

COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

102

No. A253156

REPORTERS' DAILY TRANSCRIPT
Friday, September 25, 1970
P. M. SESSION

APPEARANCES:

For the People:

DONALD A. MUSICH,
STEPHEN RUSSELL KAY,
[REDACTED] and
VINCENT T. BUGLIOSI,
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

[REDACTED]
RONALD HUGHES, Esq.
PAUL FITZGERALD, Esq.

For Deft. Krenwinkel:

VOLUME 102

PAGES 11726 to 11805

JOSEPH B. HOLLOMBE, CSR.,
MURRAY MEHLMAN, CSR.,
Official Reporters

I N D E X

PEOPLE'S WITNESSES: DIRECT CROSS REDIRECT RECROSS

DUNLOP, Donald 11749
 11759 S
 11804 H

E X H I B I T S

DEFENDANTS':

FOR IDENTIFICATION

NN - Photograph of Sheriff's deputies 11748
OO - Photograph of sheriff's deputies 11748
PP - Photograph of suspects 11796
QQ - Photograph 11797
RR - Photograph of shotgun 11797
SS - Photograph 11799
TT - Photograph of Officer Dunlop 11799
UU - Photograph of helicopter 11801
VV - Photograph 11802
WW - Photograph 11803

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LOS ANGELES, CALIFORNIA, FRIDAY, SEPTEMBER 25, 1970

2:05 P.M.

---O---

(The following proceedings occur in chambers, all counsel present, the defendants and jury absent:)

THE COURT: All counsel are present.

The reason I called you in, gentlemen, is because I received a note from one of the alternate jurors, Kenneth C. Dowd, Jr., dated today, September 25th, which reads as follows:

"Judge Older:

"I, Kenneth C. Dowd, Jr., feel that the public display of vulgarity in this court is totally unnecessary and if this vulgarity continues it will be impossible for me to maintain an open mind. If it is, therefore, impossible to maintain dignity and decorum in this court, I would appreciate if you would release me from jury duty."

Signed Kenneth C. Dowd, Jr.

MR. BUGLIOSI: What kind of vulgarity is he talking about?

THE COURT: I assume he is referring to the testimony of Barbara Hoyt, although I don't know.

MR. SHINN: Which juror is that?

MR. BUGLIOSI: That is the guy in the Engineering Corps.

1 THE COURT: Sitting up here closest to the bench.

2 MR. FITZGERALD: The relatively heavy-set man with
3 glasses.

4 MR. KANAREK: The man from Pasadena.

5 MR. FITZGERALD: I would request not that counsel be
6 allowed to voir dire the juror but I would ask that the
7 Judge, that you, ask him some questions about what particular
8 area he is talking about and how this is going to influence
9 him et cetera.

10 I would defer any questions I have to you.
11 I think it is a terribly important thing. It involves the
12 state of mind. This is a long trial. It is entirely
13 conceivable, if not probable, that one or more jurors are
14 going to be removed from the case by way of illness or
15 unexpected, unforeseeable events, and inasmuch as we have,
16 in the past, selected alternate jurors by lot, it is a
17 reasonable expectation that he may be called as a juror,
18 and perhaps we can obviate this problem while he is an
19 alternate juror.

1 MR. KANAREK: If I may, your Honor, I would agree
2 with Mr. Fitzgerald and ask your Honor to interrogate.

3 However, I think it would be abrogation of the
4 function of a lawyer to say I wouldn't want to ask questions.
5 I would prefer not to.

6 But I am not going to say that for sure I
7 would not ask the Court to be allowed to ask questions.

8 Furthermore, based upon this statement, and
9 the fact that we have objected strenuously to the injection
10 of the sex that the prosecution has insisted on in this
11 case, I move for a mistrial because I believe there is
12 great possibility that the infection of this juror's state
13 of mind is such that it infected all of the other jurors,
14 alternates and regulars.

15 For no reason the District Attorney's office --

16 THE COURT: You are just speculating now, Mr. Kanarek,
17 as you speculated many times in the past, and there is no
18 point in putting all of this on the record. You are not
19 proving anything by going off on some wild flight of
20 fancy.

21 MR. KANAREK: Not at all, your Honor, I make a motion
22 for a mistrial.

23 I believe if we look in perspective, other
24 trials that your Honor has had, even the slightest reference
25 to this type of material would almost invariably grant a
26 mistrial.

1 But for some reason in this case this filth
2 gets poured on, it's incredible what the District Attorney
3 is doing in this matter.

4 THE COURT: Your motion is denied.

5 MR. FITZGERALD: Maybe you would at least tell him, Judge
6 if you called him in, maybe you would at least tell him
7 that you are here to rule on the materiality and
8 relevancy of the questions and answers, and that if what he
9 construes to be vulgar is entered into evidence, then it is
10 material and relevant and must be considered for whatever
11 worth it may have in his determination of guilty or innocence
12 or possible penalty.

13 MR. KANAREK: In the alternative I would move that he
14 be removed from the panel, your Honor, without further ado.

15 THE COURT: Without further ado that motion is denied.

16 I will talk to him in the presence of you
17 gentlemen. I am just wondering how I can do it in the
18 least conspicuous way as regards the rest of the jurors.

19 MR. BUGLIOSI: Perhaps at the break maybe.

20 MR. KAY: They will find out anyway.

21 THE COURT: They are going to know he is missing, no
22 matter how I do it. I suppose we might as well take the
23 direct approach and do it right now.

24 MR. KANAREK: May I ask that all of the jurors to go
25 upstairs, and ask him to come down/^{so}the press will not pin-
26 point this in their mind.

1 If they see him coming in here they immediately
2 besiege everybody. This way it could be done and they never
3 would know this occurred, your Honor.

4 THE COURT: Well, then, how, Mr. Kanarek, do you
5 explain the fact that the press seems to know just about
6 everything that occurred?

7 MR. KANAREK: You've got me.

8 THE COURT: There is no doubt in my mind but what
9 they are getting it through one or more counsel. That is
10 the only way they could be getting it except through the
11 reporter, and I don't think the reporters are reporting
12 these things to the press.

13 MR. FITZGERALD: I don't think so either.

14 MR. BUGLIOSI: Mr. Kanarek gave a copy of that
15 affidavit to the press, containing a lot of alleged
16 vulgarity on my part, also it was a violation of the gag
17 order.

18 MR. KANAREK: I would welcome an evidentiary hearing
19 on that, your Honor, as to whether there is any violation
20 of the gag rule.

21 THE COURT: Who is talking about the gag rule?
22 I am not talking about the gag rule.

23 MR. BUGLIOSI: I am not asking you be cited for
24 contempt, Mr. Kanarek, I think you should be, but I am not
25 asking the Court to do so.

26 MR. KANAREK: Your Honor, at this point I think

1 if your Honor did take them upstairs the press would never
2 know that one was called out.

3 I do make that motion.

4 MR. FITZGERALD: The point is that if the attorneys
5 don't say anything about it, whether the press asks or
6 not, it is really immaterial.

7 If someone doesn't tell them what is said in
8 here they are not going to get any information.

9 MR. KANAREK: I have followed this Court's orders,
10 I believe, explicitly to the letter.

11 When they ask me anything I say if it's in
12 the chambers I refuse to talk about it, you can have an
13 evidentiary hearing and have the reporters brought in.

14 As a matter of fact, I have a bad press because
15 of that. They keep needling me and say that other people
16 talk, why don't you?

17 THE COURT: Who do they say talk?

18 MR. KANAREK: I don't wish to say who, your Honor.

19 MR. BUGLIOSI: You know it's not I, your Honor, or
20 he would gladly tell you. He wouldn't be protecting me,
21 I'll tell you that.

9A-1

1 MR. KANAREK: That is not so.

2 I say let's have an evidentiary hearing.

3 THE COURT: On who talks?

4 MR. KANAREK: That's right, I would welcome that with
5 these people, because these people, they bypass me because
6 I have refused consistently.

7 I try to follow the Court's order even though
8 I don't necessarily approve of every order of this Court,
9 and I don't agree with every order of this Court, I try to
10 if it is a legal order.

11 I believe the Court's order about interruptions
12 at any time, I don't believe that order is legal.

13 As I say, I try faithfully --

14 THE COURT: I don't recall making an order regarding
15 interruptions at any time, Mr. Kanarek, except for your
16 interruption of a witness' testimony or a lawyer's question.

17 I have told you about that, if that is what you
18 are referring to.

19 MR. KANAREK: Yes, your Honor, this is really what
20 I'm saying is that it is coming in sort of parenthetically.

21 THE COURT: You raised it, and since what you said
22 was inaccurate I wanted to correct it.

23 MR. KANAREK: Well, there are times when it behooves
24 a lawyer to keep the jury from hearing --

25 Let's say you know that something is going to
26 happen that would be prejudicial, I think it behooves a

1 lawyer to interrupt even the Court.

2 THE COURT: Conceivably there could be such instances,
3 Mr. Kanarek, but when it happens repeatedly and repeatedly
4 and repeatedly, despite warnings and admonitions, then it is
5 another matter.

6 Well, I don't see what taking the jury upstairs
7 is going to accomplish if counsel are going to directly or
8 indirectly convey to the press what is said in chambers
9 with respect to Mr. Dowd.

10 MR. KANAREK: Order us not to, your Honor, I would be
11 more than welcome --

12 THE COURT: I have done that, Mr. Kanarek.

13 MR. KANAREK: Well, I can honestly -- there is no
14 question in my mind, your Honor, that -- and I think the
15 reporters will agree, that I have closed my mouth.

16 In fact, the newspapers have repeated and
17 reported on numbers of occasions that I have refused to make
18 comment.

19 THE COURT: We don't need a recitation of your past
20 behavior, Mr. Kanarek, if you have complied with it, I
21 commend you for it.

22 MR. KANAREK: But you see if they go upstairs and
23 one comes down, they will never know it.

24 I pledge to the Court, and I think all the other
25 attorneys would agree to the order, not to make any mention
26 of this.

1 THE COURT: The order is outstanding. The publicity
2 order as augmented by me fully covers the proceedings in
3 chambers as well as bench conferences.

4 I trust after this, at this late date, there is
5 no misunderstanding on the part of anybody as to what the
6 publicity order provides.

10-1

1 MR. HUGHES: I would ask, your Honor, that all of
2 the jurors be taken out and that Mr. Dowd, whatever his
3 name is, be brought back in open court and this hearing
4 be held in open court.

5 I see no reason for it to be held outside the
6 presence of -- why this cannot be a public hearing.

7 MR. MUSICH: Your Honor, I don't think that would be
8 the wisest move.

9 I think the Court and the juror, the candor
10 between the two, without the presence of lawyers or
11 without the presence of any interrogation on behalf of any
12 lawyers, would be best.

13 The attorneys would have access to the
14 transcript.

15 If they have any suggestions, they might give
16 them to the Court, as to any area or questions that they
17 wish the Court to ask.

18 I think you might be able to obtain a better
19 atmosphere of candor between the juror and the Court
20 without so many attorneys present.

21 MR. BUGLIOSI: I agree with Mr. Musich, your Honor.
22 Being alone with him back in chambers will lend itself
23 to a more free flow of information.

24 MR. MUSICH: The attorneys would have access to what
25 the responses are, and it is only the Court's duty or
26 discretion, at this time, to ascertain whether or not this

1 juror still is of a fair and unbiased mental attitude.

2 MR. FITZGERALD: I would prefer that the attorneys
3 were present, but I would prefer that it is done in
4 chambers.

5 I think the surroundings here are more conducive
6 to candid response on behalf of a juror.

7 But I beseech the Court to be allowed to be
8 present.

9 THE COURT: Well, I agree. I think the attorneys
10 should be present.

11 All right. Let's take the jury upstairs,
12 and then after they are upstairs, bring Mr. Dowd back down,
13 and we will proceed from there.

14 Again, I remind counsel that all proceedings
15 in chambers as well as the proceedings at our bench
16 conferences come within the terms of the publicity order.

17 (Alternate Juror Dowd enters the Court's
18 chambers.)

19 THE COURT: Mr. Dowd, I have your note here and I
20 wanted to talk to you about it in front of all counsel.

21 Would you tell me what, specifically, you
22 are referring to in your note?

23 MR. DOWD: I was referring to Mr. Kanarek's cross-
24 examination of Barbara Hoyt.

25 THE COURT: This morning?

26 MR. DOWD: Yes, sir.

1 I don't feel it was necessary. I don't feel
2 it was in the best interests of the defendants.

3 I think it prevents me, that kind of dwelling
4 on filth, from having an open mind.

5 THE COURT: Well, you understand, do you, Mr. Dowd,
6 that we follow certain procedures during the trial and
7 that there are certain rules of evidence, and so forth.

8 MR. DOWD: Yes.

9 THE COURT: Now, often it is necessary for a witness
10 to testify to something which may offend or shock a juror.
11 But it becomes necessary. It is not done to offend or
12 shock anybody, but the evidence is received because it is
13 relevant and admissible.

14 The same is true, in my opinion, although any
15 of counsel may doubt it, I am not stating this as an
16 absolute, but the reason why this evidence was permitted
17 in was because, in my opinion, it was relevant and
18 admissible, and Mr. Kanarek had the right -- whether it
19 was wise or unwise is not for me to decide, that is for
20 him to decide -- he had the right to go into that testimony.

21 It was not permitted in order to shock or
22 offend anybody, but simply to permit him to explore this
23 witness's testimony and her background and so forth,
24 in connection with the things that she testified to in
25 her direct examination, in response to questions by the
26 prosecutor.

A-1

1 You see, when a person testifies in his
2 direct examination to a fact, the cross-examination is not
3 limited to just the bare examination of that particular
4 statement. The attorney has the right to probe and
5 explore and attempt to weaken or impeach the credibility of
6 the witness, and all of these things, to test the credibility
7 of the witness.

8 In this case, the witness testified, in effect,
9 that Mr. Manson -- or she did certain things in fear of
10 Mr. Manson.

11 MR. DOWD: I can understand, but do you have to --

12 THE COURT: You see, the defense is not limited to
13 accepting that statement, and neither is the jury.

14 So, in cross-examining the witness, the defense
15 is trying to weaken or to explain or to limit the effect of
16 that, and to impeach, if possible, or test the credibility of
17 the witness.

18 The jury is not only entitled to, but it has a
19 duty to, consider all of these things.

20 The fact that the evidence may be unpleasant
21 or vulgar or shocking is unfortunate, but it is really
22 beside the point.

23 Do you see what I am talking about?

24 MR. DOWD: Yes.

25 THE COURT: In other words, often a juror has to hear
26 about, oh, gruesome details or unpleasant aspects of a crime.

10A2

1 I am not talking about any particular case. But this is not
2 uncommon in a criminal case. Sometimes in civil cases.
3 But if those facts are relevant to the issues in the case,
4 it is their duty to listen to them, even though it is un-
5 pleasant. And the same is true here. Because, for example,
6 you may or may not think / ^{that} Mr. Kanarek was wrong in asking
7 the questions, but he had the right to ask them, and you
8 certainly should not take it out on his client; even
9 though you think he may have been a hundred per cent wrong --
10 he, Mr. Kanarek, may have been a hundred per cent wrong --
11 in asking the questions.

12 Do you see what I am saying?

13 MR. DOWD: Yes.

14 THE COURT: In other words, when this case is over,
15 you and the other jurors -- assuming you are selected as a
16 regular juror -- will have to consider all of this evidence.

17 You are not judging the lawyers, you are going
18 to be judging the defendants with respect to the evidence
19 that is adduced.

20 Unfortunately, it is sometimes the lot of a
21 lawyer to have to ask questions which he may sorely wish he
22 didn't have to ask but he feels it is his duty to ask in
23 order to bring out all the facts.

24 Now, do you have any questions with respect
25 to anything I have said?

26 MR. DOWD: No.

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1 THE COURT: What I want to make sure of, and you
2 tell me what your state of mind is, that if you are
3 selected as a regular juror -- and I have no way of knowing
4 whether any regular juror will be excused or unable to
5 proceed and, of course, if that is the case, the next juror
6 will be drawn by lot from the five remaining alternates,
7 of which you are one -- there is no assurance that you will
8 be called; on the other hand you may -- but what I want to
9 know is if such occurred and if you were called as a regular
10 juror, do you think that you would be able to maintain an
11 open mind until this case is over and the jury has retired
12 to deliberate, notwithstanding what you have heard today?

13 I am not asking you to forget everything you
14 have heard. Obviously you can't do that.

15 MR. DOWD: I could maintain an open mind until we
16 are ready to go out to deliberate, but I don't feel that it
17 does a lot of benefit to the Court or to the dignity in this
18 court to dwell on filth.

19 If you say that it is absolutely necessary,
20 well, then, I will buy it, but I hate to see it.

10B

QB-1

1 THE COURT: Well, I don't like it either, but if
2 you sat in a criminal court very long, you would see that
3 quite frequently it is necessary for witnesses, sometimes
4 police officers, sometimes defendants, sometimes other
5 witnesses, to testify to conversations in which someone
6 said something which certainly wouldn't be said in polite
7 society, but nevertheless, if the conversation is relevant,
8 it has to be said, and the chips just have to fall where
9 they may; and quite often we get phrases and expressions
10 that you probably, if you have heard of them, you have
11 never used in your life, and certainly some of the other
12 jurors may or may not have heard or used these words or
13 phrases, but, nevertheless, it is necessary.

14 MR. DOWD: Yes.

15 THE COURT: And I assure you, if an objection is
16 made to something like that and I think the objection is one
17 that should be sustained, I sustain it. On the other hand,
18 if I think the party who is trying to elicit the information
19 or the testimony has a right to have it, then I overrule the
20 objection, even though I may regret that it is necessary to
21 do so.

22 MR. DOWD: Yes, sir.

23 THE COURT: So, do you believe you can consider the
24 evidence in this case without any bias or prejudice simply
25 because of the words that were spoken, that is, what ~~you~~ight of
26 have referred to as the vulgarism, and consider it in the

1 evidence which is, or may be, relevant to the issues in
2 this case?

3 In other words, Mr. Manson and the other
4 defendants are not being tried on a morals offense.

5 MR. DOWD: Yes.

6 THE COURT: And they are not trying to apply for a
7 job where their moral character is in question. They are
8 charged with murder. And the only thing that is relevant
9 in this case is evidence which tends to prove or disprove
10 murder.

11 MR. DOWD: Yes.

12 THE COURT: Or the credibility of the witnesses that
13 are testifying.

14 Do you understand?

15 MR. DOWD: Yes.

16 THE COURT: And the fact that in doing that these
17 other matters have to come out is unfortunate, perhaps,
18 but necessary.

19 They are also charged with conspiracy in one
20 of the counts.

21 Of course, if you are selected as a juror, you
22 will be instructed fully by the Court on the law applicable
23 at the close of the case.

24 Now, you have been advised many times in the
25 past since this case started as to what the duties of a
26 juror are. You are admonished at every recess not to form

1 or express any opinion regarding the case until it is
2 finally submitted to you.

3 The reason for that, I am sure, is obvious
4 to you. That until you have heard all of the evidence, you
5 are not in a position to judge any of it.

6 MR. DOWD: Yes.

7 THE COURT: You are simply, at this point, recording
8 in your mind the evidence that is coming into the case.
9 But not until you have heard everything are you in a position
10 to weigh this evidence and arrive at any conclusions.

11 Now, do you think you are able, in the light of
12 what you have already said, to carry out these duties?

13 MR. DOWD: Yes.

14 THE COURT: Do you have any question about that?

15 MR. DOWD: No.

16 THE COURT: Do counsel wish to ask Mr. Dowd any
17 question?

18 MR. FITZGERALD: I don't have any questions.

19 MR. BUGLIOSI: I don't have any questions.

20 MR. KANAREK: If I may ask a question or two, your
21 Honor?

22 THE COURT: Very well.
23
24
25
26

10c-1

1 MR. KANAREK: Mr. Dowd, your state of mind is such,
2 I mean, after hearing Judge Older talk, you recognize
3 that this subject matter was introduced by the prosecu-
4 tion, the subject matter was?

5 MR. BUGLIOSI: I would object. The general subject
6 matter was brought out on cross-examination about her
7 getting involved in sexual activity freely and voluntarily.

8 THE COURT: We are not here to argue the evidence now,
9 gentlemen.

10 MR. BUGLIOSI: Withdraw the objection.

11 THE COURT: I think that Mr. Dowd has unequivocally
12 expressed his ability to carry out his duties as a juror
13 in compliance with his oath. He has expressed, further,
14 that he has no doubt about that.

15 I am glad you raised the question, because it
16 gives me an opportunity to explain to you something which
17 I can understand might very well trouble a juror.

18 All right. I will ask the bailiff to take
19 Mr. Dowd back up to the jury room, and then we will
20 resume the trial.

21 The reason, Mr. Dowd, so you understand the
22 reason why I had the jury taken upstairs, we didn't want
23 the press or the audience to infer anything from having
24 you taken out of the jury box.

25 MR. DOWD: Yes, sir.

26 THE COURT: That was the reason for it.

10c-2

1 MR. DOWD: Yes, sir.

2 MR. FITZGERALD: Thank you.

3 THE COURT: I admonish you, sir, not to discuss
4 this with the other jurors.

5 MR. DOWD: Yes. Fine.

6 THE COURT: Thank you, Mr. Dowd.

7 (Whereupon Mr. Dowd leaves the court's
8 chambers.)

11 fls.

11-1

1 MR. KANAREK: Your Honor, I would like --

2 THE COURT: I will ask the Clerk to take Mr. Dowd's
3 note and keep it in the files.

4 (Note handed to the Clerk.)

5 MR. KANAREK: May the record reflect, your Honor, I
6 had other questions.

7 This question, I don't believe, was allowed to
8 be answered, the one question I did ask.

9 We have other questions and it is our position
10 that your Honor in foreclosing questioning denied the
11 Sixth Amendment right to effective counsel and the right to
12 a fair jury trial in that your Honor will not allow any
13 voir dire to take place.

14 THE COURT: Well --

15 MR. KANAREK: And I do make a motion, your Honor,
16 that this juror be excused.

17 MR. SHINN: Join in that motion, your Honor.

18 MR. KANAREK: I think in the light of human experi-
19 ence we have here a chance that this juror will infect
20 all of the other jurors, sequestration being what it is,
21 being a close knit group, I think that -- I'm certain your
22 Honor is well intentioned in ordering him not to discuss
23 it, but I think as a practical matter that order, that
24 chances of that being followed are remote, your Honor.

25 MR. FITZGERALD: I will join that he should be
26 excluded, but I will not necessarily join in Mr. Kanarek's

1 remarks, and I will submit it without further argument.

2 MR. HUGHES: Join in the exclusion.

3 MR. BUGLIOSI: People oppose the motion.

4 THE COURT: I see no basis whatever for having him
5 excused as a juror. The motion will be denied.

6 Anything else, gentlemen?

7 MR. KANAREK: Oh, yes, your Honor, your Honor asked
8 me to approach the bench on a motion for mistrial that
9 I wanted to make, your Honor asked me to make it in front
10 of the jury, and it is significant --

11 THE COURT: I did not ask you to make any particular
12 motion.

13 You said you had a motion to make and I said
14 you can state it.

15 MR. KANAREK: And the very motion I was going to make,
16 your Honor, and the record will reveal, was that I was going
17 to ask the Court for a mistrial because of the oral
18 copulation matter that Mr. Bugliosi brought before the
19 jury.

20 I asked to approach the bench, and your Honor
21 said "No, make the motion in the presence of the jury."
22 I then deferred it.

23 I do make the motion at this time, that motion
24 for a mistrial on the grounds I would ask your Honor first
25 to admonish the jury not to consider that testimony
26 concerning Juan Flynn, Barbara Hoyt and Mr. Manson.

1 Admonishment not sufficing, your Honor, I ask
2 for a mistrial because of the very reason that this juror
3 came to this courtroom.

4 THE COURT: The motion will be denied.

5 All right, gentlemen, let's go back into the
6 court and resume the trial.

7 (The following proceedings were had in open
8 court in the presence and hearing of the jury:)

9 THE COURT: All parties, counsel and jurors are present.

10 You may continue, Mr. Fitzgerald.

11 MR. FITZGERALD: Yes, your Honor. I have two additional
12 photographs depicting various sheriff's deputies, may one
13 of these photographs be marked, I believe it would be next
14 in order as MM.

15 THE CLERK: N, as in Navy.

16 MR. FITZGERALD: NN, Navy Navy.

17 I have another photograph depicting sheriff's
18 deputies, may that be marked OO.

19 THE COURT: They will be so marked.

20 MR. FITZGERALD: May I approach the witness, your
21 Honor.

22 THE COURT: Yes, you may.
23
24
25
26

NN&OO

DONALD DUNLOP,

the witness on the stand at the time of the noon recess,
having been previously duly sworn, resumed the stand and
testified further as follows:

CROSS-EXAMINATION (Continued)

BY MR. FITZGERALD:

Q Directing your attention to a photograph that has
been marked NN, as in Navy, for identification, directing
your attention to -- well, strike that, I'm sorry.

Are there two persons depicted in that photograph?

A Yes.

Q Do they appear to be Los Angeles County Sheriff's
Deputies?

A Yes.

Q Do both of those officers appear to have rifles
on their persons?

A No, one officer.

Q One officer, and is that the officer that appears
in the left quadrant of the photograph?

A Correct.

Q Directing your attention to the officer that
appears on the left, does it appear that there is a bayonet
on the end of his rifle?

A Negative, that is the barrel to the AR-15 rifle
that he has in his hand.

1 Q Does the initials AR stand for the term,
2 automatic rifle?

3 A Correct.

4 Q Directing your attention to a photograph that
5 has been marked 00 for identification, do you recognize
6 what is depicted in that photograph?

7 A I do.

8 Q Does that photograph show various deputies,
9 perhaps one, two, three, four, five, six, seven, eight, or
10 nine?

11 A Correct.

12 Q Directing your attention to what appears to be
13 a sheriff's officer on the very right-hand section of the
14 photograph, does he have a rifle slung over his shoulder?

15 A Yes.

16 Q Does it appear that there is a bayonet attached
17 to the rifle?

11a fls.

18 A No, that again is the barrel.
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1 MR. FITZGERALD: Thank you.

2 Q BY MR. FITZGERALD: Now, Mr. Manson was placed
3 under arrest, was he not?

4 A Yes.

5 Q Were there other people placed under arrest at
6 that location?

7 A Yes.

8 Q Approximately 20 or 25?

9 A Yes.

10 Q Do you have the exact number?

11 A No, I don't.

12 Q Of the 20 or 25 that were placed under arrest
13 were there a number of female persons placed under arrest as
14 well as male persons?

15 A Yes.

16 Q Were there more female persons than there were
17 male persons?

18 A I don't recall.

19 Q Was Mr. Manson armed with any sort of weapon
20 at the time you flushed him from under this building?

21 A From underneath the house?

22 Q Yes, from underneath the house.

23 A No.

24 Q Were any of the girls that were arrested, were
25 they armed?

26 A I had nothing to do with any of the girls.

11a2

1 Q Were they treated separately or specially in
2 some fashion?

3 A I cannot say. I just had personal contact with
4 Mr. Manson.

5 Q Was he the only person that you had direct
6 physical contact with on the early morning hours of the
7 16th there at the ranch?

8 A Yes.

9 Q Now, before you actually arrived at the ranch
10 had you heard about Mr. Manson?

11 A No.

12 Q Did you receive before you went to the ranch a
13 briefing in connection with your anticipated activities at
14 the Spahn Ranch?

15 A Yes.

16 Q Was Mr. Manson mentioned in that briefing?

17 A No.

18 Q Was there a person mentioned in that briefing
19 who fit the description of Mr. Manson?

20 A I don't recall.

21 Q In other words, whether or not they mentioned
22 Mr. Manson by name, did they mention a male Caucasian who
23 fit his description?

24 A I don't recall.

25 Q I take it, then, that you were not particularly
26 looking for Mr. Manson when you went to the ranch?

1 A Correct.

2 Q Nor were you looking for a person who fit his
3 particular physical description.

4 A Correct.

5 Q Did you personally seize any items of physical
6 property at the location?

7 A No.

8 Q Did anybody in your presence seize any items of
9 physical property?

10 A No.

11 Q Did you take any items of personal property from
12 the person of Mr. Manson at the time you discovered him or
13 at the time you turned him over to the other deputies for
14 processing in regard to arrest?

15 A No.

16 Q Did you come in contact with the guitar at any
17 time?

18 A No.

19 Q Did you see any of the other deputies take
20 from Mr. Manson a guitar?

21 A No.

22 Q Did you see a guitar at all?

23 A No.

24 Q Did you see a radio at all?

25 A No.

26 Q A regular AM or FM radio?

1 A No.

2 Q Were you assigned to a particular function during
3 this arrest and investigation at the ranch on the 16th? Did
4 you have a particular job, in other words?

5 A Correct.

6 Q And what was your job to be?

7 A To physically check the main complex buildings
8 at that location.

9 Q For persons, is that it?

10 A For persons.

11 Q And I take it you personally found persons other
12 than Mr. Manson?

13 A No.

14 Q You did not?

15 A No.

16 Q Were there other deputy sheriffs who had a
17 function similar to yours, that is, were there other
18 people doing the same thing you were doing, looking for
19 people?

20 A Yes.

21 Q And did it appear that they found other people?

22 A Yes.

23 Q And you mentioned earlier some were men and
24 some were women, correct?

25 A Yes.

26 Q Were there some children found at the location?

1 A Yes.

2 Q Were some of these children small children?

3 A Yes.

4 Q Were they also placed under arrest or placed in
5 custody of some sort?

6 A I cannot honestly answer that, Counsel.

7 Q You did not personally arrest or place any
8 children in custody?

9 A No.

10 Q Did you have a partner that day?

11 A I did.

12 Q Was he in close proximity to you at the time
13 you discovered Mr. Manson?

14 A Yes.

15 Q And what was his name?

16 A Deputy Shaw.

17 Q Were you in his presence when he arrested any
18 other person or placed any other person in custody?

19 A No.

20 Q Now, I believe you previously testified that
21 there were approximately 40 sheriff's personnel present at the
22 time of this arrest or raid or whatever we want to call it,
23 right?

24 A Right.

25 Q And were all of these persons assigned to the
26 S.E.B., the Special Enforcement Bureau?

1 A. Approximately 40, yes.

2 Q. Were there any persons not members of this
3 special group or organization?

4 A. Yes.

5 Q. How many, approximately, if you know?

6 A. I don't know.

7 Q. And the figure you gave us of 40 deputy
8 sheriffs being present, that is a total figure?

9 A. That is a total figure of the Special Enforcement
10 Bureau personnel involved in that raid.

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1 Q And I believe you also testified that there
2 was some motorized equipment; you did have some police
3 vehicles at the scene, correct?

4 A Yes.

5 Q And did this take the form of radio patrol cars?

6 A Yes.

7 Q Was that the only kind of vehicle you had
8 present at the location?

9 A The helicopter.

10 Q Did you have any mobile jails or anything like
11 that?

12 A No.

13 Q As I mentioned earlier, did you have any
14 vehicles there for the purpose of feeding or caring for any
15 of the officers?

16 A I don't recall that type of a vehicle.

17 Q And what is your rank with the Sheriff's
18 Department?

19 A Deputy Sheriff.

20 Q Did you have a large van type truck there at
21 some time during the processing of the persons you placed
22 in custody, Officer?

23 A I believe a large van did come to the ranch
24 later on, after the arrests were made.

25 Q And that was to transport the prisoners that had
26 been arrested at the location to some other Sheriff's

B2

1 facility?

2 A Right.

3 Q Were you personally fired upon at any time
4 while you were at the ranch on the 16th?

5 A You mean by "fired upon" --

6 Q I mean were you shot at by what appeared to be a
7 firearm?

8 A No.

9 Q Were you injured in any fashion?

10 A No.

11 Q Did it appear that any other deputy sheriffs
12 in your presence were fired upon, shot at?

13 A In my presence?

14 Q In your presence by anybody at the Spahn Ranch.

15 A No.

16 Q Did you hear any gunfire at the location at
17 all?

18 A No.

19 Q Did any of the Sheriff's deputies in your
20 presence actually destroy any property?

21 A No.

22 Q Did you see any doors kicked in or did you see
23 any items of physical property actually destroyed?

24 A No.

25 MR. FITZGERALD: I have nothing further.

26 THE COURT: Any questions, Mr. Shinn?

1 MR. SHINN: Yes, your Honor.

3 CROSS-EXAMINATION

4 BY MR. SHINN:

5 Q Officer, how long did you stay at the ranch on
6 this particular day?

7 A Approximately two hours.

8 Q You, yourself, were present for two hours?

9 A Approximately, yes.

10 Q And I believe you testified that you saw
11 Mr. Manson there?

12 A Yes.

13 Q And you handcuffed Mr. Manson?

14 A Yes.

15 Q Now, did you take charge of Mr. Manson that
16 particular day after you found him?

17 A For a short period of time.

18 Q And after you turned him over to someone else?

19 A Correct.

20 Q And you still were close by Mr. Manson, were
21 you not?

22 A No.

23 Q In other words, you left to a different area?

24 A Correct.

25 Q Where did you go?

26 A I went back to the rear of the building

1 complex.

2 Q And you came back later to see Mr. Manson?

3 A No.

4 Q You never saw Mr. Manson after that?

5 A Correct.

6 Q Is that your testimony?

7 A Yes.

8 Q How much time did you spend with Mr. Manson,
9 approximately?

10 A Approximately three minutes.

11 Q In other words you took your three minutes to
12 drag him out by the hair, handcuff him, turn him over to
13 the other fellow officer, is that correct?

14 A Yes, I had to crawl under the house and crawl
15 back with Mr. Manson and then walk him to the front of the
16 location.

17 Q Do you recall who you turned Mr. Manson over to?

18 A I believe it was a Deputy George.

19 Q Did you know Deputy George before this date?

20 A No.

21 Q The first time you met Deputy George?

22 A Correct.

23 Q Is he a sergeant?

24 A He is a deputy assigned to Malibu Station.

25 Q Is he a sergeant or a deputy just as you?

26 A A deputy.

1 Q In other words, the same rank as you?

2 A Correct.

3 Q Was there a reason for you turning Mr. Manson
4 over to this other deputy?

5 A Yes.

6 Q What was the reason?

7 A These were the arresting and transporting
8 officers assigned to this station.

9 Q In other words, this was a prearrangement
10 agreement you had?

11 A Correct.

12 MR. BUGLIOSI: Irrelevant.

13 THE COURT: Sustained.

14 Q BY MR. SHINN: In other words, your job there
15 was to look for people and turn them over to transportation,
16 is that correct?

17 A Turn them over to the Malibu Station deputies,
18 yes, sir.

19 Q After you turned Mr. Manson over to the deputy,
20 did you see where they took Mr. Manson?

21 A No.

22 Q You just turned around and left for some place
23 else?

24 A Yes.

25 Q Did you have a conversation with the deputy
26 when you handed Mr. Manson over to the deputy?

1 MR. BUGLIOSI: Irrelevant.

2 THE COURT: Sustained.

3 Q BY MR. SHINN: Were you present at any time when
4 those other deputies beat Mr. Manson?

5 MR. BUGLIOSI: Assumes a fact not in evidence, your
6 Honor.

7 MR. SHINN: I am asking him, your Honor.

8 THE COURT: Overruled, you may answer.

9 THE WITNESS: Would you repeat that?

10 MR. SHINN: May the question be read back, your Honor?

11 THE COURT: Read the question.

12 (Whereupon, the reporter reads the pending
13 question as follows:

14 "Q BY MR. SHINN: Were you present
15 at any time when those other deputies beat
16 Mr. Manson?"

17 THE WITNESS: No.

18 THE COURT: I will sustain an objection to the form of
19 the question, Mr. Shinn. It does assume a fact not in
20 evidence.

21 The answer is stricken. The jury is admonished
22 to disregard it.

23 Q BY MR. SHINN: Deputy, did you see anyone beat
24 Mr. Manson that day?

25 A No.

26 Q Did you learn later that Mr. Manson's ribs were

1 broken?

2 MR. BUGLIOSI: Calls for hearsay and is beyond the scope
3 of direct examination.

4 THE COURT: Sustained.
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1 BY MR. SHINN:

2 Q Do you know of your own knowledge --

3 MR. BUGLIOSI: It has been asked and answered.

4 MR. SHINN: I did not finish my question, your Honor.

5 MR. BUGLIOSI: Go ahead.

6 MR. SHINN: Mr. Bugliosi is interrupting me.

7 MR. BUGLIOSI: Go ahead.

8 MR. SHINN: Thank you.

9 BY MR. SHINN:

10 Q Did you later learn or do you know that Mr. Manson's
11 ribs were broken?

12 MR. BUGLIOSI: Compound, asked and answered.

13 THE COURT: Sustained.

14 BY MR. SHINN:

15 Q Now, did you have a search warrant or a warrant
16 for the arrest of anyone on August 16 when you went to the
17 ranch?

18 MR. BUGLIOSI: Irrelevant.

19 MR. SHINN: It goes to the question of whether or not
20 there was reasonable probable cause for the arrest, your
21 Honor.

22 THE COURT: Sustained.

23 MR. SHINN: Is your Honor foreclosing my cross-
24 examination on the question of reasonable probable cause
25 for the arrest?

26 THE COURT: The objection is sustained.

11c-2

1 BY MR. SHINN:

2 Q Did you have a warrant for the arrest of anyone
3 at the ranch on August 16th?

4 MR. BUGLIOSI: Irrelevant.

5 THE COURT: Sustained.

6 BY MR. SHINN:

7 Q Do you know whether or not the charges were
8 later dropped?

9 MR. BUGLIOSI: Irrelevant.

10 THE COURT: Sustained.

11 BY MR. SHINN:

12 Q Do you know whether or not persons arrested on
13 August 16th were later released?

14 MR. BUGLIOSI: Irrelevant.

15 THE COURT: Sustained.

16 MR. SHINN: I have nothing further, your Honor.

17 THE COURT: Any questions, Mr. Kanarek.

18 MR. KANAREK: Yes, your Honor, thank you.

19 MR. SHINN: Can I make a motion at this time on
20 behalf of this witness's testimony, your Honor?

21 THE COURT: You mean approach the bench?

22 MR. SHINN: Yes, your Honor. Your Honor, I will
23 withdraw my motion at this time, your Honor.

24 THE COURT: I would like to see counsel at the bench.

25 (The following proceedings were had at the bench
26 out of the hearing of the jury:)

11c-3

1 THE COURT: My recollection is that this witness
2 testified on direct examination he made an arrest on
3 August 16, 1969.

4 That was about the extent of his testimony.

5 What is the relevance of all of this cross-
6 examination?

7 MR. FITZGERALD: Circumstances surrounding the
8 arrest.

9 THE COURT: What is the relevance of that?

10 MR. FITZGERALD: Well, if the direct testimony is
11 relevant, I am not trying to be facetious or argumentative.

12 What the prosecution did --

13 THE COURT: If you are contending there wasn't any
14 arrest --

15 MR. FITZGERALD: I am not contending there was not
16 any arrest.

17 THE COURT: What difference does it make whether Mr.
18 Manson was hiding under a floor or whether he was dragged
19 out, whether he was handcuffed or whether the officers
20 had guns?

21 MR. FITZGERALD: Could I ask rhetorically what is
22 the relevance of putting in on direct testimony he was
23 arrested, if they put in on direct that he was arrested we
24 are entitled to put in the circumstances surrounding the
25 arrest, and we are entitled to show it was a totally
26 unjustified arrest, and we are entitled to show bias and

11c-4

12 fls.

1 interest on the part of the prosecution witnesses by showing
2 their bearing, conduct and behavior at the time of the
3 arrest, and the way the seizure of certain items and
4 property was conducted, that is all.
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1 MR. BUGLIOSI: Your Honor, I am going to start
2 objecting. I don't know how the Court is going to rule,
3 but I am going to start objecting that all these questions
4 are beyond the scope of the direct examination.

5 I let Mr. Fitzgerald go way beyond and I didn't
6 object, but now I will have to object to every question
7 that is beyond the seizure of Mr. Manson. It is all beyond
8 the scope of the direct.

9 MR. FITZGERALD: Just to show that somebody is
10 arrested for some offense other than what he is charged
11 with is not only inadmissible, but under certain circum-
12 stances it may be misconduct. It only goes to the general
13 criminal behavior and conduct of the defendant.

14 THE COURT: The evidence didn't come in. All this
15 officer testified to was that he participated in the
16 arrest of Mr. Manson on August the 16th.

17 MR. FITZGERALD: But the obvious import is that
18 Mr. Manson is guilty of something that he did. He is not
19 on trial for anything on the 16th.

20 Inasmuch as they put in evidence that he was
21 arrested on the 16th, I think we are entitled to show
22 that.

23 MR. BUGLIOSI: I didn't put that on. The defense
24 put that on.

25 MR. SHINN: What is the purpose of showing he was
26 arrested on August the 16th?

12-2

1 MR. BUGLIOSI: It was six days after the murder.
2 He was hiding at Spahn Ranch six days later.

3 I didn't put on that he was arrested. The
4 defense put it on. The record will speak for itself.

5 THE COURT: It would be relevant to show his
6 whereabouts.

7 MR. FITZGERALD: If 40 people descended on me for
8 some reason unknown to me, I might hide also. Particularly
9 if they were armed with automatic weapons, and particularly
10 if I had no forewarning; and as a matter of fact, after
11 the time I was arrested, I wasn't even informed of what I
12 was being arrested for.

13 I think we are entitled to bring out the circum-
14 stances surrounding the seizure.

15 MR. BUGLIOSI: They can't go way beyond the scope
16 of his pulling Mr. Manson out, your Honor. They are going
17 into the seizure of other things by other deputies, what
18 happened later.

19 They are confined to the direct examination
20 on their cross. I think that is the law. You can't go
21 way beyond the direct and what other people were doing.

22 MR. FITZGERALD: Not only was Mr. Manson hiding but
23 40 other people were hiding.

24 MR. BUGLIOSI: It is beyond the scope of the direct.
25 You can put that evidence on yourself.

26 THE COURT: All right.

1 I wanted to find out what your contentions
2 were.

3 MR. BUGLIOSI: Thank you.

4 (Whereupon all counsel return to their
5 respective places at counsel table and the following
6 proceedings occur in open court within the presence and
7 hearing of the jury:)

8 MR. KANAREK: Q Officer, was the Sheriff's
9 Department assisted by the National Guard?

10 MR. BUGLIOSI: I object.

11 MR. KANAREK: Your Honor, I want to find out how
12 many police officers were there.

13 Q Were there any National Guardsmen?

14 MR. BUGLIOSI: Are you through with your question,
15 Mr. Kanarek, so that I can object?

16 MR. KANAREK: I will withdraw it and reask it.

17 Q Did you have any National Guardsmen with you?

18 MR. BUGLIOSI: Beyond the scope of the direct, and
19 too broad, your Honor.

20 With him when he seized Mr. Manson? Or
21 when he originally went out there?

22 It is also ambiguous.

23 MR. KANAREK: Your Honor, we have a right to show
24 what the circumstances were.

25 THE COURT: Never mind the argument, Mr. Kanarek.
26 I heard the objection.

The objection is sustained.

A-1

1 MR. KANAREK: Q Officer, when you came on the
2 premises were you accompanied by officers who had machine
3 guns?

4 MR. BUGLIOSI: I object, your Honor, it is irrelevant.
5 It is beyond the scope.

6 THE COURT: Sustained.

7 MR. KANAREK: Your Honor --

8 THE COURT: The objection is sustained.

9 MR. KANAREK: Q When you saw Mr. Manson for the
10 first time, Officer, where was he?

11 A He was underneath the house, approximately in the
12 center of the house.

13 Q Now --

14 A I would place him in the middle of the foundations
15 of the house.

16 Q Now, did your group march in formation to the
17 ranch?

18 MR. BUGLIOSI: I object. It is beyond the scope of the
19 direct examination. Also irrelevant.

20 MR. KANAREK: Your Honor --

21 THE COURT: Sustained.

22 MR. KANAREK: Your Honor, may I be heard?

23 THE COURT: It isn't necessary.

24 MR. KANAREK: Q When you came to the ranch,
25 Officer, did you come in with other officers?

26 MR. BUGLIOSI: Beyond the scope of the direct. Also

1 irrelevant.

2 MR. KANAREK: It goes to the state of mind of
3 Mr. Manson. If Mr. Manson saw a great number of --

4 THE COURT: Sustained.

5 MR. KANAREK: Q What time of the morning was
6 it, Officer, when you came?

7 A Onto the ranch?

8 Q Yes.

9 A To the building location?

10 Q No. Onto the ranch proper.

11 What time of the morning was it when any police
12 officer left Santa Susana Pass Road?

13 MR. BUGLIOSI: Calls for a conclusion, your Honor.

14 He can testify to when he arrived.

15 MR. KANAREK: Certainly, if he was accompanied by
16 other officers and they are going akimbo, your Honor, they --

17 THE COURT: Mr. Kanarek, I have told you before,
18 if you want to argue you will have to come to the bench.

19 MR. KANAREK: I would be glad to, if I may, your
20 Honor.

21 THE COURT: I don't deem it necessary with respect to
22 this matter.

23 The objection is sustained.

24 MR. KANAREK: Q How did you know, Officer,
25 that Mr. Manson or anyone was underneath the house?

26 A I observed him with a beam of my flashlight.

1 I observed the top of his head.

2 He was hiding in a small hole underneath the house
3 in the foundation.

4 MR. KANAREK: Well, your Honor, may the word "hiding"
5 be stricken as a conclusion on the part of this witness?

6 THE COURT: That will be stricken.

7 The jury is admonished to disregard it.

8 MR. KANAREK: Q Now, Officer, how far away
9 from the ranch -- the road -- that is, Santa Susanna Pass
10 Road -- was the place where Mr. Manson was located?

11 A You mean the buildings that Mr. Manson was
12 under?

13 Q Well, he was only under one building, wasn't
14 he? He is not that big, is he?

15 A Right.

16 Q Pardon?

17 A Correct.

18 Q Do you have a grease pencil, Officer?

19 A I have a pen, sir, if that is any help.

20 MR. KANAREK: Your Honor, may I approach the witness,
21 your Honor?

22 THE COURT: You may.

23 MR. KANAREK: I have one, I hope. Perhaps this will
24 be satisfactory.

25 (Mr. Kanarek shows some large photographs to the
26 witness.)

1 MR. KANAREK: Now, here we have, Officer, an aerial
2 view of the Spahn Ranch area; is that correct?

3 MR. HUGHES: May I approach Mr. Kanarek, your Honor?

4 THE COURT: Yes, you may.

5 THE WITNESS: That is correct.

6 MR. KANAREK: Q Now, when you came to the ranch
7 area, with whom did you come?

8 MR. BUGLIOSI: I object. It is irrelevant.

9 MR. KANAREK: It is most relevant.

10 MR. BUGLIOSI: It is beyond the scope of the direct.

11 MR. KANAREK: We have a right to inquire into the
12 surrounding circumstances as to who he was with so that we
13 call the people he was with.

14 THE COURT: Mr. Kanarek.

15 MR. KANAREK: Then may I approach the bench, your
16 Honor, and make argument?

17 THE COURT: You made argument the last time you were
18 here on this very subject.

19 The objection will be overruled.

20 THE WITNESS: I was there with my fellow deputies from
21 the Special Enforcement Bureau.

12b-1

1 BY MR. KANAREK:

2 Q Now, would you show me -- it is this way,
3 Officer --

4 A Yes. I am just checking this.

5 Q All right.

6 Would you mark the place off the road where
7 the first police officer put his foot?

8 MR. BUGLIOSI: Your Honor, I object. It is beyond the
9 scope of direct.

10 MR. KANAREK: Your Honor, then may I approach the
11 bench, if your Honor wishes, so as not to make argument in
12 the presence of the jury?

13 MR. BUGLIOSI: Your Honor, they can call him as their
14 own witness later on.

15 THE COURT: Just a moment.

16 I admonish both of you to stop these comments.

17 Will counsel approach the bench, please.

18 (Whereupon all counsel approach the bench and
19 the following proceedings occur at the bench outside of
20 the hearing of the jury:)

21 THE COURT: The officer testified on direct this
22 morning in response to Mr. Bugliosi's question that he did
23 see Mr. Manson on August the 16th at the Spahn Ranch.

24 Then he was asked "Where was he when you first
25 saw him?"

26 To which there was some objections, which I

12b-2

1 overruled.

2 And then the witness answered: "I first
3 observed Mr. Manson underneath the main building at the
4 Spahn Ranch. He was hiding underneath the building."

5 That portion of the answer was stricken.

6 Then he was again asked: "Please explain in
7 detail exactly where Mr. Manson was?"

8 And he answered: "Mr. Manson was underneath
9 the floor of the main room at the Spahn Ranch, that is,
10 the center building. Mr. Manson was underneath the floor-
11 boards."

12 And then there is evidence as to the officers
13 getting him out, and so forth.

14 Now, in view of that, I am going to allow
15 the defendants to go into it because of the possible
16 implication or the argument that could be made by virtue
17 of the circumstances under which he had been found.

18 There has simply been testimony of his
19 arrest.

20 I think these matters are far beyond the scope
21 of direct examination and would be irrelevant, but in view
22 of the fact that he testified where he found him and the
23 circumstances, I think that raises a different matter.

24 MR. BUGLIOSI: Your Honor, can't they call him as
25 their own witness, this officer, in their case in chief?

26 THE COURT: They can, but I don't think they are

12b-3

1 required to. They have him on cross-examination.

2 MR. BUGLIOSI: On cross, your Honor, I don't see
3 how they can go way, way beyond the direct examination,
4 and consume hours of testimony.

5 If the Court wants to, all right, but I think
6 they should have to call him themselves as their own
7 witness.

8 THE COURT: I am not saying they have unlimited
9 carte blanche, Mr. Bugliosi. I am saying that I am going
10 to permit the cross-examination to go beyond the mere fact
11 of the arrest. I will take each question as it comes.

12 MR. BUGLIOSI: All right.

13 THE COURT: Now, Mr. Kanarek is now asking, as I
14 recall, how many officers were with you. Something like
15 that.

16 MR. KANAREK: Yes.

17 THE COURT: Since the clear implication is that Mr.
18 Manson was hiding from something, I think he should be
19 permitted to go into that.

20 MR. SHINN: Sure.

21 MR. KANAREK: Yes.

22 MR. BUGLIOSI: Very well, your Honor.

23 MR. KANAREK: Thank you, your Honor.

24 MR. HUGHES: I would like to make a correction of
25 this morning's record.

26 MR. BUGLIOSI: Do we have to do it now?

1 MR. HUGHES: We might as well while we are up here.

2 This refers to the index. The defendants'
3 exhibits rather than the People's Exhibits, on the opening
4 page.

5 MR. BUGLIOSI: So stipulated.

6 MR. SHINN: Very observant.

7 (Whereupon all counsel return to their respec-
8 tive places at counsel table and the following proceedings
9 occur in open court within the presence and hearing of the
10 jury:)

11 THE COURT: Mr. Kanarek, we haven't had the afternoon
12 recess, and I think we will take it at this time.

13 Ladies and gentlemen, do not converse with
14 anyone or form or express any opinion regarding the case
15 until it is finally submitted to you.

16 The court will recess for 15 minutes.

17 (Recess.)
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1 THE COURT: All parties, counsel and jurors
2 are present.

3 You may continue, Mr. Kanarek.

4 MR. KANAREK: May I approach the witness, your Honor?

5 Q BY MR. KANAREK: Would you show us, Officer,
6 where the first officer that was in the contingent entered
7 the Spahn Ranch?

8 A Well, I can't answer that, Counsel.

9 Q You were not the first one on?

10 A That's right, I was not the first one.

11 Q Well, of the 40, all 40 eventually were on
12 the premises, is that right?

13 A Right.

14 Q Now, where were you, about how many other
15 officers were on the premises when you entered the
16 premises?

17 A Approximately 20 or 30.

18 Q Now, directing your attention to what has been
19 marked as Exhibit No. 30, would you show us or put a mark
20 where you were when you first entered the premises off of
21 Santa Susanna Pass Road.

22 A Approximately there (indicating).

23 Q Did you come in by air?

24 A No.

25 Q All right. Now, then would you show us where
26 did you cross the road?

132

1 You see, you have made a marking --

2 A I did not cross the road.

3 Q You came in an automobile?

4 A I came through this underbrush.

5 Q Oh, you sneaked up through the underbrush,
6 sort of a flanking movement, is that right?

7 A No, there are cabins situated in this area and
8 we were checking the cabins, walking in this direction.

9 Q I see, so then would you mark -- would you mark
10 in the upper left-hand portion of this picture Exhibit 30
11 where you were just -- would you give us the path, then
12 maybe that is the best way to do it, just draw a line to the
13 point you just marked showing the path that you took.

14 A It was in this general vicinity. I was checking
15 small huts and cabins in this area.

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1 Q Would you draw a general line, then, to the
2 mark -- no -- would you do it --

3 A This doesn't work anyway.

4 Q Try this one.

5 Would you just draw a general line showing your
6 path and ending up with the X that you have put on the
7 photograph?

8 A Yes.

9 (The witness draws.)

10 MR. KANAREK: All right.

11 Now, would you just write your name at the
12 top of that line?

13 THE WITNESS: Yes.

14 (The witness writes.)

15 BY MR. KANAREK:

16 Q Now, while you were coming along the path that
17 you have indicated, were there people coming from the
18 opposite direction?

19 A No.

20 Q The entire contingent came along the line
21 that you have indicated, is that right, in that general
22 direction; is that correct?

23 A Several of the SEB deputies came in this
24 direction. I can't speak for the entire contingent.

25 Q And while that was going on, were you in
26 communication with police cars?

14-2

1 A Myself personally?

2 Q Well, anyone that was with you.

3 A There was communication between the foot
4 deputies and the police cars, yes.

5 Q That were coming up Santa Susanna Pass Road;
6 is that right?

7 A I believe the police cars at that time were
8 in the large parking area of the Spahn Ranch.

9 Q They had already entered that parking area?

10 A Correct.

11 THE COURT: Pull the microphone closer, please.

12 THE WITNESS: Yes, your Honor.

13 BY MR. KANAREK:

14 Q Now, how many helicopters, if any, were used?

15 A I observed only one.

16 Q And where did that helicopter land?

17 A I did not observe it land.

18 Q Did it land?

19 A I can't honestly answer that.

20 Q And did you hear the helicopter before you
21 saw Mr. Manson?

22 A I don't recall.

23 Q Now, would you point out on this diagram where
24 Mr. Manson was when you first saw him?

25 A At the rear of the building complex, approxi-
26 mately in the middle, underneath.

1 It would put him in the center of the founda-
2 tions underneath this large building area.

3 Q In the center?

4 A Here.

5 Q Is that the X that you have just made?

6 A Correct. Approximately.

7 Q Would you turn that X into an M?

8 A N?

9 MR. KANAREK: M as in Manson.

10 (The witness marks.)

11 BY MR. KANAREK:

12 Q Now, at that time, when you saw Mr. Manson
13 where you say you saw him, at that time, were there police
14 cars already in the parking lot area?

15 A Well, I can't answer that. I was in the rear
16 of the location. I couldn't look through the building to
17 see this.

18 Q Did your fellow officers have automatic weapons
19 with them?

20 A Semi-automatic.

21 Q I show you a picture. I show you JJ, and ask
22 you if that is a picture of you? Right?

23 A Correct.

24 Q Now, you will notice a weapon which appears to
25 be in the crook of the elbow of some police officer.

26 What kind of a weapon is that?

1 A It looks like some form of a rifle or a shotgun.

2 Q Did some of the deputies that came on the
3 premises have machineguns?

4 A No.

5 Q Well, when you say "semi-automatic weapons,"
6 would you tell us what the weapons were?

7 A Well, these weapons can be fired without recock-
8 ing the weapon, by using the trigger.

9 Q Do you know the name of the particular weapons?

10 A The AR-15.

11 Q Now, at the briefing, Officer, I assume that
12 the police officers had their weapons at the briefing?

13 A We had our service revolvers.

14 Q Did you see any automatic weapons at the briefing?

15 A No.

16 Q To your knowledge, where did the officers who
17 obtained automatic weapons get them?

18 A Well, each unit carries a shotgun in the
19 patrol car.

20 15 fls.
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1 Q You don't consider the shotgun an automatic
2 weapon?

3 A No.

4 Q At the briefing was there any discussion
5 concerning automatic weapons?

6 A Not that I recall.

7 Q Do people in that special enforcement unit
8 have automatic weapons?

9 A No.

10 Q Now, when you saw Mr. Manson, or prior to the
11 time you saw Mr. Manson, did you know that it was a man or a
12 woman or a child or anyone in the particular place that
13 you have marked M?

14 A I observed it to be a human being.

15 Q And now, directing your attention to people
16 who were not police officers --

17 Before you saw Mr. Manson did you see any
18 people that were not police officers?

19 A Yes.

20 Q And where were these people?

21 A They were situated at the front of the building
22 in the large dirt parking area.

23 Q And did you have -- did you, yourself, have
24 any walkie-talkie communication or any kind of communication
25 with your fellow police officers?

26 A No.

K5-2

1 Q Was anyone that was with you, or did anyone
2 that was with you have police equipment that was walkie-
3 talkie?

4 A Are you referring to the immediate location
5 around the Spahn Ranch building area?

6 Q No, I mean as you were coming through the
7 brush to the place you call M.

8 A Yes, I do recall walkie-talkies.

9 Q Now, at the time you saw Mr. Manson, this was
10 daylight, correct?

11 A Yes.

12 Q You had a weapon, is that correct?

13 A Yes.

14 Q Did you direct any speech to Mr. Manson when
15 you saw him?

16 A Yes.

17 Q What speech did you direct?

18 A I said, "Get out of there," or "Come out of there."

19 Q Now, before you uttered those words did anybody
20 else utter any words at or about the time that you saw
21 Mr. Manson at the place you call M?

22 A Are you talking about to Mr. Manson?

23 Q Well, just any words that were uttered at all.

24 A No.

25 Q Were any shots fired?

26 A No.

1 Q Did you hear any shots fired?

2 A No.

3 Q In this operation, that was early in the
4 morning, did you at any time hear any shots fired?

5 A No.

6 Q Is it a fair statement that none of the 25 people
7 that were arrested fired any shots? Is that a fair state-
8 ment?

9 A Would you say that again, Counsel?

10 Q Is it a fair statement that to your knowledge
11 none of the 25 people that you arrested that morning fired
12 any shots?

13 A I did not arrest 25 people that morning.

14 Q Well, you personally -- but --

15 Directing your attention --

16 There were 25 people arrested, is that right?

17 A Approximately, yes.

18 Q All right, now, to your knowledge were any shots
19 fired by any of those 25 people?

20 A To my knowledge, no.

21 Q Now, how long was it -- I will withdraw that.

22 Directing your attention to the people that were
23 at the front who came in automobiles, was there any agree-
24 ment between yourself and the people that were with you
25 coming through the underbrush and the people who were in
26 the automobiles, was there any agreement as to when you

1 would do any particular things, timewise, did you
2 coordinate?

3 A We basically coordinated the operation.

4 Q Would you tell us how that was done?

5 A By means of the walkie-talkies to the car
6 radios.

7 Q Could you give us some detail on that?

8 A We tried to plan it so that we all advanced
9 and came to the same location at the same time.

10 Q So your state of mind was such that all of the
11 police officers would converge at the same place at the
12 same time?

13 A We basically planned it that way.

14 Q Directing your attention to the place you
15 marked M, would you tell us where all of these police
16 officers converged?

17 A The only officers in my immediate presence
18 were myself and Deputy Shaw.

19 Q But you had converged?

20 A Originally we had converged in this general
21 area around the parking lot of the ranch.

22 Q So the people from the underbrush could not
23 -- the people from the underbrush converged -- met the
24 people in the automobiles, right?

25 A No, it did not work out that way, Counsel.

26 Q Well, how did it work out?

1 A The automobiles arrived first. We were a little
2 slow in getting through this rugged country, and they were
3 a little late.

4 Q But is it true that at some time you, the
5 people coming through the underbrush, converged and met
6 the people coming through the -- or the people who came in
7 the automobiles?

8 A That is correct.

9 Q And is it true that you met before you saw
10 Mr. Manson?

11 A We were all in that general location, yes.

15A

15a-1

1 Q Now, you notice you have drawn a loop in your
2 line, directing it to the place -- directing to the place
3 where you saw Mr. Manson or where you first were when you
4 saw Mr. Manson, you have made a loop, wherein you show that
5 you went closer to the road after leaving the underbrush
6 before you subsequently became further from the road.

7 Is that true?

8 A I would not guarantee that loop is correct.
9 This is just a basic line in the general direction of my
10 travel.

11 Q But you have made a loop there; you did in
12 fact make a loop?

13 A I did.

14 Q Did you make that loop with intent to show the
15 path?

16 A Basically, yes.

17 Q So therefore at the top of that loop -- I will
18 withdraw that.

19 The top of that loop represents a point of
20 convergence of the people coming through the underbrush
21 with the people in the parking lot, is that correct?

22 A No, that is my point of entry into the parking
23 lot.

24 Q Well, would you mark then the place of convergence?

25 A That would be in this general area.

26 Q Well, would you just put a big --

15a-2

1 Well, we are a little tight for space, if you
2 would put a big C, capital C with a circle around it.

3 MR. KANAREK: May I, your Honor, for the place of
4 convergence.

5 THE COURT: Very well.

6 MR. KANAREK: All right.

7 BY MR. KANAREK:

8 Q Now, that then indicates it is a fair statement
9 that there was convergence, that all of you police officers
10 came together before you saw Mr. Manson, is that correct?

11 A Correct.

12 Q So is it a fair statement that there was a
13 reasonable probability that Mr. Manson, where Mr. Manson
14 was, he would see 40 armed people, some of them carrying
15 automatic weapons, some of them carrying sidearms, some of
16 them carrying shotguns, converging generally in the direc-
17 tion where he was.

18 Is that a fair statement?

19 MR. BUGLIOSI: Calls for a conclusion, your Honor.

20 THE COURT: Overruled, you may answer it.

21 Do you have the question in mind?

22 THE WITNESS: From where I observed Mr. Manson he
23 could not see anything. He was in a little hole under-
24 neath the foundations of the house.

25 He was unable to observe anything.
26

1 BY MR. KANAREK:

2 Q That is the point where you first saw him,
3 right?

4 A Correct.

5 Q All right, now, you mean when he was down
6 underneath the house he could not see anything?

7 A That is correct.

8 Q But now, if you assume someone living --
9 someone being in these living quarters at the time that
10 you converged, can you tell us whether or not the terrain
11 is such that someone in those living quarters would have
12 seen 40 armed deputies marching in the direction of the
13 living quarters?

14 MR. BUGLIOSI: Assumes facts not in evidence,
15 calls for conclusion, also the People would have to be
16 looking in that direction.

17 They could have been lying down or looking in
18 the opposite direction, so it is a hypothetical not
19 predicated on any evidence.

20 THE COURT: I think the question is objectionable,
21 Mr. Kanarek.

22 If you substituted the word "could" for "would"
23 it would be all right.

24 The objection is sustained.

25 MR. KANAREK: I will make the substitution, your
26 Honor.

1 MR. HUGHES: May I approach the witness also, your
2 Honor?

3 THE COURT: Yes, you may.

4 BY MR. KANAREK:

5 Q I will make the substitution.

6 Did you understand the question with the
7 subatitution?

8 THE COURT: Reframe the question.

9 MR. KANAREK: Very well.

10 Q Is it a fair statement that you certainly at
11 some time during those proceedings came to the conclusion
12 that those were living quarters at the front part of the
13 ranch?

14 A Right.

15 Q Now, directing your attention to someone
16 living, or someone in those living quarters, and directing
17 your attention to the point of convergence of the 40
18 deputies that you have spoken about, is it your opinion
19 that someone in those living quarters would have seen
20 those deputies who had converged?

21 MR. BUGLIOSI: Same objection.

22 MR. KANAREK: Your Honor, this is ordinary, common-
23 sense type of opinion which the law allows.

24 THE COURT: You are asking whether it was possible,
25 is that right?

26 MR. KANAREK: Yes, your Honor.

1 THE COURT: Overruled, you may answer.

2 THE WITNESS: It is possible.

3 BY MR. KANAREK:

4 Q Now, when you approached those living quarters --
5 I will withdraw that and first ask you:

6 Did you in fact, Officer, approach those
7 living quarters?

8 A The rear of the living quarters, yes, sir.

9 Q Did you see any people in those living quarters
10 when you approached?

11 A No.

12 Q Did you approach those living quarters at a
13 time before or after you saw Mr. Manson?

14 A I approached the living quarters before I saw
15 Mr. Manson.

16 Q And at a time then before you saw Mr. Manson
17 the refugee operation had taken place, that is, the
18 people had left those living quarters, is this a fair
19 statement?

20 A Yes.

15b fls20

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1 Q Directing your attention to those living
2 quarters, is it your opinion that they had been recently
3 inhabited, like maybe a matter of minutes, or just a very
4 short period of time prior to the time that you actually
5 entered, in fact they were inhabited, is that correct?

6 A I did not enter the living quarters.

7 Q You never did enter the living quarters?

8 A No, sir.

9 Q Now, how far, how far --

10 Directing your attention to the place, M,
11 the place where you have marked M, how far is that from the
12 living quarters that you have just spoken of where it seemed
13 to be inhabited with people?

14 A Well, this is underneath this -- these numerous
15 buildings here, this is underneath these, directly under-
16 neath.

17 Q Right, but my question is for linear distance.

18 How far is it from the place where people
19 inhabited the areas that you have told us about to the
20 place of M?

21 A Well, anything from zero to 75 yards.

22 Q You mean what you are saying is depending upon
23 what portion of the living quarters you call your beginning
24 quarters, is that right?

25 A Yes, that is correct.

26 Q Now, Officer, I have here a series of pictures.

2
1 I wonder if you would -- if you could look at
2 these pictures in the interest of expediting matters, and
3 tell us which, if any of these pictures, you can testify to
4 by personal observation and experience, that is.

5 MR. BUGLIOSI: Ambiguous question.

6 MR. KANAREK: I'm trying to lay the foundation.
7 I don't want to ask the officer something he cannot testify
8 to, your Honor.

9 I am asking him to look at these pictures.

10 THE COURT: I don't think the question is clear,
11 Mr. Kanarek.

12 MR. KANAREK: Very well.

13 THE COURT: Perhaps you can clear it up.

14 Q BY MR. KANAREK: Directing your attention to
15 those pictures, Officer, would you tell us, or pick out
16 the pictures that depict events that you personally
17 observed, if any do?

18 (Officer looks through the photographs.)

19 MR. KANAREK: May I approach the witness, your Honor?

20 Q BY MR. KANAREK: These represent events that
21 you can personally testify to, is that right, Officer?

22 A Yes, sir.

23 Q Then would you take each of them, maybe we can
24 -- what is the next --

25 THE CLERK: QQ.

26 Q BY MR. KANAREK: Let's begin with this one. We

1 will call this one QQ.

2 MR. FITZGERALD: Excuse me, Mr. Kanarek, it is PP,
3 I'm sorry.

4 MR. KANAREK: Thank you.

5 Q PP, would you tell us what that depicts, Officer?

6 THE COURT: Are you asking it be marked, Mr. Kanarek?

7 MR. KANAREK: Yes, your Honor, thank you.

8 THE COURT: All right, it will be so marked, you may
9 proceed.

10 THE WITNESS: This picture, PP, shows the front of the
11 location where all of the subjects and suspects were placed
12 prior to transportation.

13 This is the area to which I brought Mr. Manson.

14 Q BY MR. KANAREK: And is it a fair statement,
15 directing your attention to the other 24 people that were
16 arrested, that you obtained, or arrested these people in
17 areas where they were secreting themselves?

18 A I cannot answer that, Counsellor.

Q161

1 Q You mean you did not arrest or did not
2 participate in the original restraint of anyone other than
3 Mr. Manson?

4 A That is correct.

5 Q Is that correct?

6 A Yes.

7 MR. KANAREK: Thank you.

8 May I make the next marking, your Honor,

9 QQ?

10 THE COURT: Yes, it will be so marked.

11 MR. KANAREK: Q Would you tell us what this is?

12 A I can cut this down considerably.

13 These pictures all depict the front section of
14 the building.

15 Q Well, we will have to go through them, if we
16 may, Officer. Just go through them briefly.

17 THE WITNESS: All right.

18 This is the same picture from another angle
19 showing the subjects and suspects placed here prior to
20 transportation.

21 MR. KANAREK: Q Would you describe the weapon
22 that the deputy in front of the picture is holding?

23 A That is a shotgun.

24 MR. KANAREK: Thank you.

25 Your Honor, may I mark the next one RR?

26 THE COURT: It will be so marked.

1 MR. KANAREK: Q Officer, would you tell us
2 what that RR represent?

3 A RR represents, again, the front part of the,
4 location showing numerous prisoners who were placed there
5 prior to transportation.

6 Q Incidentally, Officer, is it a fair statement
7 that these pictures were taken by sheriff's deputy
8 personnel?

9 A I have no knowledge of that, sir.

10 Q You don't know whether that is true or not?

11 A That is correct.

12 Q Now, is it a fair statement that there was,
13 at the scene, coffee and food provided by the Sheriff's
14 Department?

15 A I recall coffee.

16 Q That was provided?

17 In other words, the Sheriff, in preparation for
18 this, provided some kind of sustenance, some kind of --
19 whether it is coffee, or whatever it was, they came
20 prepared for an eventuality wherein you would have to get
21 something to keep yourself going?

22 A I can't say whether it was prepared. It could
23 have been ordered later by the station personnel.

24 Q I see.

25 How long was this, what you might call Operation
26 Spahn Ranch, how long did that take?

1 MR. BUGLIOSI: Come on now, Mr. Kanarek.

2 MR. KANAREK: Q How long did that last?

3 A I can't answer that.

4 I was there approximately two hours, and then
5 the investigation proceeded from then.

6 Q You, yourself, were there approximately two
7 hours?

8 A Yes.

9 MR. KANAREK: Thank you.

10 Now, may I mark the next one SS, your Honor?

11 THE COURT: It will be so marked.

12 MR. KANAREK: Q Would you tell us briefly
13 what SS depicts, Officer?

14 A Again, the same scene in front of the location
15 showing the subjects and the suspects.

16 Q And there appears to be an officer with an
17 upraised gun. Would you tell us what kind of a gun that is
18 on the right side of the picture?

19 A That is also a shotgun.

20 It appears to be a shotgun.

21 I can't really tell. It is not too clear.

22 Q Thank you.

23 Now, Officer, directing your attention to --
24 may I mark this TT, this next picture, your Honor?

25 THE COURT: Very well.

26 MR. KANAREK: Q That appears to be a picture of

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1 you, Officer; is that correct?

2 A That is correct.

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1 Q Would you tell us what you were doing?

2 A I appeared to be checking the interior of the
3 location. I can't really define the location. It looks
4 like an area of some kind of a shed.

5 Q You appear to be going through the rafters?

6 A That is correct.

7 Q And was this during the two hours of time that
8 you were there on that day?

9 A That is correct.

10 Q Next is a picture -- may I make this UU, your
11 Honor?

UU Id.

12 THE COURT: Yes. It will be so marked.

13 BY MR. KANAREK:

14 Q This appears to show an aircraft of some type.

15 A Yes, sir.

16 That is one of the Sheriff's helicopters.
17 It appears to be the Sheriff's helicopter that I observed
18 at the location.

19 Q You observed, actually observed it circling
20 about?

21 A Yes, sir.

22 Q And was there communication, to your knowledge,
23 with the helicopter by radio?

24 A Yes.

25 Q And that communication went on during the
26 two-hour period while you were there; is that right?

16a-2

1 A Yes.

2 Q Thank you, Officer.

3 I next show you VV, which appears to have some
4 Los Angeles Police Officers present.

5 May I mark this VV, your Honor?

VV Id.

6 THE COURT: Yes, you may.

7 THE WITNESS: Yes. This is familiar to me.

8 This is the rear of the building complex under
9 which I found Mr. Manson. This is a portion of that build-
10 ing area.

11 BY MR. KANAREK:

12 Q And is it visible in that picture, the place
13 where you saw Mr. Manson?

14 A I don't believe so, no, sir.

15 Q Now, these are Los Angeles Police Officers that
16 were present; is that correct?

17 They appear to have on --

18 A Yes, sir, they appear to be, yes, City Police.

19 Q Do you recall, were there Los Angeles Police
20 Department personnel present?

21 A I don't recall, sir.

22 I don't believe I observed any Los Angeles
23 Police Officers.

24 Q Is it a fair statement that those are not
25 Sheriff's Deputy uniforms?

26 A That is correct.

16a-3

1 Q Those aren't fatigue uniforms either, are they?

2 A That is correct.

3 Q Is it your opinion that those are Los Angeles
4 Police Officers?

5 A City Police Officers, yes.

6 MR. KANAREK: Thank you.

7 I next show you WW.

8 May it be marked WW, your Honor?

WW Id.

9 THE COURT: Yes, it will be so marked.

10 MR. KANAREK: Thank you.

11 THE WITNESS: Yes. This shows after I had removed
12 Mr. Manson, I then returned to the general area again
13 checking underneath buildings for possible further people
14 that were hiding.

15 MR. KANAREK: Thank you, Officer.

16 Q May I ask your opinion, Officer?

17 Let's say you were in civilian clothes and
18 that 40 people that were armed as you people were armed
19 were descending upon you. Would you run and hide?

20 MR. BUGLIOSI: Irrelevant, your Honor.

21 THE COURT: Sustained.

16b fls.

22 MR. KANAREK: Thank you, your Honor.
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1 THE COURT: Any questions, Mr. Hughes?

2 MR. HUGHES: Yes, sir.

3
4 CROSS-EXAMINATION

5 BY MR. HUGHES:

6 Q Officer, what time did you arrive at the
7 Spahn Ranch that morning?

8 A At the outer limits of the ranch or the
9 building location?

10 Q The outer limits.

11 A Approximately 3:00 a.m.

12 Q At about what time did you enter the ranch
13 itself?

14 A Around 6:00 a.m.

15 Q And about what time did you arrest Mr. Manson?

16 A I did not arrest Mr. Manson.

17 Q What time did you pull his hair to get him
18 out from underneath the building, Officer?

19 A Sometime after 6:00 a.m.

20 Q An hour?

21 Two hours? Three hours?

22 A Within the two-hour period.

23 Q Officer, you had occasion to help Mr. Manson
24 walk, you said, that day; is that correct?

25 A That is correct. Mr. Manson refused to walk.

26 Q Did you have occasion to help anybody else walk

1 like that that day, Officer?

2 A No.

3 MR. HUGHES: No further questions.

4 THE COURT: Redirect?

5 MR. BUGLIOSI: No.

6 THE COURT: You may step down, Officer.

7 THE WITNESS: Thank you.

8 THE COURT: It is 4:10, Mr. Bugliosi. We would
9 bearly be able to commence with another witness. So,
10 we will adjourn.

11 MR. BUGLIOSI: Very well.

12 THE COURT: Ladies and gentlemen, do not converse
13 with anyone or form or express any opinion regarding the
14 case until it is finally submitted to you.

15 The court will adjourn until 9:45 a.m. on
16 Monday.

17 (Whereupon at 4:11 o'clock p.m. the court
18 was in recess.)
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