court's Special Exhibits 29 and 30, previously marked for identification, are admitted in evidence by reference. Court states it has read and considered Court's Special Exhibit 13 through 30. Matter is argued and submitted. Court finds prospective witness Diane Lake competent to testify under provisions of Section 709 EC and further able to perceive and comprehend events that occurred during August and September of 1969. In chambers, Court commences attempted deletion of proposed statements of Diane Lake. Attorney Ronald Hughes, having appeared at 9:53 am, is ordered to show cause why he should not be held in contempt for failure to appear at 9 am. Deputy Public Defender Herbert M Barish appears on behalf of contemnor Ronald Hughes. Motion for continuance is denied. Ronald Hughes is sworn and testifies. Traffic citations J753292 and K094925 are marked defendant's Exhibits A and B for identification and ordered returned to contemnor. Matter is argued and Court orders the order to show cause discharged. Trial and other procedures are continued to November 2, 1970 in Department 104 at 9am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

76M114Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED
11.2.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

NOVEMBER 2, 1970

Department No. 104

CHARLES H OLDER Judge

E. R. DARROW Clerk

J HOLLOMBE and M MEHLMAN Reporters

B MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA ☒ V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

R. S. Buckley, Public Defender by

☒ MANSON, CHARLES
☒ KRENWINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

☒ I KANAREK
☒ P FITZGERALD
☒ D SHINN
☒ R HUGHES

EACH: Trial is resumed from October 30, 1970, out of presence of jury,
for resumption of hearing on attempted deletion and admissability of
statements of Diane Lake. Diane Lake, previously sworn, resumes testimony
for purpose of this hearing only. Court's Special Exhibits 31 (transcript
no. 33342 of statement of Diane Lake) and 32 (statement of Diane Lake,
dated 12-22-69) are marked for identification. Hearing and trial are
continued to November 4, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ CYA _____
 SHER. _____ C. CLK. _____
 _____ MISC. _____

76M414Y-7/60

MINUTES

THIS MINUTE ORDER WAS
ENTERED
11.4.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

1 I. A. KANAREK
2 Attorney at Law
3 14617 Victory Boulevard
4 Van Nuys, California

5 782-2790; 873-4255

6 Attorney for Defendant
7 CHARLES MANSON

FILED

NOV 4 1970

WILLIAM G. SHARP, County Clerk
BY *[Signature]* DEPUTY

*Received
11-9-70
WJR*

970

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

10
11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA,

13 Plaintiff,

14 vs.

15 CHARLES MANSON, et al.,

16 Defendants.

NO. A-253156

NOTICE OF MOTION REQUIRING
THE COURT TO ORDER PETER J.
PITCHESS, SHERIFF OF LOS
ANGELES COUNTY, TO CEASE AND
DESIST PROHIBITING CHARLES
MANSON FROM SINGING, AND TO
CEASE AND DESIST ENGAGING IN
UNWARRANTED MEDICAL EXAMINA-
TIONS OF CHARLES MANSON

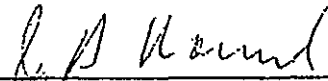
17
18 TO PETER J. PITCHESS, SHERIFF OF THE COUNTY OF LOS ANGELES,
19 CALIFORNIA:

20 PLEASE TAKE NOTICE that on November 9, 1970, at the
21 hour of 9:00 A.M. in Department 104 of the above-entitled Court,
22 or as soon thereafter as the matter may be heard, I. A. KANAREK,
23 Attorney for defendant CHARLES MANSON, will respectfully move
24 this Honorable Court for an order directing PETER J. PITCHESS,
25 Sheriff of the County of Los Angeles, California, to cease and
26 desist from prohibiting the defendant, CHARLES MANSON, from
27 singing in the jail at reasonable times and in a reasonable fashion;
28 and for an order directing PETER J. PITCHESS, Sheriff of the
29 County of Los Angeles, California, from ordering and directing
30 that CHARLES MANSON be medically examined in an unwarranted
31 fashion.

32 Said motion will be based upon this Notice of Motion,

1 the Declaration of defendant, CHARLES MANSON, all the files,
2 records and documents pertaining to the above-entitled case,
3 and the points and authorities.

4 DATED: November 4, 1970.

5 
6
7 I. A. KANAREK
8 Attorney for Defendant CHARLES
9 MANSON

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
971

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32

4

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

27
28
29
30
31
32

1 for medical examinations is approximately twice per week. That
2 I have expressed no desire for medical diagnostic examinations
3 or medical treatment in any way. That I have consistently re-
4 fused any medical treatment. That I do not suffer from any
5 medical ailment that requires examination or treatment. That I
6 specifically do not wish to be subjected to intravenous or inter-
7 muscular injections of drugs of any kind. That I do not wish to
8 be tranquilized in any fashion.

9 I declare under penalty of perjury that the foregoing
10 is true and correct.

11 Executed on November 4, 1970, at Los Angeles, California.

12
13 
14

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
CHARLES MANSON

973

1 POINTS AND AUTHORITIES IN SUPPORT OF
2 MOTION

3
4 "No person charged with a public
5 offense may be subjected, before con-
6 viction, to any more restraint than is
7 necessary for his detention to answer
8 the charge."

9 Penal Code, Section 688.

10
11 "A prisoner retains all the rights
12 of an ordinary citizen except those
13 expressly, or by necessary implication, 974
14 are taken from him by law. While the
15 law does take his liberty and imposes
16 a duty of servitude and observance of
17 discipline for his regulation and that
18 of other prisoners, it does not deny
19 his right to personal security against
20 unlawful invasion."

21 Coffin v. Reichard, 143 Fed. 2nd 443,
22 cert. den. 325 U.S. 887 (1945).

23
24 "Any order or action of the court,
25 [and we suggest in this case the Sheriff]
26 which, without evident necessity, imposes
27 physical burdens, pains and restraints
28 upon a prisoner during the progress of
29 his trial, inevitably tends to confuse
30 and embarrass his mental facilities,
31 and thereby materially to abridge and
32 prejudicially affect his constitutional

rights of defense."

People v. Harrington (1871), 42 Cal. 165,
168, quoted in In re Malone, 44 Cal.
2d 700, 703.

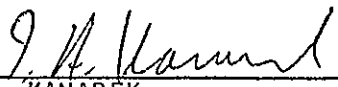
B7E

The United States Constitution, the Sixth Amendment
insofar as it applies to a fair trial and a right to defend one's
self.

The United States Constitution, the Fourteenth
Amendment insofar as it refers to due process of law.

The United States Constitution, the Fourteenth
Amendment insofar as it applies to equal protection and applica-
tion of the law.

Respectfully submitted,


I. A. KANAREK
Attorney for Defendant CHARLES
MANSON

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

976

NOVEMBER 4, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE and M. MEHLMAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D. MUSICH and S. KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I. KANAREK Deputy
X P. FITZGERALD
X D. SHINN
X R. HUGHES

EACH: Trial is resumed from November 2, 1970, outside of presence of jury, for continuation of hearing on admissibility of statements of Diane Lake. Diane Lake, previously sworn, resumes testimony for the People for limited purpose of this hearing only. Joint motion of all defendants to suppress testimony of Diane Lake or sever trial as to Defendant LESLIE VAN HOUTEN, due to inability to make effective deletion of statements of Diane Lake, is argued and denied. Joint motion of all defendant to suppress statements of Diane Lake due to purported failure of People to complete discovery on statements of Diane Lake is argued and submitted pending additional testimony. Hearing and trial are continued to November 5, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____
SHER. _____
CYA
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED

11.5.70
WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

76X414X-7/69

377

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

NOVEMBER 5, 1970

Department No. 104

CHARLES H OLDER Judge

E. R. DARROW Clerk

J. HOLLONBE and M. MEHLMAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D. MUSICH and S. KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I. KANAREK Deputy
X P. FITZGERALD
X D. SHINN
X R. HUGHES

EACH: Trial is resumed from November 4, 1970, outside of presence of the jury, for resumption of hearing on admissibility of statements of Dianne Lake. Dianne Lake, previously sworn, resumes testimony for limited purposes of this hearing only. Court's Special Exhibits 33 (statements of Dianne Lake on December 30, 1979 at 1:30 pm), 34 (statements of Dianne Lake on December 30, 1969 at 3:30 pm), 35 (statements of Dianne Lake to Vincent Bugliosi), 36 (handwriting notes of Deputy District Attorney Vincent Bugliosi), 37 (statement of Dianne Lake on October 30, 1970) are marked for identification. Court finds deletion of statements of Dianne Lake effective and not prejudicial to other defendants. All joint motions of defendants to suppress statements of Dianne Lake are denied. On order of the Court, jury is returned into the courtroom. In presence of the jury, Dianne Lake is sworn and testifies for the People. Court appoints Attorney George L. Vaughn pursuant to Section 987a PC to represent witness Dianne Lake. Trial is continued to November 6, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
11.6.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

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

NOVEMBER 6, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

M MEHLMAN and J HOLLOMBE Reporter
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D MUSICH and S KAY

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I KANAREK
X P FITZGERALD Deputy
X D SHINN
X R HUGHES

EACH: Trial is resumed from November 5, 1970, outside of presence of the jury. Attorney George Vaughn, counsel for Witness Dianne Lake, states that he has advised his client as to her constitutional rights and to possible conditions that might arise from her testimony. Counsel further states his client has positive desire to testify. Court having been advised by the Sheriff that Juror Mrs Thelma McKenzie is ill, and subsequent to medical examination being further advised that said juror is unable to attend the trial today, the Court does now order the trial recessed to November 9, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED

11.10.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

70M114Y-7/89

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

970

NOVEMBER 9, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

J HOLLONBE and M MEHLMAN Reporters
B MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
X I KANAREK x Deputy
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from November 6, 1970, outside of presence of the jury for hearing on motion of Defendant CHARLES MANSON for order to Sheriff to cease and desist prohibiting Defendant CHARLES MANSON from singing and engaging in in unwarranted medical examination. Roger W Whitby, Deputy County Counsel, appears for the Sheriff. Ralph A Larsen is sworn and testifies in opposition to the motion. The motion is submitted and denied. On order of the Court, Jury is returned into court and trial is resumed. Dianne Lake, previously sworn, resumes testimony for the People. Defendant's Exhibit BE (photo) is marked for identification. Statutory admonitions are given and trial is continued to November 10, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

76N414Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED

11.10.70
WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

980

NOVEMBER 10, 1970 Department No. 104

CHARLES H. OLDER Judge E. R. DARROW Clerk

M. MEHLMAN and J. HOLLORBE Reporters
B. MURRAY, Deputy Sheriff

Case No. A253156 Evelle J. Younger, District Attorney by
THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D. MUSICH and S. KAY, Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender, by
X I. KANAREK Deputy
X P. FITZGERALD
X D. SHINN
X R. HUGHES

EACH: Trial is resumed in presence of jury, with all parties and defendants present as heretofore. Dianne Lake, previously sworn, resumes testimony for the People. Statutory admonitions are given and trial is continued to November 12, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
11.12.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

70M414X-1/09

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

NOVEMBER 12, 1970

Department No. 104

CHARLES H. OLDER Judge

APPEARANCES: E. R. DARROW Clerk

M. MEHLMAN and J. HOLLOMBE Reporter
B. MURRAY, Deputy Sheriff

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA X V. BUGLIOSI, D. MUSICH and S. KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender X
X I. KANAREK Deputy
X P. FITZGERALD
X D. SHINN
X R. HUGHES

EACH: Trial is resumed from November 10, 1970 in presence of the jury with all parties present as heretofore. Dianne Lake and Doctor Blake Skrdla, previously sworn, resume testimony for the People. Statutory admonitions are given and trial is continued to November 13, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. CYA
SHER. C. CLK.
 MISC.

70M414Y-7/00

MINUTES

THIS MINUTE ORDER WAS
ENTERED
11.16.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

NOVEMBER 13, 1970

Department No. 104

CHARLES H OLDER

Judge

E R DARROW

Clerk

J HOLLOMBE and M MEHLMAN Reporter s
B MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA X V GUGLIOSI, D MUSICH and
S KAY, Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender, by

X I KANAREK
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from November 12, 1970, in the presence of the jury, with all parties present as heretofore. Blake Skrdla and Harold C Deering, previously sworn, resume testimony for the People. Defendant's Exhibit BF (portion of medical record of Patton State Hospital) is marked for identification. On order of the Court, jury is removed from the courtroom and in absence of their presence, the Court orders Defendant PATRICIA KRENWINKEL to provide handwriting exemplar on or by November 16, 1970. In regards to declaration and order for removal of prisoner Ernest Shepard filed by Attorney Irving Kanarek, the Court makes the following order: The request for removal of prisoner Ernest Shepard from Soledad State Prison for purpose of testifying on behalf of Defendant CHARLES MANSON is denied. The declaration in support of request fails to establish any materiality or necessity for such removal. Statutory admonitions are given and trial is continued to November 16, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
11.17.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

1 JOHN D. MAHARG, County Counsel
 2 LAWRENCE B. LAUNER,
 3 Deputy County Counsel
 648 Hall of Administration
 Los Angeles, California 90012

4 625-3611, Ext. 65653

5 Attorneys for Judges Dell,
 6 Keene and Parker

FILED

NOV 16 1970

WILLIAM G. SHARP, County Clerk
 BY *[Signature]* DEPUTY

983

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

11 THE PEOPLE OF THE STATE OF CALIFORNIA,
 12 Plaintiffs,
 13 vs.
 14 CHARLES MANSON, et al.,
 15 Defendants.

NO. A-253156
 NOTICE OF MOTION TO
 QUASH SERVICE OF SUBPOENAS

16 TO THE DEFENDANTS HEREIN AND THEIR COUNSEL OF RECORD:

17 YOU WILL PLEASE TAKE NOTICE that on the 16th day of November,
 18 1970, at 9:00 a.m. or as soon thereafter as counsel may be heard
 19 in Department 104 of the above entitled court, attorneys for George
 20 M. Dell, William B. Keene and Kathleen Parker, Judges of the Su-
 21 perior Court of the State of California for the County of Los An-
 22 geles, will move the court to quash service of subpoenas heretofore
 23 served upon said judges in the above entitled matter.

24 Said motion will be made on the ground that the said judges
 25 have no knowledge of the above entitled matter other than that re-
 26 flected by the records of the court and that to allow said subpoenas
 27 to be effective would only serve to harass the judiciary and hamper
 28 unduly the administration of justice. Said motion will be based on
 29 the Declarations annexed hereto and incorporated herein by reference
 30 and upon the annexed Points and Authorities.

31 JOHN D. MAHARG, County Counsel
 LAWRENCE B. LAUNER, Deputy County Counsel
 By *[Signature]*
 Attorneys for Judges Dell, Keene & Parker

JDM/DKB/LBL:
 ejp
 11/13/70

DECLARATION OF JUDGE GEORGE M. DELL IN
SUPPORT OF MOTION TO QUASH SUBPOENA

I, GEORGE M. DELL, declare as follows:

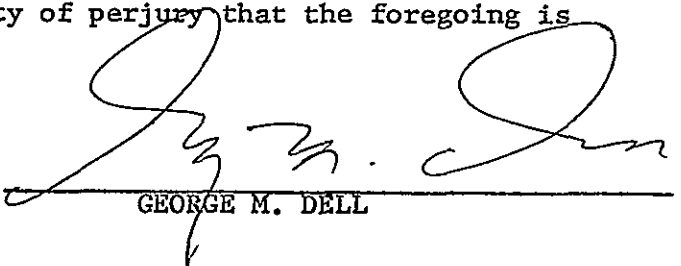
That declarant, a judge of the Superior Court, has been served with a subpoena to appear and testify as a witness in the within action on November 13, 1970, in Department 105 of the above entitled court. 984

That declarant's only connection with the matter at issue here was as a judicial officer, to wit, a judge of the Superior Court.

That declarant has no knowledge of the matters at issue herein other than that which is disclosed by the records of the Superior court, and could not, therefore, testify as to any material or relevant matters. To require the attendance of declarant, a judge of the Superior Court, pursuant to said subpoena would serve no useful purpose but, on the contrary, would serve to vex, annoy and harass declarant in his judicial office and hamper or unduly delay the administration of justice.

That for the foregoing reasons, it is respectfully prayed that the above referenced subpoena served on declarant be quashed.

I declare under penalty of perjury that the foregoing is true and correct.



GEORGE M. DELL

Executed at Los Angeles,
California
November 13, 1970

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 2-3611

DECLARATION OF JUDGE WILLIAM B. KEENE IN
SUPPORT OF MOTION TO QUASH SUBPOENA

I, WILLIAM B. KEENE, declare as follows:

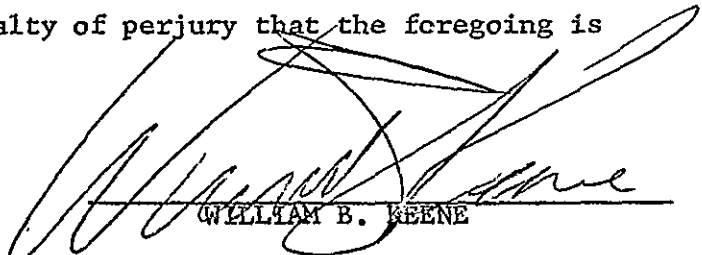
That declarant, a judge of the Superior Court, has been served with a subpoena to appear and testify as a witness in the within action on November 13, 1970, in Department 105 of the above entitled court.

That declarant's only connection with the matter at issue here was as a judicial officer, to wit, a judge of the Superior Court.

That declarant has no knowledge of the matters at issue herein other than that which is disclosed by the records of the Superior Court, and could not, therefore, testify as to any material or relevant matters. To require the attendance of declarant, a judge of the Superior Court, pursuant to said subpoena would serve no useful purpose but, on the contrary, would serve to vex, annoy and harass declarant in his judicial office and hamper or unduly delay the administration of justice.

That for the foregoing reasons, it is respectfully prayed that the above referenced subpoena served on declarant be quashed.

I declare under penalty of perjury that the foregoing is true and correct.


WILLIAM B. KEENE

Executed at Los Angeles,
California
November 13, 1970

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 5-3611

DECLARATION OF JUDGE KATHLEEN PARKER IN
SUPPORT OF MOTION TO QUASH SUBPOENA

I, KATHLEEN PARKER, declare as follows:

986

That declarant, a judge of the Superior Court, has been served with a subpoena to appear and testify as a witness in the within action on November 13, 1970, in Department 105 of the above entitled court.

That declarant's only connection with the matter at issue here was as a judicial officer, to wit, a judge of the Superior Court.

That declarant has no knowledge of the matters at issue herein other than that which is disclosed by the records of the Superior Court, and could not, therefore, testify as to any material or relevant matters. To require the attendance of declarant, a judge of the Superior Court, pursuant to said subpoena would serve no useful purpose but, on the contrary, would serve to vex, annoy and harass declarant in her judicial office and hamper or unduly delay the administration of justice.

That for the foregoing reasons, it is respectfully prayed that the above referenced subpoena served on declarant be quashed.

I declare under penalty of perjury that the foregoing is true and correct.


KATHLEEN PARKER

Executed at Los Angeles,
California
November 13, 1970

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 5-3611

1
2 POINTS AND AUTHORITIES
3

4 The declarations annexed to this motion disclose that the
5 judges were subpoenaed by the defendant in this case to testify as
6 witnesses, but that said judges have no knowledge of the matters
7 at issue other than that reflected by the records of this court:

8 "For obvious reasons, the calling of judges of the
9 superior court as witnesses should be avoided whenever
10 it is reasonably possible to do so. Counsel should
11 never summon them if the right of their clients can-- 987
12 be otherwise protected."

13 Woodward v. City of Waterbury

14 (Conn. 1931) 155 A. 825, 828

15 To permit the defendant here to subpoena a judge or other judicial
16 officer who may have made decisions involving past litigation in
17 which this party was involved would be to countenance a type of
18 harassment of the judiciary which would inevitably have an un-
19 fortunate effect on orderly judicial procedure.

20 No showing of necessity has been made to support defendant's
21 subpoenaing of a judge who cannot contribute anything of material
22 or relevant value to the proceedings at issue here. In the ab-
23 sence of such showing this moving party submits that no purpose
24 is served in allowing the service of the subpoenas to stand.

25 Respectfully submitted,

26 JOHN D. MAHARG, County Counsel
27 LAWRENCE B. LAUNER, Deputy County Counsel

28 By 

29 Attorneys for Judges Dell, Keene and
30 Parker

31
32 *Pepper v. Rhone, 267 C.A.2d 652*

JOHN D. MAHARG, COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
MADISON 5-3611

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

1154

NOVEMBER 16, 1970

Department No. 104CHARLES H. OLDER JudgeE. R. DARROW ClerkJ. HOLLOMBE and M. MEHLMAN ReportersB. MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

- Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I KANAREK ~~x Deputy~~
X P FITZGERALD
X D SHINN
X R HUGHES

EACH: Trial is resumed from November 13, 1970, out of presence of jury with all parties present as heretofore. Upon inquiry of Court, Defendant PATRICIA KRENWINKEL, on advice of counsel, refuses to comply with order of Court to supply handwriting exemplar. Court advises defendant she has right to comply with order of Court regardless of advice of counsel. On order of Court, jury is returned into courtroom. Court advises jury of failure of Defendant PATRICIA KRENWINKEL to comply with order of Court to supply handwriting exemplar. On order of Court, jury is removed from courtroom. On motion of People to admit People's Exhibits in evidence, Court commences hearing on admissibility of exhibits. On motion of People, Court orders People's Exhibits 68, 69, 82 and 97A through E withdrawn and returned to People. On motion of People, Court orders People's Exhibits 215, 255, 256, 257 and 263 withdrawn and returned to People. On order of Court, coroner's and grand jury tags are removed from Exhibits 166, 177, 185 and 186 and marked Court's Special Exhibits 38 through 41. Court finds probative value of People's Exhibits outweighs any prejudicial effect and People's Exhibits are admitted in evidence as follows: 1 through 67, 70 through 81, 83 through 95, 98 through 207, 209 through 214, 216 through 226, 228 through 254, 258 through 262, 264, 266 through 297. People rest. All Court's Special Exhibits, either for identification or admitted in evidence, are not to be seen by jury. Statutory admonitions are given. On motion of defendant, to prepare motions, trial is continued to November 19, 1970 in Department 104 at 9 am. Motion of Defendant CHARLES MANSON to represent himself is argued and denied. EACH: Remanded.

CYA _____
CO. J. _____ C. CLK. _____
SHER. _____ MISC. _____

THIS MINUTE ORDER WAS
ENTERED

11.19.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

76M414V-7/69

DAYE SHINN
ATTORNEY AT LAW
SUITE 208 CRENSHAW SQUARE
3860 CRENSHAW BOULEVARD
LOS ANGELES,
CALIFORNIA 90008
AXMINSTER 5-3319

FILED

NOV 19 1970

WILLIAM G. SILVER, County Clerk
BY *[Signature]* DEPUTY

Attorney for Defendant

383

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

THE PEOPLE OF THE STATE OF CALIFORNIA,)	NO. A 253 156
)	
Plaintiff,)	DECLARATION IN OPPOSITION TO PLAINTIFF'S
)	MOTION TO QUASH SERVICE OF SUBPOENAS
vs.)	
SUSAN ATKINS, et al.,)	POINTS AND AUTHORITIES
)	
Defendants.)	

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I, DAYE SHINN, do hereby declare and state:

That I am the attorney of record for defendant, SUSAN ATKINS, in the above-entitled action, and licensed to practice law in the State of California.

That on December 1, 1969, WILLIAM B. KEENE, Judge of the Superior Court, County of Los Angeles, along with EVELLE J. YOUNGER, District Attorney for the County of Los Angeles by AARON H. STOVITZ, Deputy District Attorney, executed a request for removal of a prisoner on an affidavit by RICHARD CABALLERO. Such request was for the removal of SUSAN ATKINS who was, at that time, at the Sybil Brand Institute for Women. Said affidavit by RICHARD CABALLERO stated the reasons and purposes of the removal of said prisoner was to "be taken to the office of RICHARD CABALLERO, Attorney at Law, 425 South Beverly Boulevard, Beverly

1 Hills, for the purpose of an examination to assist determination
2 of the plea to be entered in this matter". *copy of*

3 That declarant has in his possession, *copy of* a request for
4 removal of prisoner by RICHARD CABALLERO, which does not show a
5 signature of a judge, nor the name of the district attorney, but
6 declarant has reason to believe that this removal order was
7 executed on December 3, 1969. Said affidavit by RICHARD CABALLERO
8 stated the reasons and purposes of the removal of said prisoner was
9 to "be taken to the office of RICHARD CABALLERO, Attorney at Law,
10 425 South Beverly Boulevard, Beverly Hills, to prepare for
11 testimony before the Grand Jury". *990*

12 That on December 12, 1969, KATHLEEN PARKER, Judge of
13 the Superior Court, County of Los Angeles, along with EVELLE J.
14 YOUNGER, District Attorney for the County of Los Angeles by
15 MORIO L. FUKUTO, Deputy District Attorney, executed a request for
16 removal of a prisoner on an affidavit by VINCENT T. BUGLIOSI,
17 Deputy District Attorney. Said affidavit by VINCENT T. BUGLIOSI,
18 stated the reasons and purposes of the removal of said prisoner
19 was to "be taken to various locations in Los Angeles County
20 pursuant to the continuing investigation of the TATE case".

21 That on January 22, 1970, GEORGE M. DELL, Judge of the
22 Superior Court, County of Los Angeles, along with EVELLE J.
23 YOUNGER, District Attorney for the County of Los Angeles by
24 AARON H. STOVITZ, Deputy District Attorney, executed a request
25 for removal of a prisoner on an affidavit by SGT. PAUL WHITELEY.
26 Said affidavit by SGT. PAUL WHITELEY stated the reasons and
27 purposes of the removal of said prisoner was to "aid in the
28 investigation of the above case".

29 That declarant is informed and believes that prior to
30 the execution of said removal orders, the various persons signing
31 the affidavit did, in fact, ^{have} have a conversation with the judges
32 who executed the removal orders, and such conversations may reveal

1 information concerning SUSAN ATKINS' participation in various
2 homicides.

3 That the prosecution witnesses, VIRGINIA GRAHAM and
4 RONNIE HOWARD, testified that SUSAN ATKINS related to them that
5 she had actually, in fact, stabbed SHARON TATE.

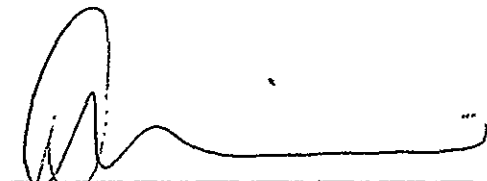
6 That the various judges and persons involved in the
7 removal orders may shed light upon the issue of whether or not
8 SUSAN ATKINS actually stated that she stabbed SHARON TATE.

9 That declarant feels that the testimony of the various
10 judges subpoenaed is necessary for the defense of SUSAN ATKINS.

11
12 I declare under penalty of perjury that the foregoing
13 is true and correct.

14 Executed at Los Angeles, California on this 18th day
15 of November 1970.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32



991

DAYE SHINN
Attorney for Defendant,
SUSAN ATKINS.

POINTS AND AUTHORITIES

It is fundamental to a fair trial that the defendant be unhampered in the production of witnesses and other evidence in his behalf, and in the presentation of witnesses and evidence at the trial. The defendant has the right to the process of the court to compel the attendance of witnesses on his behalf.

Cal. Const., Art. I, Section 13.

People v. Brinson (1961) 191 C.A. 2d 253, 258.

In re Finn (1960) 54 C.2d 807, 813.

992

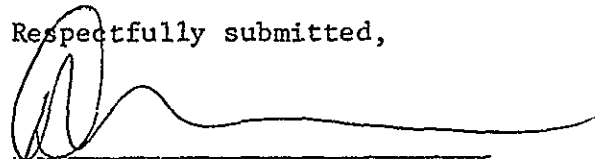
A witness may be impeached "by contradictory evidence". Hence, evidence may be introduced to contradict or expose the error or falsity of the particular testimony, without any foundation being required as in the case of prior inconsistent statements.

Khan v. Zemansky (1922) 59 C.A. 324, 210 P. 529.

Firlotte v. Jessee (1946) 76 C.A. 2d 207, 210, 172 P.2d 710.

Greenleaf v. Pac. Tel. & Tel. Co. (1919) 43 C.A. 691, 185 P. 872.

Respectfully submitted,



DAYE SHINN
Attorney for Defendant,
SUSAN ATKINS.

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

393

NOVEMBER 19, 1970

Department No. 104

CHARLES H OLDER

Judge

E R DARROW

Clerk

J HOLLOMBE and M MEHLMAN

Reporters

B MURRAY, Deputy Sheriff

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA ☒ V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

☒ MANSON, CHARLES
☒ KRENWINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

☒ I KANAREK
☒ P FITZGERALD
☒ D SHINN
☒ R HUGHES

Deputy

EACH: Trial is resumed from November 16, 1970, outside of presence of the jury for hearing on motion to quash service of subpoena on Judges George M Dell, William B Keene and Kathleen Parker. Ray M Moore, Deputy County Counsel, appears on behalf of motion. Motion is argued and granted. Motion of all defendants pursuant to Section 1118.1 PC is argued and denied as to all defendants and all counts of indictment. On order of Court, jury is returned into court. In the presence of jury, counsel for all defendants offer exhibits for defense into evidence and subject to their acceptance, defendants all rest. Defendants PATRICIA KRENWINKEL, SUSAN ATKINS and LESLIE VAN HOUTEN personally demand right to testify. Court orders jury removed from courtroom. In chambers and out of presence of jury, Court discusses with counsel for defendants their proposal to rest. Upon the female defendants repeating their demand to testify, Court orders that they may do so and defense is reopened for that purpose. Outside of presence of jury, Court conducts hearing on motion of Defendant LESLIE VAN HOUTEN to represent herself in propria persona. Motion is denied. Motion to associate as co-counsel is denied. Motion of Defendant CHARLES MANSON for severance and mistrial is denied. On order of the Court, jury is returned into courtroom. Defendant SUSAN ATKINS is sworn. On order of Court, jury is removed from court. In chambers and out of presence of the jury, Court conducts hearing on proposed testimony of the three female defendants. Counsel for defendants state they refuse to obey Court's order to examine the defendants. Statutory admonitions are given and trial is continued to November 20, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ CYA _____
SHER. _____ C. CLK. _____
MISC. _____

THIS MINUTE ORDER WAS
ENTERED
11.23.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

MINUTES

76M414Y-7/89

b

7

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

NOVEMBER 20, 1970

Department No. 104

CHARLES H OLDER

Judge

E R DARROW

Clerk

M MEHLMAN and J HOLLOMBE
B MURRAY, Deputy Sheriff

Reporters

APPEARANCES:

(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I KAHAREK
X P FITZGERALD
X D SHINN
X R HUGHES

Deputy

EACH: Trial is resumed from November 19, 1970, in chambers and out of presence of the jury, with all parties present as heretofore. Court inquires of female defendants and they repeat their desire to testify. Court discusses method of procedure. Upon counsels' refusal to call their defendants to witness stand, Court states it will call defendants and allow them to exercise their constitutional right to testify. In open court and out of presence of the jury, motions of counsel for Defendants CHARLES MANSON, SUSAN ATKINS and LESLIE VAN HOUTEN to prevent narrative testimony is denied. At personal request of Defendant CHARLES MANSON, over objection of counsel, Defendant CHARLES MANSON is sworn and testifies outside of presence of the jury. Upon further inquiry by Court, all defendants withdraw their request to testify in presence of jury. On motion of defendants, the following exhibits are withdrawn: B, G, J, P, R-T, FF, GG and AX-AZ. On motion of defendants, the following exhibits are admitted in evidence: A, C-F, H, I, K-O, Q, U-Z, AA-EE, HH-ZZ, AB-AW and BC-BF. All defendants rest. Motion of Defendant CHARLES MANSON to reopen defense is argued and denied. On order of Court, jury is returned into courtroom. Statutory admonitions are given. On joint motion of People and defendants, to prepare jury instructions and argument, trial is continued to November 30, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

TGM414Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED
11.23.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

1995

NOVEMBER 30, 1970 Department No. 104

CHARLES H OLDER Judge E. R. DARROW Clerk

M IEHLKIN and J HOLLORBE Reporters
O SCUPEN and B MURRAY, Deputy Sheriffs

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by
Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA ☒ V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

☒ MANSON, CHARLES
☒ KREN/WINKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
☒ I KANAREK Deputy
☒ P FITZGERALD
☒ D SHINN
R HUGHES

EACH: Trial is resumed from November 20, 1970, outside of presence of the jury, with all parties, except Attorney Ronald Hughes, present as heretofore. Court commences hearing with counsel on proposed jury instructions. Court authorizes expenditure of additional \$3.00 per juror and alternate juror for Thanksgiving Holiday expense. Trial is continued to December 1, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

16M114Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED

12.1.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

2

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

DECEMBER 1, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW Clerk

M MEHLMAN and J HOLLOMBE Reporters
B MURRAY, Deputy SheriffAPPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA ☒ V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

☒ MANSON, CHARLES
☒ KRENWILKEL, PATRICIA
☒ ATKINS, SUSAN
☒ VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by
☒ I KANAREK
☒ P FITZGERALD
☒ D SHINN
R HUGHES

EACH: Trial is resumed from November 30, 1970, in chambers, with Court and counsel discussing proposed jury instructions. Attorney Ronald Hughes is still not present. Prisoner Charles A Rich, inmate of California State Prison at Folsom, subpoenaed by defendants and no longer required for any purpose, is ordered returned to Department of Corrections. Court authorizes an additional \$3.00 expenditure for each juror and alternate juror for date of December 4, 1970. Attorney Hughes still not appearing at 2:30 pm, the Court orders attachment for defaulter issued; no bail on the body attachment. Trial is continued to December 2, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____
SHER. _____
CYA _____
C. CLK. _____
MISC. _____

76M414Y-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED
12.3.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

DECEMBER 2, 1970

Department No. 104

CHARLES H. OLDER Judge

E. R. DARROW Clerk

J. HOLLOMBE and M. NEHLMAN Reporters
B. MURRAY, Deputy Sheriff

APPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

Case No. A253156

Evelle J. Younger, District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D. MUSICH and S. KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I. KANAREK
X P. FITZGERALD
X D. SHINN
R. HUGHES

EACH: Trial is resumed from December 1, 1970, in chambers and out of presence of the jury. Court and counsel for defendants resume discussion of proposed jury instructions. Attorney Ronald Hughes is still not present. Following consent of all counsel present, Court declares it will advise jury of the nature of delay in trial proceedings. Trial is continued to December 2, 1970 in Department 104 at 9 am. EACH: Remanded.

CO. J. _____ C. CLK. _____
SHER. _____ MISC. _____

76M414X-7/68

MINUTES

THIS MINUTE ORDER WAS
ENTERED
12.3.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

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

DECEMBER 3, 1970

Department No. 104CHARLES H OLDER JudgeE R DARROW ClerkJ HOLLOMBE and M MEHLMAN Reporter
B MURRAY, Deputy SheriffAPPEARANCES:
(Parties and Counsel checked if present,
Counsel shown opposite parties represented)

-- Case No. A253156

Evelle J. Younger, District Attorney by DeputyTHE PEOPLE OF THE STATE OF CALIFORNIA X V BUGLIOSI, D MUSICH and S KAY,
Deputy District Attorneys

vs

X MANSON, CHARLES
X KRENWINKEL, PATRICIA
X ATKINS, SUSAN
X VAN HOUTEN, LESLIER. S. Buckley, Public Defender by Deputy
X I KANAREK
X P FITZGERALD
X D SHINN
R HUGHES

EACH: Trial is resumed from December 2, 1970, in chambers and out of presence of the jury. Court and counsel for defendants resume discussion on proposed jury instructions. Attorney Ronald Hughes is still not present. Court conducts interview with Mr Stan Atkinson of National Broadcasting Company regarding disappearance of Ronald Hughes. In chambers, Court conducts hearing with Defendant LESLIE VAN HOUTEN regarding disappearance of her counsel. In open court, out of presence of jury, Court appoints Attorney Maxwell Keith as co-counsel for Defendant LESLIE VAN HOUTEN under provisions of Section 987.2 PC. Motion of all defendant's personally to represent themselves in propria persona and reopen defense is denied. Trial is continued to December 4, 1970 in Department 104 at 9 am.

EACH: Remanded.

CO. J. CYA
SHER. C. CLK.
 MISC.

T6M414X-7/69

MINUTES

THIS MINUTE ORDER WAS
ENTERED

12.9.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DECEMBER 4, 1970

Department No. 104

CHARLES H OLDER Judge

E R DARROW

Clerk

J. HOLLOMBE and M. MEHLMAN Reporters
B MURRAY, Deputy Sheriff

Case No. A253156

THE PEOPLE OF THE STATE OF CALIFORNIA

vs

APPEARANCES:

(Parties and Counsel checked if present.)

Counsel shown opposite parties represented.)

Evelle J. Younger, District Attorney by

V DUGLECSI, D MUSICH Deputy

and S KAY, Deputy District Attorneys

MANSON, CHARLES
KREMWINKEL, PATRICIA
ATKINS, SUSAN
VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

I KANAREK Deputy

P FITZGERALD

D SHINN

R HUGHES and M KEITH

EACH: Trial is resumed from December 3, 1970, in chambers, and out of presence of jury. Court resumes hearing with counsel for defendants on proposed jury instructions. All defendants and attorneys Hughes and Keith are not present. Attorney Hughes is still missing and Attorney Keith is preparing for participation in trial. Trial is continued to December 7, 1970 in Department 104 at 9:45 am. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

76M414V - 7/70

MINUTES

THIS MINUTE ORDER WAS
ENTERED
12.9.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DECEMBER 7, 1970

Department No. 104

CHARLES H OLDER

Judge

E R DARROW

Clerk

J HOLLOMBE and M MEHLMAN

Reporters

B MURRAY, Deputy Sheriff

Casc No. A253156

THE PEOPLE OF THE STATE OF CALIFORNIA

APPEARANCES:

(Parties and Counsel checked if present.

Counsel shown opposite parties represented.)

Evelle J. Younger, District Attorney by

X V LUCIA SI, D LUCICH, Deputy

and S KAY, Deputy District Attorneys

VS

MANSON, CHARLES
KRENWINKEL, PATRICIA
ATKINS, SUSAN
VAN HOUTEN, LESLIE

R. S. Buckley, Public Defender by

X I KANAREK

Deputy

X P FITZGERALD

X D SHINN

X M KEITH

EACH: Trial is resumed from December 4, 1970, in chambers and out of presence of the jury. All defendants and Attorney Ronald Hughes are not present. Jury remains sequestered. Court resumes hearing with counsel for defendants on proposed jury instructions. Trial is adjourned to December 15, 1970 in Department 104 at 1:45 pm to enable Attorney M Keith to prepare for his entry into the trial. All defense counsel are to report each week day between 9 and 9:30 am by telephone during interim. EACH: Remanded.

CO. J. _____
SHER. _____

CYA _____
C. CLK. _____
MISC. _____

7/70

MINUTES

THIS MINUTE ORDER WAS
ENTERED
12.11.70

WILLIAM G. SHARP, COUNTY
CLERK AND CLERK OF THE
SUPERIOR COURT