

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.

132

No. A253156

REPORTERS' DAILY TRANSCRIPT  
Tuesday, October 20, 1970

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 132

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JOSEPH B. HOLLOMBE, CSR.,  
MURRAY MEHLMAN, CSR.,  
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**DIRECT   CROSS   REDIRECT   RECROSS**

(Examination by the Court p. 14533)

(Examination by the Court p. 14558)

(Examination by the Court p. 14359)

I N D E X (Continued)E X H I B I T SCOURT'S SPECIAL EXHIBITS:    FOR IDENTIFICATION IN EVIDENCE

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1 LOS ANGELES, CALIFORNIA, TUESDAY, OCTOBER 20, 1970

2 9:00 A.M.

3 ---O---

4 (The following proceedings were had in open  
5 court, in the absence of all counsel with the exception of  
6 Mr. Hughes and the jury:)

7 THE COURT: Mr. Hughes, are you represented, sir?

8 MR. HUGHES: Yes, I am, your Honor, I retained the  
9 Public Defender to represent me, your Honor.

10 THE COURT: All right.

11 What is your name, sir?

12 MR. HANKI: Richard Hanki, H-a-n-k-i.

13 THE COURT: This is the time set for the appearance  
14 of Mr. Hughes, pursuant to an order to show cause why he  
15 should not be found in contempt for failing to appear in  
16 this court yesterday at 9:45 a.m.

17 You may proceed.

18 MR. HANKI: The defendant would like to show reason  
19 why.

20 THE COURT: First I want the record to show that  
21 Mr. Hughes was not present in court at 9:45 a.m. I don't  
22 suppose that is a disputed fact, is it?

23 MR. HANKI: No, your Honor, that is not disputed.

24 But the defendant would like to show cause  
25 that he did not have the ability to appear in that he was  
26 in custody of the Police Department on outstanding traffic

1 warrants.

2 I would like to call Mr. Hughes to the stand.

3 THE COURT: Very well.

4 THE CLERK: Would you raise your right hand, please.  
5 Would you please repeat after me.

6 I do solemnly swear --

7 THE WITNESS: I do solemnly swear --

8 THE CLERK: -- that the testimony I may give --

9 THE WITNESS: -- that the testimony I may give --

10 THE CLERK: -- in the cause now pending --

11 THE WITNESS: -- in the cause now pending --

12 THE CLERK: -- before this Court --

13 THE WITNESS: -- before this Court --

14 THE CLERK: -- shall be the truth --

15 THE WITNESS: -- shall be the truth --

16 THE CLERK: -- the whole truth --

17 THE WITNESS: -- the whole truth --

18 THE CLERK: -- and nothing but the truth --

19 THE WITNESS: -- and nothing but the truth --

20 THE CLERK: -- so help me God.

21 THE WITNESS: -- so help me God.

22 THE CLERK: Would you be seated, please.

23 Will you please state your name.

24 THE WITNESS: Ronald Hughes, H-u-g-h-e-s.  
25  
26

1 RONALD HUGHES,  
2 called as a witness by and on his own behalf, being first  
3 duly sworn, was examined and testified as follows:  
4

5 DIRECT EXAMINATION

6 BY MR. HANKI:

7 Q Mr. Hughes, on the evening of October 18, 1970  
8 were you stopped by officers of the Los Angeles Police  
9 Department?

10 A Yes, I was.  
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1 Q And as a result of your being stopped, were you  
2 apprehended?

3 A Yes, I was.

4 Q And what were you apprehended for?

5 A A traffic warrant.

6 Q And did they inform you as to the amount of  
7 bail that would be necessary?

8 A Yes, they did.

9 Q What did they inform you in that regard?

10 A In the range of \$63, they said.

11 Q And did you have the amount of bail necessary?

12 A No, I did not.

13 Q How much did you have on your person?

14 A \$48.51.

15 Q \$48?

16 A \$48.51.

17 Q Now, did you inform the arresting officers at the  
18 time that you were required to be in court, in this court,  
19 on the 19th?

20 A Yes, I did.

21 Q And in what way did you inform the officers?

22 A I told them that I was an attorney, that I was  
23 in a long on-going trial. I mentioned this trial by name.  
24 I mentioned Judge Older by name.

25 I asked to be released on my own recognizance  
26 since I did not have the requisite amount of bail.

1 Q And did they inform you that they would call the  
2 Court?

3 A No, they did not.

4 Q Did you determine whether they did, in fact,  
5 call the Court?

6 A Later, yesterday, I determined that apparently  
7 they had called the Court.

8 Q And did they inform you that if the Court  
9 requested your presence they would release you on your own  
10 recognizance?

11 A No, they did not.

12 Q Were you able to post bail?

13 A No, I was not.

14 Q Were you taken to some court on the 19th?

15 A Yes, I was.

16 Q Which court were you taken to?

17 A The West Los Angeles Division 63 of the  
18 Municipal Court of the State of California.

19 Q And how many warrants were outstanding at that  
20 time?

21 A There were three warrants. One for defective  
22 brakes and two for parking violations.

23 Q And what was the total bail for all three  
24 citations?

25 A I am not sure. I never learned what the bail  
26 on the parking warrants was. However, I assume that it was

1 \$10 apiece on those.

2 Q Did you appear in court?

3 A Yes, I did.

4 Q Did you inform the Court that you had to be here?

5 A I was taken out of the normal procedure of the  
6 flow of prisoners, and it became obvious to me -- and I had  
7 the Public Defender represent me there -- that I was being  
8 taken out of the flow, and was immediately brought in,  
9 upon being brought into the jail section of the court, and  
10 it seemed obvious that the Court was aware of who I was and  
11 the fact that I was needed somewhere else.

12 Q And at what time did you appear in court?

13 A I appeared in court approximately 11:00 o'clock.

14 Q And to facilitate matters, did you enter a  
15 plea?

16 A Yes, I did.

17 Q What plea did you enter?

18 A Guilty.

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1 Q And at what time were you released?

2 A I was released approximately 11:30.

3 Q And where did you go upon release?

4 A Upon release, I went to the office of the  
5 Public Defender in West Los Angeles, whereupon, I called  
6 this department, Department 104, and ascertained that the  
7 court was then to reconvene at 2:00 o'clock yesterday  
8 afternoon.

9 Thereupon, I went home and changed into court  
10 clothes, and then I came to court here.

11 MR. HANKI: Nothing further, your Honor.

12

13

EXAMINATION.

14 BY THE COURT:

15 Q Mr. Hughes, what time were you arrested Sunday  
16 night?

17 A Approximately 10:00 p.m., your Honor.

18 Q You had on your person \$48.51?

19 A That is correct, your Honor.

20 Q Did you have available \$14.49?

21 A Did I have available? I am not certain what  
22 you mean by that.

23 I would offer to stipulate that I could have  
24 indebted myself to others and borrowed the money to bail  
25 myself out.

26 Q On Sunday night?

- 1 A On Sunday night.
- 2 I could have made telephone calls and done that.
- 3 Q Did you possess \$14.49 on Sunday night?
- 4 A In cash, no.
- 5 Q Or otherwise?
- 6 A Well, I am not certain in what manner you mean.
- 7 Q Well, from any source.
- 8 Do your assets include \$14.49?
- 9 A If you look at it from the standpoint of a
- 10 certified public accountant, I would say that I am probably
- 11 bankrupt.
- 12 Q That is not the way I am looking at it.
- 13 Do you have a bank account?
- 14 A Yes, I do.
- 15 Q Is there \$14.49 in it?
- 16 A I am not sure. There may be.
- 17 Q Is there more than that?
- 18 A There may be. I am really not certain.
- 19 I did not have a check with me and I did not
- 20 have my bank statement with me, and I did not have my
- 21 check book with me, and I did not have my balance at hand
- 22 or in mind.
- 23 Q You don't know whether you had the amount of
- 24 \$14.49 in the bank?
- 25 A That is correct, your Honor.
- 26 Q Is this a checking account?

A. Yes.

1 Q Do you have a savings account?

2 A No, I do not.

3 Q In any event, you concede that you could have  
4 borrowed the \$14.49?

5 A Your Honor, I could have called up and borrowed  
6 it from you, probably.

7 Q Did you try to do that?

8 A No, I did not.

9 Q Did you try to borrow it from anyone?

10 A No, I did not.

11 Q Did you tell anyone in the Police Department  
12 that you could make the bail but that you thought you would  
13 not because you thought it would be humorous for you not to  
14 appear in this court yesterday for that reason, or words to  
15 that effect?

16 A I said words to the effect that I did not want  
17 to borrow the money, and I said words to the effect, to the  
18 officers, or my state of mind being to try to get them to  
19 release me O.R., that it would be interesting if I were  
20 still in jail in the morning, if I were not able to be at  
21 this trial, and I think my state of mind was that that  
22 would be an interesting thing from the standpoint of not  
23 having to -- I felt that I didn't want to become more indeb-  
24 ted to anyone. I have become very indebted to a lot of  
25 people in this trial, and I think it is a startling and  
26 interesting thing.

1 I am very poor, and I think I have made the  
2 Court aware of that before.

3 I would say that my financial problem has  
4 probably added to the problem of not being able to get my  
5 brakes fixed, which was -- I did get my brakes fixed, I  
6 take that back -- but added to the problem of not being able  
7 to appear on that warrant earlier, is the financial burden  
8 in this case.

1 Q Are you saying that your financial condition was  
2 such that you could not raise \$14.49, the balance of the  
3 bail?

4 A Not without becoming indebted to someone.

5 Q I'm not talking about borrowing the money. I  
6 am talking about your financial condition.

7 A Yes, your Honor, inasmuch as I would describe  
8 myself as in a bankrupt state.

9 Q Well, that is not an answer to the question,  
10 Mr. Hughes. We are not talking about bankruptcy in the legal  
11 sense.

12 I am talking about assets, available assets in  
13 the form of money or some other readily available assets  
14 which could be converted into money.

15 Are you telling me you don't have assets of  
16 \$14.49?

17 A I may be at this time able to write a check  
18 for \$14.49, your Honor, I'm not sure.

19 I think that if I were to write a check for  
20 \$14.49 now, I would probably not be able to write my  
21 rent check on the 1st of the month, nor would I be able to  
22 write -- draw money out or buy food later in the month.

23 I would imagine that the moment, if you're asking  
24 what my checking account balance is --

25 THE COURT: I am not asking that, Mr. Hughes. All I  
26 want to find out is whether on Sunday night you had

1 sufficient assets to raise \$14.49.

2 A Let's say my state of mind at that time, your  
3 Honor, was --

4 Q I am not interested in your state of mind. I  
5 want to know what the fact is.

6 A I don't know what the fact is, your Honor.

7 Q You are not contending that you did not have it,  
8 is that right?

9 A I am not contending either way, your Honor.

10 I am not contending that I did or I didn't.  
11 I don't know whether I did or not. I do not know the state  
12 of my balance.

13 Q Did you make any efforts to ascertain what it  
14 was?

15 A No, I did not.

16 Q Now, in addition to the arrest for the brakes,  
17 you had three warrants outstanding, is that right?

18 A Two parkings warrants besides the warrant for  
19 the brakes.

20 Q Were you arrested on an outstanding warrant or  
21 were you given a citation for the brakes?

22 A I was arrested on an outstanding warrant.

23 Q In other words, the alleged offense occurred  
24 sometime ago?

25 A That's correct.

26 Q Not Sunday night?

1 A No.

2 Q You were picked up on a routine traffic stop,  
3 is that right?

4 A Yes.

5 Q And the warrant was discovered?

6 A Yes.

7 Q And the other outstanding warrants were dis-  
8 covered?

9 A Yes.

10 Q Have you lived at the same address for some  
11 time?

12 A Yes.

13 Q Did you ever receive any notice from the Police  
14 Department that you'd be cited for these violations?

15 A I think I received a notice from the Police  
16 Department that one of the parking tickets was going to  
17 warrant.

18 Q When was that, when did you receive the notice?

19 A I don't know, your Honor.

20 Q Well, approximately.

21 A I don't recall. I don't recall which warrant  
22 it was or when I received the notice.

23 Q Did you do anything about the notice when you  
24 received it?

25 A I had received other notices similar to that  
26 in the past.

1 I had taken them to the West Los Angeles  
2 Police Station and paid some of them.

3 I received other notices at other times and I  
4 had taken them -- excuse me, that was the West Los Angeles  
5 Court.

6 I had taken other notices like that in the past  
7 and taken them to the Office of the Public Defender in  
8 West Los Angeles, and I think that there were some that I  
9 denied -- which ones were which, I don't know.

10 Which parking tickets were involved yesterday  
11 I have no idea.

12 Q Did you do anything about the three warrants  
13 prior to Sunday; had you done anything about them?

14 A No, I was not entirely certain that I did have  
15 warrants.

16 Q You said you received notice of one parking  
17 violation, is that right?

18 A I received notice that it might go to warrant.

19 Q What about the others, had you received notice  
20 of those?

21 A Not that I know of, your Honor.

22 It's possible that notice came but I don't  
23 recall it coming.

24 Q Did you make any effort at all, Mr. Hughes, to  
25 get released on bail so that you could appear in this court  
26 on Monday?

1 A I asked to be released on my own recognizance,  
2 your Honor, I spoke with the Sergeant who I believe was the  
3 watch commander at West Los Angeles Police Station, and we  
4 had some discussion, and he was aware that I was required to  
5 be in court, and he would not release me on my own recog-  
6 nizance.

7 He was aware of the amount of money I had, and  
8 I would have been willing to put up the money that I had  
9 in my possession.

10 Q Did you make any effort to be released other  
11 than your conversation with the Sergeant?

12 A Other than my conversation with the Sergeant and  
13 the other police officer and some other plain clothes  
14 gentleman who came in, I attempted to make a telephone call  
15 to Mr. Fitzgerald.

16 I think I would have been willing to borrow the  
17 money from Mr. Fitzgerald.

18 However, I made other telephone calls, and the  
19 only people I was able to actually get in touch with were  
20 people from whom I was unwilling to become indebted.

21 I was unable to reach Mr. Fitzgerald that  
22 evening, Sunday evening.

23 Q At the time you were arrested were you alone or  
24 with someone?

25 A I was with someone.

26 Q More than one person?

A Yes.

1 Q How many?

2 A Two persons.

3 Q Two?

4 A Two.

5 Q Did either of these people offer to put up  
6 \$14.49 so you could be released?

7 A One of them offered to go and borrow some money  
8 from his father, and it is my understanding that they  
9 later came and offered to actually put up some money.

10 However, I did not want to become indebted to  
11 them.

12 Q When you ascertained that the bail was approxi-  
13 mately \$63, you realized, did you, Mr. Hughes, that if you  
14 did not post the bail you would remain in jail until such  
15 time as you were brought before the Municipal Court on the  
16 following day?

17 A I thought there was some possibility, your Honor,  
18 that I would eventually be released on my own recognizance.

19 As a matter of fact, my state of mind was --

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3a

1 Q You understand that was to be done by a judge?

2 A I understand, your Honor, you were called that  
3 evening, and I understand you are a judge and you could  
4 have done something to see that I was released on my own  
5 recognizance.

6 I also understand that you didn't.

7 So I understand.

8 Q You understand that a Superior Court judge may  
9 release a defendant on a Municipal Court traffic case on  
10 his own recognizance, is that your understanding of the law,  
11 Mr. Hughes?

12 A Yes.

13 THE COURT: Anything further, sir?

14 MR. HANKI: A few questions, your Honor.

REDIRECT EXAMINATION

15 Q Mr. Hughes, as to the bail of \$62.50, was that  
16 for the brake violation only?

17 A Yes, that is what I understand, yes.

18 Q Were you aware if you posted \$62.50, there were  
19 other warrants and other bails that had to be posted above  
20 and beyond the \$62.50?

21 A Yes, I had a strong belief or suspicion that  
22 there might be parking warrants.

23 As a matter of fact, I was open with the police,  
24 I told them that I felt that there might be parking warrants  
25 out, and they said that they were going to check that.

26 Q So as to your state of mind, were you aware if  
you posted a \$62.50, that they would not release you

1 because of the other traffic warrants?

2 A I felt that that was a strong possibility or  
3 probability.

4 Q And you did receive notice of at least one  
5 traffic warrant?

6 A That's correct.

7 MR. HANKI: Nothing further, your Honor.

8 May I have a few questions more, your Honor?

9 THE COURT: Yes.

10 Q BY MR. HANKI: Mr. Hughes, do you share your  
11 bank account with some other person?

12 A No, I do not.

13 Q With someone other than yourself -- could  
14 someone other than yourself sign for whatever funds are in  
15 your checking account?

16 A No, they could not.

17 Q Did you try yesterday afternoon to call your  
18 bank to ascertain the amount remaining in your account?

19 A Yes, I did.

20 Q Were you able to contact the bank?

21 A No, I was not.

22 MR. HANKI: Nothing further.

23 THE COURT: This was yesterday afternoon?

24 THE WITNESS: Yes, your Honor.

25 THE COURT: After you appeared here?

26 THE WITNESS: Yes, your Honor.

1 THE COURT: You are unable to state then or give  
2 any estimate as to how much, if any, was in your bank  
3 account Sunday night, is that right?

4 THE WITNESS: I believe it somewhere between zero  
5 and \$50.

6 THE COURT: Did you make any effort on Monday morning  
7 to ascertain from the bank what your balance was?

8 THE WITNESS: No, I did not, your Honor.

9 THE COURT: You were aware, Mr. Hughes, that if you  
10 did not post the bail on Monday morning, you were aware  
11 Sunday night that you would be unable to appear in this  
12 court on Monday morning at the usual time.

13 THE WITNESS: I was only aware if I wasn't here at  
14 9:45 I would not be here.

15 THE COURT: Anything further, sir?

16 MR. HANKI: No, nothing further.

17 THE COURT: You may step down.

18 THE WITNESS: Thank you.

19 MR. HANKI: That is the extent of our evidence, your  
20 Honor.

21 THE COURT: Sorry, I did not hear you.

22 MR. HANKI: That is the extent of our evidence.

23 THE COURT: Do you wish to argue?

24 MR. HANKI: Yes, your Honor.

25 The cases hold that contempt being such a  
26 drastic remedy, it should be employed only when absolutely

1 necessary.

2 I believe that in order to be found in contempt  
3 a person must have the ability to appear, and he wilfully  
4 refuses to appear.

5 In this case Mr. Hughes had three outstanding  
6 warrants, one was for \$62.50, the others were for unknown  
7 amounts.

8 The defendant did not have the necessary funds.  
9 The defendant tried to call Mr. Fitzgerald and tried to  
10 have the officer call the Court, and it is the defendant's  
11 understanding that this Court was called long before 9:00  
12 o'clock of the morning of the 19th.

13 THE COURT: What is the significance of that fact?

14 I was called about 2:00 o'clock in the morning  
15 as a matter of fact. That is, I received a message.

16 What is the significance of that?

17 MR. HANKI: In my opinion, which may be erroneous,  
18 the officers were willing to release the defendant on his  
19 own recognizance so he could appear in court at 9:00 o'clock  
20 if your Honor --

21 THE COURT: Are you suggesting that the police officer  
22 may release the defendant on his own recognizance?

23 MR. HANKI: No, I'm not suggesting that.

24 But it is -- they do grant certain favors for  
25 facilitating the administration of justice.

26 My understanding was they were of a mind that

1 they would have released the defendant on his own recogni-  
2 zance at that time.

3 I feel that to find the defendant in contempt  
4 would be to punish him for his being an indigent, for being  
5 poor, which would be against the case of People vs. Antazo,  
6 which states that a person should not be punished for being  
7 indigent.

8 Submit it.

9 THE COURT: I will take the matter under submission.

10 MR. HANKE: Thank you.

11 MR. KAY: Your Honor, before you leave the bench,  
12 I filed a subpoena duces tecum with the Court this week.  
13 I believe Mr. Stan Atkinson is here this morning. I have  
14 been in touch with the attorneys of NBC, and he said he will  
15 comply.

16 I think he wants this on the record, that he is  
17 turning this document over to me in response to the subpoena.

18 Is that correct?

19 MR. ATKINSON: Right.

20 THE COURT: Very well. Anything further?

21 MR. KAY: Nothing further, your Honor. Thank you.

22 THE COURT: All right, we will recess until 9:45.

23  
24 (Recess.)  
25  
26

1 (The following proceedings occur in chambers.  
2 All counsel present. Defendants absent.)

3 THE COURT: The record will show all counsel are  
4 present.

5 Gentlemen, I wanted to speak to you very briefly  
6 this morning.

7 I am not satisfied with the progress we are  
8 making in this trial and am seriously considering expanding  
9 the trial hours each day. What I have in mind, and I  
10 wanted to get your comments on it, is commencing at 9:00  
11 going until 12:00, with a recess from 10:15 to 10:30, and  
12 starting at 1:45 in the afternoon and going until 4:30, with  
13 a recess from 3:00 to 3:15.

14 That would give us five hours and 15 minutes of  
15 actual trial time, not counting the recesses, which is  
16 a considerable increase over what we are getting now.

17 We are now starting at 9:45 and going to 12:00,  
18 with a 15-minute recess -- that is two hours -- and 2:00  
19 to 4:30, with a 15-minute recess, which would be two hours  
20 and 15 minutes. So, it is four hours and 15 minutes  
21 against five hours and 15 minutes.

22 Any comments?

23 MR. KANAREK: Your Honor, I think the Court's  
24 premise originally that the jury can only absorb so much  
25 is not changed by the fact that the Court now wishes to  
26 speed the matter up.

1 Now, the prosecution in this case has -- they  
2 still have 23 witnesses, or something like that. It is not  
3 the defendants' fault, your Honor, and I would oppose any  
4 change.

5 THE COURT: I wouldn't put it exactly that way, Mr.  
6 Kanarek. Your cross-examination is one of the things.

7 MR. KANAREK: On Roni Howard and Virginia Graham --

8 THE COURT: May I finish?

9 MR. KANAREK: I am sorry, your Honor.

10 THE COURT: I don't place the blame solely on you or  
11 solely on anyone, but one of the things that has convinced  
12 me that we had better start spending more time at it is  
13 the cross-examination.

14 MR. KANAREK: If I may respond to the Court?

15 THE COURT: There is no point in responding.

16 That is one of the things that has influenced  
17 me. Whether it is right or wrong, you may argue to your-  
18 self, but there is no point in commenting on it.

19 MR. KANAREK: My purpose is to convince the Court.

20 THE COURT: I don't want any further comment.

21 If you want to comment further on the hours,  
22 you may do so. That is why I invited you in here.

23 MR. KANAREK: Thank you.

24 If I may.

25 I would like to convey to the Court that the  
26 same premise applies. Our purpose is to have jurors who

1 are going to absorb, not speed for the sake of speed in a  
2 latter-day sort of way.

3 The prosecution, when you consider what they  
4 have done in this case, your Honor, for instance --

5 THE COURT: Save it for final argument, Mr. Kanarek.

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4a-1

1 MR. KANAREK: I am talking about the speed now. I  
2 am talking about the substance of what we are speaking of  
3 right now.

4 All of the time that was consumed in chambers  
5 because they didn't have their statements proper as far  
6 as the deletions, the having to wait for Mr. Bugliosi to  
7 go and get his witnesses, and all of those things, if  
8 your Honor will look at what the prosecution has done --

9 MR. BUGLIOSI: Wait a minute.

10 We put on a lot of other witnesses during that  
11 period.

12 THE COURT: I didn't call you in here in an attempt  
13 to assess blame. These delays are inevitable in any  
14 trial to some degree or another. No attorney, no matter  
15 how experienced or capable, could anticipate everything  
16 in advance.

17 I am not here to blame anybody. I am simply  
18 here to try to correct a situation that does exist. The  
19 trial is moving, in my opinion, much too slowly.

20 MR. KANAREK: May I make a suggestion?

21 I would suggest that the District Attorney  
22 make an offer of proof as to Posten and Watkins, because  
23 I believe all of that testimony is inadmissible, your  
24 Honor, and I think a good saving of time will be if your  
25 Honor asked for an offer of proof instead of allowing the  
26 District Attorney to parade witnesses that have no

4a-2

1 materiality and that actually inject error, such as this  
2 witness Jakobson.

3 MR. BUGLIOSI: May I ask one question? I know we  
4 are rushed for time, but in all sincerity, has/<sup>there</sup>been one  
5 witness that we called to the stand whose testimony you  
6 thought was relevant?

7 MR. KANAREK: That is argumentative.

8 MR. BUGLIOSI: No, I'm sorry. I am serious. You  
9 have stated it many times.

10 MR. KANAREK: Mr. Manson is innocent of these  
11 charges, and you know it. This is a political trial.

12 MR. BUGLIOSI: Why don't you answer that question?

13 THE COURT: Mr. Kanarek, a good part of the delay  
14 has been occasioned by your statements similar to the one  
15 you just made, by frivolous motions and objections,  
16 multiple and repeated objections and motions, by arguments  
17 that have no beginning and no end and go nowhere and say  
18 nothing.

5 fls.

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1 MR. KANAREK: I am --

2 THE COURT: These things, among others are the  
3 reasons I have arrived at the conclusion that we are going  
4 to have to increase the trial day.

5 Does anyone else wish to be heard?

6 MR. BUGLIOSI: I agree with the Court. I think it  
7 is an excellent idea.

8 MR. HUGHES: I would oppose any lengthening of the  
9 trial day, for Leslie Van Houten, on the basis that this  
10 is such a complex trial, there are so many complexities  
11 as to who is where and what, that I believe that the jurors  
12 cannot, as your Honor pointed out at the beginning of the  
13 trial, cannot absorb more than four hours and keep any  
14 degree of certainty as to who did what.

15 MR. KANAREK: And furthermore, there is a practical  
16 aspect of studying the transcript, just flesh and blood,  
17 your Honor, there are so many hours in the day and I have  
18 to study these transcripts at night.

19 I have to prepare and do what is necessary for  
20 this courtroom. It is impossible to do what is necessary  
21 and maintain yourself as a human being and live and  
22 breathe.

23 Your Honor, I am sure, is aware that there  
24 are other factors involved here, such as the time outside  
25 of court in connection with this case.

26 It is fantastic, preparing for argument,

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1 preparing the defense, you have to read these transcripts  
2 and do what is necessary,

3 If your Honor is imposing more court time,  
4 what we are doing is we are having a further charade.

5 MR. HUGHES: I object on the basis of equal protec-  
6 tion. It is coming to the very end of the prosecution's  
7 case. Suddenly the burden is on us to put on a case.

8 Suddenly we find to put on instead of four  
9 hours, five and a quarter hours.

10 MR. KANAREK: I join with Mr. Hughes' statement on  
11 equal protection, your Honor.

12 MR. SHINN: I join in the motions, your Honor.

13 THE COURT: What motions?

14 MR. SHINN: All of these objections, your Honor,  
15 I'm sorry, the objections, not the motions.

16 THE COURT: Well, not only am I going to increase  
17 the trial hours, gentlemen, but if I don't see some  
18 concrete evidence that things are being moved along we  
19 may be working on Saturdays too.

20 MR. KANAREK: I don't mind working on Saturday, at  
21 so many hours per day.

22 MR. FITZGERALD: I think the Government Code prohi-  
23 bits that.

24 MR. BUGLIOSI: Oh, does it?

25 MR. FITZGERALD: I believe it does, I checked it  
26 once.

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1 THE COURT: Well, I'm not sure, but I hope I don't  
2 have to explore that possibility.

3 All right, then, starting this afternoon we  
4 will commence at 1:45. We will take the afternoon recess  
5 at 3:00. While it is a scheduled 15-minute recess, due  
6 to the difficulties of moving the jury around it usually  
7 runs just a few minutes beyond that, but at any event it  
8 will be scheduled as a 15-minute recess.

9 We will go then from 3:15 until 4:30.

10 Starting tomorrow morning the hours will be  
11 from 9:00 until 12:00. We will recess from 10:15 until  
12 10:30.

13 MR. KANAREK: I have a couple of points here.

14 One is that one of the statements of, I guess  
15 it's the --

16 THE COURT: Before we get off on that subject.

17 Now, this will require a change in the  
18 Sheriff's handling of the prisoners and the jury, so be  
19 sure that they know about that, will you?

20 THE BAILIFF: Yes.

21 THE COURT: Commencing with this afternoon at 1:45.

22 THE BAILIFF: Yes.

23 THE COURT: Is that going to impose any particular  
24 problems?

25 THE BAILIFF: No, it shouldn't.

26 THE COURT: There should be plenty of time for lunch

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1 if they depart promptly.

2 THE BAILIFF: We are generally back before then  
3 anyway.

4 THE COURT: Be sure the section that handles the  
5 prisoners knows about the change of time for both morning  
6 and afternoon.

7 THE BAILIFF: Yes, your Honor.

8 MR. HUGHES: A very short point:

9 In relation to my testimony this morning, the  
10 order to show cause in re contempt, I understand I said I  
11 had \$48.51. I don't know where I got that figure. The  
12 figure in actuality, and I would offer to be resworn,  
13 was \$38.51.

14 I remember I did have a booking slip.

15 THE COURT: That is what you said yesterday.

16 MR. HUGHES: Yes.

17 THE COURT: All right, I made a note of the difference  
18 this morning when you mentioned it, and you seemed to be  
19 knowing what you were saying so I didn't question it.

20 MR. HUGHES: Mr. Hank<sub>1</sub> pointed that out to me, the  
21 amount was actually \$38.51. I believe the jail records  
22 will show that.

23 MR. KANAREK: In one of the exhibits, I cannot tell  
24 exactly from my notes, Susan Atkins purported to confess  
25 to eight counts of murder and a count of conspiracy,  
26 which would inferentially bring in the Hinman case or

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1 something like that.

2 I wonder if we could do something about that  
3 exhibit.

4 I'm sure your Honor will recall she said she  
5 was indicted for eight counts of murder.

5a fls.

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1 MR. BUGLIOSI: Yes, I remember that. Why don't we  
2 just change that to 7?

3 MR. KANAREK: Again, my position is that you cannot.  
4 It is unknown in the law to change words.

5 MR. BUGLIOSI: You said you don't want 8.

6 MR. KANAREK: I say you have to strike it if it is  
7 incompetent, you cannot have it in if you want 7.

8 MR. FITZGERALD: She was not indicted for eight counts  
9 of murder.

10 MR. KANAREK: That's right.

11 MR. FITZGERALD: That is a factual inaccuracy.

12 MR. BUGLIOSI: The fact that her statement is not  
13 100 per cent accurate --

14 THE COURT: If that is what she said, that is what  
15 she said. There is nothing implicating about that.

16 MR. FITZGERALD: I am not suggesting that.

17 MR. BUGLIOSI: I would go along with seven.

18 MR. KANAREK: Of course, that is -- your Honor is the  
19 one to decide, but if it is incompetent, Aranda and Bruton  
20 contemplate deletion, not adding and changing.

21 If it is incompetent it has to go out.

22 THE COURT: It is not incompetent.

23 MR. KANAREK: It prejudices the defendants' case.  
24 It talks about eight counts of murder.

25 THE COURT: So she made an error, she misspoke.

26 MR. KANAREK: That invades against Mr. Manson because

1 of the close intimacy, Mr. Bugliosi charged conspiracy.

2 THE COURT: What does that have to do with Mr. Manson?

3 MR. KANAREK: Because the whole Bruton-Aranda approach,  
4 because the jury cannot be depended upon to siphon off and  
5 exclude --

6 THE COURT: We don't have to go through the arguments.  
7 Just tell me how that implicates Mr. Manson.

8 She made a mistake; she misspoke herself.

9 MR. KANAREK: In trying to clear it up, on argument or  
10 whatever, it is going to bring out another murder, and I  
11 say strike it because it is, I think, incompetent, and I  
12 make the motion to strike it.

13 THE COURT: You talk to her, and if she simply made  
14 a mistake, of course you can bring it out on cross-examination.

15 If she was talking about the Hinman murder,  
16 you'd better stay away from it.

17 MR. KANAREK: I don't represent the lady.

18 MR. BUGLIOSI: I wouldn't mention it in my argument.

19 THE COURT: It won't be brought out unless you bring  
20 it out.

21 MR. KANAREK: I move first that the jury be admonished  
22 not to consider that for any purpose.

23 I also move for a mistrial.

24 THE COURT: There are eight counts in the indictment.

25 MR. KANAREK: That is not what it says, your Honor.

26 THE COURT: I understand what it says, Mr. Kanarek,

1 I am simply pointing out to you it is an obvious case of a  
2 witness being mistaken.

3 MR. HUGHES: I join in the motion for it being struck.

4 MR. KANAREK: Not when you consider the Hinman case.

5 THE COURT: I don't consider the Hinman case at all.  
6 The jury knows nothing about it.

7 MR. KANAREK: Well, your Honor --

8 THE COURT: That will be enough.

9 MR. KANAREK: May I have a ruling on my motion for a  
10 mistrial?

11 THE COURT: Denied.

12 Let's bring the jury down.

13 (The following proceedings were had in open  
14 court in the presence and hearing of the jury, all counsel  
15 being present:)

16 THE COURT: All counsel and jurors are present.

17 Have the defendants expressed a desire to  
18 return to the courtroom and conduct themselves in a proper  
19 manner, Mr. Fitzgerald?

20 MR. FITZGERALD: Could we approach the bench, your  
21 Honor?

22 THE COURT: Very well.

23 (The following proceedings were had at the bench  
24 out of the hearing of the jury:)

25 MR. FITZGERALD: The defendants have not affirmed,  
26 your Honor.

1 THE COURT: You are speaking for all of them?

2 MR. FITZGERALD: I am speaking for all of them.

3 THE COURT: Is that correct, Mr. Kanarek?

4 MR. KANAREK: That is correct.

5 MR. HUGHES: That is correct.

6 MR. SHINN: That is correct.

7 MR. BUGLIOSI: I think every now and then your Honor  
8 should get a direct statement from the defendants.

9 I think that would be advisable, instead of  
10 going through their attorneys, I think we should go directly  
11 because this is an extremely serious constitutional right  
12 they are waiving, the right to confront witnesses against  
13 them, and be present at their own trial.

14 THE COURT: They have been advised on numerous  
15 occasions what they have to do in order to return.

16 There cannot be the slightest possibility of  
17 misunderstanding.

18 If each one of their counsel represents to the  
19 Court that they have not expressed any desire to return,  
20 there is no problem.

21 MR. BUGLIOSI: Okay.

22 MR. KANAREK: Your Honor, while we are at the bench,  
23 since your Honor won't strike that reference we had in  
24 chambers, the eight and seven, we stipulate the eight be  
25 changed to seven.

26 THE COURT: Let's take that up at the time it is

1 offered so that it comes in the context of the proceedings  
2 where it has some meaning.

3 MR. KANAREK: Very well.

4 THE COURT: I don't want to go through a long  
5 involved process now to bring it into relevances.

6 We will take it up at the time when it comes in.

7 MR. KANAREK: Very well, your Honor. I was trying to  
8 save some time, your Honor.

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1 (Whereupon all counsel returned to their  
2 respective places at counsel table and the following  
3 proceedings occur in open court within the presence and  
4 hearing of the jury:)

5 THE COURT: In accordance with our conference in  
6 chambers, gentlemen, the court hours will be changed,  
7 effective this afternoon, as follows:

8 The sessions will start each morning at 9:00  
9 o'clock, run until 12:00, with a recess from 10:15 to  
10 10:30.

11 The afternoon sessions will commence at 1:45  
12 and run until 4:30, with a recess from 3:00 until 3:15.

13 MR. HUGHES: Your Honor, in regard to the hours,  
14 I wish sometime to be heard in open court; but perhaps  
15 your Honor does not wish it in front of the jury.

16 THE COURT: You were heard in chambers, Mr. Hughes.  
17 That was the purpose of the conference.

18 MR. HUGHES: Very well, your Honor.

19 THE COURT: You may proceed with your cross-examina-  
20 tion, Mr. Kanarek.

21 THE CLERK: Will you state your name, please.

22 THE WITNESS: Gregg Jakobson.  
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GREGG JAKOBSON,

having been previously duly sworn, resumed the stand and testified further as follows:

## FURTHER CROSS-EXAMINATION

BY MR. KANAREK:

Q Mr. Jakobson, directing your attention to the times that you spoke to Mr. Manson. During some of those times, were you under the influence of an hallucinogenic drug?

A Yes.

Q What drugs were you under the influence of while you spoke to Mr. Manson?

A Marijuana.

Q And were you ever under the influence of LSD at a time when you spoke to Mr. Manson?

A No.

Q Were you ever under the influence of any other drugs?

A No.

Q Seconal or anything like that?

A No, never.

Q Is it a fair statement that -- directing your attention to this period of time concerning which you have testified -- that you were a frequent and avid user of marijuana?

6-3

1 MR. BUGLIOSI: That is irrelevant, your Honor.

2 THE WITNESS: No.

3 MR. BUGLIOSI: Withdraw the objection.

4 BY MR. KANAREK:

5 Q Then, will you tell us, Mr. Jakobson, on what--  
6 directing your attention to the various conversations you  
7 have had with Mr. Manson, would you tell us on what  
8 occasions you were under the influence of drugs, marijuana,  
9 and on what occasions you weren't, referring to the matters  
10 concerning which you have testified?

11 A Well, for about the last 14 months, I haven't  
12 used any chemicals at all.

13 And before that, very infrequently I would  
14 smoke some grass with Charlie while at the ranch.

15 Q You say the last 14 months. Do you say that  
16 because you know of a statute of limitations in connection  
17 with a criminal offense?

18 I am asking for his motivation, your Honor.

19 A No. It was a personal reason that I quit  
20 using chemicals.

21 Q Now, marijuana is not considered a chemical  
22 drug, is it?

23 A It is a chemical reaction that takes place.  
24 I consider it a chemical drug.

25 Q You consider it a chemical drug; is that right?

26 A I think it is considered a chemical drug.

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Q You consider it a chemical drug?

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A Yes. I consider it a chemical drug.

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1 Q Let's go back 14 months. We are now around  
2 October the 20th, 1970. So that would take us back, say,  
3 to some time in August, 1969.

4 Is that when you stopped using marijuana?  
5 Right?

6 A Right.

7 Q All right. Then I will reask the question, if  
8 I may.

9 Directing your attention to the times when you  
10 spoke to Mr. Manson, would you tell us what times you  
11 used marijuana while talking to him, and what times you  
12 didn't, referring to what you have previously testified  
13 to in this courtroom.

14 A Referring to what I testified previously,  
15 very infrequently; but on occasion, I smoked some grass  
16 with Charlie at the ranch.

17 Q Well, now, see, my question asks you to give  
18 us the times. Would you tell us the dates when you had  
19 particular conversations?

20 A No.

21 Q Pardon? You won't?

22 A I can't.

23 Q You can't?

24 A No.

25 Q Then, would you tell us, if you can't give  
26 us the dates, would you tell us the matters concerning

1 which you have testified as to what matters you were  
2 smoking when -- I will withdraw that.

3 Will you tell us, referring to the subjects  
4 that you testified to here in the courtroom, will you tell  
5 us concerning what subjects you were speaking of when you  
6 were under the influence of marijuana, and concerning what  
7 subjects you were not under the influence of marijuana?

8 A No.

9 Q You can't do that, can you?

10 A No, I can't.

11 Q Impossible; right?

12 A Right.

13 Q All right.

14 Now, did you make this statement in your  
15 examination when Mr. Fitzgerald was interrogating you?

16 Mr. Fitzgerald asked you: "Q Didn't he  
17 also feel that every human being was the personi-  
18 fication of both good and evil, if one assumes  
19 that those terms are appropriate?"

20 And did you answer:

21 "A Yes. I am answering yes to that."

22 And then Mr. Fitzgerald said:

23 "Q In other words" -- there was a  
24 statement by Mr. Bugliosi, and Mr. Fitzgerald said:

25 "Indeed, indeed. If you would like  
26 to explain, you may."

1 And the witness:

2 "Yes. On a completely subjective level,  
3 having nothing to do now with reality, just the  
4 intellectual concept. I mean, nothing to do with  
5 the experience of it. That is why it is so hard,  
6 because our conversations jumped from one level to  
7 the next, from objective to subjective, from an  
8 intellectual concept to a reality or an experience.  
9 My answer to your question was 'Yes' strictly in  
10 a subjective vein."

11 Did you so testify?

12 A. If that is what it says.

13 MR. KANAREK: Well, may I approach the witness,  
14 your Honor?

15 THE COURT: You may.

6b fls.

5b-1

1 MR. KANAREK: Would you read over the transcript  
2 and see if the reporter didn't take it down right maybe,  
3 perhaps.

4 THE WITNESS: Beginning?

5 MR. KANAREK: Beginning at Page 14,191, Line 25.

6 Would you look at that, reading through -- may  
7 I have the transcript just a moment -- reading through Line  
8 17, Page 14,192.

9 Did you so testify?

10 (Pause while the witness reads.)

11 THE WITNESS: That seems correct.

12 MR. KANAREK: Q It does relate what is correct?  
13 In other words, you uttered those words in response to the  
14 questions that were asked of you; is that correct,  
15 Mr. Jakobson?

16 A Yes.

17 Q Now, Mr. Jakobson, before taking the witness  
18 stand, Mr. Jakobson, before you first took the witness  
19 stand, would you tell us how long had it been since you  
20 last spoke to Mr. Bugliosi?

21 A Five minutes.

22 MR. KANAREK: Thank you.

23 No further questions, your Honor.

24 THE COURT: Any questions, Mr. Hughes?

25 MR. KANAREK: No further questions at this time.

26 MR. HUGHES: Thank you, your Honor.

## CROSS-EXAMINATION

BY MR. HUGHES:

Q Mr. Jakobson, did it appear that the girls at the Spahn Ranch were in love with Mr. Manson?

A Sure.

Q And did Mr. Manson appear to genuinely love people?

MR. BUGLIOSI: Calls for a conclusion, your Honor. It is too broad, anyway.

THE COURT: Overruled.

You may answer.

THE WITNESS: Yes.

MR. HUGHES: Q Did you feel that he genuinely loved you, sir?

A Yes.

Q And did you love him?

A Yes.

Q Now, you said that you had long philosophical discussions with Mr. Manson?

A Yes.

Q Did you find them interesting?

A Yes.

Q Did you find that he was an original thinker?

A Completely.

Q And did you find him intellectually stimulating?

1 A Yes.

2 Q Would Mr. Manson have an argument for every one  
3 that you would throw up?

4 A Yes.

5 Q Now, you said that Mr. Manson said that he had  
6 a thousand faces or a thousand masks; is that correct?

7 A Yes.

8 Q And would you say that he had said that he had  
9 a face for every level or for every walk of life that he  
10 came in contact with?

11 A No.

12 MR. KANAREK: Your Honor, may the record reflect  
13 that I objected to that line of questioning on the part of  
14 Mr. Bugliosi, and I must object on the part of Mr. Hughes  
15 also, any reference to such.

16 THE COURT: Let's proceed.

17 MR. HUGHES: Q Did Mr. Manson state that he  
18 had a thousand faces or masks so that he could deal with  
19 everyone on their own level?

20 MR. KANAREK: Your Honor, I will object to that.

21 THE COURT: Overruled.

22 MR. KANAREK: On the grounds previously enunciated.

23 THE WITNESS: Yes.

24 MR. HUGHES: Q That would be from the cowhand  
25 at Spahn Ranch to yourself even?

26 A Yes.

1 Q And he met you on your own level, didn't he?

2 A Yes.

3 Q Would you classify Mr. Manson's philosophy,  
4 the philosophy of life, as being an eclectic philosophy?

5 MR. KANAREK: I cannot stipulate to this witness  
6 having any expertise on this subject and I object on that  
7 ground, and the grounds previously enunciated.

8 THE COURT: Overruled.

9 THE WITNESS: Yes.

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1 MR. HUGHES: Q And by eclectic, we mean  
2 borrowing from different philosophies; is that correct?

3 A Yes.

4 Q And he was aware of the holy men in India, was  
5 he not?

6 A Yes.

7 Q And did he look up to them?

8 A Yes.

9 Q Did he ever indicate to you some philosophy to  
10 the effect that what you do to someone else you are doing  
11 to yourself?

12 A Yes.

13 Q And did he say that if you were to kill someone,  
14 you would be killing yourself?

15 A Yes.

16 Q And actually, this was a great deal of the  
17 gap in your discussions, and the reason that you had these  
18 discussions was this gap between the subjective and the  
19 objective; is that correct?

20 A Yes.

21 Q Do you recall an occasion at Spahn Ranch having  
22 to do with pain and a ranch hand and a match?

23 A Yes.

24 Q Would you explain what happened at that time?

25 MR. KANAREK: Your Honor, I will object to that.  
26 It is outside of the scope of direct.

1 THE COURT: Overruled.

2 You may answer.

3 MR. KANAREK: And the continuing objections which we  
4 have enunciated previously.

5 THE WITNESS: This should be qualified by saying that  
6 I wasn't there. This was told to me.

7 MR. BUGLIOSI: No objection to hearsay, your Honor.

8 MR. HUGHES: Q Was it told to illustrate a  
9 philosophical point, Mr. Jakobson?

10 A I don't know if the point was philosophical.  
11 It was more physical than philosophical.

12 Q Had Mr. Manson told you that he was able to  
13 transcend pain?

14 A Yes.

15 Q And did he tell you about actually holding a  
16 match to his hand and it not burning him?

17 A Yes.

18 Q Did Mr. Manson ever indicate to you that some of  
19 the Far Eastern races, the Indian races, had attained some  
20 higher level than both the black and the white races?

21 A We discussed that.

22 Q And was it his position that the Eastern races  
23 had attained a higher level than the white races?

24 A It was both of our positions. There was no  
25 argument there.

26 Q So Mr. Manson did not put the white man above

1 all other men, did he?

2 A No.

3 Q So, he was not a white-man-first sort of person,  
4 was he?

5 A No.

6 Q Did he feel that the white man was capable of  
7 going on to a more spiritual level?

8 A Yes.

9 Q Now, going back, Mr. Jakobson, to the album,  
10 to the Beatles' white album.

11 You saw this album at the ranch?

12 A Yes.

13 Q A lot of people played that album quite a bit;  
14 is that correct?

15 A Yes.

16 Q And generally, isn't it true, that rather than  
17 skipping around from song to song, that that album would be  
18 played through from beginning to end?

19 A Generally, yes.

6d-1

1 Q And that is even though certain people liked  
2 some cuts on that album better than others; isn't that  
3 true?

4 A Yes.

5 Q Now, did you state that Mr. Manson said to you  
6 once that "I am already dead"?

7 A Yes.

8 MR. KANAREK: Your Honor, we have the same continu-  
9 ing objections, of course.

10 BY MR. HUGHES:

11 Q But didn't Mr. Manson also say that he was  
12 ready to die when it came?

13 A I don't recall that.

14 Q Did Mr. Manson believe in certain religious  
15 figures such as Christ?

16 A Yes.

17 Q Would you say that he was a religious person?

18 A In what sense of the word "religious"? That  
19 is pretty broad.

20 Q I will withdraw that question.

21 Did Mr. Manson ever say that he was Jesus?

22 A Yes.

23 Q And was there some qualification to that in  
24 the sense that everyone had within him a Jesus being?

25 A Yes.

26 Q And did he ever say that he was the devil?

6d-2

1 A Yes.

2 Q And was there some qualification to that in  
3 the sense that he said that everyone had within him the  
4 devil?

5 A Yes.

6 Q Did he say that the white man had been the  
7 devil?

8 A Yes.

9 MR. HUGHES: I have no further questions.

10 THE COURT: Redirect?

11 MR. BUGLIOSI: Yes, your Honor.

12  
13 REDIRECT EXAMINATION

14 BY MR. BUGLIOSI:

15 Q Mr. Jakobson, you said that you recorded some  
16 songs of Mr. Manson; is that correct?

17 A Yes.

18 Q Were they ever sold commercially?

19 A No.

20 Q You testified that Mr. Manson felt strongly  
21 about young teenage girls who were hitting the streets  
22 and going to places like San Francisco where they would be  
23 very obviously mistreated and meet with bad ends.

24 Did Mr. Manson elaborate on who these bad  
25 ends were?

26 A Yes.

6d-3

1 Q And who did he say they were?

2 A Well, primarily the black man would be waiting  
3 there for them.

4 Q Where at?

5 A On the streets, in parks.

6 Q Haight-Asbury?

7 A Yes.

8 Q You testified that you had a dog that Mr.  
9 Manson had some type of a rapport with the dog; is that  
10 correct?

11 A Yes.

12 Q What type of dog do you have?

13 A St. Bernard.

14 Q Is he a watchdog?

15 A Yes.

16 Q How large is he?

17 A He is very large, a hundred and seventy-five  
18 pounds.

19 Q Somewhat ferocious?

20 A Well, I can't say that he is ferocious. He  
21 is -- what is the word -- he is imposing, you know. He  
22 is a big dog.

7 fls.

7-1

1 Q He can be a bad customer?

2 A He challenges strangers, yes.

3 Q What type of rapport did Mr. Manson have with  
4 your St. Bernard?

5 A Complete rapport, it was as if Charlie went to  
6 the dog's level.

7 He was like the dog -- I mean, you know, they  
8 would wrestle on the ground, and so on, lick each other.

9 Q The dog showed no fury of any type toward  
10 Mr. Manson?

11 THE REPORTER: What was that word?

12 MR. BUGLIOSI: Fury.

13 THE WITNESS: No.

14 MR. KANAREK: I cannot believe it, but may it be  
15 read back to me?

16 MR. BUGLIOSI: You cannot believe what?

17 MR. KANAREK: The question.

18 MR. HUGHES: I did not understand the word.

19 THE COURT: It was repeated, the word was fury.

20 MR. BUGLIOSI: F-u-r-y, I believe is the way you spell  
21 it.

22 Q BY MR. BUGLIOSI: You testified Friday afternoon,  
23 Mr. Jakobson, that in your lifetime you had spoken to me  
24 six or seven times, is that correct?

25 A Before the trial, yes.

26 Q How many times before you took the witness

1 stand did you speak to me about the matters about which you  
2 testified here in court?

3 MR. KANAREK: That calls for a real conclusion, your  
4 Honor.

5 THE WITNESS: Two or three.

6 Q BY MR. BUGLIOSI: In answer to this question,  
7 have you spoken with any other law enforcement officers  
8 other than Mr. Bugliosi?

9 You answered, "Oh, a great number, yes."

10 Now, how many times did you speak to represen-  
11 tatives of the Los Angeles Police Department about matters  
12 that you testified to here in court?

13 A Once.

14 Q And that was not about Mr. Manson's philosophy  
15 on life, I take it?

16 A No.

17 Q You mentioned that you spoke to other members  
18 of the District Attorney's Office, in addition to myself.  
19 You mentioned Mr. Musich, here, and a man named Howard, and  
20 a fellow named Tim.

21 A Yes.

22 Q Could you enlighten me on who Howard and Tim  
23 are?

24 A They picked me up and drove me here on a couple  
25 of occasions. I did not have any transportation.

26 Q So you just spoke to them?

1 A Sure.

2 Q Not about the matters that you testified to  
3 here in court?

4 A Oh, no.

5 Q Nor with Mr. Musich?

6 A No.

7 Q Without mentioning the names of any persons,  
8 how far are you aware of, did Mr. Manson say he had  
9 proceeded with this topless dancers program?

10 A He had made arrangements with an agency that  
11 books topless dancers.

12 Q Is that the Girard Agency?

13 A Yes.

14 Q On Sunset Strip?

15 A Yes.

16 Q And you are actually aware that arrangements  
17 had been made?

18 A Yes.

19 Q You, of course, know Susan Atkins, also known  
20 as Sadie Glutz?

21 A Yes.

22 Q And she was known as Sadie before the white  
23 Beatles album came out?

24 A Yes.

25 Q Before the white Beatles album came out in  
26 late 1968 or early 1969 did Manson speak of the black-white

1 war?

2 MR. KANAREK: I will object to that as assuming facts  
3 not in evidence.

4 This witness has enunciated on several occasions  
5 he does not know time.

6 So the foundation is not there.

7 THE COURT: Overruled.

8 MR. KANAREK: As well as the substance, your Honor.

9 THE WITNESS: Yes.

10 Q BY MR. BUGLIOSI: So before the Beatles  
11 white album came out, Manson used to talk about the black-  
12 white war?

13 MR. KANAREK: Argumentative, your Honor.

14 THE COURT: Overruled.

15 Q BY MR. BUGLIOSI: Now, you testified that  
16 Mr. Manson frequently used to say that Helter Skelter is  
17 coming down, is that correct?

18 A Yes.

19 Q Before the white Beatles album came out what,  
20 if anything, did he used to say with respect to that?

21 MR. KANAREK: Assuming facts not in evidence,  
22 improper foundation. I would like to have the time, place,  
23 and people present.

24 THE COURT: Lay the foundation.

25 Q BY MR. BUGLIOSI: Did you ever hear Mr. Manson  
26 say something else was coming down before the white  
Beatles album came out?

1 A Yes.

2 Q When did you hear him say it?

3 A When?

4 Q Yes.

5 A Before the white Beatles album came out.

6 Q Approximately when -- approximately when and  
7 where, if you recall?

8 A I can't recall.

9 Q More than once?

10 A Maybe once or twice.

11 Q Okay, and do you remember who was present when  
12 he made this statement?

13 A I believe Dennis was once,

14 And I am pretty sure it was at Dennis' house,  
15 but I'm not positive.

16 Q Do you have any idea how long he made this  
17 statement before the white Beatles album came out?

18 A That goes into the summer of '68.

19 Q Okay. What did he say instead of Helter Skelter  
20 is coming down?

21 MR. KANAREK: I object to that, it's/<sup>a</sup>"When did you  
22 stop beating your wife" type of question.

23 THE COURT: Overruled, you may answer.

24 THE WITNESS: Just that s-h-i-t was going to come  
25 down.

26 Q BY MR. BUGLIOSI: Then when the white Beatles

1 album came out, it was Helter Skelter coming down, is  
2 that correct?

3 MR. KANAREK: Leading and suggestive, your Honor.

4 THE COURT: Overruled.

5 THE WITNESS: Yes.

6 Q BY MR. BUGLIOSI: Going back to the song,  
7 Helter Skelter, Mr. Kanarek spoke to you in depth yesterday  
8 about the word "bottom". I am not going to talk to you  
9 about that exact word, Gregg, I am going to talk to you about  
10 this verse, "When I get to the bottom I go back to the top  
11 of the slide."

12 Did Mr. Manson ever place any interpretation on  
13 what that verse meant in Helter Skelter?  
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7a-1

1 MR. KANAREK: It is assuming facts not in evidence,  
2 your Honor, because this witness has previously testified  
3 that the last portion, "I go back to the top of the slide,"  
4 was never --

5 They got to the word "bottom," and they were  
6 in the pit, that was the end, your Honor.

7 THE COURT: Overruled, you may answer.

8 THE WITNESS: Yes.

9 BY MR. BUGLIOSI:

10 Q What did he say that verse meant in Helter  
11 Skelter?

12 A He believed that was imparting the informa-  
13 tion to go to the bottomless pit, to get out, to get  
14 away from Helter Skelter.

15 Q Now, you say that Mr. Manson never actually  
16 sung all of these songs word for word, is that correct?

17 A Yes, correct.

18 Q But you say he did compose a song and in that  
19 song were contained the words Helter Skelter, is that  
20 correct?

21 A Yes. He used the words in the song.

22 Q He used to use the word "Helter Skelter"  
23 very frequently, is that correct?

24 MR. KANAREK: Leading and suggestive, your Honor.

25 THE COURT: Overruled.

26 THE WITNESS: Yes.

7a-2

1 BY MR. BUGLIOSI:

2 Q With respect to the song, Blackbird, what  
3 passages, if any, did Mr. Manson sing or quote?

4 A One in particular.

5 Q What is that?

6 A "Take these broken wings and learn to fly."  
7 And the one with the word "rise" in it,  
8 "Rise up."

9 Q He used to sing these passages many times?

10 A He would use them in his music.

11 Charlie would speak his music sometimes, then  
12 he would go into a lyrical verse; then he would talk  
13 another verse.

14 They will go back and forth. It's not like  
15 any standard kind of music.

16 It was his own.

17 Then it changed continuously, so it's hard to  
18 be specific.

19 Q But he did extract from the song, Blackbird,  
20 those passages?

21 A Yes.

22 Q And you heard him sing those passages?

23 A Yes.

24 Q What about the song, "Piggies," did he ever  
25 extract any passages from that song and sing those  
26 passages?

7a-3

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A Yes.

Q What passages if any?

A "Damn good whacking" I remember hearing him say, and "Playing in the dirt."

Q Would he say "Damn good whacking," or "What they need is a damn good whacking"?

A I just remember the damn good whacking part. I cannot pin it down.

Q You cannot remember the exact words?

A No.

Q But you know they came from the song Piggies?

A Yes.

Q You mentioned yesterday that someone else at Spahn Ranch had used the term "rip off," who was that?

MR. KANAREK: Object, your Honor, I object to the name of whoever it was.

As I understand it -- may we approach the bench? I think it is outside the scope --

THE COURT: Overruled. You may answer.

THE WITNESS: Clem Tufts.

BY MR. BUGLIOSI:

Q When did Clem Tufts use the term "rip off"?

MR. KANAREK: Your Honor, then I still continue to object on the grounds it is outside the scope of our cross-examination.

THE COURT: Overruled.

7a-4

1 THE WITNESS: Around the same time, spring.

2 BY MR. BUGLIOSI:

3 Q OF '69?

4 A '69.

5 Q When Mr. Manson told you all these things about  
6 Helter Skelter, Revelation 9 and the black people ripping  
7 off some white families like cutting them up, did he appear  
8 to be serious?

9 MR. KANAREK: Your Honor, that is a conclusion. I  
10 know we have continuing objection, your Honor, but it is  
11 so prejudicial it allows this witness to judge this case.

12 MR. BUGLIOSI: He is a percipient witness, your  
13 Honor: Holland vs. Zollner. This has been gone into on  
14 cross-examination.

15 MR. KANAREK: Furthermore, it is ambiguous. He has  
16 lumped together a myriad of subjects in that question.  
17 It is compound over and above our continuing objection.

18 THE COURT: Read the question.

19 (Whereupon the reporter reads the pending  
20 question as follows:

21 "Q When Mr. Manson told you all these  
22 things about Helter Skelter, Revelation 9 and the  
23 black people ripping off some white families like  
24 cutting them up, did he appear to be serious?"

25 THE COURT: Overruled, you may answer.

26 THE WITNESS: Yes.

7a-5

1 BY MR. BUGLIOSI:

2 Q You testified that you had approximately 100  
3 philosophical discussions with Charles Manson, and that  
4 during some of these discussions you were smoking marijuana  
5 with Mr. Manson, is that correct?

6 A Yes.

7 Q Approximately how many times did you smoke  
8 marijuana while discussing Mr. Manson's philosophy with  
9 him?

10 A 20, 30 percent.

11 Q The other 70 or 80 percent of the time you were  
12 not smoking marijuana, is that correct?

13 A Yes.

14 Q Many of the discussions you had with Mr. Manson  
15 about Helter Skelter, Revelation 9 and the black-white war,  
16 et cetera, were those while you were not smoking marijuana?

17 MR. KANAREK: Your Honor, that is another way of  
18 asking the same question.

19 He asked the negative.

20 Furthermore, it is ambiguous, it is compound.

21 THE COURT: Overruled, you may answer.

22 THE WITNESS: I'm sorry. Can I have the question  
23 again.

24 THE COURT: Read the question.

25 (Whereupon the reporter reads the pending  
26 question as follows:

1 "Q Many of the discussions you had with  
2 Mr. Manson about Helter Skelter, Revelation 9 and  
3 the black-white war, et cetera, were those while  
4 you were not smoking marijuana?"

5 THE WITNESS: Some of the time.

6 BY MR. BUGLIOSI:

7 Q Did you understand my question?

8 MR. KANAREK: He has not indicated he does not under-  
9 stand it, because Mr. Bugliosi does not like the answer --

10 MR. BUGLIOSI: I did not say I did not like the  
11 answer. He just seemed to hesitate.

12 THE COURT: Let's get on with it.

13 BY MR. BUGLIOSI:

14 Q Did you understand my question, sir?

15 A I'm not clear.

16 THE COURT: Reframe the question, Mr. Bugliosi.

17 BY MR. BUGLIOSI:

18 Q Did you ever have a conversation with Mr.  
19 Manson about Helter Skelter while you were not smoking  
20 marijuana?

21 A Oh, sure.

7b fls.

7B-1

- 1 Q Many times.
- 2 A I don't know what many times means, some of the
- 3 times?
- 4 Q By the term "many," I mean three or four.
- 5 A More than not.
- 6 Q More times than not you were not smoking
- 7 marijuana when you spoke to Mr. Manson about Helter Skelter?
- 8 A Yes.
- 9 Q What about Revelation 9?
- 10 A Yes.
- 11 Q What about the Black-White war?
- 12 A Yes.
- 13 Q And the bottomless pit?
- 14 A Yes.
- 15 Q Did Mr. Manson say that he borrowed any of the
- 16 philosophies of the Philosopher Nietzsche?
- 17 A Yes.
- 18 Q What philosophy was that?
- 19 MR. KANAREK: Your Honor, that is clearly outside the
- 20 scope of cross-examination. We did not go into Nietzsche.
- 21 THE COURT: Overruled.
- 22 THE WITNESS: He was familiar with Nietzsche's
- 23 master race theory.
- 24 Q BY MR. BUGLIOSI: The master race being whom?
- 25 A White man.
- 26 Q When you say that Mr. Manson did have a concept

1 of good and bad, strictly in a subjective vein, as opposed  
2 to an objective vein, what do you mean by that?

3 A Did I say that?

4 Q Perhaps those are not your exact words. I  
5 believe you testified something to the effect that his  
6 concept of good and bad was strictly subjective and not  
7 related to reality, or words to that effect.

8 (No response.)

9 You don't recall that?

10 A Not like that. If I could hear what I said,  
11 I could identify it better.

12 MR. BUGLIOSI: (To Mr. Kanarek) Do you have that  
13 passage you read from?

14 (To the Court) May I have just a moment?

15 (Pause.)

16 MR. BUGLIOSI: The question on Page 14,191:

17 "BY MR. FITZGERALD: Q Didn't he also  
18 feel that every human being was the personification  
19 of both good and evil, if one assumes that these  
20 terms are appropriate?

21 "A Yes. I am answering yes to that."

22 Then you were asked to explain and you said,  
23 "On a completely subjective level, having nothing  
24 to do now with validity, just to intellectual  
25 concept. I mean, nothing to do with the  
26 experience of it:

1 "That is why it is so hard, because all  
2 our conversations jump from one level to the  
3 next, from objective to subjective, from an  
4 intellectual concept to a reality or an  
5 experience.

6 "My answer to your question was 'yes,'  
7 strictly in a subjective vein."

8 Do you recall testifying to that?

9 A Yes.

10 Q Will you elaborate on what you meant by that?

11 A Subjectively -- we are speaking strictly  
12 subjectively now, you could do no right or wrong because a  
13 subjective level is so refined that it is supported by  
14 nature. It would be like a tree doing something wrong;  
15 it's impossible; it's completely supported by nature, and  
16 in turn it supports nature, it's perfect, subjectively  
17 speaking.

18 And the reality I referred to there was an  
19 objective reality as opposed to a subjective reality.

20 Q You testified earlier that he thought there was  
21 no such thing as good or bad, is that correct?

22 MR. KANAREK: Your Honor, that is belaboring it,  
23 your Honor.

24 THE COURT: Overruled.

25 THE WITNESS: Now, are you speaking -- I am still --  
26 do you mean subjectively or objectively?

1 Now, that is the whole thing that we went back  
2 and forth on.

3 Q BY MR. BUGLIOSI: Let's take subjectively first.  
4 Did he feel there was any such thing as good or  
5 bad?

6 A No. On the subjective level it was taken care  
7 of.

8 It would be impossible for there to be either  
9 of those.

10 Q What about on an objective level?

11 A No, almost the same difference.

12 Q So subjectively and objectively Mr. Manson did  
13 not recognize good as opposed to bad or evil?

14 MR. KANAREK: Your Honor, I must object to that.

15 The prejudicial value far outweighs the probative  
16 value.

17 It invades the province of the Court and jury.

18 THE COURT: Overruled.

19 THE WITNESS: Yes.

20 Q BY MR. BUGLIOSI: Your answer to my question is  
21 yes?

22 A Yes.

23 Q My statement was a fair statement then?

24 A Yes.

25 Q I show you People's Exhibit No. 60 for  
26 identification. Have you ever seen what is depicted in that

1 photograph, Gregg?

2 A Yes.

3 Q What is depicted in that photograph?

4 A A California State sign pointing in the  
5 direction, to the Will Rogers Park.

6 MR. KANAREK: Your Honor, whatever that is I believe  
7 that it outside the scope of the cross-examination.

8 MR. BUGLIOSI: May I reopen direct for a limited  
9 purpose?

10 THE COURT: Very well, you may reopen.

11  
12 DIRECT EXAMINATION (REOPENED)

13 BY MR. BUGLIOSI:

14 Q Now, you have been to Dennis Wilson's home  
15 many times; is that correct?

16 A Yes.

17 Q The one on 12,000 block on Sunset Boulevard?

18 A Yes.

19 Q How close is Dennis Wilson's home to this sign  
20 which says "Will Rogers State Historic Park"?

21 A Across the street.

22 MR. BUGLIOSI: No further questions, your Honor.

23 MR. FITZGERALD: No recross-examination.

24 THE COURT: We will take our morning recess at this  
25 time, ladies and gentlemen, do not converse with anyone or  
26 form or express any opinion regarding the case until it is

1 finally submitted to you.

2 THE COURT: We will recess for 15 minutes.

3 (Recess.)  
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1 THE COURT: Are you read to proceed, Mr. Kanarek?

2 MR. KANAREK: Yes.

3 THE COURT: Sit down, Mr. Kanarek.

4 MR. KANAREK: I am trying to consult with my client.

5 THE COURT: Sit down.

6 All counsel and jurors are present.

7 Do you have any cross-examination, Mr. Shinn?

8 MR. SHINN: Yes, your Honor.

9  
10 CROSS-EXAMINATION

11 BY MR. SHINN:

12 Q Mr. Jakobson, you testified that you talked  
13 to Mr. Bugliosi about six or seven times?

14 A No.

15 Q About six times?

16 A I said two or three.

17 Q No. Before you testified in court today,  
18 I mean, in this case, did you talk to Mr. Bugliosi about  
19 six times?

20 A Before the trial started?

21 Q Yes.

22 A Yes, six or seven times.

23 Q Then Mr. Bugliosi asked you: Out of the  
24 six or seven times, how many times you talked about  
25 this case; correct?

26 A Yes.

8-2

1 Q And I believe you said two times?

2 A I said two or three times.

3 Q Then the other three or four times, what did  
4 you talk about?

5 A Transportation, I needed a parking pass,  
6 and what time? Just things like that.

7 I had some trouble with my transportation,  
8 getting here, in other words.

9 Q And those discussions were just regarding your  
10 transportation then?

11 A Yes, for the most part. What time to be here,  
12 things like that.

13 Q Were these conversations over the telephone  
14 or in person with Mr. Bugliosi?

15 A Most of the time over the telephone.

16 Q Then actually you talked to Mr. Bugliosi  
17 face to face only three times?

18 A No. There were some times when I would be at  
19 the Grand Jury that words between us would be exchanged  
20 like "Hello," "How are you," and so on.

21 Also, I was down here Thursday, but everybody  
22 was in chambers, so I didn't testify, but I still had  
23 words with Mr. Bugliosi as to "Hello," "How are you,"  
24 "Nice day." That type of thing.

25 Q Now, you testified that you talked to Mr.  
26 Manson approximately a hundred times; correct?

8-3

1 A Well, yes, right.

2 Q And most of these conversations were at the  
3 ranch, the Spahn Ranch?

4 A No.

5 Q Well, how many times at the Spahn Ranch would  
6 you say that you talked to Mr. Manson?

7 A Half of those were at the Spahn Ranch.

8 Q About 50 times?

9 A Yes.

10 I qualified the hundred times. Just to hit a  
11 number, because I was pressed to do so.

12 Q All right.

13 In other words, it may be over a hundred times  
14 that you talked to Mr. Manson; is that correct?

15 A Yes.

16 Q And about half of that time was at the  
17 Spahn Ranch; correct?

18 A Half of those.

19 Q Yes. Approximately half the times?

20 A Yes. Roughly half.

21 Q And this would be an all-day session at the  
22 Spahn Ranch?

23 A No.

8a fls.

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Q Approximately what time would you arrive there?

A No specific time.

Q You spent a great deal of time at the Spahn Ranch; correct?

A I don't think so.

Q Would you just talk to Manson and then leave right away?

A No.

Q You spent time there; correct?

A Yes. Sure.

Q Maybe sometimes three or four hours?

A Yes.

Q Sometimes maybe eight or nine hours?

A Yes.

Q Would you always go home every night to sleep?

A Always?

Q Yes.

A Always but once.

Q And you stayed overnight there; is that correct?

A Yes.

Q And if you can recall, when was the latest time that you left for home? Say, 2:00 o'clock in the morning? 3:00 o'clock in the morning?

A Sure.

Q But you would never sleep there?

A Always but once.

1 Q You slept that one time?

2 A Right.

3 Q Then you spent some time out in Barker Ranch;  
4 correct?

5 A Correct.

6 Q That was two days?

7 A Yes.

8 Q And most of the time when you talked to Mr.  
9 Manson, at the time at Spahn Ranch, you smoked grass;  
10 correct?

11 A Most of the time?

12 Q Yes.

13 A No.

14 Q Some of the time, then?

15 A Yes.

16 Q And would you bring your own grass?

17 MR. BUGLIOSI: That is irrelevant, your Honor.

18 THE COURT: Sustained.

19 BY MR. SHINN:

20 Q Would it be fair to state that the only  
21 reason you went to the Spahn Ranch was to get some free  
22 grass?

23 A No.

24 Q You mean you would have to buy it?

25 A No.

26 Q Where would you get it?

1           A       Grass has always been very plentiful. It is  
2 always around.

3           Q       In other words, you were able to buy it and  
4 bring it to the ranch?

5           A       I never even had to buy it. People would give  
6 it to me.

7           Q       And you would bring it to the ranch and smoke  
8 it?

9           A       No. There was always some there.

10          Q       And you would smoke it at home sometimes;  
11 is that correct?

12          MR. BUGLIOSI: Irrelevant.

13          THE COURT: Sustained.

14          MR. SHINN: No further questions.

15          THE COURT: Any questions, Mr. Kanarek?

16          MR. KANAREK: Yes, sir.

17  
18                   CROSS-EXAMINATION

19          BY MR. KANAREK:

20          Q       Mr. Jakobson, you say that Mr. Manson liked  
21 animals. Mr. Manson liked people too; right?

22          A       Yes.

23          Q       Mr. Manson liked the world around him; right?  
24 He enjoyed nature, he enjoyed people?

25          MR. BUGLIOSI: Compound.

26          THE COURT: Are you asking him what he said?

1 MR. KANAREK: Well, over my objection, your Honor,  
2 Mr. Bugliosi has gone into conclusions.

3 THE COURT: The question is ambiguous.

4 Reframe the question.

5 MR. KANAREK: What is that, your Honor?

6 THE COURT: Reframe the question.

7 MR. KANAREK: I will rephrase it, your Honor.

8 Q Mr. Manson liked animals; is that correct?

9 A Yes.

10 Q And he liked people; right? Is that correct?

11 A Yes.

12 Q He liked nature?

13 A Yes.

14 Q Now, you said something like a tree is perfect,  
15 Mr. Jakobson.

16 When you say that a tree is perfect, I mean,  
17 you recognize that trees, a tree is a natural type of  
18 thing?

19 A I said that a tree is perfect, and I qualified  
20 it by saying that it is supported by nature and, in turn,  
21 it completely supports nature. It can't do anything wrong.  
22 It is perfect.

23 Q It is perfect. But you recognize there are  
24 tree surgeons that correct imperfect trees; right?

25 A I don't know if they do correct imperfect  
26 trees. Not from where I stand.

1 Q From where you stand, a tree can have -- you  
2 never heard of a tree having some kind of a fungus, a  
3 disease, anything like that, Mr. Jakobson?

4 A I have heard of it, but those are natural  
5 things.

6 Q Those are natural things?

7 A Yes.

8 Q Now, may I ask you: When you made comment to  
9 Mr. Melcher concerning Mr. Manson's artistic ability, were  
10 you under the influence of marijuana then? Had you been  
11 smoking marijuana?

12 A I don't think so.

13 Q But you may have?

14 A Yes.

15 MR. KANAREK: Thank you.

16 THE COURT: Any questions, Mr. Hughes?

17 MR. HUGHES: Yes, your Honor.

18 MR. KANAREK: One moment, your Honor.

9 fls. 19 MR. HUGHES: I think Mr. Kanarek has another question.  
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9-1

1 BY MR. KANAREK:

2 Q As a matter of fact, Mr. Jakobson, you sought  
3 out Mr. Manson for these recordings. You are the one who  
4 had the know-how; you are the one who sought Mr. Manson.  
5 You did the planning so he would get the songs on his  
6 recordings, is that correct?

7 A No, to the first part of your question; yes to  
8 the second.

9 Q Would you tell us what part is no and what part  
10 is yes?

11 A No, I did not seek him out. We mutually got  
12 together.

13 Yes, I did do the planning and the arranging for  
14 the studio and the music to be recorded.

15 Q Yes, and after you and he -- after you and he  
16 had come to see each other, you had been in his presence,  
17 you are the one who fostered, who planned, who arranged  
18 for Mr. Manson to make recordings, is that correct?

19 A Originally.

20 Q Well, as far as your relationship with him is  
21 concerned, and the making of recordings, you fostered it,  
22 you planned it, you created it and you desired it?

23 A No.

24 Q Well, you are the one who made the arrangements  
25 for the actual mechanical recording to take place, is that  
26 correct?

-2  
1 A Yes.

2 Q And you did that because you decided that you  
3 wanted to do it, right?

4 A Yes.

5 MR. KANAREK: Thank you.

6 THE COURT: Any questions?

7  
8 RECROSS-EXAMINATION

9 BY MR. HUGHES:

10 Q Mr. Jakobson, you said that Mr. Manson got along  
11 very well with your dog?

12 A Yes.

13 Q Extremely well?

14 A Yes.

15 Q And you say that this is typical -- the way  
16 he got along with your dog was typical with the way he got  
17 along with most people you saw him get along with?

18 MR. BUGLIOSI: Too broad.

19 THE COURT: Sustained.

20 Q BY MR. HUGHES: He did not put on any face or  
21 any mask for your dog, did he?

22 A Yes, he became like a dog.

23 Q I mean, he was able to really get along with  
24 your dog?

25 A Oh, absolutely.

26 Q He got right down to the dog's level?

1 A Right.

2 Q What did you have to do to become a member of  
3 the Family?

4 A I have no idea. I don't know what the  
5 qualifications are.

6 Q But you felt in these 100 or so conversations  
7 you had with Mr. Manson that he was inviting you to become  
8 a member of this Family?

9 A Yes.

10 Q Did you feel that you had to be white?

11 A Did I?

12 Q Yes.

13 A I didn't have any feelings like that. I never  
14 thought of it.

15 Q Did you feel that possibly being white might be  
16 a prerequisite?

17 A I never thought of it. I am white so I  
18 wouldn't think of that. That would be unnatural.

19 Q Did Mr. Manson ever say that he felt it was  
20 necessary to choose one's sexual mate carefully?

21 A Yes.

22 Q Did he feel if you did not do so that you would  
23 interfere with the path of evolution?

24 A That is not what he said.

25 Q Well, just what did he say in regard to that?

26 A In regard to that he said that in the future you

1 would be making love to your own offspring of that union,  
2 so that you had to choose carefully of the union now because  
3 ultimately in the future those would be the partners of the  
4 union, then.

5 Q Did he indicate that this would -- that some  
6 sort of sexual liaison with other races would create a  
7 mixing up of the nervous systems?

8 A Yes, there is an analogy to that that makes it  
9 very clear, that was used.

10 Q What was the analogy?

11 A A leopard does not mate with a cheetah.

12 Q Actually that was your analogy, wasn't it?

13 A That was my analogy but we agreed on it.

14 Q Mr. Manson subscribed to it?

15 A Yes.

16 Q So actually you were not a mere spectator at  
17 these philosophical discussions that you had.

18 You brought ideas to them, didn't you?

19 A It would not be a discussion if I was a  
20 spectator.

21 They were two-sided, yes.

22 Q Did Mr. Manson feel that when the white man  
23 went on to a more spiritual level that the black man was  
24 going to have his turn at assuming the power?

25 MR. BUGLIOSI: That is ambiguous, your Honor.

26 THE WITNESS: I don't know what you mean by power.

1 THE COURT: Reframe the question.

2 Q BY MR. HUGHES: Did he feel that the black man  
3 was the last race to come out from under the feet of  
4 subjugation?

5 A Yes.

6 Q And did he often in his discussions, and you  
7 in your discussions with him, did you discuss ideas that  
8 are current, America was too hung up with material  
9 possessions?

10 A Yes.

11 Q That was not an original idea with him, was it?

12 A No.

13 Q It was not an original idea with you, was it?

14 A No.

15 Q Would you say that is a current underground  
16 credo?

17 A Yes.

18 Q Now, as far as this bottomless pit, did you  
19 say that that was based on a Hopi Indian legend?

20 The people living in the desert in a pit.

21 A To my reference, it was. Now, I am not sure if  
22 that was Charlie's source.

23 Q Well, you heard that idea of people living in  
24 the desert in a pit from other sources than Mr. Manson, is  
25 that correct?

26 A Yes, it is a belief of a whole tribe of people.

1 Q You were never under Mr. Manson's spell, were  
2 you?

3 A I don't know what you mean.

4 MR. KANAREK: I must object to that as assuming a  
5 fact not in evidence, that there is such a thing as  
6 Mr. Manson's spell.

7 THE COURT: Sustained.

8 Q BY MR. HUGHES: You were able to bring independent  
9 ideas to this discussion, is that correct?

10 A Yes.

9a-1

1 Q He did not keep you from bringing your own  
2 ideas there, did he?

3 A No.

4 Q And there were other people who were independent  
5 there at the ranch, were there not?

6 A Yes.

7 MR. BUGLIOSI: This calls for a conclusion, your  
8 Honor, motion to strike.

9 MR. KANAREK: Under equal protection of the law --

10 THE COURT: You want it to remain in, Mr. Kanarek?

11 MR. KANAREK: This is my point:

12 It is not a matter that I want it in.

13 THE COURT: Just get to the point.

14 MR. KANAREK: All right, if I may.

15 As a lawyer I am not asking that evidence be  
16 allowed just because it happens to be favorable. The  
17 point is on equal protection of the law, your Honor has  
18 allowed Mr. Bugliosi --

19 THE COURT: That will be enough. You may sit down,  
20 Mr. Kanarek.

21 The objection is overruled. Reframe the  
22 question.

23 MR. BUGLIOSI: Well, your Honor, you said the objection  
24 is overruled, yet you requested that Mr. Hughes reframe the  
25 question.

26 I don't quite understand the present status.

1 THE COURT: Reframe the question.

2 MR. BUGLIOSI: Is the Court going to strike the  
3 witness's last answer?

4 THE COURT: Was there an answer?

5 MR. HUGHES: I believe there was an answer.

6 THE COURT: The answer is stricken.

7 The jury is admonished to disregard it.

8 Reframe the question.

9 BY MR. HUGHES:

10 Q You were out to the ranch a great number of  
11 times?

12 A Yes.

13 Q You saw a great number of people there at the  
14 ranch?

15 A Yes.

16 Q And some of those people to you appeared to  
17 be strong, independent individuals?

18 MR. BUGLIOSI: Your Honor, that calls for a conclusion.

19 MR. KANAREK: Then, your Honor, I would reinstate,  
20 if I may --

21 THE COURT: The objection is sustained.

22 MR. KANAREK: May I make argument to the Court?

23 THE COURT: No, you may not.

24 BY MR. HUGHES:

25 Q Did you see other people at the ranch  
26 participate in discussions?

1 A Yes.

2 Q Did you see them submit ideas?

3 A Yes.

4 MR. HUGHES: I have no further questions, your Honor,  
5 thank you.

6 THE COURT: You may step down.

7 MR. BUGLIOSI: Your Honor, I have a couple of ques-  
8 tions.

9 THE COURT: That will terminate the examination.

10 You may step down, sir.

11 Call your next witness.

12 THE WITNESS: Your Honor, may I go?

13 THE COURT: You are excused.

14 THE WITNESS: Thank you.

15 MR. BUGLIOSI: Your Honor, I have some redirect  
16 examination.

17 THE COURT: You have had your redirect examination,  
18 sir.

19 MR. BUGLIOSI: Not after they have asked their  
20 questions.

21 THE COURT: All right, let's proceed. Call your next  
22 witness.

23 MR. BUGLIOSI: People call Mr. Hatami.

24 THE CLERK: Would you raise your right hand, please.

25 Would you please repeat after me.

26 I do solemnly swear --

1 THE WITNESS: I do solemnly swear --

2 THE CLERK: -- that the testimony I may give --

3 THE WITNESS: -- that the testimony I may give --

4 THE CLERK: -- in the cause now pending --

5 THE WITNESS: -- in the cause now pending --

6 THE CLERK: -- before this Court --

7 THE WITNESS: -- before this Court --

8 THE CLERK: -- shall be the truth --

9 THE WITNESS: -- shall be the truth --

10 THE CLERK: -- the whole truth --

11 THE WITNESS: -- the whole truth --

12 THE CLERK: -- and nothing but the truth --

13 THE WITNESS: -- and nothing but the truth --

14 THE CLERK: -- so help me God.

15 THE WITNESS: -- so help me God.

16 THE CLERK: Would you be seated, please.

17 THE WITNESS: Thank you.

18 THE CLERK: Please state and spell your name.

19 THE WITNESS: Yes. The first name is Shahrokh,  
20 S-h-a-h-r-o-k-h. The second name is Hatami, H-a-t-a-m-i.

21 THE CLERK: Would you please spell your first name  
22 again?

23 THE WITNESS: S-h-a-h-r-o-k-h.

24 THE CLERK: Thank you.

1                                    SHAHROKH HATAMI,  
2 a witness called by and on behalf of the People, was examined  
3 and testified as follows:  
4

5                                    DIRECT EXAMINATION

6 BY MR. BUGLIOSI:

7            Q        Mr. Hatami, what is your occupation, sir?

8            A        I am a photographer journalist.

9            Q        Are you from Iran?

10          A        I am from Iran, yes.

11          Q        Did you know actress Sharon Tate?

12          MR. KANAREK: That's immaterial, your Honor.

13          THE COURT: Overruled, you may answer.

14          THE WITNESS: Very well, yes, very well.

15 BY MR. BUGLIOSI:

16          Q        And her movie director husband, Roman Polanski?

17          A        Also.

18          Q        Were you ever at their residence located at  
19 10050 Cielo Drive, Los Angeles?

20          A        That is the number, yes, but I know the resi-  
21 dence at Cielo Drive.

22          MR. KANAREK: Your Honor, I'm asking for a continuous  
23 objection then on relevancy and materiality.

24                    May I?

25          THE COURT: You may.

26          MR. KANAREK: Thank you, your Honor.

1 BY MR. BUGLIOSI:

2 Q I show you People's Exhibit 7 for identifica-  
3 tion, do you recognize what is shown in that photograph?

4 A It is an aerial view, and I can recognize the  
5 entrance to the house, and this is the grille -- no, this  
6 is the grille.

7 This is the yard; this is the main house; this  
8 is the swimming pool, and this is the back alley that goes  
9 to the guest house in the back.

10 Q You recognize this as being a photograph, an  
11 aerial photograph of the Tate residence?

12 A Yes.

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1 Q How many times were you at the Tate residence,  
approximately, Mr. Hatami?

2 A Very often. Three -- two times a week, at  
3 least.

4 Q Did you do any professional photography or  
5 filming of Sharon?

6 A Besides her being a personal friend, I was doing  
7 a TV show. She was a part of it.

8 Q In March of 1969, were you doing any filming of  
9 Sharon Tate?

10 A Around the end of March -- I mean, regularly,  
11 I was working. Around the end of March I was at the house.

12 Q At the end of March of 1969?

13 A Yes.

14 Q And you were filming Sharon inside her residence,  
15 or outside, or what?

16 A No. It was inside.

17 She was packing to go to Europe, to Rome, and  
18 it was a part of her personal life which I was showing.  
19 She is packing, unpacking, going here, going there.

20 Q So, you were filming Sharon while she was  
21 packing to go to Rome?

22 A Yes.

23 Q You don't know the exact date, I take it?

24 A No. It was just --

25 Q Late March?  
26

1 A Around the end of March.

2 Q 1969?

3 A Yes.

4 Q Did Sharon, in fact, leave for Rome?

5 A A day or two after. It was just before her  
6 departure.

7 Q So, a day or two after you were filming her  
8 packing, she did go to Rome?

9 A Yes, she did.

10 Q Now, this particular day that you were filming  
11 Sharon, about what time of day did you arrive at Sharon's  
12 residence?

13 A It was around midday, around 11:00 o'clock.  
14 Between 11:00 to midnight.

15 Q Was Sharon alone?

16 A Yes.

17 Q Was anyone else there?

18 A No. She was alone.

19 I presume the maid was there.

20 Q Winifred Chapman?

21 A I beg your pardon?

22 Q When you say the maid, Mr. Hatami, do you mean  
23 Winifred Chapman?

24 A I forget. What is her name?

25 Q Winifred or Winnie?

26 A Winnie, yes. The dark --

1 Q Yes. She may have been there?

2 A Yes, she may have been there. She was always  
3 there.

4 Q Was Sharon's husband there; Roman Polanski?

5 A No.

6 Q Do you know where Roman was?

7 A Oh, Roman went to Rio, the Film Festival of  
8 Rio de Janeiro, a week or ten days before sometimes. I  
9 took him to the airport with Sharon. I mean, we both  
10 together took him to the airport.

11 Q Do you know Abigail Folger?

12 A Yes.

13 Q And Voityck Frokowski?

14 A Yes.

15 Q And Jay Sebring?

16 A Yes.

17 Q While you were there on this particular day,  
18 Mr. Hatami -- now, the day I'm talking about is the day  
19 that you were filming Sharon in the process of packing --  
20 while you were there that day, Mr. Hatami, did Abigail or  
21 Voityck or Jay Sebring arrive at the residence?

22 A They arrived later on in the afternoon. I  
23 don't recall exactly. Sometime between 12:00 and 1:30,  
24 2:00.

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1 Q Those three arrived?

2 A Yes.

3 Q Were they living there at the time?

4 A No. But Abigail and Voityck, they were in the  
5 process of moving in.

6 I mean, Sharon was packing out, and they were  
7 moving in.

8 Q Abigail and Voityck, then, were going to start  
9 living at the Tate residence?

10 A Yes.

11 Q Did you observe any person approach the residence  
12 on this particular day?

13 A What do you mean? I am sorry. What do you  
14 mean by "person approach"?

15 Q Did you observe any person walking towards the  
16 Tate residence on that particular day?

17 A Yes.

18 I was in the living room, the large room, and  
19 watching outside from the window. Not watching, I just  
20 saw from the window, that someone was coming to the  
21 property.

22 MR. KANAREK: Your Honor, may we approach the  
23 bench at this point?

24 THE COURT: For what purpose?

25 MR. KANAREK: I would like to make argument to the  
26 Court based upon Wade and Gilbert, in connection with

certain matters.

1 THE COURT: You may approach the bench.

2 (Whereupon, all counsel approach the bench and  
3 the following proceedings occur at the bench outside of  
4 the hearing of the jury:)

5 MR. KANAREK: Your Honor, I would ask that there be a  
6 voir dire hearing concerning --

7 THE COURT: Get to the point, Mr. Kanarek. What is the  
8 point that you wanted to come to the bench for?

9 MR. KANAREK: I have reason to believe, your Honor,  
10 that this man is going to say that Mr. Manson is the person  
11 who approached, and I would like to have, outside of the  
12 presence of the jury, a hearing, an evidentiary hearing, as  
13 to how the prosecution -- as to what pictures have been  
14 shown him, so that we can cross-examine him, because I  
15 believe that he is merely going to regurgitate --

16 THE COURT: Let's find out from Mr. Bugliosi what the  
17 testimony is going to be.

18 What is the witness going to testify to?

19 MR. BUGLIOSI: Mr. Manson has never been in any  
20 lineup in front of this man, your Honor, so today I would  
21 like to have him, during his testimony, I would like to  
22 have Mr. Manson brought out in front of the man and see if  
23 he can identify him.

24 MR. KANAREK: That is improper, your Honor.

25 THE COURT: Why?  
26

1 MR. KANAREK: Because we have a right to know what  
2 pictures he has seen of Mr. Manson.

3 That is the whole reason that the Wade and  
4 Gilbert type of law has developed, because you bring the  
5 defendant out, and it focuses it. There is no way of  
6 cross-examining.

7 THE COURT: Who said anything about any pictures?

8 Did he identify him from a photograph?

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QB-1  
1 MR. BUGLIOSI: It seems to me -- I spoke to this man  
2 a long time ago, over a half a year ago -- I think I showed  
3 him the family album, photographs of the Family, if I am  
4 not mistaken, and I think he tends to pick out Manson, but  
5 he would have to see the man to make a positive identifi-  
6 cation.

7 I have never brought him to court or anything.

8 MR. KANAREK: He is talking too loudly.

9 MR. BUGLIOSI: I felt it might be a little too leading  
10 and suggestive.

11 I am going to just bring Manson out in front of  
12 him and, for all I know, he might say, "That is not the man."  
13 I don't know.

14 I never brought him to court to look at the man.

15 MR. KANAREK: In the context of this proceeding, even  
16 taken at best, it becomes just a guess. Mr. Manson's  
17 appearance at the present time, with all that we have been  
18 through.

19 We are interested in Mr. Manson's freedom, and  
20 if a fair trial is predicated upon the whim and caprice of  
21 this witness --

22 THE COURT: What are you talking about, the whim and  
23 caprice? You mean he doesn't have a right to testify  
24 whether or not he recognizes him?

25 MR. KANAREK: Certainly.

26 THE COURT: Then what is your point?

1 MR. KANAREK: I am saying that we should have a  
2 voir dire hearing so that we could find out what pictures  
3 have been shown, so we can find out what has been shown,  
4 what his state of mind is, how his state of mind has been  
5 schooled, if it has been.

6 THE COURT: Have you shown him pictures?

7 You had better lay the foundation.

8 MR. BUGLIOSI: I believe I showed him a family  
9 album of Watson and Clem Tufts and the whole group.

10 THE COURT: You had better pin this down.

11 MR. BUGLIOSI: It seems to me that he picked Manson's  
12 picture out.

13 MR. KANAREK: Then I ask for an evidentiary hearing  
14 first outside of the presence of the jury, your Honor.

15 THE COURT: I don't know why you don't anticipate  
16 these things, Mr. Bugliosi.

17 MR. BUGLIOSI: Anticipate what?

18 THE COURT: The fact that the objection is going to  
19 be made, the fact that the defendants are going to want to  
20 see the pictures, if you showed him pictures.

21 Has he ever made an identification?

22 I don't know yet what the offer of proof is.

23 MR. BUGLIOSI: Yes.

24 THE COURT: What is the offer?

25 MR. BUGLIOSI: The offer of proof is that he feels  
26 that the man he spoke to that day is Charles Manson, but

1 he can't be positive unless he sees the man in court.

2 THE COURT: Based upon some photograph that was  
3 shown him; is that it?

4 MR. BUGLIOSI: Yes.

5 THE COURT: I am going to sustain the objection,  
6 then, at this time, until we determine what, if anything,  
7 he was shown, and the circumstances.

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1 MR. KANAREK: Then may we have a hearing outside the  
2 presence of the jury?

3 THE COURT: Yes, Mr. Kanarek, certainly.

4 MR. KANAREK: Thank you, your Honor.

5 THE COURT: How do you want to proceed from here?

6 MR. BUGLIOSI: I have to go downstairs and get the  
7 album.

8 THE COURT: How long will it take?

9 MR. BUGLIOSI: Not more than five minutes to get the  
10 album.

11 THE COURT: Are you sure about the five minutes now?  
12 I don't want to leave the jury sitting in the box for a  
13 half an hour.

14 MR. KANAREK: It would be outside the presence of the  
15 jury, your Honor.

16 MR. BUGLIOSI: Yes. It would be outside the presence  
17 of the jury anyway.

18 THE COURT: In that case, I will excuse them for  
19 lunch at this time.

20 MR. BUGLIOSI: I might say this: There is not going  
21 to be any issue that it was Manson.

22 As a simple offer of proof, on this particular  
23 day, the day Sharon was packing, he sent the man, whoever  
24 it was, back to the back house, and Rudy Altabelli, the  
25 owner of the premises, who was there, will testify that  
26 the man who was sent back there on the same day that Sharon

10c-2

1 was packing to go to Rome was definitely Charles Manson  
2 because he had seen Manson at a prior occasion.

3 THE COURT: Then why do you need this witness?

4 MR. BUGLIOSI: To show the kind of harsh confrontation  
5 on the premises between Mr. Manson and this man here. They  
6 had a harsh confrontation.

7 It is very, very important, your Honor. It  
8 goes towards --

9 THE COURT: He can testify that a man appeared on a  
10 particular day. The identification is going to be made  
11 by someone else; is that right? We are not really involved  
12 with identification at all with this witness, according to  
13 your statement.

14 MR. BUGLIOSI: Well, the only problem is that the  
15 defense could argue -- there is no question in my mind  
16 about it that it is the same man -- but the defense could  
17 argue that the man that he had a bad confrontation with  
18 on the premises is not Charles Manson.

19 There is no doubt in my mind that it was.

20 THE COURT: I am not going to tell you how to try  
21 your case, Mr. Bugliosi, but if you try it one way, you  
22 have certain problems, and if you try it another way,  
23 you have problems.

24 Now, you have a problem. There has been an  
25 objection made. Apparently, you are going to have some  
26 type of identification, and it is a question that is

10c-3

1 going to have to be resolved out of the presence of the  
2 jury.

3 MR. BUGLIOSI: Why don't we do this? Why don't  
4 we continue on with his testimony without bringing Mr.  
5 Manson out here? In any event, he will be able to testify  
6 as to what the guy looked like and the confrontation on  
7 the premises.

10d fls.7

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1 THE COURT: All right.

2 MR. BUGLIOSI: I can have him testify to that.

3 THE COURT: But no identification.

4 MR. BUGLIOSI: No identification at this time.

5 MR. KANAREK: Based on this offer of proof, I will  
6 object to any confrontation. It is remote. It goes back  
7 to the last of March. The prejudicial value far outweighs  
8 the probative value.

9 THE COURT: There isn't any confrontation at this  
10 point.

11 MR. KANAREK: That is what he is going to testify  
12 to.

13 That is what Mr. Bugliosi is going to solicit  
14 of the witness.

15 MR. BUGLIOSI: A confrontation with a man.

16 THE COURT: He can testify as a percipient witness  
17 that he saw a man on the premises.

18 MR. KANAREK: But, your Honor, it is remote.

19 THE COURT: He already told you how he will attempt  
20 to connect it up. The identification will be made by someone  
21 else.

22 MR. KANAREK: But he said there is a question that  
23 this person might not be the same person.

24 MR. BUGLIOSI: There is no question in my mind about  
25 it. What I am saying is that you are probably going to  
26 raise the question.

1 THE COURT: Let's proceed.

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

6 BY MR. BUGLIOSI:

7 Q You may continue, Mr. Hatami.

8 You say you were in the living room of the Tate  
9 residence?

10 A Yes.

11 Q And you saw a man walking towards the residence?

12 A Entering the yard of the residence.

13 Q Could you describe the manner in which he was  
14 walking?

15 A Hesitant, not very sure where he is going;  
16 and somehow, at the same time, walking very aggressively  
17 in the yard. I mean, he was just coming in without  
18 knocking at the door or just looking around to see who  
19 is there or not, or ringing the bell or something.

20 ~~MR. KANAREK: Your Honor, may that be stricken on~~  
21 ~~the grounds of hearsay and conclusion, the last portion~~  
22 ~~for instance, the statements about --~~

23 THE COURT: It is merely descriptive.

24 Overruled. The motion is denied.

25 MR. BUGLIOSI: Q Now, the fact that he appeared  
26 to be walking somewhat aggressively, did this disturb you?

1           A       That is why I came out and I asked him what  
2 is it he wants?

3                   He mentioned the name, which was not very  
4 familiar to me. I didn't heard the name before.

5                   I said, "This is Polanski's residence. If the  
6 people you may be looking for, maybe they are back there.

7 You have to take the back alley to go there. This is the  
8 Polanski's residence."

9 ~~Q. Did you tell him~~

*the kernel from Rudy Altobelli that the  
person the man was looking for was  
Terry Melcher* ↑ ↑

10           MR. KANAREK: Before the next question, your Honor,  
11 may this be stricken?

12                   I ask that it be stricken, the last statement.  
13 I don't even believe it was solicited by the question.

14                   May it be stricken on the grounds of conclusion  
15 and hearsay, your Honor? There is no basis for that  
16 being in the record.

10e fls.

10e

1 THE COURT: There is a question of whether it is hear-  
2 say at all.

3 Are you offering it for the truth of the matter  
4 stated?

5 MR. BUGLIOSI: I don't believe it is offered for the  
6 truth of the matter.

7 I am offering it to show that the conversation  
8 was, in fact, engaged in by Mr. Hatami and this other  
9 individual.

10 MR. KANAREK: But there are certain implications from  
11 this statement, your Honor, as to what the person was doing.

12 THE COURT: The objection is overruled.

13 MR. FITZGERALD: Hearsay as to the non-declarant  
14 defendants, your Honor.

15 MR. KANAREK: And it is certainly hearsay as to  
16 Mr. Manson.

17 There is no connection of this statement with  
18 Mr. Manson.

19 THE COURT: I don't believe it is hearsay at all.

20 The objections are overruled.

21 MR. BUGLIOSI: Q Was the man by himself?

22 A Yes. He was alone.

23 Q Did you tell him that he could not walk in  
24 front of the Tate residence towards the back house?

25 A Yes.

26 I indicated to him the back alley.

1 "If you want the people you may be looking for,  
2 they might be there, and you have to take the back alley."

3 MR. KANAREK: Your Honor, would your Honor ask the  
4 witness -- I don't believe the witness is too familiar  
5 with court rules -- I would ask that it be stricken on the  
6 grounds of conclusion and hearsay, but I would welcome your  
7 Honor admonishing the witness --

8 THE COURT: The motion is denied.

9 Delay your answer when there is an objection,  
10 sir, until the Court rules on it.

11 THE WITNESS: Thank you.

12 MR. BUGLIOSI: Q Now, Mr. Hatami, the term  
13 that you used was "back alley"?

14 A Yes. I used "back alley," yes.

15 Q Those are your words?

16 A Yes.

17 Q "Back alley"?

18 A Yes.

19 Q And those are the words that you used with this  
20 man?

21 A Yes.

22 Q Were you somewhat angry at him when you were  
23 talking to him?

24 A Yes. Because he was entering on property of a  
25 friend of mine, which I was concerned about because Roman  
26 isn't there and Sharon is there.

↑↑

1 MR. KANAREK: May that be stricken on the grounds of  
2 conclusion and hearsay, all of it after "yes," beginning  
3 with the word "because", your Honor?

4 THE COURT: That portion of the answer will be stricken  
5 and the jury is admonished to disregard it.

6 Q Did you communicate this anger of yours to this  
7 man in the tone of your voice when you spoke to him?

11

1-1  
1 MR. KANAREK: Calling for a conclusion and hearsay,  
2 your Honor.

3 THE COURT: Sustained.

4 Q BY MR. BUGLIOSI: Would you demonstrate, sir,  
5 -- you might step off of the witness stand briefly and  
6 demonstrate to the best of your ability the manner in which  
7 you spoke to this man, try to repeat the words you used  
8 and the inflection and tone of your voice.

9 MR. KANAREK: I will object to that on the grounds  
10 of a conclusion and hearsay, your Honor.

11 THE COURT: Overruled.

12 MR. BUGLIOSI: You may step down off the witness stand.

13 THE WITNESS: What I have to do? I'm sorry.

14 Q BY MR. BUGLIOSI: Okay, step off the witness  
15 stand, try to remember exactly what you told this man and  
16 the manner in which you told him, the same inflection; if  
17 you spoke loudly, then speak loudly, if you were angry,  
18 speak in an angry fashion; if you were friendly, speak in a  
19 friendly fashion.

20 Try to recreate what you said to the man.

21 A <sup>Witness said:</sup> ↑ He was coming in; I went toward him. He stopped  
22 and I asked him who is he looking for.

23 He mentioned the name, and then I angrily, of  
24 course, I wasn't happy that he was coming to that property,  
25 and looking after people he doesn't know, so I angrily  
26 pointed out, "This is not the place. The people you want is

back there and you have to take the back alley."

Q You spoke kind of loudly to him?

A Yes, a little irritated.

MR. KANAREK: I move that be stricken, your Honor,  
on the grounds it's a conclusion.

THE COURT: Motion denied.

MR. BUGLIOSI: You may resume the witness stand,  
sir.

Q About how tall was this man?

A Well, he was not very tall, just around here of  
my height. (Indicating.)

Q Up to your chin?

A Yes.

Q How tall are you, sir?

A 175 centimeters, which is almost around five-  
eight, five -- I don't know, I don't know really exactly  
my height.

Q How many centimeters are you, sir?

A 175; one meter 75 centimeters.

Q And you estimate that this man came up to your  
chin?

A Yes.

Q You know how tall Roman Polanski is, of course?

A Roman is coming to around this height  
(indicating).

Q Was this man the approximate height of Roman

1 Polanski?

2 A Yes.

3 MR. KANAREK: Your Honor, that is assuming facts not  
4 in evidence. We have no measuring rod. That is immaterial.

5 THE COURT: Overruled.

6 Q BY MR. BUGLIOSI: Did he appear to be, then,  
7 medium height or heavy or what?

8 A Medium what?

9 Q I'm sorry, in terms of weight, was he then  
10 medium or heavy?

11 A He was thin.

12 Q How old did he appear to be?

13 A 32, 30.

14 Q Did he have short, medium, or long hair?

15 A Long.

16 Q Now, when you said these things to this man,  
17 how did he react? What did he say or what did he do?

18 MR. KANAREK: That is a conclusion and hearsay, your  
19 Honor.

20 THE COURT: Sustained.

21 Q BY MR. BUGLIOSI: When you said these things  
22 to this man, what did he do?

23 MR. KANAREK: Your Honor, that again is soliciting a  
24 conclusion.

25 THE COURT: Overruled.

26 THE WITNESS: He was avoiding me, I mean, doesn't

1 looking at me, turned back, and went to, toward the back  
2 alley.

3 MR. KANAREK: I ask that that answer be stricken,  
4 the avoiding part is a conclusion.

5 I ask it be stricken as a conclusion and  
6 hearsay.

7 THE COURT: That portion of the answer will be stricken,  
8 "avoiding."

9 The rest of it will stay.

10 The jury is admonished to disregard that portion.

11 Q BY MR. BUGLIOSI: When you told him these things  
12 did he appear to be upset with you?

13 MR. KANAREK: Calling for a conclusion.

14 MR. BUGLIOSI: Demeanor, your Honor, Holland vs.  
15 Zollner.

16 THE COURT: Overruled, you may answer.

17 THE WITNESS: I would say he was upset by his attitude,  
18 as I said, avoiding me, he looked upset.

19 I mean, in my interpretation he was upset  
20 because he did not stay and talk to me politely or excuse  
21 himself. He just walked back.

22 MR. KANAREK: May that be stricken, your Honor?

23 THE COURT: Motion denied.

24 MR. BUGLIOSI: Step off the witness stand, sir, and  
25 follow me over here.

26 Q Would you speak into this microphone. This is

1 a diagram here, People's 8, this is a diagram of the Tate  
2 residence.

3 A Yes.

4 Q And this is the front door right here.

5 A Yes, I can see.

6 Q Do you recognize this walk right here  
7 (indicating)?

8 Does that appear to you to be a walk leading to  
9 the front door of the Tate residence?

10 A Yes, it is.

11 Q When you were talking to this man was he on the  
12 walk?

13 A No, he entered from this door to the lawn.

14 This is the back alley, isn't it?

15 MR. KANAREK: Your Honor, I'm sure the jury cannot  
16 see this, your Honor.

17 THE COURT: Sit down, Mr. Kanarek. Let the examination  
18 continue.

19 If they cannot see it they will communicate to  
20 the Court.

21 Q BY MR. BUGLIOSI: Now, this is --

22 A This is the yard, this part?

23 Q This appears to be the yard right here, sir.

24 The front lawn of the Tate residence, the area  
25 right here.

26 A Yes. There is -- the walk -- the back alley I  
am indicating is below this area.

11a-1

1 Q You see where it says walk right here?

2 A That must be the back alley.

3 Q That is the back alley? It starts right back  
4 here?

5 A Yes, it starts right back here.

6 Q And goes all the way back to the back house?

7 A Yes.

8 Q There are some hedges here by the pathway?

9 A Some kind of plants dividing the back alley  
10 from the yard.

11 Q When you say the back alley, you are talking  
12 about the place on the diagram here that says "walk."

13 A That is what I call the back alley.

14 Q There is a narrow path?

15 A Yes, how do you call it?

16 Q I probably call it a pathway, but you call it  
17 a back alley.

18 A Yes.

19 Q Was it dirt?

20 A It was muddy, ground, yes, it was asphalt or  
21 bricks, like, there are bricks here, red bricks here  
22 (indicating).

23 Q Where was this man when you were speaking to  
24 him in relation to this diagram here?

25 A If I could see -- this is the front porch,  
26 this is the living room.

11a-2

1 I was in the living room here. He was almost  
2 in the middle of this place here.

3 Q About right there?

4 A Yes.

5 Q Did he ever come any closer to the residence?

6 A No, it was around there.

7 Q Right there?

8 A Yes, around there, 15, 20 feet from the door  
9 here.

10 Q About 15 or 20 feet from the front door?

11 A Yes.

12 Q Which was on the walkway?

13 A Yes.

14 Q It was not on the pathway?

15 A No.

16 Q Not on the back alley?

17 A No.

18 Q Could you place a little X on this diagram  
19 where that man was.

20 (Witness complies.)

21 Where were you at the time you were speaking  
22 to him, were you close to him or were you far away or  
23 what?

24 A Well, I was about four or five feet when I  
25 got close enough to make my voice reach him.

26 Q Four or five feet from him?

11a-3

1 A Yes.

2 Q You were closer to the residence?

3 A No, I was closer to him.

4 Q I'm sorry, but I mean you were not on this  
5 side of him, you were on the side of him that is closer  
6 to the residence?

7 A Yes, I was between him and the residence.

8 Q Then after you spoke to him did he turn around  
9 and walk away?

10 A Yes.

11 Q He walked in this direction?

12 A Yes, and took this back alley and went --  
13 I did not follow him.

14 Q You saw him taking this what you call the back  
15 alley?

16 A Yes.

17 MR. BUGLIOSI: Thank you, sir, you may resume the  
18 witness stand.

19 (To the Court:) May I mark this "Man Mr.  
20 Hatami spoke to"?

21 THE COURT: You may.

22 (Mr. Bugliosi so marks the exhibit.)

23 BY MR. BUGLIOSI:

24 Q You don't remember the name of the man whom  
25 this individual asked for?

26 A No.

11a-4

1 Q You are not familiar with that name?

2 A No.

3 Q In March of '69 were you familiar with the  
4 name, Terry Melcher?

5 MR. KANAREK: Leading and suggestive, your Honor.

6 THE COURT: Overruled.

7 THE WITNESS: I have not been familiar to that  
8 name.

9 BY MR. BUGLIOSI:

10 Q So you don't know whether that was the name  
11 the man asked for or not, is that correct?

12 A No, I do not recall.

13 Q As you were speaking to this man did anyone  
14 inside the residence come out of the residence?

15 A When I told that man that he has to take the  
16 back alley, at that moment Sharon stepped out of the  
17 frame door of the entrance to the residence and asked  
18 who was it, or who is it.

19 I said someone wants someone I thought is in  
20 there, and I indicated to him to go there.

21 MR. KANAREK: May that last portion be stricken on  
22 the grounds of hearsay, what his purported response was,  
23 your Honor?

24 THE COURT: The motion is denied.

25 BY MR. BUGLIOSI:

26 Q How far did Sharon step outside the door of

11a-5 1 the Tate residence?

2 A Maybe a feet or two, or didn't come out  
3 really.

4 Q When she stepped briefly outside, how far  
5 away was she from this man?

6 A Well, five, fifteen --

7 Q -- feet?

8 A Yes.

9 Q Could they have seen each other?

10 MR. KANAREK: That's calling for a conclusion.

11 MR. BUGLIOSI: A percipient witness, he can testify  
12 whether there was a capability for them to see each other,  
13 your Honor.

14 MR. KANAREK: I don't think he can. I object on  
15 the ground it is a conclusion and hearsay.

16 THE COURT: Overruled. You may answer.

17 THE WITNESS: He could have seen her very easily.

18 BY MR. BUGLIOSI:

19 Q As this man turned around and walked away and  
20 then came back, walking on the pathway or the back alley,  
21 was Sharon still standing by the doorway?

22 MR. KANAREK: That assumes facts not in evidence that  
23 he came back, your Honor.

24 THE COURT: Overruled, you may answer.

25 THE WITNESS: He could easily have seen Sharon there  
26 because Sharon did not immediately go in.

11a-6

1 BY MR. BUGLIOSI:

2 Q So he could have seen her at the beginning  
3 and also when he was walking on the pathway?

4 A Yes.

5 MR. KANAREK: Compound, ambiguous, hearsay.

6 THE COURT: Overruled.

7 BY MR. BUGLIOSI:

8 Q Your answer is yes?

9 A Yes.

10 Q Did Sharon stay outside for a while?

11 A About four or five seconds, which I get back  
12 to the door.

13 Q And when she was outside was she facing the  
14 pathway or the back alley, as you call it?

15 A Obviously.

16 Q Did Sharon say anything to this man?

17 A No.

18 Q Did the man say anything to Sharon?

19 A No.

20 MR. BUGLIOSI: May we adjourn?

21 THE COURT: Very well.

22 The court will recess until 2:00 p.m., ladies  
23 and gentlemen, do not converse with anyone nor form nor  
24 express an opinion regarding the case until it is finally  
25 submitted to you --

26 1:45, correction, 1:45 this afternoon.

(Noon recess.)

12 fls.

2-1

1 LOS ANGELES, CALIFORNIA, TUESDAY, OCTOBER 20, 1970

2 1:50 P.M.

3 ---O---

4 (The following proceedings occur in open court.

5 All counsel and jurors present. Defendants absent.)

6 THE COURT: All counsel and jurors are present.

7 MR. KANAREK: May I address the Court, your Honor?

8 THE COURT: Yes.

9 MR. KANAREK: Your Honor, I apologize for being  
10 late.

11 I was in another court where it was arranged  
12 that I be there at 1:00 o'clock. I was there at 1:00  
13 o'clock, and the Court did not come to the courtroom until  
14 about 1:30.

15 THE COURT: Very well, Mr. Kanarek.

16 MR. KANAREK: Thank you, your Honor.

17 MR. FITZGERALD: May I approach the bench?

18 THE COURT: Yes.

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

22 MR. FITZGERALD: Your Honor, this afternoon at 1:30  
23 I contacted the Superior Court Coordinator, Harold Frediani,  
24 in regard to putting somebody into a defense seat, and he  
25 refused on the ground that he didn't have time.

26 Now, I would like to point out to the Court

1 that I have sincerely attempted to abide by what I conceive  
2 to be ill-advised rules in regard to the seating in this  
3 courtroom to begin with, but they were the rules and, none-  
4 theless, I abided by them.

5 I lost my temper this noon, and I am still very,  
6 very angry.

7 I think the rules in regard to the seating in  
8 this courtroom are utterly capricious. For three weeks  
9 the seating in this courtroom has been sparse, to say the  
10 least.

11 I think this reserved seating is a preposterous  
12 sort of situation whereby the only rational motive I can  
13 see is an evil one, and the rational motive is that you,  
14 first of all, reserve these seats, and then when the  
15 reserved people don't sit here, you can, therefore, exclude  
16 the general public.

17 THE COURT: Who is excluding the general public?  
18 Anybody that wants to come into the courtroom, all they  
19 have to do is get in line with the rest of them and they  
20 will get in when their turn comes.

21 MR. FITZGERALD: It is their discrimination against  
22 me putting people in the seats.  
23  
24  
25  
26

13 1 THE COURT: There are some reserved seats. That is  
2 correct, and the coordinator has many other things to do  
3 than to worry about the seating in this courtroom, so I  
4 don't think it is unreasonable for him to want to know the  
5 persons that are going to be put in the reserved seats a  
6 reasonable length of time in advance of the time, say,  
7 when it is desired they be seated.

8 But he told me about the situation. I understand  
9 this was somebody from the Free Press.

10 They previously had a seat; they lost it because  
11 they did not use it. They can have another one if they  
12 want it.

13 If he doesn't happen to get in your seat because  
14 he wasn't on the list in time, all he has to do is get  
15 around in line with the public and he will be seated.

16 There are plenty of seats. I don't see what  
17 the problem is.

18 MR. FITZGERALD: If they can't show me some deference,  
19 I am not going to show the Superior Court some deference.

20 I've got other things to do, too, I cannot do  
21 one million things at once, and when I come in here at  
22 1:30 and ask somebody be placed in one of my seats, I think  
23 that is reasonable.

24 If they don't want to do that for me, Judge,  
25 they don't have to.

26 THE COURT: I don't know who "they" is, but I assure

1 you there will be no discrimination against anyone,  
2 Mr. Fitzgerald.

3 MR. FITZGERALD: I will set down in declaration form,  
4 and I will subpoena various members of the Superior Court,  
5 and I would like a hearing and I will make an allegation as  
6 a member of the Bar of the State of California that my  
7 client, Patricia Krenwinkel, is being deprived of a fair,  
8 public, open trial.

9 I am alleging as a member of the Bar there is  
10 discrimination in terms of seating in this courtroom, and  
11 I would ask your Honor to set down a convenient date for the  
12 taking of evidence.

13 I think that what has happened here, when we  
14 divided one-half of the courtroom and filled it with press;  
15 when they installed 28 telephones in the hallway and  
16 Teletype machines, in obvious deference to the press, in  
17 derogation of other members of the general public, I know  
18 well what I am saying and I can support it.

19 THE COURT: Well, how much more public can a trial  
20 be when you have all the media represented and the news  
21 come first and direct out of the courtroom to millions of  
22 people?

23 MR. FITZGERALD: Sure, it's just like Sheppard vs.  
24 Maxwell. This Court has shown a sort of tragic deference to  
25 the press.

26 The press can have anything in this courtroom.

1 THE COURT: That is absurd.

2 MR. FITZGERALD: I will support it by declaration and  
3 affidavit.

4 THE COURT: You do that, then.

5 MR. FITZGERALD: Can we have a convenient date for a  
6 hearing?

7 THE COURT: You file your affidavits and I will see  
8 what they consist of and whether it even warrants a hearing.

9 MR. FITZGERALD: Will you concede for the record that  
10 members of the press can come in here without any regard to  
11 general public seating; that they have reserved seats in this  
12 courtroom?

13 THE COURT: Certainly. They have been given reserved  
14 seats. No question about it.

15 It is perfectly obvious, Mr. Fitzgerald, I don't  
16 know what your problem is now, you apparently are upset  
17 about something.

18 MR. FITZGERALD: I am indeed upset.

19 THE COURT: There has to be a management of  
20 personnel; there has to be a management of the spectators;  
21 there has to be a management of the press. Otherwise, it  
22 is sheer confusion. That is all that is happening here.

23 If you did not get a guest in this afternoon,  
24 that is unfortunate but I assure you there's been no  
25 discrimination.

26 Let's get on with the trial.

1 MR. KANAREK: I join with Mr. Fitzgerald.

2 MR. HUGHES: I join.

3 MR. SHINN: I join.

4 MR. BUGLIOSI: I've got two or three more questions of  
5 Mr. Hatami and then the issue is going to come up of Wade  
6 and Gilbert..

7 I guess the jury will have to be excused at  
8 that point, is that correct?

9 THE COURT: Yes.

10 MR. BUGLIOSI: I have the photographs here.

11 THE COURT: Are you going to have him attempt an  
12 identification?

13 MR. BUGLIOSI: I don't know how the Court is going  
14 to handle that.

15 THE COURT: If he is not going to attempt to identify  
16 him --

17 MR. BUGLIOSI: Oh, yes, yes, I mean later, not now.

18 I have the photographs I have shown him.

19 I think it might be a good idea to bring  
20 Mr. Manson out in front of Mr. Hatami outside the presence  
21 of the jury, and also mark as exhibits the photographs that  
22 I showed him and see if they comply with Wade and Gilbert.

23 There are eight or nine of them.

24 THE COURT: Wade or Gilbert don't deal with  
25 photographs.

26 MR. BUGLIOSI: There is another name starting with S,

??

1 I forget the name of it, holding the same rule is applicable.

2 I forget the name of it, it's a Supreme Court  
3 case.

4 THE COURT: I am familiar with it. I don't recall the  
5 name at the moment.

6 MR. BUGLIOSI: I think I have it in my black notebook.

7 In any event, two or three questions from now  
8 I will have reached that point.

9 THE COURT: At that time we will excuse the jury and  
10 proceed.

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

13 THE CLERK: State your name for the record.

14 THE WITNESS: Shahrokh Hatami.

15  
16 SHAHROKH HATAMI,

17 the witness on the stand at the time of the noon recess,  
18 resumed the stand and testified further as follows:

19  
20 FURTHER DIRECT EXAMINATION

21 BY MR. BUGLIOSI:

22 Q Mr. Hatami, do you recall the color of this man's  
23 hair, with whom you had this conversation in front of the Tate  
24 residence?

25 A Dark.

26 Q Black?

1 A Dark brown or near to black.

2 Q When you observed this man proceed in the  
3 direction of the guest house --

4 A Yes, he did.

5 Q -- did you see him come back from the guest  
6 house?

7 A Almost immediately or a minute, sometimes like  
8 that, walking back.

9 Q You saw him coming back?

10 A Back the same way.

11 Q Okay.

12 A Looking towards the residence.

14-1

1 MR. BUGLIOSI: I have no further questions at this  
2 time, your Honor.

3 There is another issue, of course, that will  
4 have to be resolved, perhaps at this time.

5 THE COURT: This matter will have to be taken up  
6 out of the presence of the jury.

7 I will ask the bailiff to take the jury  
8 upstairs temporarily while this matter is considered down  
9 here.

10 (Whereupon the jury leaves the courtroom and  
11 the following proceedings occur in open court out of the  
12 presence of the jury:)

13 MR. BUGLIOSI: I don't know where the burden of  
14 proof is at this particular point. I imagine it is the  
15 defendants' burden. They are making a motion to exclude  
16 the in-court identification under Wade and Gilbert, and  
17 another U. S. Supreme Court case dealing with photographs,  
18 which I believe sets forth basically the same rule as  
19 Wade and Gilbert.

20 It depends on whom the Court wants to go  
21 forward first.

22 THE COURT: I think the People should go forward.

23 MR. KANAREK: Just for the record, I believe the  
24 burden is on the prosecution.

25 MR. BUGLIOSI: Very well.

26 Your Honor, I have here 12 photographs.

14-2

1 MR. SHINN: Can we see them first?

2 MR. KANAREK: Yes. Can we see them?

3 MR. BUGLIOSI: Of male Caucasians.

4 May they collectively be marked as a Special  
5 Exhibit?

6 A Special People's Exhibit No. 1, or some  
7 other designation, your Honor?

8 THE COURT: What are the Special Exhibit numbers?

9 THE CLERK: The People's would start with 1. Ours  
10 is 12 next.

11 THE COURT: They will be marked collectively as  
12 Sp. Ex. 12.

13 (Mr. Bugliosi shows the photographs to Mr.  
14 Shinn and Mr. Kanarek.)

15 THE CLERK: Did you say 12 photographs, Mr.  
16 Bugliosi?

17 MR. BUGLIOSI: 12 photos.

18 I am sorry, your Honor. What is the designa-  
19 tion, the Special Exhibit designation?

20 THE COURT: 12.

21 BY MR. BUGLIOSI:

22 Q Do you recall coming into my office, Mr.  
23 Hatami, about a half a year ago?

24 A Yes.

25 Q On the fifth floor of the Hall of Justice?

26 A I don't remember the floor. I came to your

14-3

1 office.

2 Q You will have to talk up a little more  
3 loudly.

4 A Yes. I came to your office.

5 Q And you were there with a man named Reeves  
6 Witson?

7 A Yes.

8 Q He is a friend of yours?

9 A Yes.

10 Q And I had a conversation with you about this  
11 man who walked up in front of the Tate residence?

12 A Yes, you did.

13 Q Did I show you some photographs?

14 A Yes.

15 Q I show you 12 photographs here marked  
16 Special Exhibit 12.

17 Do you want to take a look at those photo-  
18 graphs and indicate whether these are the photographs  
19 that I showed you in my office?

20 Take a look at all of them before you answer.

21 (Pause while the witness examines the  
22 photographs.)

23 THE WITNESS: I can't recall to having seen all  
24 of them, but at least six of them I remember I have  
25 seen them.

26 THE COURT: What was the answer? Read the answer.

14-4

(The answer was read by the reporter.)

BY MR. BUGLIOSI:

Q You mean you recognize six of the photographs?

14a fls.4

A Yes.

14a-1

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Q Did I show you more than six photographs?

A Yes.

Q But you can only recognize six of them?

A Yes.

Q About how many photographs did I show you?

A I didn't count them. There were several.

Many.

Q More than six?

A Absolutely.

Q Looking at these photographs here, do you see the man whom you have testified to as having had a conversation in late March, 1969?

A I have to look at them one by one.

Q Okay. Go ahead.

(The witness spreads all the photographs out on the witness stand.)

THE WITNESS: This one has the closest resemblance, but the man did not have a beard.

BY MR. BUGLIOSI:

Q He did not have a beard, the man that you spoke to?

A No.

Q But this looks like the man?

A Not the hair so much back, but long hair. Not pulled back. But that kind of clean face around the eyes.

14a-2

1 MR. KANAREK: May I approach the witness with Mr.  
2 Bugliosi, your Honor?

3 THE COURT: Yes, you may.

4 MR. BUGLIOSI: May the record reflect that the  
5 photograph Mr. Hatami has picked out is a photograph of  
6 Charles Manson? Or so stipulated, Mr. Kanarek?

7 MR. KANAREK: Well, there is no need to stipulate.  
8 There is no need for a stipulation. We can mark it.

9 MR. BUGLIOSI: May the record reflect that, your  
10 Honor?

11 (The photograph is handed to the Court.)

12 THE COURT: The photograph should be marked, Mr.  
13 Bugliosi.

14 MR. BUGLIOSI: 12?

15 THE COURT: Mark it 12-A, if you like.

16 (Mr. Bugliosi marks the photograph.)

17 MR. BUGLIOSI: May the record reflect, then, that  
18 12-A is a photograph of Charles Manson, your Honor?

19 THE COURT: This is something either you are going  
20 to have to stipulate to or prove, Mr. Bugliosi.

21 MR. KANAREK: I can't stipulate. There is no need  
22 to stipulate at this point, in any event.

23 THE COURT: Then there is no need to make any  
24 comments.

25 MR. KANAREK: Very well.

26 MR. BUGLIOSI: I would request, at this time, your

1 Honor, that Mr. Manson be brought out and allow Mr. Hatami  
2 to view him.

3 MR. KANAREK: We are having a hearing as to the use  
4 of these pictures, your Honor. I don't think it is  
5 appropriate to have Mr. Manson brought out at this point  
6 because the foundation has to be legally laid.

7 MR. BUGLIOSI: I have no other foundation other than  
8 I showed him several photographs and he has testified that  
9 he recognizes six of these as being among the photographs  
10 that I showed him.

11 THE COURT: I think he should indicate those  
12 photographs that he knows that he saw previously that  
13 were shown to him by the prosecution.

14 MR. BUGLIOSI: All right.

15 Q Would you indicate, sir, among these 12  
16 photographs, the ones that you recognize having been  
17 shown before?

18 (The witness picks certain photographs up  
19 from the witness stand.)

20 THE WITNESS: These. And I remember that one too.

21 MR. KANAREK: Referring to 12-A, your Honor.

22 MR. BUGLIOSI: Yes.

23 MR. HUGHES: May I approach the witness also, your  
24 Honor?

25 MR. BUGLIOSI: May I mark these other photographs  
26 12-B, -C, -D, -E and -F?

1 THE COURT: Yes, they should be marked also.

2 You will be given an opportunity to see the  
3 photographs, Mr. Hughes.

4 (Mr. Bugliosi marks the back of the photographs.)

5 BY :MR. BUGLIOSI:

6 Q Do you recall seeing this photograph here  
7 before?

8 A I don't remember.

9 MR. KANAREK: So we can have the record, your Honor,  
10 may those that --

11 MR. BUGLIOSI: Do you want me to stipulate as to who  
12 this is, Mr. Kanarek? I will enter into a stipulation  
13 with you.

14 MR. KANAREK: I am merely asking that it be marked  
15 because you are picking up a picture and the record will  
16 not reflect when we cross-examine as to which one.

17 MR. BUGLIOSI: All right.

18 May it be marked 12-G, your Honor?

19 THE COURT: Very well.

20 (Mr. Bugliosi marks the photograph.)

21 MR. BUGLIOSI: I have no further questions so far as  
22 the photographs are concerned, your Honor.

23 MR. KANAREK: May we examine, your Honor?

24 THE COURT: Yes, you may.

25 Mr. Fitzgerald, any questions?

26 MR. FITZGERALD: No questions.

12-G

1 THE COURT: Mr. Shinn?

2 MR. SHINN: Yes, your Honor.

3 May I approach the witness to look at the  
4 pictures, your Honor?

5 MR. HUGHES: Your Honor, may we take a brief recess?

6 THE COURT: Just a moment, sir.

7 (A disturbance occurs outside the courtroom.)

8 THE COURT: The Court will recess for 15 minutes.

9 (Recess.)

15 fls.

5  
1 THE COURT: All counsel are present, the jury is not  
2 present.

3 You may continue, Mr. Bugliosi.

4 MR. BUGLIOSI: With respect to the photograph, I have  
5 no further questions.

6 I will request an in-court identification at  
7 this point.

8 THE COURT: We will have the cross-examination first.

9 Mr. Shinn?

10 MR. SHINN: Thank you, your Honor. May I approach  
11 the witness?

12 THE COURT: Yes.

13  
14 CROSS-EXAMINATION

15 BY MR. SHINN:

16 Q Now, which of these six pictures that you  
17 state Mr. Bugliosi showed you --

18 A That one there (handing Mr. Shinn a picture.)

19 MR. SHINN: 12-A, 12-B, C, D, E, and F, is that  
20 correct?

21 THE WITNESS: Whatever is marked there.

22 Q Now, what date was this when you saw these  
23 pictures, do you recall the date, the approximate date?

24 A Around -- wait a minute -- end of April, around  
25 that time.

26 Q April of 1970?

1 A Yes.

2 Q Now, before seeing these pictures Mr. Bugliosi  
3 showed you, did you see any of these pictures some place in  
4 a newspaper or magazine?

5 A I did not see any pictures in the magazines,  
6 except, that is, the pictures I have seen in the press.

7 MR. SHINN: Your Honor, he's indicating 12-F, your  
8 Honor.

9 Q Now, you stated that you saw that picture in the  
10 newspaper or magazine?

11 A In magazine. I saw it in a similar photo, not  
12 really that one, but the similarity is very evident on the  
13 cover of Life magazine.

14 Q And did you see it in any other magazines or  
15 papers?

16 A No, I did not, no.

17 Q Now --

18 A Not that kind, not that picture I am indicating,  
19 I have seen another picture appear in the press.

20 Q In other words, that face you just picked out  
21 for me you saw that face, not that particular picture, but  
22 that face in other magazines?

23 A But the other pictures I have seen was quite  
24 similar to this one with the long beard and the long hair.

25 Q But the face you recognized?

26 A Nothing much of the face except the eyes are

1 obvious in those pictures, yes, that is what I am recalling,  
2 the eyes and the hair and the beard.

3 Q Yes, being a good friend of Miss Tate you  
4 followed this case pretty closely, did you not?

5 A No, unfortunately, or fortunately, I am dis-  
6 gusted with the memory of what has happened to my friend.

7 Q Yes, but because of your friendship with Miss  
8 Tate you followed this case pretty closely before you saw  
9 these pictures, did you not?

10 A No, because, as I told you, it's quite an  
11 emotional situation for me; I liked her and I admired her  
12 very much, so I did not want to care about what's happened  
13 and how did it happen as long as she doesn't exist any  
14 more; she is not alive any more, so I didn't try to find out  
15 how it happened.

16 Q But you were curious, were you not?

17 A I was curious in the beginning, until  
18 supposedly they caught the responsible ones.

19 I am not the one to judge, but when they caught  
20 them and the press and everybody was enthusiastic about  
21 the finding of the responsables, I honestly, truly -- I am  
22 under oath -- I did not follow that, nor in the press nor in  
23 the newspaper and television.

24 Whatever I'm hearing on the radio or  
25 occasionally here, I have the biggest collection of photos  
26 on Sharon Tate; I did not circulate them, I don't make

1 business with them because I just did not want to think  
2 about the whole tragedy, how did it happen and why it's  
3 happened, she wasn't with us any more.  
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16-1

1 Q But you are a photographer?

2 A Yes.

3 Q And being a photographer, you look at a  
4 person's face or picture and you can remember it pretty  
5 well; is that right?

6 A Yes, I do. Yes.

7 Q The fact that you saw his picture in other  
8 magazines and newspapers before you looked at these  
9 photographs, that kind of helped you pick out that  
10 picture; isn't that true?

11 A No. Because I pointed out to Mr. District  
12 Attorney --

13 THE COURT: Sit back. You are a little too close  
14 to the microphone.

15 THE WITNESS: I am sorry, sir.

16 I pointed out to Mr. District Attorney that  
17 these pictures with the hair would block my memory because  
18 they are dominating in my memory of Charles Manson.

19 I did not know a man called Charles Manson  
20 before you arrested -- I mean, before someone arrested him.  
21 So, I did not know him.

22 So, in the pictures I remember him, the  
23 physiognomy of the man that I saw there. I didn't know  
24 Charles Manson. The man that I saw had the resemblance  
25 to that picture that I indicated. I mean, a little  
26 beard, which there is the appearance in that picture, and

1 not too much long hair as it has in this picture.

2 I mean, that is what I am explaining, my  
3 observation of the photographs. I am not putting any  
4 views out.

5 Q My question was;

6 The fact that you saw the photograph of this  
7 person before you picked it out on these photographs,  
8 that kind of helped you pick out that one picture; isn't  
9 that correct?

10 A Not really.

11 Q But in a way it helped you, did it not?

12 A I can't say yes because I was not looking  
13 after Charles Manson or being forced to choose any  
14 picture. I just chose what I thought was the closest  
15 resemblance to the person I saw, and I indicated that that  
16 is the closest resemblance to the man that I saw that day.

17 Q Now, you picked out one; correct?

18 A I beg your pardon?

19 Q You picked out one of the six photographs  
20 there?

21 A The closest.

22 I picked one among the 12 shown to me now.

23 Q No. No.

24 My question is: When you first picked this  
25 picture out for Mr. Bugliosi months ago, he showed you  
26 approximately six photographs; correct?

1           A       No. It was a number of pictures more than  
2 six.

3           Q       It was more than six?

4           A       Yes.

5           Q       Approximately how many pictures did he show  
6 you?

7           A       Well, a bunch of pictures. I didn't count  
8 them one by one. I didn't need to count them one by one.

9                   I just saw a bunch of pictures and I showed  
10 to him that one as the closest resemblance to the person.

11           Q       Now, these other photographs besides Exhibits  
12 A to, I believe E, did he show you those other photographs  
13 too?

14           A       I just mentioned I do not recall correctly  
15 having seen all of them, but six of them definitely,  
16 which I indicated.

16a fls.

6a

1 Q Okay.

2 Now, out of the six, you picked out one;  
3 correct?

4 A Well, I picked out one among the 12, which is  
5 one of the six I remember having seen.

6 Q Which one is the one you picked out?

7 A That is the one that I picked out. (Indicating)

8 Q That is 12-A?

9 A Yes.

10 Q Okay.

11 Now, out of these five, are there any other  
12 pictures that you feel that may look similar?

13 A Not when you put the two of them before me.

14 The resemblance of these eyes and those eyes  
15 are close, but not the resemblance of the physiognomy,  
16 because you remember people altogether, you don't remember  
17 their eyes if you are not closely associated with them  
18 very day or all the time. You just remember the resemblance  
19 of altogether. You do not go into details.

20 You put them in front of me, close to each other,  
21 so I see the resemblance of this picture to that one.

22 Q When you say this one to that one, you are  
23 referring to 12-F?

24 A When I referred to the pictures I didn't look  
25 behind them.

26 Q And 12-A?

1 (Mr. Shinn shows the witness the back of the  
2 photograph.)

3 THE WITNESS: 12-F and 12-A, yes.

4 MR. SHINN: Q Those are among the two that  
5 Mr. Bugliosi showed you?

6 A The two were among the bunch of pictures that I  
7 saw that day.

8 Q Now, out of the bunch of pictures that you saw  
9 that day, were there any other photographs that you would  
10 say look similar?

11 A If there was, I wasn't quite -- I mean, I didn't  
12 accentuate on any special pictures. I just gave my  
13 observation of which is the closest resemblance.

14 I can't say that resemblance is the man that I  
15 saw. It is the closest resemblance. Because the man I saw  
16 did not have any beard. He was not clean-shaven, but a  
17 little hair.

18 MR. SHINN: Your Honor, may we approach the bench, your  
19 Honor, before I ask the next question, your Honor?  
20 It has to do with the photographs.

21 MR. BUGLIOSI: There is no jury. Why approach the  
22 bench?

23 MR. HUGHES: I would object to approaching the bench.  
24 We are not in front of the jury, your Honor.

25 MR. SHINN: I'm sorry, your Honor. I forgot the jury  
26 wasn't here.

1           Your Honor, in view of the fact that there are  
2 two pictures here that the witness has testified was shown  
3 by Mr. Bugliosi at that time, your Honor, I believe that  
4 there were no other two photographs of the same person  
5 except Mr. Manson's, your Honor, and I feel that under  
6 the Wade and Gilbert cases, this is even an unfair photo  
7 line-up.

8           THE COURT: I didn't understand your statement,  
9 Mr. Shinn.

16b-1

1 MR. SHINN: Your Honor, I believe that there are  
2 two pictures of this group here, or of the group of  
3 pictures that Mr. Bugliosi showed this witness, and I  
4 believe under the Wade and Gilbert cases you cannot show  
5 two of one person. You have got to have all single or  
6 all double pictures.

7 This is an unfair photo lineup, your Honor.  
8 It is highly suggestive.

9 THE COURT: Suggestive of what?

10 MR. SHINN: Of Mr. Manson.

11 There are two of Mr. Manson's pictures, your  
12 Honor.

13 THE COURT: Of course, the witness is not sure how  
14 many photographs were shown. He only selected six that  
15 he recalled. He said there were others.

16 MR. SHINN: Yes. Then I asked him whether or not  
17 there were other photographs that looked similar to this  
18 one that he picked, your Honor.

19 I believe, your Honor, unless Mr. Bugliosi is  
20 going to demonstrate to us that he had two of each of  
21 the pictures that he showed this witness, your Honor, it  
22 is an unfair lineup to Mr. Manson.

23 THE COURT: This isn't the time for argument.

24 MR. SHINN: No. It is a motion.

25 THE COURT: Other counsel may wish to examine too,  
26 Mr. Shinn.

1 MR. SHINN: Yes. This is my motion.

2 THE COURT: Are you through with your examination?

3 MR. SHINN: Yes.

4 THE COURT: Anyone else?

5 MR. KANAREK: Yes, your Honor.

6 THE COURT: Very well, Mr. Kanarek.

7 MR. KANAREK: Thank you.

8 May I approach the witness, your Honor?

9 THE COURT: You may.

10  
11 CROSS-EXAMINATION

12 BY MR. KANAREK:

13 Q This picture, 12-A, that you say you identified  
14 when you saw Mr. Bugliosi six months ago -- is that correct?

15 A Yes.

16 Q This picture says right on it "Charles Milles  
17 Manson"; right?

18 A But --

19 Q Would you just answer the question, Mr. Hatami?

20 A I haven't seen it yet even before me here.

21 I am not reading the writing. I looked at the pictures.

22 Q I understand that Mr. Bugliosi called you as  
23 a witness and all of that, but would you just answer the  
24 questions, Mr. Hatami?

25 MR. BUGLIOSI: The photograph speaks for itself.

26 MR. KANAREK: Many times in this case, your Honor,

17 fls<sub>2</sub>

Mr. Bugliosi has used a document and said: Does this say this? I am asking for equal protection of the law.

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17-1

1 THE COURT: Objection sustained.

2 MR. KANAREK: You mean I may not ask that, your Honor?

3 THE COURT: The document speaks for itself.

4 Q BY MR. KANAREK: I am asking you, you read  
5 English?

6 A Yes, I do, sir.

7 Q In other words, even though you are from Iran  
8 -- may I finish, Mr. Hatami?

9 A Yes, please.

10 Q You read English?

11 A Yes.

12 Q Now, would you read these words that are on this  
13 picture, when you saw it when Mr. Bugliosi gave it to you,  
14 will you just answer the question?

15 A Yes, I would read that, but your Honor, may I  
16 add something?

17 Q Would you just answer the question at this time?

18 A I mean I read that and I add something because --

19 MR. KANAREK: If you wish to ask the Court.

20 THE COURT: Answer the question.

21 THE WITNESS: I can read this now from this distance  
22 when I'm paying special attention to read and I can see that  
23 Charles Manson, born so and so, "possession marijuana,"  
24 because they are so kind of code style, I did not bother.

25 It is somehow in code. There are things that is  
26 not clear to me what it means, but it is code.

1 MR. KANAREK: Your Honor, I ask that be stricken  
2 because that is not an answer to my question.

3 THE COURT: You asked him if he could read it. The  
4 motion is denied.

5 MR. KANAREK: I am asking him to read every item that  
6 is on here.

7 THE COURT: Ask your next question, Mr. Kanarek.

8 MR. KANAREK: Very well, I will ask this question:

9 Q Would you read for us at the beginning, because  
10 this has to do with his perception, your Honor, and his  
11 ability to read.

12 Would you read for us, and I am not now asking  
13 you to comment, just read for us everything you see in the  
14 bottom of this picture directly across as if you were  
15 reading it, read it into the record.

16 MR. BUGLIOSI: I object on the ground it's irrelevant.

17 MR. KANAREK: It goes to show his perception, his  
18 ability.

19 We are going to make certain motions to the  
20 Court. I think it is most important as to whether or not  
21 the man can read these items.

22 Mr. Bugliosi can make his argument, but on this  
23 issue it's very important.

24 Q Just read.

25 A I can read here:

26 "Charles Milles, 1113434 Charlie, 714 Brn Brn

1 "Cm 1071. 1530 HS Poss Marijuana."

2 Q All right, you have left out the word Manson.  
3 Isn't the word Manson there?

4 THE WITNESS: But, your Honor, Manson is not mentioned  
5 here, Manson, I don't see here any Manson.

6 Q BY MR. KANAREK: You don't see Manson,  
7 M-a-n-s-o-n, on the second line?

8 A I can see a-n-s-o-n. There is no m on this  
9 picture.

10 Q You don't see that?

11 A There is no m, sir.

12 Q Pardon?

13 A There is no m in this picture.

14 Q You notice there is no m?

15 A I am just noticing now, but honestly I couldn't  
16 have time to read this writing when the pictures were shown  
17 to me because I am not judging the pictures by writing. I  
18 just -- the pictures have been shown to me to choose the  
19 resemblance of the pictures with the man I saw that day.

20 Yet I don't know Charles Manson, I haven't seen  
21 him in person.

22 MR. KANAREK: Your Honor, that may be the answer to  
23 some question, but I ask all of that be stricken.

24 THE COURT: Denied.

25 Q BY MR. KANAREK: Then may I ask you this,  
26 Mr. Hatami, do you see on this picture, a-n-s-o-n?

1 MR. BUGLIOSI: That has been answered, your Honor.

2 THE COURT: Sustained.

3 MR. KANAREK: I haven't had an answer to that, your  
4 Honor.

5 THE WITNESS: I --

6 THE COURT: Just a moment.

7 Ask your next question.

8 MR. KANAREK: Very well, your Honor.

9 Q BY MR. KANAREK: Now, do you know, Mr. Hatami,  
10 how many pictures Mr. Bugliosi showed you?

11 A No, I don't remember.

12 Q And is it a fair statement that when Mr. Bugliosi  
13 spoke with you, you say in April of 1970 --

14 A I --

15 Q Let me finish, I haven't finished.

16 -- that you knew the name Manson. You knew  
17 that Charles Manson was arrested in connection with this  
18 case?

19 A Yes.

20 Q You knew that name, right?

21 A Yes.

22 Q And this very picture, 12-A, is a picture that  
23 you say you identified as that of Mr. Manson?

24 A I --

25 Q Would you just answer that?

26 A I did not identify. This is -- I said this is  
the closest resemblance to the man I saw.

17a-1

1 Q And this appears to be the very picture with  
2 the lettering beneath it that Mr. Bugliosi showed you,  
3 right?

4 A Yes.

5 MR. KANAREK: Thank you.

6 Thank you, your Honor, no further questions  
7 at this time.

8 I don't know if Mr. Bugliosi rests or not.

9 THE COURT: Any questions, Mr. Hughes?

10 MR. HUGHES: Yes, your Honor, thank you.

11  
12 CROSS-EXAMINATION

13 BY MR. HUGHES:

14 Q When were you shown these photographs, Mr.  
15 Hatami?

16 A Either at the end of April or beginning of  
17 May, I do not remember.

18 Q At what time during the day?

19 A It was sometime in the morning or in the  
20 afternoon, I don't remember.

21 Q I see, and where was that?

22 A In Mr. Bugliosi's office.

23 Q Here in the Hall of Justice?

24 A Here in the building.

25 Q Room 546?

26 A Pardon?

17a-2

1 Q Room 546?

2 A I do not remember the number.

3 Q Were you wearing glasses?

4 A I beg your pardon?

5 Q Were you wearing glasses?

6 A I wearing glasses? No, I don't.

7 Q How was the viewing set up, were you called in

8 to look at the photographs or what?

9 A The viewing, it was normal for me.

10 Q Were you called in by Mr. Bugliosi? Did you

11 come down on your own?

12 A No, I have been called by his office to come

13 down.

14 Q Who was present when you were shown the

15 photographs?

16 A Mr. Reeves Witson.

17 Q And Mr. Bugliosi?

18 A And Mr. Bugliosi.

19 Q And yourself?

20 A And myself.

21 Q And no one else?

22 A No one else.

23 Q And what was said before you were shown the

24 photographs by Mr. Bugliosi?

25 A I cannot recall the chronological conversation.

26 There was a conversation before, or questioning before or

17a-3 1 showing pictures before or after.

2 Q Did you come in the room and he did not say  
3 anything?

4 A No, he spoke and he asked me about my being  
5 in the house that day.

6 I said yes.

7 He said "Do you remember a man came to the  
8 house?"

9 I said, "Yes."

10 And then I tried to refresh my memory by  
11 thinking more and more in the case about what he was  
12 asking me.

13 Q And did you see where the photographs came  
14 from?

15 A No.

16 Q And you don't recall how many there were?

17 A No.

18 Q And do you recall in what order you were  
19 shown the photographs?

20 A Not a special order.

21 Q Do you recall, were they in a pile, one on  
22 top of the other?

23 A They were one on top of the other.

24 Q And do you recall which photograph was on  
25 top?

26 A No.

17a-4

1 Q Do you recall the picture which has the  
2 legend, Manson, Charles Milles, was on top?

3 A No, it wasn't on top.

4 Q Did you look at the backs of the photographs?

5 A No, because it couldn't be a photographer's  
6 pictures.

7 I mean, I look at the back of pictures when  
8 it is photographer pictures.

9 Q Did you see any writings on the back of any  
10 of the photographs?

11 A I did not look at them.

12 Q Did you say anything while you looked at  
13 photograph No. 1?

14 A No, No. 1 on that pile showed to me? I did not.

15 Q Did you say anything when you looked at  
16 photograph No. 2?

17 A No, I just looked at them once; I went back  
18 again. I looked twice.

19 I just choose the closest resemblance to my  
20 memory.

21 Q How about when you looked at photograph No. 3?

22 A No, I don't recall seeing anything the first  
23 time.

24 Q How about photograph No. 4?

25 A No.

26 Q Did anyone say anything to you when you looked

1 at photograph No. 1?

2 A No.

3 Q Did anybody say anything to you while you  
4 looked at photograph No. 2?

5 A Nothing happened except during my studying the  
6 pictures, not the first time and the second time.

7 When I finished studying and I pointed out  
8 the closest resemblance to the person, then --

9 Q Did you say anything when you picked out the  
10 photograph of Mr. Manson?

11 A No, I just said "That is the closest resem-  
12 blance to the man I saw."

13 Besides I was always pointing out to Mr.  
14 Bugliosi that the man did not have beard, without beard,  
15 "Do you have pictures of him without beard?"

16 This is the closest resemblance to the man.

17 Q Did Mr. Bugliosi say anything in reply to  
18 that?

19 A Mr. Bugliosi -- no, he didn't.

20 Q What first caused you to believe the photo-  
21 graph you picked out was that of the defendant?

22 A I did not know that he is a defendant, and I  
23 did not know that all those pictures shown, that they are  
24 the defendants of any case.

25 There were a lot of pictures shown to me.

26 Q What made you think the photograph you saw

1 was the man you had seen up at the house?

2 A Resemblance, not having seen -- I said the  
3 resemblance.

4 Q Was there some characteristic of his face  
5 that called your attention -- was it his eyes, his jaw,  
6 his eyebrows, his nose, his chin, jaw, scars, something  
7 else?

8 A The physiognomy of the face, I mean the form  
9 of the face which is in that picture closest to my memory  
10 of the person I saw that day.

11 Q Was it triangular shaped, oval? What was the  
12 physiognomy?

13 A How do you call that, oval or triangular,  
14 I don't know, I'm not --

15 Q You are not a physiognomist?

16 A Yes, what you call it, I don't know what it  
17b fls. 17 means.  
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17B-1

1 Q Did you look through the rest of the photographs  
2 once you selected the one that depicted the man you had  
3 seen at the Altobelli house?

4 A Sir, I knew the importance of my selection, or  
5 observation, whatever you may call it.

6 I did not hurry up to judge over the first  
7 pictures I saw, I went through them twice, three times.

8 Q But when you went through the photographs did you  
9 set more than one of them aside?

10 A Not by the curiosity -- by curiosity of  
11 knowing who they are.

12 Q Which ones did you set aside?

13 A The same picture I am curious to know, I didn't  
14 get any answer from Mr. Bugliosi, it was a picture resembling  
15 a painter I knew.

16 Q You don't see that picture there today, do you?

17 A Yes, it's there, but I never got an answer from  
18 Mr. Bugliosi.

19 He said, "Never mind."

20 Q How did you determine that those you did not  
21 select were not the person that you saw at the Tate house?

22 A Would you repeat the question, please?

23 Q How did you determine that the pictures which you  
24 did not select were not the person that you had seen?

25 A The other pictures I did not select, they had  
26 resemblance to the person I saw in the Tate house, I would

1 have pointed out.

2 They did not resemble.

3 Q After you selected the photograph as being the  
4 person you had seen at the Altobelli residence, did anyone  
5 present in the room say anything to you?

6 A No.

7 Q After you made the selection were you told any-  
8 thing about the person whom you had selected or about one of  
9 the defendants in this case?

10 A Would you repeat the question?

11 Q After you made this selection were you told any-  
12 thing about Mr. Manson or any other defendant?

13 A No, I know only the name of Manson and one of the  
14 girls' names, possibly, Susan something, and I did not say  
15 anything.

16 Q Did you ask to see any more photographs?

17 A No.

18 Q Did anyone tell you that you have the right  
19 man?

20 A If anybody told me what?

21 Q Did anyone tell you that you have the right  
22 man?

23 A I remember in one phase that day another  
24 gentleman came into the room, was presented to me as  
25 Mr. Stovitz or something that way pronounce, and they talked  
26 together, Mr. Bugliosi and him.

1 I don't know what they saying together.

2 Q Did Mr. Stovitz tell you that you had selected  
3 the right man?

4 A No, he did not.

5 There were exchange of looks toward each other.

6 Q Can you single out one characteristic in the  
7 photograph that you picked out that is the most important  
8 in your identification, and I will give you the six photo-  
9 graphs again?

10 I will give you all of the photographs.

11 MR. HUGHES: May I approach the witness, your Honor?

12 THE COURT: Yes, you may.

13 MR. HUGHES: Thank you.

14 THE WITNESS: The characteristic, I would say, is  
15 the age and resemblance, because, for instance, this  
16 picture is very young, younger than the person I saw.

17 Q You are referring now, when you hold that, when  
18 you say that picture, which picture -- would you read the  
19 back?

20 A It has no number on it.

21 Q I see.

22 A And this picture also is too young of the person  
23 I saw; this is too old -- older than the one I saw.

24 This is 12-C. This is the picture, 12-F, which  
25 is in the press, of course it is obvious it was Manson's  
26 picture.

1 This were older.

2 This is a younger man than Manson, that man's  
3 age.

4 This is older, and that has not the same face  
5 at all, he is a very tall -- looks like being on a tall  
6 body.

7 This one did not indicate anything to me, this  
8 picture.

9 This is too young.

10 This is the painter which I suspected knowing  
11 him. I did not get an answer.

12 And I did not pay at all attention to this one.  
13 It is a dark picture.

14 This is the age and the resemblance. I would  
15 very much like to see pictures without beard of him if there  
16 is around.

17 Q Did the pictures appear similar then?

18 A No, none of these pictures looked similar.

19 Q So none of the other photographs then had any  
20 of the similar characteristics which you picked out, is  
21 that correct?

22 A Resemblance, I would say, none of them had  
23 the resemblance to the man I saw.

24 Q And did that one photograph of Mr. Manson have  
25 information on it that led you to believe that he had  
26 been arrested?

1 A. Well, it's obvious to me that it was a police  
2 picture.

3 Q That was obvious to you at the time you saw  
4 the pictures in Mr. Bugliosi's office?

5 A. Pardon?

6 Q That was obvious to you when you saw the  
7 pictures in Mr. Bugliosi's office?

8 A. That it was police pictures?

9 Q. Yes.

10 A. Yes.

11 Q And did any dates appear on any of the photo-  
12 graphs?

13 A. I did not look at the writing on any pictures.

14 Q So you did not know when any of those  
15 photographs was taken?

16 A. No.

17 Q Did any of the photographs contain more than  
18 one angle of any of the people that you saw?

19 A. I mean this is the same pictures of the same  
20 person in two different angles, is that what you mean?

21 Q. Yes.

22 A. I saw a resemblance on one picture to another,  
23 and this is the two.

24 This is because of long hair. They are not the  
25 same person possibly, I don't know -- no, they are not the  
26 same person.

1 MR. HUGHES: May I approach the witness?

2 THE COURT: Yes.

3 Q BY MR. HUGHES: Now, referring now to 12-E and  
4 12-F, is that right?

5 A Yes.

6 Q Is there a similar physiognomy on those two  
7 people?

8 A The beard.

9 Q Does there appear to be similar structure?

10 A There is.

11 Q Similar nose?

12 A There is.

13 Q Similar chin?

14 A It's covered by a beard. You cannot see.

15 Q Similar color hair?

16 A They are black-and-white pictures.

17 Q Similar tone according to the black-and-white?

18 A No, they are not similar tone.

19 Q The pictures are of different grain  
20 and quality?

21 A They are of different grain and quality.

22 Q Is it difficult for you to tell if it's similar  
23 tone of the hair?

24 A I think I can say more that the eyes do not have the  
25 same lighting on, it could look different.

26 They have the same long hair, but it is not the

1 same person.

2 I mean, I cannot say that they are the same  
3 person because there is no resemblance except the hair and  
4 beard.

5 The faces are different, the construction of the  
6 face are different.

7 Q Is it more likely that you saw at the Altobelli's  
8 residence, that you saw the person depicted in 12-G or the  
9 person depicted in 12-F?

10 A None of them, because they both have beard and  
11 the person I saw there did not have beard.

12 Q Going by the rest of the physiognomy is it  
13 more likely in your mind that you saw the person depicted  
14 in this photograph, 12-F, or this photograph, 12-E?

15 A None of them.

16 Q You are unable to tell?

17 A No, I am unable to tell.

XBN 18-11

Q How many of the photographs there before you have beards?

A How many?

Q How many of the photographs before you have beards, depict a person wearing a beard?

A How many of the photographs here?

Q Yes.

A There are two, if you call yours a beard and you call this a beard. They are not the same.

This is a small beard. You have a big one.

Q Two of them have full beards and two of them have small beards?

A Yes, that is what they look like, yes.

MR. KANAREK: If I may, your Honor?

In order to perpetuate the record, your Honor, each of his identifications will be lost so far as the record is concerned unless we mark it for identification, unless we mark the back of the pictures that are not yet marked.

May they be marked, your Honor, so it isn't lost in the record?

THE COURT: This is Mr. Hughes' examination.

MR. HUGHES: If you would like to recross again, Mr. Kanarek, perhaps his Honor would allow you to.

Q How many of the pictures that you see there do the people have long hair?

18-2

1 A It depends on what you call long hair.

2 Q What do you call long hair, sir?

3 A Well, long hair? I think Manson's hair is  
4 long hair, the photographs of Manson.

5 Q How many people have hair as long as that  
6 photograph?

7 Is that 12-F, sir?

8 A Only two persons here.

9 Q Only two persons?

10 A Yes. As long as that one.

11 Q How many persons in the photographs appear to  
12 be of the same height?

13 A It is a portrait, it is a close-up, and you  
14 can't say.

15 Q But some of them you were able to tell, is  
16 that right, that they were taller?

17 A Yes.

18 I can say these two men are. They definitely  
19 are taller than me.

20 Q Is that because they have a lanky physiognomy  
21 in their face?

22 A Yes, and also a long neck.

23 There is a certain proportion to a human's  
24 body.

25 Q How many people of the photographs before  
26 you, Mr. Hatami, appear to be of the same age?

18-3

1 A Would you repeat that?

2 Q How many of the people depicted in those  
3 photographs appear to be the same age?

4 A They are close to each other, I could say, but  
5 I can't say the same age.

6 To my observation, maybe it is not the same  
7 as yours, but these two, maybe they have a close age to  
8 each other.

9 Q How old would those two appear to you to be?

10 A Between 20 to 24.

11 Q Now, directing your attention to Mr. Manson's  
12 picture, 12-F. I believe it is on your left there.

13 How old would the person in that picture appear  
14 to be?

15 A It could be anything from 28 to 38.

16 MR. KANAREK: Your Honor, I know it is Mr. Hughes'  
17 examination, but I think due process allows us to have a  
18 complete record, and I would ask that it be marked so that  
19 we can have some kind of identification.

18a fls.

8a-1

1 THE COURT: They have been marked.

2 MR. KANAREK: Well, there are some there that  
3 have not been that he is referring to in this examination,  
4 your Honor. They are not marked and the record is lost.  
5 We have nothing to refer to that we can tie into.

6 MR. HUGHES: May I approach the witness, your Honor?

7 MR. KANAREK: May they be, your Honor? I make a  
8 motion that the rest be marked.

9 MR. HUGHES: Q Directing your attention to  
10 12-G.

11 Will you tell us how old the person/<sup>in</sup>that photo-  
12 graph appears to be?

13 A Because he has a beard, he can be anything  
14 between 25 to 35.

15 MR. HUGHES: Your Honor, I have several of these  
16 photographs that I would like to mark. What is the next in  
17 order, please?

18 THE CLERK: It will be 12-A to 12-L.

19 THE COURT: We will have to see how many have been  
20 marked with the letters, Mr. Hughes, and we can start from  
21 there.

22 THE CLERK: The People marked A to F.

23 THE COURT: The next will be G.

24 MR. HUGHES: There is one already marked 12-G, your  
25 Honor.

26 THE COURT: 12-H.

(Mr. Hughes marks on the back of the photograph.)

MR. HUGHES: This is a double mugshot of a male Caucasian, marked 12-H.

Q How old does this gentleman appear to be, Mr. Hatami?

A 12-H? Between 20 to 24.

Q And would you say that his hair is as long as the hair depicted in photograph 12-F?

A No, 12-F is longer than 12-H.

Q And does the gentleman depicted in that photograph, 12-H, appear to be much younger than the person depicted in 12-F?

A Obviously.

Q And does he appear to be of a different height, judging by his physiognomy and his neck?

A Different height?

He looks to me shorter than these pictures, than the man on 12-H.

MR. HUGHES: Your Honor, I have another photograph. 12-I? A male Caucasian. May it be so marked, 12-I?

THE COURT: It may be so marked.

(Mr. Hughes marks the photograph.)

MR. HUGHES: Q Differentiating, now, between 12-H and 12-I. Does the gentleman depicted in 12-I appear to be much younger than the person depicted in 12-F?

1 A 12-I is much younger.

2 Q Can you tell us anything about what you suspect  
3 his height would be?

4 A I can't. It is not a very precise picture.  
5 It only shows the neck. It doesn't go below the neck as  
6 does this one.

7 This one goes just to the chest.

8 Q You are talking about 12-H now?

9 A I am talking about 12-H.

10 12-H doesn't show -- 12-I doesn't show  
11 more than the neck, and the neck is covered by the numbers.

8b

18b-1

1 MR. HUGHES: May I mark the next photograph 12-J,  
2 your Honor?

3 THE COURT: You may.

12-J

4 THE WITNESS: 12-J?

5 MR. HUGHES: Yes, 12-J.

6 THE WITNESS: All right.

7 (Whereupon Mr. Hughes marks the photograph.)

8 BY MR. HUGHES:

9 Q Now, that photograph, sir, 12-G, does the  
10 person appear to be much younger than the person depicted  
11 in 12-F?

12 A They could be almost the same age. Around the  
13 same age.

14 Q That is the age from 25 to 35?

15 A I wouldn't say 25 to 35. I would say 30 to 35.

16 Q I see.

17 Is there anything else you can tell us about  
18 this photograph as to the height or any other characteris-  
19 tics of the man depicted in 12-J?

20 A He is not very short. I mean, with this head,  
21 he could be taller than --

22 Q Does the man appear to have short hair?

23 A He has short hair, yes.

24 Q Does the man appear to be partially bearded?

25 A Yes.

26 MR. HUGHES: May I mark the next photograph 12-K,

18b-2

1 your Honor?

2 THE COURT: You may.

3 (Mr. Hughes marks the photograph.)

12-K

4 BY MR. HUGHES:

5 Q Referring you now to 12-K, Mr. Hatami.

6 Will you tell us the relative age of that  
7 gentleman, in your estimation?

8 A In my estimation?

9 Q Yes.

10 A The age, 21 to 28, 29.

11 Q Does that picture have the markings underneath  
12 "Robert Beausoleil"?

13 A It is "Beausoleil, Robert."

14 Q Does he appear to have a light beard; a small  
15 goatee, but fairly light?

16 A It is fairly light.

17 That is why the determination of age is not  
18 terribly easy, because blond people are more difficult  
19 to judge their age than darker people.

20 Q Does he appear to have any different color hair  
21 on the face than this picture of 12-F?

22 A 12-K has a lighter complexion of hair than --  
23 what is this one?

24 Q 12-F.

25 A Than 12-F.

26 Q Does he appear to have freckles?

18b-3

1 A Yes.

2 Q Did the man you saw at the Altabelli house  
3 have freckles?

4 A I wasn't that close as I am to that picture.  
5 I don't remember.

6 MR. HUGHES: May I mark the next photograph 12-L,  
7 your Honor?

8 THE COURT: Yes, you may.

12-L

9 (Mr. Hughes marks the photograph.)

10 BY MR. HUGHES:

11 Q Referring you now to 12-L.

12 I believe you previously picked this picture  
13 up and said the man appeared tall; is that correct?

14 A I never said so. If I said so, I don't remember.

15 Q Does this man appear to have short hair?

16 A He obviously has short hair.

17 Q Does he appear to have some very light beard  
18 on his face?

19 A He has.

20 Q Would you tell us how old he appears, sir?

21 A Here, anything between 22 to 26, 27, 29.

22 I can't really judge the age of blond people.  
23 They can look younger than they are.

18c fls. 24

25

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18c-1 1

2 Q Would it have aided in the identification of  
3 the person who you saw if you could have seen him in  
4 person?

5 A I didn't get the first part of the question.

6 Q Would it have helped you, Mr. Hatami --

7 A What has helped me to identify the pictures?

8 Q -- if you had seen rather than photographs,  
9 if you had seen five, six, seven people in a lineup,  
10 alive, live people in a lineup, Mr. Hatami, would that have  
11 helped you?

12 A If he doesn't have a beard,

13 I mean, if you are referring to the case and  
14 to the person, I find the resemblance close.

15 Q If you would have had your choice, Mr. Hatami,  
16 would you have preferred to have identified people from  
17 a photograph or in person?

18 A I would say photographs are quite -- as a  
19 photographer, they could give me indication, but if a  
20 person would be there, I would recognize them. I mean,  
21 if the conditions are the same as I have seen them.

22 Q Would it have aided you in seeing full length  
23 pictures, full length pictures of all the people that you  
24 see there?

25 A If we are looking for the height, it would have.  
26 Not the resemblance.

Q Would it have aided you if you had seen these

1 photographs closer to the time of the actual viewing of  
2 this person who you saw at the Altabelli residence?

3 A Would you say that again?

4 Q Would it have helped you if it had been before  
5 April, if it had been in August or September of last year?

6 A August and September of last year?

7 It would be, of course, much easier to say  
8 that is the man, without saying the resemblance, because  
9 time and my detachment, I wasn't interested in the case,  
10 I wasn't after anything, I didn't care, I don't care  
11 who was it.

12 Q The image of the person's face that you saw  
13 was clearer in your mind in September; is that correct?

14 A I don't get your question. I'm sorry.

15 Q You saw a person at the Altabelli house.  
16 Now, is his image in your mind, is it clearer now, or  
17 was it clearer last September?

18 A I was not looking for any resemblance of anybody  
19 last September to anything. So, I have not a precise memory  
20 of relating anything to anything else.

21 Q Was it clearer last March 16th?

22 A March 16th?

23 Q A year ago, a year ago March 16th, 1969, than  
24 it is --

25 A I don't remember March 16th, 1969, what I was  
26 doing or what was happening.

1 I don't remember the exact date of Sharon's  
2 packing, or I was filming her, the man that came to the  
3 yard. I don't remember the exact date.

4 So, you are trying to ask me the exact date  
5 of the situation.

18d fls.

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18D  
1 Q All right.

2 Was it clearer the day after you saw this  
3 person than it is now, your image of him?

4 A How can I say when it is about a year and  
5 something, two years, almost passed? A year and a half,  
6 I would say. March, '69. We are at October, '70. It is  
7 far away, very far away.

8 Q So, you could conjure an image of him better  
9 the day after you saw him than you can now; is that correct?

10 A That is obvious, what you are trying to get at,  
11 and I answered you.

12 MR. HUGHES: No further questions, your Honor, at  
13 this point.

14 MR. KANAREK: Yes, your Honor, I have some questions,  
15 in view of this examination I have some further questions.

16 I would like to identify his remarks in  
17 connection with those photographs that now are marked, your  
18 Honor.

19 THE COURT: How do you propose to do that?

20 MR. KANAREK: By asking him once again to go through  
21 the photographs that were then unmarked and indicate his  
22 comments with a marking as he does it from the witness stand.

23 THE COURT: I think it was adequately covered by  
24 Mr. Hughes.

25 I want to ask Mr. Hatami some questions.  
26

## EXAMINATION

BY THE COURT:

Q Mr. Hatami, you first saw the man, or you saw the man the only time in March of '69; is that right?

A It was the time Sharon left. I do not remember.

Q Somewhere around March, '69?

A The end of March.

Q And you saw these photographs in April of 1970; right?

A Yes. Around the end of the period, or maybe early May.

Q Of this year?

A Yes.

Q Now, in between that time, did you have any occasion to recall this man?

A No. Not especially for relating him to any special happening or events.

Q Well, do you recall thinking about him at all during that period?

A Not really.

Q When did you first think that the man that you saw in 1969 might have some connection with the killing of Sharon Tate?

A When I been asked by the District Attorney's office to come to see them, and when they tried to find out by refreshing my memory of that day, I realized there

1 should be a connection of the man they are trying to  
2 nail down with the killing of Sharon Tate.

3 Q Now, on the day before you were shown the  
4 photographs in April or May of 1970, do you think that you  
5 had a clear mental picture of what this man looked like?

6 A A resemblance, your Honor.

7 Q You think that you would have been able to  
8 identify him from among a group of people on the day that  
9 you saw the pictures?

10 A What, your Honor?

11 Q You saw the pictures in April or May of this  
12 year?

13 A Yes.

14 Q Now, think back to the day before that.

15 If you had seen this man in a group of people,  
16 would you have been able to recognize him?

17 A If that man, your Honor, had the same physical  
18 setup. I mean, if he had that hair. Yes, I would.

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18E

18e-1 1 Q On that day, would you have had such a clear  
2 mental picture of this man that you could have picked him  
3 out of a group of people?

4 A Yes, sir.

5 Q You are sure of that?

6 A Yes.

7 Q Do you have a clear mental picture of that man  
8 now as you saw him in March of 1969?

9 A Not clear. A resemblance more.

10 I can say clear when I have seen my people, the  
11 people that I have seen very, very often. That is very  
12 clear. But people I don't know, it would be a resemblance,  
13 your Honor. It wouldn't be that sharp. With the exception,  
14 if there is a personal contact, if there is good conver-  
15 sation or a bad conversation, or something happening between  
16 me and him, I would remember him clearly. But if it didn't  
17 happen something very precisely or did not provoke my  
18 instinct to remember him, if I did not have any special  
19 reason to remember him later on, then I am asked did I see  
20 someone come to the house, I remember, because I interrupted  
21 my filming, because I was in the house, because I did what  
22 I said I did.

23 Q But you had no reason to pay any particular  
24 attention to this man?

25 A No, I did not have any reason that day or that  
26 time to give any particular attention to that.

1 Q And it was a year later that you were asked to  
2 identify him?

3 A Yes.

4 Not identify him. I been questioned about my  
5 memory of that, and I told the District Attorney, and then  
6 I been shown the pictures, and I picked out the pictures  
7 with the closest resemblance to the man that I saw that day.

8 Q Is the mental picture that you have now,  
9 Mr. Hatami, the mental picture of the man as you saw him  
10 in 1969, or is it a mental picture of someone that you saw  
11 in a photograph?

12 A Your Honor, would you allow me to insist that  
13 this picture has a beard, and that one did not, and yet,  
14 with this beard, the physical resemblance is the closest to  
15 all these pictures to the man that I saw that day.

16 Q Are you able to say that any one of those men  
17 in any of those pictures is the man that you saw in 1969?

18 A The resemblance, the closest resemblance, I  
19 would say, is the pictures that I pointed out.

20 You know, sir, the face changed very much.

21 My face, if I grow a beard, I would look  
22 different. My long hair, maybe, makes people not recognize  
23 me now.

24 Q But you are not able to say with assurance that  
25 any one of those men in that picture is the man that you saw?

26 A The assurance is the closest resemblance, yes,

1 but I can't say it is the man, because that man did not have  
2 a beard. But the resemblance is very close. It is what  
3 makes me to say it is the closest resemblance to the man  
4 that I saw that day.

5 Q At the time you saw the photographs, were you  
6 told that any of the men in the photographs were in custody?

7 A I have not been told, sir, but I could presume  
8 they have, those with the marks and writing on them.  
9 I could presume that they have been the one in custody of  
10 Justice or the police.

11 Q You weren't told that, though?

12 A I have not been told, sir.

18f

18f-1

1 Q Were you told that anyone had been arrested?

2 A Not during that visit, that meeting with the  
3 District Attorney, and not the people that asked me to  
4 come over here.

5 I didn't know the reason that I am asked to  
6 come over.

7 THE COURT: All right.

8 Any other questions?

9 MR. KANAREK: Not at this time of this witness, your  
10 Honor, in view of your Honor's ruling.

11 THE COURT: In view of what?

12 MR. KANAREK: I have asked to be allowed to interrogate  
13 so that he would be able to go through the pictures.

14 THE COURT: You cross-examined at length, Mr. Kanarek,  
15 as did other counsel that wanted to.

16 MR. KANAREK: Yes.

17 It is my position that : the parts of this  
18 record where he said "this picture" "that picture" is not  
19 tied down to any picture, and I ask that I merely be  
20 allowed to go through and see that that is done, your Honor.

21 THE COURT: I think it has been fully covered, Mr.  
22 Kanarek.

23 Anything further, Mr. Bugliosi?

24 MR. BUGLIOSI: No. Other than I would ask, request,  
25 an in-court identification at this time.

26 MR. KANAREK: I would object. We haven't finished this

18f-2

1 hearing yet.

2 THE COURT: Do you wish to argue the motion?

3 MR. KANAREK: Your Honor, we haven't finished the  
4 hearing, have we?

5 I would like this witness excused from the  
6 room, and I want to call Mr. Bugliosi as a witness in  
7 connection with the voir dire, in connection with this  
8 evidentiary hearing.

9 THE COURT: Very well.

10 You may step down, Mr. Hatami.

11 MR. BUGLIOSI: We are getting a little too cavalier  
12 about calling the prosecutor to the witness stand, your  
13 Honor.

14 Unless the Court sees some particular reason for  
15 it, I want to get on with this trial.

16 THE COURT: Have the People rested on your motion?

17 MR. BUGLIOSI: Yes, but I want to argue the issue.

18 I think we are dealing with two basic issues  
19 here.

20 THE COURT: Just a moment, sir.

21 The defendants have a right to put on whatever  
22 evidence they want.

23 Proceed, Mr. Fitzgerald.

24 MR. FITZGERALD: Yes, your Honor.

25 Could we call Mr. Bugliosi?

26 THE COURT: Very well.

18f-3

1 MR. BUGLIOSI: I would request an offer of proof,  
2 your Honor.

3 THE COURT: Well, if I understand the witness's  
4 testimony, you did participate in the showing of the  
5 photographs to the witness, Mr. Bugliosi. It is fairly  
6 obvious that defense counsel wants to go into it.

7 MR. BUGLIOSI: I have spoken to about 70 or 80  
8 witnesses. I don't particularly care to take the witness  
9 stand every time Mr. Kanarek wants to talk to me. I want  
10 to get on with the trial.

11 THE COURT: There is a simple solution. We can  
12 suppress the evidence.

13 MR. BUGLIOSI: I have no intent not to put on the  
14 evidence, your Honor. It is very valuable evidence.

15 THE COURT: All right, proceed.

16  
17 VINCENT BUGLIOSI,  
18 called as a witness by the defendants herein, for the  
19 purpose of this evidentiary hearing, having previously been  
20 sworn.

21  
22 DIRECT EXAMINATION

23 BY MR. FITZGERALD:

24 Q What is your business or occupation?

25 MR. KANAREK: May he be sworn, your Honor?

26 THE CLERK: He has already been sworn.

1 BY MR. FITZGERALD:

2 Q Are you in charge of the prosecution of the  
3 case of People vs. Manson, et al.?

4 A I guess you could say that.

5 Q In connection with your duties thereto and  
6 therewith, did you have occasion to interview the preceding  
7 witness in your office in the month of April, 1970?

8 A Yes. April or March, I don't remember the  
9 exact month.

10 Q And was that the first time that you had spoken  
11 with this witness?

12 A Yes.

13 Q Did you direct that he be present at your office  
14 at a particular time?

15 A Yes.

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26  
18g fls.

18g-1

Q And how did you do so? Did you have a police officer contact him, or did you contact him by phone?

MR. MUSICH: I object to the question as immaterial, your Honor, how he got there.

MR. FITZGERALD: It is just foundational, your Honor.

THE WITNESS: I learned about the existence of Mr. Hatami from Rudy Altobelli, and at that time I contacted the LAPD and I told them to find Hatami and bring him to my office.

And Reeves Witson, a friend of Mr. Hatami, and Mr. Hatami appeared in my office.

MR. FITZGERALD: Q Do you recall the date?

A No.

Q Do you recall the time of day?

A I think it was around noon, if I am not mistaken.

Q Did you interview Mr. Hatami?

A Yes.

Q Did you show him some photographs before you interviewed him, during the time you interviewed him, or after?

A If my recollection is correct, he first related the incident, and it was after that that I showed him approximately 12 photographs.

Q And where did you obtain those photographs?

A From my file cabinet.

18g2

1 Q And were those photographs of particular  
2 persons?

3 A Yes.

4 Q And who were those photographs of, if they  
5 can be referred to generically?

6 A All of them, I believe, are members of the  
7 Family.

8 I had another photograph here, I don't know  
9 who this individual is, but the rest of them were all  
10 members of the Family.

11 MR. KANAREK: May that be marked, your Honor, where he  
12 says -- where he had in his hand a photograph?

13 THE WITNESS: This photograph is 12-H.

14 I had it in my tubs, but I don't know this  
15 gentleman.

16 MR. FITZGERALD: Q Generically, then, could we  
17 refer to them as male members of the alleged Manson Family?

18 A Well, there is a photograph here of Juan Flynn.  
19 It is my understanding that Mr. Flynn is not a member of the  
20 Family. He associated with them and lived with them out at  
21 Spahn Ranch.

22 The rest of them, I believe, are members of the  
23 Family.

24 Q There is a photograph there, however, of Shorty  
25 Shay, is there not?

26 A Yes.

1 Q He was not a member of the Family or so-called  
2 Manson Family, was he?

3 A My understanding is that Mr. Shay possibly was a  
4 member of the Family.

5 Q I see.

6 A I would say more so than Juan Flynn.

7 Q Now, during the course of the interview you had  
8 with Mr. Hatami, did Mr. Hatami describe a person he had  
9 seen at the location of the Polanski residence during the  
10 month of March of 1969?

11 A Yes.

18H

18h-1

1 Q And did he describe that person as being a  
2 male Caucasian?

3 A I believe so.

4 Q And did he give you a height and weight?

5 A Yes.

6 He said that the man was about the same height  
7 as Roman Polanski.

8 And I asked him to stand up. And he said the  
9 man came up to his chin.

10 Q Did he describe the man he allegedly saw at  
11 the Polanski residence as having some particular type or  
12 kind of hair on his head?

13 A I believe he said hippie-type hair. It wasn't  
14 exceptionally long, it wasn't shoulder length, but it was  
15 definitely long hair.

16 Q And did he describe the facial hair of the  
17 person he thought he saw at the Tate residence or the  
18 Polanski residence?

19 A He said the man had a short stubby beard but  
20 not any visible growth.

21 Q And did he describe the weight of the  
22 individual?

23 A He said he was thin but not skinny.

24 He differentiated between skinny and thin,  
25 as I recall.

26 Q Did you ask him to estimate his weight?

18h-2

1 A I believe he said he was rather light.

2 Q Pursuant to your duties as a Deputy District  
3 Attorney assigned to this case, ~~have also~~ you taken on certain  
4 investigatory duties ~~also~~?

5 A That would almost be an understatement.

6 Q You mean you have done a great deal of investiga-  
7 tion?

8 A Unquestionably.

9 Q Now, in connection with your investigatory  
10 duties, were you aware that you could avail yourself of  
11 the facilities of the Los Angeles Police Department and  
12 the Los Angeles County Sheriff's Office?

13 A I did.

14 Q How long have you been a Deputy District Attorney,  
15 Mr. Bugliosi?

16 A Six years.

17 Q And I take it, in that period of time, you have  
18 prosecuted a number of cases?

19 A Right.

20 Q And you are familiar with what are referred to  
21 as mug shots, are you not?

22 A Yes.

23 Q And you are familiar with the fact that the  
24 Los Angeles Police Department and the Los Angeles County  
25 Sheriff's Office have numerous mug shots and mug books,  
26 are you not?

1 A Yes.

2 Q You are also aware that there is within Los  
3 Angeles County a Los Angeles County Jail, are you not?

4 A Right.

5 Q And you were also aware at the time that you  
6 interviewed Mr. Hatami that there were approximately 10,400  
7 inmates in the Los Angeles County Jail, were you not?

8 A I didn't know how many were there.

19 fls.

19-1

1 Q But you know there were a lot?

2 MR. MUSICH: I object to this line of questioning,  
3 it has no relevancy to the issues.

4 MR. FITZGERALD: I think I can take it up right now.

5 Q BY MR. FITZGERALD: Was there any reason, then,  
6 Mr. Bugliosi, that you did not utilize mugshots of the  
7 Los Angeles Police Department, or mugshots of the Los Angeles  
8 County Sheriff's Office in presenting this witness with a  
9 number of photographs from which he could select the person  
10 he allegedly saw at the Polanski residence in March?

11 MR. KAY: Your Honor, I object to that question --

12 THE WITNESS: Let me answer that.

13 I received these mugshots from the Los Angeles  
14 Police Department. Where do you think I got them?

15 That's okay, Steve.

16 Q BY MR. FITZGERALD: Did you attempt to present  
17 a fair selection of mugshots to the witness?

18 A Yes.

19 Q Did you, for example, present him with mugshots  
20 that contained persons who had long hippie-type hair?

21 A Yes, about five or six of these have kind of long  
22 hair.

23 Q Directing your attention to the long-haired  
24 photograph of Mr. Manson, is there any other photograph  
25 that has hair that long?

26 A Well, Thomas Wallerman has long hair. It's not

1 as thick as Mr. Manson's, but it's pretty long.

2 Q Mr. Wallerman has a decidedly receding hairline,  
3 does he not?

4 A Yes, yes.

5 Bruce Davis has hair almost as long.

6 Paul Watkins, his hair is almost as long.

7 Robert Beausoleil, his hair is fairly long.

8 Do you want me to volunteer a particular point,  
9 Paul?

10 Q Well --

11 A It might be applicable.

12 Q Go ahead.

13 A I wasn't too concerned with Mr. Hatami's  
14 identification.

15 I would have been satisfied with testimony on  
16 his part that there was a resemblance, because the man whom  
17 he sent to the back house, I had already learned from Rudy  
18 Altobelli, that that man was definitely Charles Manson  
19 and they were talking about the same day, because Altobelli  
20 said that the day that a man was sent back there was the day  
21 that Sharon was packing to go to Rome.

22 Now, Rudy Altobelli told me that he had already  
23 met Manson at Dennis Wilson's place several months earlier,  
24 so there is no question about the identification.

25 To be ultra fair I did not even have any lineup  
26 with Mr. Manson in it.

1 I decided to bring Mr. Manson into court for  
2 the first time and show him to Mr. Hatami.

3 For all I know Hatami might say that Manson is  
4 not the man.

5 That is even more fair than the commandments,  
6 I would say, of Wade and Gilbert, the Supreme Court cases.

7 Q But had you so chosen, you could have had a  
8 lineup conducted by the Los Angeles County Sheriff's Office  
9 or the Los Angeles Police Department?

10 A Yes.

11 Q I am sure in your experience you have found  
12 that you are able to duplicate persons in terms of height,  
13 weight, age and race, are you?

14 A Yes, if I were to have a lineup, I would have  
15 contacted the Los Angeles Police Department and they would  
16 have arranged for it.

17 But I thought it is even more fair not to have  
18 even any lineup at all, and have Mr. Manson walk into court  
19 and have Hatami look at him for the first time in front of  
20 a jury.

21 I think that is eminently more fair than that  
22 which is required.

23 MR. KANAREK: Your Honor, I guess it is sort of an  
24 argument, too.

25 I don't know, is this testimony?

26 MR. FITZGERALD: I have no further questions.

1 THE COURT: I'm not sure what it is.

2  
3 CROSS-EXAMINATION

4 BY MR. SHINN:

5 Q Mr. Bugliosi, you showed these pictures to  
6 Mr. Hatami, would it be fair to say you had two pictures of  
7 Mr. Manson and one of all the others?

8 A It appears that way there. This was not a  
9 deliberate act on my part.

10 However, you will notice that these two pictures  
11 of Manson are completely different.

12 If it did anything, it would be favorable to  
13 the defense because these pictures, if you look at them,  
14 they are completely different, the hair style and everything.

15 Q Yes, but by looking at those pictures there is  
16 no two pictures of anyone else, is there?

17 A Yes, that's right. Well, there are two photos  
18 of this one man here.

19 Q This one picture, side view and front view?

20 A Yes.

21 Q Was there any reason for putting these two  
22 pictures of Mr. Manson --

23 A No, it was not a deliberate act on my part,  
24 but I have more photographs of Mr. Manson than of the other  
25 members of the Family. That is probably how it got in there.

26 Q Don't you think it's kind of unfair to

1 Mr. Manson to have two pictures and only one picture of the  
2 others, of the other persons?

3 MR. KAY: I will object to that, argumentative.

4 THE COURT: Sustained.

5 MR. SHINN: No further questions.

7 CROSS-EXAMINATION

8 BY MR. KANAREK:

9 Q Mr. Bugliosi, you are telling us that you feel  
10 that it's fair --

11 THE COURT: Let's not get into that. That is some-  
12 thing the Court has to decide.

13 MR. KANAREK: He stated this from the witness stand,  
14 your Honor.

15 THE COURT: I know he stated it.

16 Get on to something else.

17 MR. KANAREK: Your Honor is not going to consider that  
18 as evidence?

19 THE COURT: No, I am not.

20 MR. KANAREK: Very well, your Honor.

21 May I approach the witness, your Honor?

22 THE COURT: For what purpose?

23 MR. KANAREK: I wanted to discuss these pictures, your  
24 Honor.

25 THE COURT: Very well.

26 Q BY MR. KANAREK: Mr. Bugliosi, is it a fair

1 statement that you do not know whether these are in fact the  
2 pictures that you showed Mr. Hatami, is that correct?

3 A As a fact, no, but as a very firm belief,  
4 because I remember these were the size of the photos I  
5 showed him, and I remember exactly where I got them in my  
6 tubs, and I went back there at noontime and took the same  
7 photos out.

8 Q But you cannot testify that these are the same  
9 pictures?

10 A No, I will not wager my life on it, no.

11 Q I'm not asking you --

12 A I'm telling you that is my belief, I have a  
13 very strong belief those are the photographs.

14 Q But you cannot say that they are?

15 A Not positively, no.

16 Q And you did not do anything to preserve for  
17 this Court, for all of us, the exact pictures that you showed  
18 Mr. Hatami?

19 A I put those photographs back where I found them,  
20 and then I did at noon time, I took the same photographs  
21 out.

22 Now, conceivably someone could have entered  
23 my tubs during this interlude, from the time I spoke to  
24 Hatami and today, and removed one of the photographs and  
25 substituted another one.

26 That is always possible. I did not do it myself.

1 Q All right, now, did you cause Mr. Hatami's  
2 conversation with you to be recorded?

3 A No.

4 Q Did you cause a stenographic reporter to come  
5 in and take down any notes concerning your conversation with  
6 Mr. Hatami?

7 A Yes, I dictated a conversation and under the  
8 disclosure order I gave you a copy of my conversation with  
9 Hatami.

10 Q I am talking about when you were vis-a-vis --

11 A No, there was no one else there, just Reeves  
12 Witson, myself and Mr. Hatami, no other reporter there.

13 Q Like the court reporter here?

14 A Right, there was no reporter.

15 Q And at that time you were cognizant of the law  
16 in connection with Wade and Gilbert and similar cases, is  
17 that right?

18 A Yes, yes.

19

20

21

22

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26

9A 1 Q And your state of mind was such that you  
2 recognized there could conceivably be the type of  
3 evidentiary hearing that we are now having, is that  
4 right?

5 A I don't know if I thought of it at that  
6 particular moment but I was aware of the Wade and Gilbert  
7 cases. Actually the applicable case is Simmons vs.  
8 United States, really.

9 Q But you were very well --

10 A I am aware of the law, yes.

11 Q And knowledgeable of the fact that the Court  
12 says in these types of matters we may have evidentiary  
13 hearings?

14 A Yes.

15 Q Is it a fair statement that at the time you  
16 spoke to Mr. Hatami you knew of his affection for Sharon  
17 Tate?

18 A Yes, he said she was a very beautiful woman in  
19 more ways than one, <sup>not</sup> just facially, but a very beautiful  
20 person.

21 Q And you knew that he knew that the name Charles  
22 Manson was of a person who had been arrested in this case?

23 A I don't even know if I asked him that. I think  
24 everyone knew that, and I probably inferred that he knew.

25 Q And Mr. Manson was a person --

26 A Right.

1 Q -- who was arrested for the very crime you were  
2 talking to him about, is that right?

3 A I inferred that. I don't know whether I actually  
4 had a discussion with him, I just assumed that he must have  
5 known it.

6 Q And there is some probability that --

7 A This was a year later and --

8 Q And there is some probability you discussed the  
9 name Manson with him, right?

10 A I don't believe I discussed the name Manson  
11 with him.

12 I think the only name I mentioned with him was  
13 Terry Melcher, because he mentioned that the man was looking  
14 for someone and he could not remember the name. He was not  
15 familiar with it, and I asked him does the name, Terry  
16 Melcher, ring a bell? And he said no.

17 Q Well, but you and he, the name Charles Manson may  
18 have been in your discussion with him, right?

19 A It may have been, but I doubt it.

20 Q Well, there is some probability it could have  
21 been?

22 A There is a possibility, not a probability.

23 Q Well, then, I show you the picture that you,  
24 this 12-A, and I show you --

25 A Yes, I'm looking at it, yes.

26 Q 12-A?

1 A Yes, I have it.

2 Q All right, now, and that picture has Mr. Manson's  
3 name on it beginning a-n-s-o-n?

4 A If you were to look at it you would think the  
5 man's name was Charles Milles.

6 Way over to the left it says a-n-s-o-n.

7 It does not say Manson. There are two other  
8 photographs that also have names below them.

9 Q Well, that might -- everything you say may be  
10 so, Mr. Bugliosi, but is it a fact that that 12-A with the  
11 A Charles M-i-l-l-e-s, Manson, that that picture was given  
12 by you at a time when you have spoken of that, you spoke  
13 with Mr. Hatami, is that right?

14 A Well, yes, I did not give it to him, I showed  
15 him 12 photographs and he picked out this photograph here.

16 Q And those words that are on that photograph  
17 were on that photograph then, right?

18 A Yes.

19 Q And you and he had the conversations which you  
20 have spoken of?

21 A Right.

22 MR. KANAREK: Thank you.

23 Thank you, your Honor.

24 MR. HUGHES: No questions, your Honor.

25

26

## EXAMINATION

BY THE COURT:

Q Mr. Bugliosi, how many photographs were shown to Mr. Hatami?

A I believe those 12 right there, your Honor.

Q You heard him testify that there were more?

A I don't know if he said there were more.

He identified six out of that group. He recognized six, but he said he was shown more than the six.

I don't remember him saying he was shown more than 12. He may have.

Q I take it you are not sure how many were shown.

A I believe just 12, that is my recollection.

Q You are not sure of which 12?

A I believe these are the 12 right here.

Q You say you believe. You also indicated that it might not be the fact.

A That's right, there is always a possibility that someone could have removed one of those pictures that I showed him and substituted another one.

But I doubt that very much. It's extremely doubtful.

THE COURT: Any further questions?

MR. KAY: May I ask a couple of questions for clarification?

## REDIRECT EXAMINATION

1  
2 BY MR. KAY:

3 Q Mr. Bugliosi, when you say these photographs  
4 were in your tubs, would you explain to the Judge exactly  
5 what you mean by that?

6 A File cabinet.

7 Q And these file cabinets are located in your  
8 office?

9 A Right.

10 Q And you and I are the only ones that have a key  
11 to those file cabinets?

12 A Right.

13 Q Those file cabinets remain locked except for the  
14 times you and I go into the file cabinets?

15 A Right.

16 Q Unless you or I went into the file cabinet to  
17 take those photographs, it would be highly unlikely anyone  
18 else could get into those cabinets without breaking the lock,  
19 is that correct?

20 A Right.

21 MR. KAY: No further questions.

22 THE WITNESS: I am not aware of a burglary at my  
23 office in the last couple of months.  
24  
25  
26

19a-1

## RE CROSS-EXAMINATION

BY MR. SHINN:

Q How about Mr. Stovitz, does he have a key?

A Aaron did, and then I believe Aaron turned the key over to Mr. Musich and Mr. Kay.

THE COURT: Was there any written record made of the number of photographs shown or which photographs were shown this witness?

THE WITNESS: No.

THE COURT: Any further questions?

(No response.)

THE COURT: Anything further for the defendants on the motion?

MR. FITZGERALD: No.

THE COURT: Both sides rest on the motion?

MR. FITZGERALD: Yes.

THE COURT: Argument?

MR. FITZGERALD: Yes --

THE COURT: The People have the burden, so they have the right to open.

MR. BUGLIOSI: Wade and Gilbert of course are the landmark cases in this area, and then Simmons vs. the United States, 390 U. S. 377, and 88 Supreme Court 967 --

THE COURT: Excuse me, Mr. Bugliosi, would you hand me the photographs, please.

(Whereupon the exhibits are handed the Court.)

19a-2

1 MR. BUGLIOSI: The Simmons case, as I read Simmons,  
2 adopts the rationale of Wade and Gilbert, so really we are  
3 talking about the same rule of law.

4 I think Simmons, Wade and Gilbert, each of them  
5 deal with the two basic issues:

6 No. 1, was the out-of-court lineup either a  
7 physical lineup or a photographic lineup, was it unfair.

8 In fact, was it so impermissibly suggestive  
9 as to give rise to a substantial likelihood of irreparable  
10 misidentification?

11 That is the first issue.

12 I don't think this photographic lineup that I  
13 have for Mr. Hatami was so impermissibly suggestive as to  
14 give rise to a substantial likelihood of irreparable  
15 misidentification.

16 Now, even assuming arguendo that Wade, Gilbert  
17 and Simmons were violated, and I'm certainly not going to  
18 stipulate to that because I don't think that has happened,  
19 Wade, Gilbert and Simmons, even making that assumption,  
20 do not preclude a witness from making an in-court identifica-  
21 tion.

22 They only preclude the prosecution putting on  
23 evidence that the witness made an identification outside of  
24 court. They do not preclude in-court identification unless  
25 the unfairness of the out-of-court identification was  
26 so severe as to contaminate the in-court identification,

19a-3

and surely we don't have that type of situation here.

I think we are talking now about Wong Song, the connection between the out-of-court identification and the in-court identification, the poison fruit doctrine.

If it was so extremely unfair that the likelihood is that when a witness sees the defendant in court, what he is really doing is identifying the defendant from a photograph that he has seen of him, as opposed to seeing him during the incident, then I think you have not only in-court identification -- I mean out-of-court identification being stricken, but also in-court identification being stricken.

But Mr. Hatami ~~SRW~~ this gentleman, I would assume for several minutes. It was daylight; there was no indication that he has faulty vision.

He has already given a fairly good description of the man. He was relatively close to him.

So even assuming the Court feels that the out-of-court photographic procedure was violative of Wade, Gilbert and Simmons, this still should not preclude him from testifying in court.

In fact, I did not intend to put on any evidence in the first place that he identified him out of court in the photographic lineup.

I don't intend to put on any evidence of that.

I will rest on that, your Honor.

19a-4

1 THE COURT: Mr. Fitzgerald?

2 MR. FITZGERALD: Well, I simply say that Mr. Hatami  
3 had a very short period of time in which to view the person  
4 he later is identifying as Mr. Manson.

5 In response to your Honor's question, Mr. Hatami  
6 indicated there was nothing outstanding, unusual or peculiar  
7 about the confrontation in which he identified or talked  
8 with Mr. Manson.

9 There was nothing traumatic, nothing unusual.

10 Eleven months later he sees what I would contend  
11 is an unfair, grossly distorted group of persons in a series  
12 of photographs.

13 Only two of the persons in the photographs  
14 contained what could honestly be referred to as beards.

15 The photographs themselves do not depict the same --  
16 they are not the same type of photographs.

17 Some are full-length photographs; some are partial  
18 face photographs; some are profile; some depict people stand-  
19 ing; some depict people with almost no hair on their head.

20 Others depict persons with a great deal of hair  
21 on their head.

22 There seems to be a wide variety and range of  
23 ages as well as heights and obviously there is a wide  
24 range in ages.

25 It cannot be said that when this witness was  
26 shown this group of photographs he was provided with an

19a-5

honest and fair choice.

Also I think it is interesting to note that the identification or tentative identification of Mr. Hatami was made in April of 1970 after photographs of Mr. Manson had been widely published and displayed in the popular press.

Without being facetious I would submit that in 1969 and early 1970, or at the end of 1970, Mr. Manson may receive an award as being the most photographed man in America.

I think that by and large that the photographs that were presented were of an extremely heterogeneous group.

When the prosecution had at its disposal and at its avail procedures for a fair and impartial mug shot identification, they could have used the multitudinous mug shot photographs of the Los Angeles Police Department or of the Sheriff's Office or, as the testimony of Mr. Bugliosi indicated, they could have actually conducted a very fair lineup, and as we all know the inmate population of the Los Angeles County Jail is vast.

It is easy to duplicate any particular height, weight, stature, hair coloration, race, et cetera.

Certainly Mr. Manson is not of such a distinguishing or peculiar physiognomy that he cannot be duplicated.

19a-6

1 Further, the fact that he wears long hair,  
2 wears a beard in some sort of hippie fashion, it would  
3 not be *difficult* to duplicate him in Los Angeles County.

4 I think, as Mr. Bugliosi indicated, he was not  
5 interested in identification actually of Mr. Manson; that  
6 he was interested only in obtaining from this witness  
7 some sort of a statement that Manson appeared to resemble  
8 this person.

9 Now, when you bear in mind also Mr. Manson's  
10 wide known notoriety and the fact that his name actually  
11 appears on one of the photographs, that in itself would  
12 appear to be violative of due process.

13 I think we cannot say beyond a reasonable doubt  
14 that his in-court identification of Mr. Manson is going to  
15 be any different.

16 I don't think we can say beyond a reasonable  
17 doubt that his in-court identification is not based on  
18 the illegality of the unfair mug shot identification that  
19 took place at the hands of the prosecution.

20 MR. KANAREK: Join in Mr. Fitzgerald's comments, your  
21 Honor.

22 MR. SHINN: Join.

23 THE COURT: Anything further, gentlemen?

24 MR. BUGLIOSI: Just very briefly, your Honor.

25 With respect to the alleged widespread  
26 exposure of Mr. Manson's physiognomy, I would draw the

19a-7

1 Court's attention that the photograph of Manson that  
2 Hatami selected is totally dissimilar from those that  
3 had appeared in the national publications.

4 I add the further point that I am not concerned  
5 with the out-of-court identification because I had no  
6 intent to put on that evidence in the first place.

7 I am only concerned with an in-court identifica-  
8 tion.

9 MR. KANAREK: Well, your Honor, just one rejoinder to  
10 that and that is, it is not in the evidence here --

11 THE COURT: Mr. Kanarek, you were given an opportunity  
12 to argue. The People have a right to close.

13 MR. KANAREK: There is nothing in the evidence to show  
14 one kind of picture had more publicity --

15 THE COURT: You have gone by your chance to argue  
16 this motion.

17 MR. KANAREK: Very well.

18 THE COURT: In view of the uncertainty as to the  
19 number or identity of the photographs shown, because of the  
20 duration of time between the meeting of Mr. Hatami and  
21 the unknown person, and his being shown the photographs  
22 which apparently exceeded one year, because of the inter-  
23 vening arrest of Mr. Manson for the murder of someone Mr.  
24 Hatami had known and admired, I think that the probative value  
25 if any, of his identification, and it really wasn't an  
26 identification, and any identification he might make with

19a-8

1 respect to an in-court confrontation with Mr. Manson would  
2 be far outweighed by the possible prejudicial effect on  
3 the jury.

4 I am now going to exclude it.

5 It is now five minutes to 4:00.

6 Are you prepared to proceed, gentlemen?

7 I think perhaps a ten-minute recess would not  
8 be out of order.

19b fls.

9 The court will recess for ten minutes.  
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19b-1

1 (The following proceedings were had in open  
2 court in the presence and hearing of the jury, all counsel  
3 being present.)

4 THE COURT: All counsel and jurors are present.

5 You may continue, Mr. Bugliosi.

6 MR. BUGLIOSI: I have no further questions.

7 THE COURT: Cross-examination.

8 MR. FIMZGERALD: No questions, your Honor.

9 MR. SHINN: No questions, your Honor.

10 THE COURT: Mr. Kanarek?

11 MR. KANAREK: Your Honor, may this witness -- I don't  
12 know -- may this witness be put on call, your Honor, if  
13 there is any necessity to call him back?

14 THE COURT: Do you have him under subpoena now?

15 MR. KANAREK: No, your Honor. I would like for him--  
16 I will ask him this:

17 Sir, are you intending to leave our area here?

18 THE WITNESS: I have been on assignment. I would  
19 like to leave -- I would like to be finished and over with  
20 so I can go back to my work.

21 MR. KANAREK: I understand, but if it should be  
22 necessary to bring you back, Mr. Hatami, are you going to be  
23 in Los Angeles for the next month or two?

24 THE WITNESS: Next month or two?

25 MR. KANAREK: Or several mweeks?

26 THE WITNESS: No.

1 MR. KANAREK: You are leaving Los Angeles?

2 THE WITNESS: Yes, I have to go back to my work.

3 MR. KANAREK: Back to where?

4 THE WITNESS: Back to my work.

5 MR. KANAREK: Where is that?

6 THE COURT: Where is that?

7 THE WITNESS: I am on assignment. I have to go back  
8 to Europe.

9 MR. KANAREK: When did you intend to go back?

10 THE WITNESS: Well, if you don't need me, as soon as  
11 I can.

12 MR. KANAREK: You mean like the next few days?

13 THE WITNESS: Well, possibly, yes.

14 MR. KANAREK: Your Honor, I cannot tell at this time  
15 when we would have any need for any interrogation of this  
16 witness.

17 I don't know what Mr. Bugliosi's next -- I  
18 would ask that he remain --

19 I will make a motion if I may at the bench  
20 then concerning this, a motion to strike.

21 THE COURT: You have the right to cross-examine now,  
22 Mr. Kanarek. Do you wish to exercise it?

23 MR. KANAREK: Well, I don't believe it has been  
24 connected up in any way, your Honor. I don't think it  
25 has any relevancy or materiality.

26 On that basis -- there has been no showing that

1 anything this witness has said concerns Mr. Manson,  
2 therefore I ask that it be stricken.

3 MR. BUGLIOSI: That is a misstatement, your Honor.

4 THE COURT: The motion is denied.

5 I take it you do not wish to cross-examine.

6 MR. KANAREK: Well, there is nothing to cross-examine  
7 on.

8 MR. BUGLIOSI: Your Honor, I object to this argument  
9 in front of the jury.

10 THE COURT: Mr. Hughes, do you wish to cross-examine?

11 MR. HUGHES: Yes.

12  
13 CROSS-EXAMINATION

14 BY MR. HUGHES:

15 Q Mr. Hatami, excuse me, I forgot your name for  
16 a moment, you were Sharon Tate's personal photographer?

17 A I have not been Sharon Tate's personal photo-  
18 grapher, but personal friend.

19 Q And in the course of your friendship with  
20 Miss Tate you had occasion to photograph her on numerous  
21 occasions?

22 A Yes.

23 Q Did you take publicity photographs of Miss  
24 Tate?

25 A It depends on what you call publicity.

26 Q Were any of the photographs you ever took used

1 in her professional career?

2 A Yes, definitely.

3 Q Would those be professional photographs?

4 A Yes.

5 Q Publicity photographs?

6 A If the publication -- if the pictures are  
7 beautiful, the woman has publicity, you may call it  
8 publicity pictures.

9 Q Did you have some connection with a movie in  
10 which Sharon Tate starred, called "The Fearless Vampire  
11 Killers"?

12 A No connection.

13 MR. BUGLIOSI: I move to strike the question and  
14 the answer because it assumes a fact not in evidence,  
15 your Honor.

16 THE COURT: What fact?

17 MR. BUGLIOSI: That she starred in a picture by that  
18 name.

19 THE COURT: Very well, the answer will be stricken.  
20 The objection is sustained.

19c fls. 21 The jury is admonished to disregard the answer.  
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19C-1

1 Q BYMR. HUGHES: Do you know of your own knowledge  
2 if Miss Tate starred in a picture by the name of "Fearless  
3 Vampire Killers"?

4 THE COURT: What is the relevancy of it, Mr. Hughes?

5 THE WITNESS: That might be --

6 THE COURT: Just a moment.

7 MR. HUGHES: May I confer a moment with Mr. Fitzgerald?

8 THE COURT: Yes.

9 (Pause.)

10 MR. HUGHES: Your Honor, at this time I will withdraw  
11 that question.

12 Q Now, you testified that on March 15th, 1969  
13 there was a party, a going-away party for Sharon.

14 A I did not testify in this court, and I never  
15 said that before.

16 Q Was there a party at the Altobelli residence,  
17 the Altobelli house, 10050 Cielo Drive on March 15th, 1969  
18 as a going-away party?

19 A There has not been a going-away party for Tate  
20 or Mr. Polanski, for Sharon Tate or Mr. Polanski.

21 There was many parties there but never a  
22 farewell or send-away party.

23 Q Were you present -- excuse me, I'm sorry, go  
24 ahead.

25 A I was not present in a farewell party.

26 If there was any I was not present, but there

1 was parties there, friends come, drop in.

2 Q There were often parties there, is that correct?

3 A What do you call parties? Reunion of a few  
4 friends, yes, if that is parties. I have been there very  
5 often.

6 There were other few friends, we eat, drink  
7 and spend the evening and go home, if that is the  
8 parties, then there was parties.

9 Q Were any of these parties taking place in the  
10 evening?

11 A A few of them, yes.

12 Q After dark?

13 A Yes.

14 Q Were you ever at any large parties, many people,  
15 25, 30, 40 people?

16 A There was once a party around 200 peoples.

17 Q When was that, Mr. Hatami?

18 A I don't remember.

19 Q In 1969?

20 A It could be. It was then because she got the  
21 house in early 1969 and the party was there somehow because  
22 the house was new and they gave a party for a lot of peoples.

23 Q Many people there at that party with long hair?

24 A Well, yes.

25 Q Hair longer than mine?

26 A Yes.

1 Q Longer than yours?

2 A Around.

3 Q Young people?

4 A Every kind, every age.

5 Q Some people in hippie attire?

6 A Yes, hippie attire.

7 Q Some people wearing dungarees?

8 A Casual, we call it, yes.

9 Q Levis?

10 A I beg your pardon?

11 Q Levis? Levi trousers?

12 A Blue denim, you mean?

13 Q Yes.

14 A Yes.

15 Q Were there some people there barefooted?

16 A I didn't specially notice that. People comes  
17 there tired and take off their shoes.

18 I do not know if they came or they didn't.

19 Q Have you seen hippie types on other occasions,  
20 other than this large party?

21 A I am just not very precise with the word hippie.  
22 What do you call hippie? People who wear long  
23 hair and beard, et cetera?

24 There was many kinds of people, they may look  
25 like hippies if you call them that. What means hippie? I  
26 don't know really.

1 Q Your hair is a little longer. Do you consider  
2 yourself a hippie?

3 A No, I'm sorry.

4 Q Were there people there with long hair at the  
5 party?

6 A Yes.

7 Q Beards?

8 A Not all of them, very few.

9 Q Some?

10 A Some, yes.

11 Q Some dressed casually?

12 A Yes.

13 Q Some were wearing blue jeans?

14 A Yes.

15 Q Some possibly were barefoot?

16 A Possibly.

17 Q You did not notice?

18 A I don't notice those things because they are  
19 not relevant to me.

20 Q Does Mr. Polanski have long hair?

21 A Along mine, yes.

22 Q When was the last time you were at a party at  
23 the 10050 Cielo Drive residence when there were people  
24 with long hair, some people with beards, sort of hippie  
25 types?

26 A Well, not many people these days among those

1 young people, artists or otherwise, that have short hair;  
2 so there have been a few parties, there have been people  
3 with long hair.

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1 Q It wasn't uncommon for groups of people to  
2 come up to the Polanski residence, was it?

3 A Would you repeat the question?

4 Q It was not uncommon -- I will rephrase it --  
5 it was a common occurrence for there to be groups of people  
6 there at the Polanski residence; is that correct?

7 A Yes, occasionally, when asked to come, or there  
8 was an occasion that they were there.

9 I don't know what you want, what you mean by  
10 that.

11 Q In the evenings; right?

12 A Well, evenings as well as days.

13 Q When is the last time that you were at the  
14 Polanski residence on Cielo Drive?

15 A After the tragedy or before the tragedy?

16 Q Before the tragedy.

17 A I was there maybe the day before the crime  
18 happened or the murder happened.

19 Q Now, sometime in March, Sharon Polanski went to  
20 Europe; is that correct?

21 A Yes.

22 Q And she returned when?

23 A I don't keep a diary when she is gone or when she  
24 gets back.

25 Q Was it a couple of weeks before the tragedy?

26 A It could be around that time. Maybe more.

Two, three weeks. Two weeks, three weeks.

Q During the time -- excuse me -- I didn't mean to cut you off. I didn't mean to cut off your answer, Mr. Hatami.

A Around three weeks before, I think.

Q During the time that Sharon Polanski was away in Europe, did you have occasion to go to the Polanski residence?

A Maybe two times.

Q And did you go up there to any parties?

A There was a big party given there by a friend of Polanskis'.

Q Was that Mr. Frykowski?

A No. This was a Mr. Brian Morris.

Q Mr. Brian Morris gave a party?

A Yes.

Q And that was sometime between March and July, or March and August?

A In the absence of the Polanskis' from the residence.

Q Was Mr. Morris living there?

A No.

Mr. Morris was a close friend of Polanski and Miss Tate.

Q And he just borrowed the residence, so to speak?

A Yes.

1 Q From Mr. Polanski?

2 A By arrangement with Voityck, Frykowski, whatever  
3 his family name is.

4 Q Mr. Frykowski?

5 A Yes. Voityck.

6 Q And you were present at this party?

7 A Yes.

8 Q And how many people would you estimate came to  
9 this party, sir?

10 A Possibly 200. Maybe less. It was full of  
11 people.

12 Q And was that party closer to the time of  
13 Sharon Tate's departure to Europe or closer to the time that  
14 she returned to the United States?

15 A I do not remember the exact date of that party.  
16 It could be the middle of that period. I don't recall  
17 exactly.

18 Q And of your own knowledge, sir, were there any  
19 other parties at the Polanski residence during the time  
20 that Mrs. Polanski was in Europe?

21 A The only one I was present, I mentioned it.  
22 It was that big party.

23 Q At that party, Mr. Hatami, were there  
24 predominantly younger people or predominantly older people?

25 A Young and old. I could not count who were  
26 younger than others, et cetera. There were all kind of

peoples.

1 Q You said you were at the Polanski residence  
2 the day before the tragedy; is that correct?

3 A A day or two before the tragedy.

4 Q Do you recall which day of the week it was,  
5 sir?

6 A It was either Wednesday, Tuesday or Thursday.  
7 One of the three. I mean, the few days before. One or two  
8 days before.

9 I think she was murdered on Friday, possibly.  
10 Yes, Friday, August 1st -- August 8th, yes.

11 It was Thursday or Wednesday I was there.  
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20a

20a-1

1 Q Possibly the day before that you were there?

2 A Possibly what?

3 Q Possibly before, then, you were there?

4 A Possibly the day before the tragedy, I call it.

5 Q Or possibly two days before the tragedy?

6 A Possibly, yes. One or two.

7 Q What time of the day or night, if you remember,  
8 were you there, sir?

9 A You know, I just dropped in any time.  
10 I could drop in there any time. I was welcome to the  
11 house any time.

12 Q But you recall actually going there, do you  
13 not?

14 A I do, because Sharon was pregnant, and I have  
15 a close relationship with her, I am a close friend -- I  
16 was a close friend with her. So, I was concerned about  
17 how she is doing. And I was doing a film with her. I  
18 wanted to know when is the right time to do it, continue.  
19 She was pregnant. I didn't want to make her tired or  
20 oblige her to do anything, or impose myself.

21 So, I was just going there and hanging around  
22 to see what was happening. It was --

23 Q Excuse me. Go ahead.

24 A Well, it was a welcome house to many peoples.

25 Q Many people were welcome there?

26 A Many good friends of hers, yes.

20a-2

1 Q So, it might have been during the night or  
2 during the day; you don't recall?

3 A No, I don't.

4 Q Do you recall who was present besides Mrs.  
5 Polanski?

6 A Was Voityck, was Abigail, Gibbie. That is  
7 how they called her.

8 Q Anyone else, sir?

9 A There was personal companions there. They  
10 didn't leave the house immediately if Sharon came, because  
11 Sharon was pregnant and they were helping her. She  
12 needed company. Her husband wasn't there.

13 Q Did you arrive by car, sir?

14 A Everybody arrived by car in this city.

15 Q Were you accompanied by someone else in the  
16 car?

17 A I don't remember, sir, really.

18 Q But you drove there yourself; is that correct?

19 A It could be.

20 Q Do you recall Mr. Sebring being present while  
21 you were there?

22 A He was very often there. He was dropping in  
23 too.

24 Q You recall the guest house in the back, do  
25 you not?

26 A Yes, but I have never been there.

20a-3

1 Q Were you aware that someone was living there?

2 A Yes.

3 Q And did you know who that person was?

4 A The owner of the house.

5 Q Had you seen a young boy living there?

6 A No.

7 MR. HUGHES: May I have a moment, your Honor?

8 (Mr. Hughes retrieves an exhibit from the  
9 exhibit file.)

10 MR. HUGHES: May I approach the witness, your Honor?

11 THE COURT: You may.

12 BY MR. HUGHES:

13 Q Directing your attention, Mr. Hatami, to  
14 defendants' K for identification.

15 Do you recognize the gentleman depicted in that  
16 photograph?

17 A I don't.

18 Q You have never seen him before?

19 A I have not seen a man like him before.

20 Q Miss Tate or Mrs. Polanski had several dogs;  
21 is that correct?

22 A One definitely, but I don't think several.

23 Q Do you recall there being several dogs on the  
24 premises of the Polanski estate?

25 A I know the one which was always around, and that  
26 is the one I know.

20a-4

1 I don't recall having seen many constantly.  
2 Maybe some guests or some friends had one or  
3 two with them.

4 Q Are you familiar with a dog called a Weimaraner?

5 A No.

6 Q What type of dog that is?

7 A No.

8 THE COURT: Mr. Hughes, it is 4:30.

9 MR. HUGHES: Yes, sir.

10 THE COURT: We will adjourn at this time.

11 Ladies and gentlemen, do not converse with  
12 anyone or form or express any opinion in regard to the case  
13 until it is finally submitted to you.

14 The court will adjourn until 9:00 a.m. tomorrow  
15 morning.

16 MR. KANAREK: Is your Honor ordering Mr. Hatami back  
17 for tomorrow?

18 THE COURT: Yes, of course. His examination has not  
19 been completed.

20 MR. KANAREK: Thank you, your Honor.

21 (Whereupon at 4:30 o'clock p.m. the court  
22 was in recess.)  
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