

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

COPY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

134

No. A253156

REPORTERS' DAILY TRANSCRIPT  
Thursday, October 22, 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.

For Deft. Krenwinkel:

PAUL FITZGERALD, Esq.

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

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1 LOS ANGELES, CALIFORNIA, THURSDAY, OCTOBER 22, 1970

2 9:05 o'clock a.m.

3 - - -

4 (The following proceedings were had in open  
5 court in the presence and hearing of the jury, all counsel  
6 being present:)

7 THE COURT: All counsel and the jurors are present.

8 Have the defendants expressed a desire to  
9 return to the courtroom and conduct themselves in a proper  
10 manner, gentlemen?

11 MR. FITZGERALD: May we approach the bench, your  
12 Honor?

13 THE COURT: Yes.

14 (The following proceedings were had at the  
15 bench out of the hearing of the jury:)

16 MR. FITZGERALD: Your Honor, the defendants have not  
17 expressed any desire to return to this courtroom, though I  
18 would like to reiterate very briefly my remarks of yester-  
19 day.

20 I think perhaps it would be in the interest  
21 of justice to bring them back in the courtroom and see if  
22 we would proceed without any disruption.

23 MR. KAY: The People's position on that is, when Mr.  
24 Manson was brought into the courtroom for purposes of  
25 identification yesterday, he made no disruption at all.

26 He was in the courtroom, I would say, for maybe

1 three or four minutes, and there was absolutely no  
2 disruption.

3 I think at least the possibility of bringing  
4 him in in the morning, just seeing if he would be disruptive.

5 He did not give any indication yesterday that  
6 he would continue his disruption.

7 THE COURT: He was here less than a minute.

8 Did you talk to your clients this morning?

9 MR. FITZGERALD: Yes, we talked to them.

10 THE COURT: What is your position, Mr. Kanarek, if  
11 any?

12 MR. KANAREK: My position --

13 THE COURT: First of all, are you asking that the  
14 defendants be brought back?

15 MR. FITZGERALD: Yes, but I'm telling the Court they  
16 have expressed no desire to come back in response to your  
17 Honor's question, "Have they expressed a desire to return  
18 to the courtroom?"

19 The answer to that question is no.

20 THE COURT: Have they expressed a desire not to come  
21 back?

22 MR. FITZGERALD: No, they have not. Their position  
23 is equivocal, as your Honor opined yesterday as you were  
24 talking to them in chambers.

25 THE COURT: What about you, Mr. Shinn, do you have  
26 any comment?

1 MR. SHINN: They did not express any desire to come  
2 back into the court, but I feel we should make an effort  
3 to bring them down here and see how they conduct themselves  
4 incourt.

5 They may just sit still, I don't know.

6 THE COURT: Bear in mind, of course, that many  
7 efforts were made --

8 MR. FITZGERALD: That I understand.

9 THE COURT: -- and after the third day in a row of  
10 disruptions they were excluded from the courtroom.

11 MR. SHINN: It's been about a week and a half now.  
12 They may have changed their minds, I don't know.

13 MR. KANAREK: It's worth a trial, your Honor.

14 MR. BUGLIOSI: I think it is a good idea, your Honor.

15 THE COURT: What?

16 MR. BUGLIOSI: To bring the defendants back.

17 THE COURT: Well, first, I want the record to be  
18 absolutely clear that in my opinion there is no compulsion  
19 on the Court by virtue of any constitutional right or court  
20 decision to do so.

21 I am willing to try it, but I want it  
22 perfectly understood that if there is any disruption at  
23 all the defendants will be immediately removed and there  
24 will be no further testing them to see whether or not they  
25 can be brought back into the courtroom.

26 They will have to comply fully with Illinois vs.

1 Allen in expressing themselves to have a desire to come  
2 back in and conduct themselves properly.

3 I will permit them to come back in this once  
4 without saying the magic word, but I want the record to  
5 reflect that in my opinion the defendants have been  
6 playing games.

7 This is simply a ploy on their part to have  
8 another ground of appeal if there is a conviction.

9 There isn't the slightest misunderstanding on  
10 their part as to what they have to do to get back into  
11 court.

12 They have been advised dozens of times.

13 Their exclusion from the court, in my opinion,  
14 was fully justified by the facts and could have occurred  
15 much earlier than it did, when I excluded them.

16 So I will have them brought back in.

2 fls.

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1 MR. BUGLIOSI: May I make a suggestion, your Honor?

2 THE COURT: Yes.

3 MR. BUGLIOSI: If they start saying something, I  
4 wonder if the Court would not immediately remove them,  
5 if the Court would wait. They might just say a couple of  
6 words and then shut up.

7 THE COURT: Mr. Bugliosi, you let me handle that part.

8 MR. BUGLIOSI: I am just making a suggestion.

9 THE COURT: The only time they have been removed  
10 is when they continued to talk after being asked to refrain  
11 many times.

12 I am not going to go through some ridiculous  
13 charade. They know what the rules are. If they want to  
14 behave themselves, all they have to do is to do so.

15 MR. KANAREK: I have another motion of the Court, and  
16 that is to voir dire the jury in connection with their state  
17 of mind as to the Ohta matter in Santa Cruz wherein five  
18 or six people passed away.

19 I think the newspapers have said it is a Manson-  
20 type of killing, or something to that effect.

21 My position is that your Honor voir dire the  
22 jury to determine what, if any, effect this has on their  
23 state of mind.

24 I noticed there was a note recovered. In today's  
25 paper it was mentioned that there was a note recovered,  
26 and it appears to be a purported -- these purported deaths

1 have allegedly occurred without purpose, which is a matter  
2 which is very strangely similar to Mr. Bugliosi's viewpoint  
3 in this case, and I think it is very prejudicial.

4 MR. HUGHES: Join in Mr. Kanarek's motion.

5 THE COURT: Every day when you read a newspaper,  
6 Mr. Kanarek, you seem to come up with some new idea.

7 The reason for sequestering the jury in the first  
8 place was to exclude from them the effects of any  
9 prejudicial publicity, if any.

10 I don't consider that even if they had read  
11 this it would have any effect on their decision in this  
12 case.

13 In any event, they haven't read it because  
14 they are sequestered.

15 The motion is denied.

16 MR. KANAREK: Very well, your Honor.

17 Then I make a motion for a mistrial.

18 MR. HUGHES: Join in that motion.

19 THE COURT: Denied.

20 (Whereupon, all counsel return to their  
21 respective places at counsel table and the following  
22 proceedings occur in open court within the presence and  
23 hearing of the jury:)

24 THE COURT: Mr. Murray and Mr. Skupen, bring the  
25 defendants into the courtroom.

26 (The defendants are brought into the courtroom.)



1 DEFENDANT MANSON; Good morning.

2 THE COURT: The record will show that all defendants  
3 are present.

4 You may proceed with your examination.

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1 MR. BUGLIOSI: I believe it is still cross-examination,  
2 your Honor, by Mr. Kanarek.

3 THE COURT: Do you have any further examination,  
4 Mr. Kanarek?

5 MR. KANAREK: Yes, your Honor.  
6

7 CHARLES DAVID KOENIG,  
8 the witness on the stand at the time of the adjournment,  
9 resumed the stand and testified further as follows:  
10

11 CROSS-EXAMINATION (CONTINUING)

12 BY MR. KANAREK:

13 Q Mr. Koenig, on December the 10th, 1969, you  
14 were aware, you had heard of the matters pertaining to  
15 Rosemary La Bianca and Mr. La Bianca; is that correct?

16 A That is correct.

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

18 THE COURT: You may.

19 MR. KANAREK: Q I show you what appears to be a  
20 plastic container and ask you: Have you seen this type of  
21 container before?

22 A Yes, I have.

23 Q What is the purpose of it? Will you tell us  
24 what that container -- tell us what you know about that  
25 particular type of container.

26 A That is supposed to hold the bluing agent that

1 goes into the toilets.

2 Q And is this the bluing agent that is used in  
3 the restroom and was used in the toilet in which you say  
4 that you found the wallet?

5 A Was used in the toilet?

6 Q Yes.

7 Is this the type of container that was used for  
8 the bluing agent in the toilet where you found the wallet?

9 A I think so, yes.

10 Q All right.

11 Now, I show you another item and ask you if you  
12 have seen this before, Mr. Koenig.

13 A It probably came off of that plastic container.

14 Q Is this an item that is used to fasten this  
15 container to a solid position in the tank of the toilet?

16 A It is speculation on my part. I would say yes.

17 Q I am not asking for speculation, Mr. Koenig.

18 A Then I don't know.

19 Q Directing your attention to the toilet where  
20 you found the wallet. Have you seen this type of fastener  
21 fasten the plastic item that you have previously  
22 identified, that type of plastic item, to a solid position  
23 in the tank of the toilet where you found the wallet?

24 A Are you asking me if I have seen that inserted  
25 in one of the backs of the toilets?

26 MR. KANAREK: May the question be read, your Honor?

1 THE COURT: Yes. Read the question.

2 (The question was read by the reporter.)

3 THE WITNESS: No.

4 MR. KANAREK: Pardon?

5 THE WITNESS: No.

6 MR. KANAREK: Q You have never seen this in  
7 the restroom?

8 A No.

9 Q What means have you seen to fasten this type of  
10 plastic item to the toilet?

11 A Like I said yesterday, I have never seen it  
12 fastened.

13 Q Pardon?

14 A I have never seen them fastened to the toilets.  
15 I have never used them. I have never had occasion to use  
16 them. I have only been told that they are supposed to be  
17 used in the restrooms.

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BD id.

1 MR. KANAREK: Now, your Honor, may these be marked  
2 as an exhibit collectively?

3 THE COURT: BD for identification.

4 MR. KANAREK: Thank you, your Honor.

5 BY MR. KANAREK:

6 Q Are you aware, Mr. Koenig, that the Grand Jury  
7 indictment in this case occurred on December 8, 1969?

8 A Well, if you say it occurred on December 8th,  
9 then I assume you are correct; otherwise I don't know the  
10 exact date.

11 MR. KANAREK: Very well, thank you, Mr. Koenig.

12 THE COURT: Any questions, Mr. Hughes?

13 MR. HUGHES: Yes.

14 CROSS-EXAMINATION

15 BY MR. HUGHES:

16 Q Mr. Koenig, the Standard Station where you  
17 were working on December 10th and where you found this  
18 wallet, that is in Sylmar, is it not?

19 A That is correct.

20 Q Now, Sylmar is predominantly a white area, is  
21 it not?

22 A Yeah, I guess so.

23 Q Sylmar is not a black ghetto, is it?

24 A No.

25 Q So mostly there are Caucasians in that area,  
26

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1 is that correct?

2 A That's correct.

3 Q And as a matter of fact there are very few  
4 Negro or black families in that area?

5 A Well, there are a very few black families that  
6 trade at our station, if that is what you mean.

7 Q You don't see very many black families in  
8 that area, did you?

9 A No, I have not seen very many black families.

10 Q You did not see very many coming into the  
11 station?

12 A No.

13 MR. HUGHES: No further questions.

14 THE COURT: Any redirect examination?

15 MR. BUGLIOSI: Yes, your Honor.

16  
17 REDIRECT EXAMINATION

18 BY MR. BUGLIOSI:

19 Q What freeway is this particular station off?

20 A It's one mile past the merging of the Golden  
21 State and San Diego Freeways.

22 It's on Highway 5.

23 Q Isn't it right off of a freeway?

24 A It's right off the Golden State Freeway,  
25 Highway 5.

26 Q Right. You take the turn-off there and there

3-3

1 is the station?

2 A Yes, right at the corner.

3 Q So it's right next to the Golden State  
4 Freeway?

5 A That's correct.

6 Q And one would be going north on the Golden  
7 State Freeway from Los Angeles to reach Sylmar?

8 A That's correct.

9 Q Pacoima is just south of Sylmar, is that  
10 correct?

11 MR. KANAREK: Object, your Honor, on the grounds it  
12 is ambiguous, San Diego is just south.

13 It's ambiguous in terms of how far south are  
14 we talking about.

15 THE COURT: Overruled.

16 THE WITNESS: You want me to answer the question.

17 BY MR. BUGLIOSI:

18 Q Yes.

19 A Yes, it is.

20 Q It is immediately south, is that correct?

21 MR. KANAREK: That is calling for a conclusion,  
22 your Honor.

23 THE COURT: Overruled.

24 THE WITNESS: Yes, it is.

25 BY MR. BUGLIOSI:

26 Q There is no community or village or city

1 between Sylmar and Pacoima, is that correct?

2 MR. KANAREK: Calling for a conclusion, your Honor.

3 THE COURT: Overruled.

4 THE WITNESS: Well, I would have to look at the  
5 map to see exactly how far Mission Hills and San  
6 Fernando extend in between.

7 There might be an in-between section.

8 BY MR. BUGLIOSI:

9 Q Part of Pacoima runs right into Sylmar,  
10 right?

11 MR. KANAREK: Calling for conclusion, no foundation,  
12 your Honor; hearsay.

13 THE WITNESS: I could not say for sure.

14 THE COURT: Just a moment. The question is  
15 ambiguous. The objection is sustained.

16 BY MR. BUGLIOSI:

17 Q Pacoima is adjacent to Sylmar, isn't that  
18 correct?

19 MR. KANAREK: That is calling for a conclusion,  
20 and that is ambiguous, your Honor.

21 THE COURT: Sustained.

22 BY MR. BUGLIOSI:

23 Q You are familiar with the heavy Negro  
24 population of Pacoima, are you not?

25 MR. KANAREK: That is assuming facts not in  
26 evidence.



1 MR. BUGLIOSI: This is what they went into on cross-  
2 examination, the Negro population of Sylmar.

3 THE COURT: That is a fact not in evidence. The  
4 objection is sustained.

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3a fls.

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1 Q BY MR. BUGLIOSI: Have you ever observed a  
2 considerable number of Negro people living in the Pacoima  
3 area?

4 MR. KANAREK: Objection, your Honor, assuming facts  
5 not in evidence, ambiguous, no showing of foundation, your  
6 Honor.

7 THE COURT: Overruled. You may answer.

8 THE WITNESS: I observed Negro families. I don't  
9 know to what extent they live in Pacoima.

10 Q BY MR. BUGLIOSI: Are you familiar with the town  
11 of Pacoima at all?

12 A Yes, I am.

13 Q Have you driven through sections of Pacoima that  
14 seem to be entirely Negro?

15 MR. KANAREK: Calling for a conclusion, no foundation.

16 THE COURT: Overruled.

17 THE WITNESS: Yes, I have.

18 Q BY MR. BUGLIOSI: A rather large area of  
19 Pacoima?

20 MR. KANAREK: Calling for a conclusion, ambiguous  
21 and no foundation.

22 THE COURT: Sustained.

23 Q BY MR. BUGLIOSI: What area are you referring to  
24 in Pacoima that had black families?

25 MR. KANAREK: Assuming facts not in evidence,

26 He has not referred to anything. Mr. Bugliosi

1 has, your Honor.

2 THE COURT: Overruled.

3 THE WITNESS: The sections would be above San  
4 Fernando Road, as you drive out Van Nuys Boulevard toward  
5 Foothill, and predominantly it would be Negro.

6 Other than that, I would have to say I am not  
7 100 per cent familiar with how much Negro population is  
8 below San Fernando Road.

9 Q How large an area are you referring to now when  
10 you say it is a predominantly Negro area?

11 MR. KANAREK: Your Honor, that is ambiguous in terms  
12 of relationship as far as distance goes.

13 No foundation, calling for a conclusion.

14 THE COURT: Overruled, you may answer.

15 THE WITNESS: That would be hard to speculate.

16 I could not tell you the end boundaries between  
17 Foothill and San Fernando Road.

18 Q BY MR. BUGLIOSI: Are you talking about one  
19 block or a couple of miles?

20 A Probably in the neighborhood of a mile in one  
21 direction, that is the length of one direction.

22 I could not give you the other dimensions.

23 Q Now, you say you received a booklet or another  
24 instructional manual on this bluing agent from the Standard  
25 Station, is that correct?

26 MR. KANAREK: May that be read back, your Honor, that

1 question?

2 THE COURT: Didn't you hear it?

3 MR. KANAREK: No, I didn't, your Honor. I was  
4 speaking to Mr. Shinn.

5 THE COURT: In that case, it will not be read back.

6 You may answer.

7 THE WITNESS: There is a procedure manual on the  
8 station at all times.

9 As to my personally receiving one, no, I have not,  
10 yet.

11 Q BY MR. BUGLIOSI: But you have read this  
12 particular manual with respect to the bluing agent?

13 A When I was in training school it was not only  
14 read to me but I think I read it, too, we had occasion to  
15 look at it.

16 Q Did this manual indicate the function of this  
17 bluing agent -- function or functions?

18 A If you are referring to what the bluing agent  
19 does to the water or what it is supposed to do --

20 Q Yes.

21 A -- I would have to say that -- at least to be  
22 on the safe side -- it was related to me by my training  
23 manager.

24 It was supposed to prevent staining build-up  
25 on the porcelain of the tanks, and the toilets.

26 Q You are referring to the interior now of the

1 toilet tank.

2 A If it stays in the interior, yes.

3 If you put it on the outside --

4 Q Right, so one of the functions, then, of this  
5 bluing agent, would you say, would be to eliminate rust  
6 from inside the toilet, not just the bowl I'm talking about,  
7 I'm talking about the tank.

8 A I don't know about eliminating. I suspect it  
9 would be more to slow down or impair the build-up of the  
10 stain, whether alkali build-up or rust build-up, it would be  
11 -- to the best of my knowledge all I can remember was that  
12 they said it would impair the build-up of staining.

13 Q Impair the build-up of a waterline then?

14 A I suspect so, yes.

15 Q Well, what are you referring to when you say  
16 staining, sir?

17 A Well, it could not only be rust stain, whatever  
18 other stains there could be, too.

19 You know, blood stains could get into the women's  
20 toilets, too, sometimes.

21 Q Directing your attention to People's <sup>270</sup>70 for  
22 identification, looking inside the tank here, the lid is  
23 off, you notice rather a heavy accumulation of rust inside  
24 the tank?

25 A I notice a heavy accumulation of stain, whatever --

26 Q It could be rust?

1 A Well, it could be rust, yes.

2 Q You see a water line, too, a very sharp water  
3 line, is that correct?

4 A That's correct.

5 Q And you noticed that when you removed the  
6 wallet?

7 A Are you asking -- well, I am not cognizant of  
8 it any more.

9 I have seen it so many times, that type of stain,  
10 so it doesn't come to my attention.

11 Q I am referring now to the stain in this  
12 particular toilet here at the Standard Station, on  
13 Encinitas Boulevard.

14 A When I removed the wallet that I noticed?  
15 No, I was not aware of it.

16 Q Have you seen this particular type of stain  
17 since then inside that particular toilet?

18 A Yes, I have.

19 Q Are you saying that the stain and the water  
20 line was not there on December 10th or that you don't  
21 recall?

22 A I just don't recall. I am not aware of it  
23 that much any more because I have seen it on so many  
24 bowls so many times, and tanks.

25 It just does not consciously register any more.

26 Q But you have also seen this strong water line

1 and what appears to be rust in this particular tank  
2 depicted in this photograph.

3 MR. KANAREK: Your Honor, he has answered that question  
4 about three times.

5 THE COURT: Sustained.

6 MR. BUGLIOSI: Well, it's kind of ambiguous, your  
7 Honor, just for clarity. I am not trying to confuse anyone.

8 The Court has sustained the objection?

9 Q BY MR. BUGLIOSI: Now, you said that on  
10 December 10th, 1969 that the water was running from this  
11 particular toilet?

12 A Yes, I did.

13 Q Did you ascertain whether the wallet, which  
14 apparently was on top of the overflow valve -- is that  
15 correct?

16 A That's correct.

17 Q Did you ascertain whether the wallet was the  
18 thing that was causing the water to run?

19 MR. KANAREK: That would be calling for a conclusion,  
20 no foundation, the man was not a plumber, he does not have  
21 the expertise.

22 THE COURT: Overruled.

23 THE WITNESS: I ascertained the wallet was not the  
24 cause for the continued running of the toilet.

25 MR. BUGLIOSI: No further questions.

26 THE COURT: Anything further?

MR. FITZGERALD: Nothing further.

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1 THE COURT: Just a moment, sir.

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

3 MR. SHINN: Nothing further.

4 THE COURT: I didn't hear you, Mr. Shinn.

5 MR. SHINN: No questions.

6 THE COURT: Mr. Kanarek?

7 MR. KANAREK: Yes.

8  
9 RECROSS-EXAMINATION

10 BY MR. KANAREK:

11 Q Rust builds up in a metal container, is that  
12 right, and this is porcelain; right?

13 MR. BUGLIOSI: Calling for a conclusion.

14 THE COURT: Sustained.

15 BY MR. KANAREK:

16 Q Is this a porcelain tank?

17 A Yes.

18 Q It is not a metal tank, is it, Mr. Koenig?

19 A No.

20 MR. KANAREK: Thank you.

21 MR. HUGHES: No questions.

22 THE COURT: You may step down.

23 MR. BUGLIOSI: The People call Roseanne Walker.

24 (Pause.)

25 MR. BUGLIOSI: I apologize to the Court. She is  
26 here. She is our next witness. She must have briefly



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wandered off, but I am sure she will be found very quickly.

(Whereupon the witness enters the courtroom.)

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

Would you please repeat after me.

I do solemnly swear --

THE WITNESS: I do solemnly swear --

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

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

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

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

THE CLERK: -- before this court --

THE WITNESS: -- before this court --

THE CLERK: -- shall be the truth --

THE WITNESS: -- shall be the truth --

THE CLERK: -- the whole truth --

THE WITNESS: -- the whole truth --

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

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

THE CLERK: -- so help me God.

THE WITNESS: -- so help me God.

THE CLERK: Would you be seated, please.

Would you please state and spell your name.

THE WITNESS: Roseanne Walker; R-o-s-e-a-n-n-e,  
W-a-l-k-e-r.

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ROSEANNE WALKER,

called as a witness by and on behalf of the People, having been first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

BY MR. BUGLIOSI:

Q Roseanne, you have been at Sybil Brand Institute for Women in East Los Angeles?

A Yes.

Q And were you there in the summer of 1969?

A Yes.

Q When did you first arrive at Sybil Brand?

A July the 23rd.

Q 1969?

A Yes.

Q And you were incarcerated there?

A Yes.

Q Until what date?

A Until about November the 27th.

Q 1969?

A Yes.

Q And you were living in Dormitory 8000?

A Yes.

Q Did you know Defendant Susan Atkins?

A Yes.

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1 Q She was known to you as Sadie Glutz?

2 A Yes.

3 Q And she also was living in Dormitory 8000?

4 A Yes.

5 Q During part of that period of time?

6 A Yes.

7 Q What particular part?

8 MR. SHINN: Your Honor --

9 MR. KANAREK: May we approach the bench, your Honor?

10 THE COURT: Yes.

11 (Whereupon all counsel approach the bench and  
12 the following proceedings occur at the bench outside of  
13 the hearing of the jury:)

14 MR. SHINN: Your Honor, this witness is going to  
15 testify to what Miss Atkins told her about the Tate case  
16 and we don't know what she is going to say.

17 MR. KANAREK: It should be deleted, your Honor. I  
18 can't conceive of Mr. Bugliosi putting her on and not  
19 allowing us to have a conference in chambers like we had  
20 with the others.

4a fls. 21 THE COURT: I can't either.

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1 MR. BUGLIOSI: Your Honor, there are only three  
2 things she is going to testify to.

3 THE COURT: Whatever they are, we have a right to  
4 know in advance, Mr. Bugliosi.

5 MR. BUGLIOSI: I told the defense what she is going  
6 to testify to.

7 THE COURT: You haven't told me and I am the one that  
8 has to make the decision.

9 MR. BUGLIOSI: I apologize, your Honor.

10 THE COURT: Do you have a written statement on this  
11 witness?

12 MR. BUGLIOSI: I dictated a statement.

13 MR. SHINN: Here is one.

14 THE COURT: I want to know what her statement is,  
15 not yours.

16 (Mr. Shinn hands a document to the Court.)

17 THE COURT: Was she interviewed? Was her statement  
18 taken down verbatim?

19 MR. BUGLIOSI: No. The answer is no, your Honor.

20 THE COURT: No one has ever taken her conversation  
21 down verbatim?

22 MR. BUGLIOSI: No.

23 MR. KANAREK: I would ask that all the statements --

24 THE COURT: Stop it, Mr. Kanarek.

25 (Pause while the Court reads a document.)

26 THE COURT: I find it incomprehensible at this stage,

1 Mr. Bugliosi, that the witness's statement has not been  
2 reduced to writing as to what her conversation with Susan  
3 Atkins was.

4 These problems are obviously critical problems  
5 in the case, Mr. Bugliosi. They can't simply be brushed  
6 aside and ignored.

7 I can't permit you to go ahead and examine  
8 this witness until I know what she is going to say, what  
9 her conversation was.

10 MR. BUGLIOSI: Can we have a brief hearing, your  
11 Honor?

12 MR. SHINN: I can't hear you, Mr. Bugliosi.

13 MR. BUGLIOSI: Can we have a brief hearing outside  
14 the presence of the jury? Her testimony will be very,  
15 very limited, I will tell the Court right now. Very  
16 brief. It is not going to involve or refer to any other  
17 people.

18 THE COURT: In other words, a hearing similar to the  
19 one in respect to Roni Howard and --

20 MR. BUGLIOSI: Yes.

21 THE COURT: -- Virginia --

22 MR. BUGLIOSI: Castro.

23 THE COURT: -- Castro or Virginia Graham.

24 MR. BUGLIOSI: Yes.

25 MR. SHINN: I object, your Honor, on the grounds  
26 that it is cumulative.

1 THE COURT: The same type of hearing as we had with  
2 Virginia Castro or Virginia Graham.

3 MR. SHINN: I object on the grounds it will be  
4 cumulative, your Honor. There is nothing she can add.  
5 It is just cumulative, cumulative, cumulative.

6 THE COURT: Of course, you haven't heard it so you  
7 don't know whether it is or not.

8 That is not the purpose of the hearing. The  
9 hearing is to determine whether there are any Bruton or  
10 Aranda problems and whether the statement must be edited  
11 and whether it can be effectively edited or deleted.

12 MR. SHINN: From this we can't tell.  
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1 THE COURT: We can do it in chambers or in open court.

2 MR. SHINN: We can do it in open court, as far as I  
3 am concerned.

4 THE COURT: No objection?

5 MR. HUGHES: No objection.

6 MR. KANAREK: No objection to open court, but I do  
7 ask for a deletion.

8 THE COURT: We are talking about first determining  
9 what her statement is, determining if it is admissible in  
10 whole or in part, the same procedure that was followed  
11 with respect to Roni Howard and Virginia Graham.

12 All right. I will have the jury removed, then.

13 (Whereupon, all counsel return to their  
14 respective places at counsel table and the following  
15 proceedings occur in open court within the presence and  
16 hearing of the jury:)

17 THE COURT: I will ask the bailiffs to take the jury  
18 upstairs for a few minutes. We have some matters that  
19 have to be taken care of outside the presence of the jury.

20 (Whereupon, the jurors leave the courtroom.)

21 THE COURT: The jury has been removed.

22 All parties and counsel are present.

23 You may proceed, Mr. Bugliosi.

24 MR. BUGLIOSI: Q During what period of time,  
25 Roseanne, was Susan Atkins, or as you knew her, Sadie Glutz,  
26 with you in Dormitory 8000 at Sybil Brand?

1 A Well, I arrived at the dormitory before she did.  
2 Let me see. I'd say in the first part of  
3 August --- no, the last part of August.

4 Q 1969?

5 A Or maybe September. It could have been.

6 Q From the last part of August --

7 A Yes.

8 Q -- or early September, 1969, until when,  
9 Roseanne?

10 A Well, she was there when I left.

11 Q In late November, 1969?

12 A Yes.

13 Q And did you become friendly with Sadie?

14 A Yes.

15 Q You have heard, of course, of the Tate-La Bianca  
16 murders?

17 A Yes.

18 Q Was there a radio in Dormitory 8000?

19 A Yes.

20 Q Did you ever hear any news broadcasts of the  
21 Tate-La Bianca murders over the radio?

22 A Yes.

23 Q Did you ever hear these broadcasts in Sadie's  
24 presence?

25 A Yes.

26 Q Did she ever make any comment to you immediately



1 after the broadcasts on the Tate-La Bianca murders?

2 A There was a newscast about a pair of glasses  
3 that was found at the scene.

4 Q Do you know when this newscast was, approxi-  
5 mately?

6 A No.

7 Q Do you know what month it was?

8 A I am not real sure what month it was. Time  
9 goes, you know, so I don't --

10 Q But it was either September, October or November?

11 A Yes. It was during the time -- well, I know  
12 they hadn't found anybody, you know. This was their first  
13 lead. That is what the newscasts said.

14 Q The first lead was the glasses found at the  
15 scene?

16 A Yes, uh-huh.

17 Q And did Sadie say anything when they said that?

18 A Well, we just had a debate whether or not the  
19 person that owned the glasses was connected with what  
20 happened, and I argued that -- well, I know she says that  
21 the person that owned the glasses, just because their  
22 glasses were there didn't mean that they had anything to do  
23 with what went on there, the murders that they were talking  
24 about, and she said, "Suppose they found the person.  
25 Wouldn't it be too much if they found the person that owned  
26 the glasses. The only thing they were guilty of was

1 dropping a pair of glasses there."

2 Q Did she say, "Wouldn't it be too much if they  
3 found the person --"

4 A And accused them.

5 Q And accused that person?

6 A Yes. And they get in trouble when the only  
7 thing they did was drop a pair of sunglasses -- or a pair  
8 of glasses there.

9 Q Did Sadie ever make any other comment after a  
10 news broadcast on the Tate-La Bianca murders?

11 A Yes.

12 She said one time that "That ain't the way it  
13 went down."

14 Q This was after a broadcast on the Tate and  
15 La Bianca murders?

16 A Yes.

17 Q And she told you that "That ain't the way it  
18 went down"?

19 A Yes.

20 Q Now, when you were leaving Sybil Brand in  
21 late November, 1969, were you being transferred anywhere?

22 A Yes. I was going up to Ventura.

23 Q The California Youth Authority?

24 A Yes.

25 Q What were you in for, Roseanne?

26 A I had five different cases.

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1 Q All right, that's all right. Did you have a  
2 conversation with Sadie before you left?

3 A Yeah, because she was crying; she wanted to  
4 see me again; she did not want me to go and I told her  
5 that I would be seeing her again some day, you know, that  
6 everything was going to be okay, and everything was going  
7 to work out for her and I would be seeing her again.

8 I had to go out and take care of my family  
9 and everything was going to be okay.

10 I just kept telling her, until she stopped  
11 crying, and she said, no, she knew she was never going to  
12 see me again.

13 And I said, "You'll pull out of it, everything  
14 will be all right."

15 She said "No, I am in a lot more trouble than  
16 you know about," and I told her, I said, "Well, I know,  
17 you know, what you are in here for is serious."

18 She said, "No, there is more to it than just  
19 what I am going to court on now." She said, "I was in  
20 on those other murders."

21 Q Did she indicate what murders she was referring  
22 to?

23 A No.

24 MR. BUGLIOSI: I have no further questions, your  
25 Honor, on this particular hearing here.

26 MR. FITZGERALD: I have no questions, your Honor.

1 THE COURT: Mr. Shinn, any questions?

2 MR. SHINN: Yes, your Honor.

3  
4 CROSS-EXAMINATION

5 BY MR. SHINN:

6 Q Miss Walker, when did you enter Sybil Brand?

7 A July 23rd, 1969.

8 Q That is the exact date?

9 A It was either the 23rd or the 24th, I know I  
10 was arrested on the 23rd at Culver City.

11 Q What were you arrested for?

12 A I had three cases of forgery and a grand  
13 theft.

14 Q That is four cases then, three cases of  
15 forgery --

16 A I had a forgery of prescriptions, too.

17 Q Prescriptions?

18 A Yes.

19 Q For narcotics or drugs?

20 A For Obertrol.

21 Q Obertrol? What is that?

22 A It's a weight reducing --

23 MR. BUGLIOSI: This is beyond the margin of the  
24 hearing, I believe.

25 MR. SHINN: I believe Mr. Bugliosi went into this on  
26 direct, your Honor.

1 THE COURT: Went into what?

2 MR. SHINN: I believe when Mr. Bugliosi asked her  
3 a question, she said four charges, I mean for four charges,  
4 your Honor.

5 THE COURT: If you want to inquire into any felony  
6 convictions, you may do so. Otherwise it is irrelevant.

7 BY MR. SHINN:

8 Q Now, have you ever been convicted of a felony?

9 A Yes -- it was under a Juvenile Court.

10 Q My question was were you ever convicted of a  
11 felony?

12 A Yes.

13 Q When was this?

14 A Well, I was found guilty on a forgery when I  
15 had those five cases.

16 Q What year, what month?

17 A It was in 1969, it was when I was at Sybil  
18 Brand that last time. I am trying to remember the month.  
19 It was in September.

20 Q What court was this, Santa Monica, Los Angeles?

21 A No, it was in Torrance.

22 Q Now, your true name is Roseanne Walker?

23 A Yes.

24 Q Did you use any other name?

25 A I used to have a nickname when I was in SBI,  
26 Sybil Brand.

1 Q What was the nickname?

2 A Casper.

3 Q Is that the first name --

4 A Casper, just one name.

5 Q How do you spell it, K or C?

6 A C.

7 Q Have you taken drugs in the past?

8 MR. BUGLIOSI: Your Honor, beyond the scope.

9 THE WITNESS: Yes.

10 THE COURT: Sustained.

11 BY MR. SHINN:

12 Q Now, when did you first meet Miss Atkins at  
13 Sybil Brand?

14 A It was -- I am not really sure, but I did not  
15 get into Dormitory 8000 until August, the first part of  
16 August.

17 It must have been either the last few days of  
18 August or around the 1st of September, around there.

5a fls.

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- 1 Q You are not sure?
- 2 A I am not sure, no.
- 3 Q And was that in 8000?
- 4 A Yes, I was in 8000 when she got transferred into
- 5 that dorm.
- 6 Q And when was the first time you talked to
- 7 Miss Atkins?
- 8 A The first day she was in the dorm I talked to
- 9 her.
- 10 Q Did you approach her or did she approach you?
- 11 A Well, let me see -- she was sort of -- she
- 12 was sort of referred to me because I had a lot of
- 13 cigarettes, and things like that.
- 14 Q You said she was referred to you?
- 15 A Yes, one of the girls told her that if, you
- 16 know, she needed cigarettes or anything, that I could
- 17 probably work something out with her.
- 18 And she approached me.
- 19 Q Do you know the girl's name that referred you?
- 20 A I think Dore Hovey.
- 21 Q What is her last name?
- 22 A Hovey.
- 23 Q Was she an inmate there?
- 24 A Yes.
- 25 Q And when you first met Miss Atkins did you have
- 26 a conversation with her?

1 A Yes.

2 Q The first time?

3 A Yes.

4 Q How many times did you meet --

5 How many times did you have a conversation with  
6 Miss Atkins?

7 A I don't know, to be exact.

8 Q Well, how long did you stay in the dorm with  
9 Miss Atkins?

10 A From the time she entered until the time I left  
11 September, say, until November 27th.

12 Q Until you left?

13 A Until I left. She was there when I left in  
14 the dorm.

15 Q In other words, you spent about two months with  
16 her?

17 A Yes.

18 Q And how many other inmates in the cell?

19 A At the dorm -- at the dormitory there is quite  
20 a few.

21 Q About 60?

22 A Yeah.

23 Q You talked to other cellmates?

24 A Yes.

25 Q Now, when you talked to Miss Atkins the first  
26 time do you recall the conversation you had with her?



1           A.     No, not really. It was just about -- well, it  
2 was just what they call jail talk, you know. It was just,  
3 you know, you talk to people, you know, people open up  
4 to each other to pass their time. It makes your time  
5 easier than if you go around fighting in the jail. It's  
6 bad enough you're in jail.

7                     This is why they call me Casper, because I  
8 used to talk to everybody. I was friendly to everybody.

9           Q     In other words, you talked to a lot of other  
10 people besides Miss Atkins?

11          A     Sure, I know most everybody in the dorm.

12          Q     Very popular?

13          A     I don't say I was very popular but like my  
14 name implied, I was friendly.

15          Q     Now, you said there was a radio in this  
16 dormitory?

17          A     There wasn't a radio in it. It was music that's --  
18 It was music that they control from up front.  
19 It's like they have got speakers.

20          Q     Did you watch television while you were there?

21          A     Sometimes.

22          Q     You did watch television?

23          A     Sometimes.

24          Q     And on television they had this news about  
25 this case?

26          A     I don't remember watching any newscasts about it

because I don't watch TV that much.

1 Q Was there magazines and newspapers in Sybil  
2 Brand?

3 A No newspapers.

4 Q Magazines?

5 A Barely, just up in the infirmary usually.

6 Q You heard other girls talk about this case, too?

7 A Everybody was talking about it because it was  
8 on the radio all the time.

9 Q So in other words, you talked to, say, approxi-  
10 mately 60 inmates about this case?

11 A No.

12 Q You said everybody was talking about it.

13 A Well, I mean it was a big thing then because it  
14 was always on the radio.

15 I heard other people talk about it but I never --  
16 it did not concern me or interest me.

17 Q No, but you were in a conversation where other  
18 girls talked about this case; it was a big thing, right?

19 A No, I did not talk to somebody else about it.

20 Q Somebody else talked to you about it, correct?

21 A No, not really because when they started to talk  
22 to me I did not like to listen to the radio or the news  
23 or anything else.

24 I was very depressed because I was in jail, and  
25 I did not like any contact with anything on the outside  
26

1 because, well, it depressed me even more, even to listen,  
2 even to listen to anything on the radio.

3 Q Yes, but you just stated that everybody was  
4 talking about this case, correct, big news, right?

5 A Yes.

6 Q And you heard all of the girls talking something  
7 about this case, correct?

8 A Every time it came on the news people would make  
9 comments and different things like that.

10 Q Right.

11 A The only comment I ever made was, "I wish  
12 they'd turn it off, I wish they would turn off the radio.  
13 I'm trying to sleep."

14 Q Now, you went into Sybil Brand on -- when did you  
15 go to Sybil Brand?

16 A July. It was either the 23rd or the 24th.

17 Q 1970?

18 A No, 1969.

19 Q Now, have you read any magazines while you were  
20 at Sybil Brand, movie magazines, detective magazines?

21 A No, I read books from the library.

22 Q But you did read magazines, too, did you not?

23 A No, I don't like magazines. I like books.

24 Q Did you just glance through magazines, then?

25 A No, not that I remember.  
26

5b-1

1 Q Now, you heard something about this Tate case  
2 before you met Miss Atkins, is that correct?

3 A From what I remember, from the time I got in  
4 there it's all I heard about on the radio, people talking.

5 Q Yes.

6 A Big thing, you know.

7 Q You went in there on July 23rd and you heard  
8 about this case before you saw Miss Atkins, isn't that  
9 correct?

10 A Yeah, I heard the names.

11 Q And then you heard about the case from other  
12 girls discussing it, is that correct?

13 A I would just hear, they would be arguing and  
14 talking about it, and things like that.

15 If anybody tried to talk to me about it, I  
16 did not want to talk about anything that is on that radio.

17 I had a thing with the radio going. I did not  
18 like the radio.

19 Q But you overheard other girls talking about  
20 it while it came over the radio, isn't that correct?

21 MR. BUGLIOSI: Is this part of a hearing or an  
22 exploratory, fishing expedition? I don't know. It seems  
23 to be more in the nature of discovery as opposed to limiting  
24 the questions to direct examination.

25 MR. SHINN: I merely want to find out what she knew  
26 about the case.

1 MR. BUGLIOSI: I don't think that is the purpose of  
2 the hearing. It is an Aranda and Bruton hearing as far as  
3 I know.

4 THE COURT: Due to the fact the People did not intro-  
5 duce the conversation in writing, I am going to give the  
6 defendants a wide latitude in this examination, to explore  
7 all facets of this conversation and relationship.

8 Overruled.

9 MR. SHINN: May I have just a moment, your Honor.

10 (Pause.)

11 MR. SHINN: Your Honor, I don't know whether or not  
12 she answered the last question.

13 THE COURT: Reframe the question.

14 BY MR. SHINN:

15 Q I believe I asked you whether or not -- no, I  
16 believe I asked you whether or not you heard about this case  
17 before talking to Miss Atkins.

18 I believe you said yes. Is that correct?

19 A Yes.

20 Q You heard it on the radio and people talking  
21 about it, is that correct?

22 A Yes.

23 Q Are you feeling okay, Miss Walker?

24 A I feel okay.

25 Q Maybe you want to take a recess.

26 A I feel fine.

1 Q Oh. Now, do you recall what you heard about  
2 this case, the Tate case, before you talked to Miss Atkins.

3 Now, think back.

4 A I don't remember anything specifically because  
5 I never engaged in any conversations about it.

6 Q But you overheard other people discussing it,  
7 correct?

8 A Yes.

9 Q And you heard on the radio, correct?

10 A Yes.

11 Q Now, my question is, could you think what you  
12 heard about the Tate case before you met Miss Atkins?

13 (Pause.)

14 Take your time.

15 (Further pause.)

16 A Well, I heard different inmates talk about it,  
17 and some people would say, they would debate whether they  
18 would catch up with them or not or whatever.

19 And they talked about how smart thieves were,  
20 you know, they find out, because the thing was that the  
21 radio made it sound like the police had absolutely no  
22 idea, you know, and that this was going to be unsolved.

23 They were talking about whether they would  
24 catch who did it or not.

25 Q Now, you talked to Miss Atkins in November,  
26 correct?

1 A Yes, I talked to her in November.

2 Q Did you --

3 I mean, do you recall talking to her in November,  
4 meeting her in November?

5 A Not meeting her in November. I talked to her  
6 during the month of November.

7 Q Now, when did you get out of Sybil Brand?

8 A The 27th of November.

9 Q 1969, correct?

10 A Yes.

11 Q And you read or heard or watched TV about this  
12 case, did you not, about the Tate case since you've been  
13 out?

14 A Since I've been out.

15 Q Yes.

16 A Well, I was released November and I went up  
17 to -- I was incarcerated in another place, so I was not  
18 released to the outside.

19 I was released to Ventura School for Girls.

20 Q When did you go up there?

21 A November 27th.

22 Q When did you get released from there?

23 A February 26th.

24 Q Now, while you were up at Ventura School for  
25 Girls, is that a jail, a prison, or what is it?

26 A It is a girl's school; it is California Youth

1 Authority.

2 Q Oh, it's like a Juvenile Hall, right?

3 A Yes.

4 Q Now, while you were there was there a radio,  
5 TV?

6 A Yes, there was radio, TV, newspapers, whatever  
7 you want was there.

8 Q They've got everything there?

9 A Yes.

10 Q You read something about this case there too,  
11 right?

12 A No.

13 Q Did you hear something about this case?

14 A No. My idea was to go to work and do my time  
15 and get out.

16 I was not concerned with anything like this.

17 Q Is it your testimony that while you were at  
18 the Ventura School for Girls you heard nothing about this  
19 case?

20 A Just before I was released I did hear something.

21 Q What did you hear?

22 A Some headline in the paper about Susan Atkins.

23 Q What month and year was this?

24 A I will say, if I can remember, if it was  
25 Christmas yet or not -- I would say it was before Christmas,  
26 so to give you a time, it was before Christmas I remember.



1 Q It was before you were released?

2 A Yes.

3 Q You were released before Christmas?

4 A No.

5 Q When were you released?

6 A February. The time runs together for me in  
7 there. It is hard for me to remember.

8 Q In other words, would you say that you have a  
9 very poor memory?

10 A No, not a very poor memory.

11 Q Below average?

12 A Things like that -- well, things like that are  
13 important to me. I remember important things, but --

14 Q Okay, now, you remembered about Miss Atkins in  
15 December sometime, is that correct?

16 A Yes.

17 Q Was it in the newspaper?

18 A Yes.

19 Q And was it the Times?

20 A There was a picture of her in the paper.

21 Q And a story about her in the paper -- the  
22 Times?

23 A I don't remember what paper, one of the  
24 counselors brought it.

25 Q But you read it?

26 A I did not really read the whole article, it was

1 something she gave some testimony somewhere in some court.

2 Q And you read it, correct?

3 A I did not read the whole thing.

4 Q You read most of them, is that correct?

5 A Just a part of it. I think I read that she  
6 described what she had on or something.

7 It wasn't -- it was just sitting on the desk  
6 f s 8 and then there was a lot of girls there talking about it.

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Q When you got out, did you read about this case?

A No.

I don't read about it now today still.

No, I don't remember reading about it when I was out.

Q Since the time you got out -- when was it, February, 1970?

A February, '70.

Q Until this date, you have not heard --

A I have heard. I was subpoenaed.

Q Well, did you see something about this case on television, then?

A No.

Q Do you have a television at home?

A Yes.

Q How many television sets do you have?

A Just one.

Q Do you have a radio at home?

A Yes.

Q Do you take the paper at home?

A No, but I buy the paper every day.

Q You buy the paper every day?

A Yes.

Q What kind of a paper do you buy?

A The Herald Examiner.

Q The Herald Examiner?

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A Yes.

And I buy the Register in Orange County where I live.

Q You get the daily paper?

A I try to buy it every day.

Q And you read it from cover to cover; correct?

A No.

Q You turn the pages, don't you?

A Yes, but I don't read every article in the newspaper.

Q But you have --

A I have a reason for buying the newspaper. I buy it because I like to read Ann Landers.

Q What?

A I like to read Ann Landers in the newspaper, and that is why I try to buy it every day. And the horoscope part.

I buy it for that purpose.

Q But you have seen something in the newspapers about this case; isn't that correct?

A Well, a lot of times I have seen different things but I don't even read it. I try to just push it in back of my mind.

I try to push anything that happened to me while I was in jail, I try to push jail out of my mind.

Q I see.

1                   Anything that happened to you in Sybil Brand  
2 you are talking about now; right?

3           A       Yes.

4           Q       You try to push out of your mind?

5           A       I try to.

6           Q       You try to erase it from your memory?

7           A       That's right, I do.

8           Q       Would it be a fair statement to state that you  
9 have erased most of the things that you heard or seen in  
10 jail while you were in Sybil Brand? Is that a fair state-  
11 ment?

12          A       Well, not most of the things. Most of the  
13 unpleasant things.

14          Q       As to your memory of events in Sybil Brand,  
15 would you say now that it is kind of foggy? You are not  
16 sure of the events that happened?

17          A       No. Things aren't foggy. It is just that the  
18 unpleasant things, the things that I saw in there and the  
19 things that went on in jail itself, this is what I try  
20 and push away, and anything that would relate to me being  
21 there I try not to think about.

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1 Q And have you succeeded in trying to erase from  
2 your memory some of the events that happened at Sybil  
3 Brand while you were there?

4 A No. They are still there.

5 Q But you have erased most of it, is that correct,  
6 the majority of it?

7 A I'd say I just try not to think about the un-  
8 pleasant scenes that went on there, but I still -- well,  
9 it is apparent that I remember them because they are still  
10 here with me or I wouldn't be talking about them.

11 Q And as time goes on, your memory of what  
12 happened at Sybil Brand gets lesser and lesser; is that  
13 correct?

14 A No.

15 Q As time goes on?

16 A No, they are still here.

17 Q Now, you stated that Miss Atkins stated some-  
18 thing about this Tate case; correct?

19 A Yes.

20 Q Now, when did she talk about this? When you  
21 first met her? Or when was it? Was it a week after or  
22 two weeks?

23 A It was a while after I knew her, had met her.

24 Q A while after you had met her?

25 A Yes.

26 Q How much later after you met her?

1 Is it kind of hazy in your mind now?

2 A I had known her for about two weeks, three  
3 weeks, maybe.

4 Q My question was: How many days after you met  
5 Miss Atkins did she talk to you about this case?

6 A That was the only thing we ever talked about  
7 as far as the case. Not the only thing, but that was the  
8 discussion.

9 In fact, that was the only debate I ever got  
10 into on anything in that case because it came over the radio  
11 and I didn't like the radio.

12 Q My question was: After you met Miss Atkins, how  
13 many days later did you discuss with her about the Tate  
14 case?

15 Do you understand my question?

16 A Yes.

17 I had known her for at least two weeks, three  
18 weeks.

19 Q Are you finished?

20 A Yes.

21 It was two or three weeks after.

22 Q You didn't answer my question, Miss Walker.  
23 I asked you: After you met Miss Atkins in November, how  
24 many days later did you and her or someone else discuss the  
25 Tate case?

26 A I didn't meet her in November.

THE COURT: She has answered the question twice,

1 Mr. Shinn.

2 MR. SHINN: I beg your pardon?

3 THE COURT: She has answered your question twice.

4 MR. SHINN: She did not answer my question, your Honor.  
5 I asked her how many days after she knew Miss Atkins she  
6 discussed this.

7 THE COURT: She said two or three weeks twice.

8 MR. SHINN: Q Is that your answer, two or three  
9 weeks after you met her?

10 A Yes.

11 Q What did you talk about the first time that you  
12 met Miss Atkins?

13 A I think cigarettes. We were talking about  
14 cigarettes.

15 She didn't have any cigarettes. I remember  
16 giving her a package of cigarettes.

17 Q Is that all you talked about the first time  
18 that you met her? You talked about cigarettes?

19 A No. We talked about the dorm, different jobs  
20 in the dorm.

21 This was a working dorm I was in.

22 Q Where was your bed in relation to her bed?

23 A I am trying to remember what job I had, then I  
24 can tell you where my bed area was, because I changed  
25 quite a few times.

26 THE COURT: We will take our recess at this time,



1 Mr. Shinn.

2 The Court will recess for 15 minutes.

3 (Recess.)  
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1 THE COURT: All parties and counsel are present.  
2 The jury is not present.

3 You may continue, Mr. Shinn.

4 MR. SHINN: Thank you, your Honor.

5 Q Now, do you recall what you talked about with  
6 Miss Atkins the second time that you met her?

7 A Not really, no. I don't remember.

8 Q How much time would you spend with her, say,  
9 from day to day?

10 A Not too much time.

11 Q Not too much time?

12 A No.

13 Q Now, was there a girl in that dormitory that  
14 you spent more time with than Miss Atkins?

15 A Well, I changed people that I ran around with  
16 from time to time. I was friendly to everybody.

17 Q You had no special inmate that you were close  
18 to?

19 A I was a little bit more close to a girl named  
20 Dore. I wasn't really close to her, I just palled around  
21 with her because she was small and everybody picked on  
22 her.

23 Q You discussed with her about the Tate case too,  
24 did you not?

25 A With Dore?

26 Q Yes.

1 A No.

2 Q You don't recall?

3 A No.

4 We used to talk about things, you know, that  
5 had to do with home.

6 Q When you heard on the radio, didn't you and  
7 Dore comment on the case?

8 A No.

9 Q Are you positive of it?

10 A Yes.

7 fls.

7

1 Q Maybe you have discussed and you have forgotten?

2 A No.

3 Q You have spent very little time with Miss  
4 Atkins, is that correct, during your acquaintance with  
5 Miss Atkins?

6 A I don't know what you consider very little  
7 time. I don't understand the question.

8 Q How much time would you spend with Miss Atkins  
9 from day to day, say?

10 A Well, mostly when I talked to her it was at  
11 night, just before bed.

12 During the days we all had jobs, some worked  
13 at night; some worked at day.

14 During the day we really didn't have time to  
15 be socializing.

16 Q Before I forget, when did you talk to Mr.  
17 Bugliosi the first time?

18 A The very first time?

19 Q Yes, what date, what year?

20 A I don't know the exact date. It was after I  
21 was released and I was living in Los Angeles at the time.

22 Q Was it this year, 1970?

23 A Yes.

24 Q Now, was it June, the middle of the year, June,  
25 1970?

26 A No.

1 Q Was it the early part of the year?

2 A Well, I don't remember the exact date the first  
3 time I talked to him. It was a while after I had been out.

4 Q Was it about three or four months ago?

5 A I don't know, it was not that.

6 Q Was it a month ago?

7 A It was longer than that. I just don't remember  
8 the exact date. It was some time after I was released and  
9 living in a group home in Los Angeles.

10 Q And how did Mr. Bugliosi contact you?

11 A I think there were District Attorney investiga-  
12 tors, I think that is what their cards said, they came out  
13 and asked me if I had known Miss Atkins.

14 Q Was that the first time that any police officers  
15 or the District Attorney's Office contacted you?

16 A Yes.

17 Q After you got released?

18 A Yes.

19 Q In 1970?

20 A Yes.

21 Q And that was maybe -- you don't recall, maybe  
22 three or four months ago, you don't recall?

23 A Yeah, I don't recall.

24 Q And they contacted you at your house?

25 A No, I was in Los Angeles living in a group  
26 home.

1 Q Okay, did they come out to talk to you?

2 A Yes.

3 Q Did you have a conversation at where you were  
4 staying the first time?

5 A Yes.

6 Q Now, you recall the man's name you talked to?

7 A No, no, I don't.

8 I had his card but I lost it. He showed me  
9 it.

10 Q Was it Mr. Gutierrez, here?

11 A Yes, it was.

12 Q It was Mr. Gutierrez?

13 A I'm not sure about the people that came to  
14 see me the first time. I know they are from the District  
15 Attorney's Office and they asked me a few questions.

16 Q Oh, from the District Attorney's Office?

17 A Yes, there were two men.

18 Q Did they show you a badge?

19 A Yes.

20 Q You don't recall the names?

21 A No.

22 Q Now, when these two men talked to you, how  
23 long was the conversation?

24 A Not very long.

25 Q How long, half an hour?

26 A I would say about ten minutes, 15.

1 Q They were taking notes, correct?

2 A Yeah, they were writing down.

3 Q Did they have a tape recorder?

4 A I don't know. I did not ask them, and they  
5 did not have one in their hand.

6 Q And you told them something about the Tate case,  
7 correct, when you were first dealing with these two men?

8 A No, because they were asking me questions.

9 Really they were asking me questions about me.  
10 In fact, they seemed concerned about my welfare, you know,  
11 as far as what I was going to do now that I'm out.

12 They just seemed concerned about me at first.

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1 Q Well, at your first meeting with these two  
2 so-called District Attorney investigators, did you talk  
3 about the Tate case?

4 A No.

5 We mostly talked about what kind of relation-  
6 ship I had with Susan while I was at SBI.

7 Q And did you --

8 A How well I knew her, and things like that.

9 Q In other words, you didn't tell these first  
10 two officers or District Attorney investigators anything  
11 about the Tate case, what Miss Atkins said, or anything  
12 like that; is that correct?

13 A I just remember telling them about Susan, and  
14 they asked me, you know, what she did, and things like  
15 that, how she seemed.

16 Q Do you recall what you told those two men?

17 A No.

18 Q About Miss Atkins?

19 A No, I don't remember all their questions and  
20 all my answers.

21 Q Do you remember some of the things that you  
22 said to them about the Tate case?

23 MR. BUGLIOSI: Assumes a fact not in evidence.

24 MR. SHINN: Your Honor, I'm trying to find out what  
25 statement she made to any police officers.

26 MR. BUGLIOSI: About the Tate case.



8-2

1 She said they asked her some questions about  
2 Susan Atkins. That doesn't necessarily mean she spoke to  
3 them about the Tate case.

4 THE COURT: Sustained. It is ambiguous.

5 MR. SHINN: All right.

6 Q Did you talk to these officers about Miss  
7 Susan Atkins and what she said about the Tate case?

8 A No.

9 Q Then, on this particular day, now, when these  
10 two men came to see you, did they take you some place?

11 A No.

12 Q They just left?

13 A Pardon?

14 Q They just left?

15 A Yes, they left.

16 <sup>were</sup>  
17 We/just out on the front porch because we  
18 weren't allowed to have visitors up in our room, and  
19 they asked me what they had to ask me, and that was  
20 it.

21 He left me a card and he said that I may be  
22 contacted, you know, in the future.

23 Q They left you their card, or Mr. Bugliosi's  
24 card?

25 A Their card. He left me his card.

26 Q Then, how did you get in contact with Mr.  
Bugliosi later?

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A I was brought down to his office.

Q By the two same men?

A No. They were different.

Q When did they come to your house?

A I don't know the exact date.

Q Then you saw Mr. Bugliosi?

A Yes.

Q Now, before you talked to Mr. Bugliosi, did you talk to any other police officers?

A I talked to two other ones before I had been brought down to talk to Mr. Bugliosi.

I can't pronounce his name.

Q Bugliosi?

A Yes.

Q Now, you saw two other police officers; correct?

A Yes.

Q And when did you meet these two police officers?

A I don't know if they were police officers or investigators like the other ones.

Q They talked to you at your house?

A They talked to me at the group home.

Q And at that time, did you talk about Miss Atkins and the Tate case?

A I don't remember everything we talked about.

Q You did talk about Miss Atkins and the Tate

1 case?

2 A I talked about Miss Atkins.

3 Q And something she said about the Tate case?

4 A No.

5 I talked about how Miss Atkins -- well, they  
6 asked me how well I knew her, things like this.

7 Q Now we will get to Mr. Bugliosi.

8 You came down to the Hall of Justice and talked  
9 to Mr. Bugliosi; correct?

10 A Yes.

11 Q And you don't know when it was, but it was in  
12 1970; correct?

13 A Yes.

14 Q And how long was this conversation with Mr.  
15 Bugliosi?

16 A It wasn't more than, really, five minutes,  
17 but I was there longer. Five minutes or so. There was  
18 a lot of other people there to see him. He was busy.  
19 I don't know the exact length of the conversation.

20 Q Well, was it more than a half hour?

21 You just said a minute ago it was five minutes.

22 A Well, it wasn't like I was having just a talk  
23 with him. There was a lot of people going in and out of  
24 the office, and a lot of times when he was talking to me  
25 there were interruptions, and I don't know the exact  
26 length of time, how long I was there.

1 Q Well, how long did you stay in Mr. Bugliosi's  
2 office? Five minutes? More than five minutes?

3 A Let's see.

4 I got back in about an hour and a half, back  
5 to the home in an hour and a half. So, I wasn't in the  
6 office but a little over a half hour.

7 Q While you were in Mr. Bugliosi's office, you  
8 spent a half hour in his office talking to Mr. Bugliosi,  
9 or just waiting in his office?

10 A Sometimes I was talking to him and sometimes  
11 I wasn't. Like I said, there was a lot of interruptions,  
12 people going in and out.

13 Q Now, your actual conversation with Mr. Bugliosi,  
14 how many minutes do you think it lasted? Five minutes?  
15 Ten minutes?

16 A I don't know.

17 Q Was there anyone else in the room with Mr.  
18 Bugliosi?

19 A There was a lot of people there.

20 Q I mean, was there a girl taking notes?

21 A No, there was no secretary or anything like  
22 that.

23  
24  
25  
26  
9 fls.

9-1  
1 Q Did you see anyone in there with a steno  
2 machine like the one this man is using?

3 A No.

4 Q Did you see a tape recorder, was your conver-  
5 sation being taped?

6 A No.

7 Q Was Mr. Bugliosi taking notes, if you remember?

8 A I don't remember.

9 Q You don't remember if Mr. Bugliosi was taking  
10 notes?

11 A No, no.

12 Q Was there anyone else in the room taking notes  
13 of your conversation?

14 A I don't know.

15 Q You don't know?

16 A No.

17 Q Now, you did make a statement or talk to  
18 Mr. Bugliosi concerning Miss Atkins and the Tate case,  
19 correct?

20 A No.

21 Q You did not?

22 A I don't remember anything specifically about  
23 that except that he was just questioning me and he wanted to  
24 know about how well I knew Susie.

25 Q Is that all?

26 A He was asking me questions and I answered him.

1 Q Okay, now. You recall questions that  
2 Mr. Bugliosi asked you, not the exact words, but the  
3 substance of what he said to you and what you said to him,  
4 do you recall that?

5 A Do I remember all of the questions he asked me?

6 Q Yes, some of the questions.

7 A I don't remember.

8 Q You don't recall making any statements to  
9 Mr. Bugliosi.

10 In other words, you have forgotten what he said  
11 to you.

12 A Well, when I was brought to his office I was  
13 just -- I had just been released and I did not want any, you  
14 know -- I really did not want to be in his office, you  
15 know.

16 The people came to talk to me. At first, you  
17 know, I did not want to say nothing.

18 Q In other words, you did not want to get involved,  
19 correct?

20 A That's right.

21 Q Did he threaten you?

22 A No.

23 Q Now, is it your statement now that you don't  
24 recall what you said to Mr. Bugliosi when you saw Mr.  
25 Bugliosi, is that correct?

26 A Yes, I don't remember everything he asked me.

1 Q Could you remember something that he asked  
2 you and what you said at that time?

3 A Well, mostly, he would ask me -- he knew already  
4 because he asked me if I was in jail such and such a time  
5 and, well, I imagine he could find out by just calling the  
6 jail, the things he was asking me, you know.

7 Q Well, is that all you recall?

8 A No, he asked me if I was in there, if I knew  
9 Susan, and he asked me if I knew everybody else, you know,  
10 like if I had like a pal I ran around with, or was close  
11 to, and things like that.

12 Q Did you tell him who your pal was?

13 A Yeah, I told him.

14 Q Who was your pal?

15 A I had quite a few pals I told him.

16 Q I want to know the pal you told Mr. Bugliosi  
17 that day you had a conversation with him, the name of that  
18 pal you told Mr. Bugliosi.

19 A Well, I remember telling Mr. -- I remember  
20 telling him that I was everybody's friend.

21 Q In other words, you did not name any person?

22 A Well, I really -- really I did not have any  
23 person that I ran with that much except for Dore.

24 Q Anything else you talked to Mr. Bugliosi about  
25 that day that you can recall now?

26 A No.

1 Q That is all you can remember, is that correct?

2 A That is all I can remember.

3 Q Did you later talk to a police officer or  
4 Mr. Bugliosi again?

5 A Yes.

6 Q When was that?

7 A About a week after I talked the first time, or  
8 it could have been longer.

9 Q What did you say?

10 A About a week after?

11 Q You talked to someone else about a week after?

12 A No, I talked to him again. I was brought down  
13 to the -- to his office.

14 Q Well, how many times did you see Mr. Bugliosi,  
15 total times before coming to court?

16 A I don't know.

17 Q Let's go one by one, then, you saw him a week  
18 later again, then?

19 A About a week later.

20 Q Just before you left Mr. Bugliosi the first time  
21 you talked with him, did he say anything to you about coming  
22 back or "I will contact you"?

23 A Well, I told him -- I told him at the place I  
24 was staying that I was always there.

25 I was supposed to be looking for a job, but I  
26 wasn't because I was planning on leaving for my father.



1 I said if I did leave that my parole officer  
2 always knows where I am at, as far as contacting me again.

3 Q Did he contact you again, Mr. Bugliosi, a week  
4 later?

5 A No, the second time I seen him, I remember two  
6 investigating officers came and picked me up.

7 Anytime I have ever been down there, down in  
8 Los Angeles, you know, to see him, he has transportation.  
9 I don't drive and I don't have money to be coming down to  
10 the office.

11 Q Where do you live, what is your address?

12 A Right now?

13 Q Yes.

14 A In Santa Ana.

15 Q What is the address?

16 MR. BUGLIOSI: It's irrelevant.

17 THE COURT: I am going to sustain the objection at  
18 this time, Mr. Shinn.

19 MR. SHINN: Yes, your Honor.

20 Q BY MR. SHINN: So the second time you came down  
21 to see Mr. Bugliosi again, correct?

22 A Yes.

9a-1

1 Q Now, do you recall how long this conversation  
2 was with Mr. Bugliosi the second time?

3 A No.

4 Q Was it five minutes again?

5 A I don't remember.

6 Q It was so short you have forgotten, is that  
7 correct?

8 A I don't remember how long it was I talked to  
9 him.

10 Q Did you see him down here in the Hall of  
11 Justice again in his office?

12 A In his office?

13 Q Were a lot of people running in and out again?

14 A There's always people running in and out.

15 Q Was anybody else with Mr. Bugliosi the second  
16 time?

17 A Yes, but I don't remember who they were.  
18 There was people.

19 Q In other words, people coming in and out of  
20 the office, it got you confused, huh?

21 A No, I didn't pay no attention to anybody  
22 running in and out.

23 Q Were the people running in and out, were they  
24 interrupting Mr. Bugliosi?

25 A I imagine it was important because if he did  
26 not want to be interrupted he would have left word, put

9a-2

1 a note on his door or something.

2 So I don't think it was interruptions that were  
3 not necessary.

4 Q And do you recall how many minutes you talked  
5 to Mr. Bugliosi that day?

6 A No, no.

7 Q It was a short time, correct?

8 A Yes.

9 Q Very short?

10 A Yes.

11 Q Now, was he taking notes then of your conversa-  
12 tion or was he too busy with other people?

13 A I don't know what he was doing.

14 Q Do you recall what you talked about the second  
15 time you saw Mr. Bugliosi?

16 A No.

17 Q You forgot completely what you said, correct?

18 A Not completely, but I just know he was ques-  
19 tioning me and I didn't want to be questioned. I have other  
20 important things to do.

21 Q I see, so in other words you did not want to  
22 answer some of his questions, correct?

23 A Well, it's not that -- well, I had other things  
24 to do and I didn't -- I didn't want to be here.

25 I don't want to be here now, really.

26 Q Good.

9a-3

1 Now, is it a fair statement now, Miss Walker,  
2 to say that the second time you talked to Mr. Bugliosi you  
3 forgot completely what you talked about, is that correct?

4 A Would you ask me that again.

5 Q Well, the second time you talked to Mr.  
6 Bugliosi now --

7 A Yes.

8 Q -- is it a fair statement to say that it was  
9 such a short time you had a conversation with Mr. Bugliosi  
10 that your memory now, you cannot remember what you talked  
11 about?

12 Would that be a fair statement?

13 A Yes.

14 Q Now, did you talk to Mr. Bugliosi again after  
15 the second time?

16 A Yes.

17 Q When was that?

18 A I don't know. I don't remember.

10 fls.

J-1

1 Q Did someone come and pick you up again?

2 A Any time I have ever talked to him, somebody  
3 has had to give me a ride.

4 Q Did they force you to go down and see  
5 Mr. Bugliosi?

6 A No. But why should I refuse if he wanted to  
7 talk to me?

8 Q Now, the third time, when was this? A week  
9 after the second time, or a month later, or what? Do you  
10 recall?

11 A I think it was quite a while after that because  
12 I think I moved. I did move, in fact. It was not a  
13 permanent move, but I went up North to work with my father.

14 Q You say up North? San Francisco?

15 A Not that far. Santa Maria.

16 Q Then did Mr. Bugliosi get in contact with you  
17 while you were there?

18 A No.

19 Q Do you recall the third time you saw Mr.  
20 Bugliosi?

21 A When I came back from up North.

22 Q When was this? A couple of months ago?

23 A About a month ago.

24 Q You mean sometime in September?

25 A Yes.

26 Q Are you sure of that?

1           A       That was some time in August when I came back  
2 from working with my father.

3           Q       Then you saw Mr. Bugliosi again then?

4           A       No.

5           Q       You are shaking your head no?

6           A       Not right away, no. Not right away.

7                   I moved back into the group home, and I wasn't  
8 happy there, so I went to see my brother in Orange County  
9 and I told him how unhappy I was. So, he moved me in with  
10 him in Santa Ana.

11                   It was about -- well, I moved there September  
12 the 7th. It was the 16th or 17th of the month when some-  
13 body came by to see me from his office.

14          Q       That is when you were living in Santa Ana?

15          A       Yes.

16          Q       And it was two men again?

17          A       No. It was one man. And I didn't speak to  
18 him the first time he was there because I wasn't there.  
19 I didn't speak with him. I just got a message that somebody  
20 was there to see me.

21          Q       You didn't see this man?

22          A       No. But I seen him the second time he came  
23 back.

24          Q       He came back when? A week later or a few days  
25 later?

26          A       Yes.

1 Q And was this the same man that you saw before?

2 A No.

3 Q Did he identify himself?

4 A Yes. He showed me a badge and a card.

5 Q Do you know his name?

6 A Yes.

7 Q What was his name?

8 A Mr. Correa.

9 Q Now, at that time, did you go down and see  
10 Mr. Bugliosi again?

11 A No.

12 This man came to see me and he said that he  
13 wanted me -- or that Mr. -- I can't pronounce his name.

14 Q Bugliosi?

15 A -- wanted to see me.

16 Q And did you go down and see him?

17 A I said, "Well, I don't have no way to get down  
18 there."

19 He said, "Well, we can come and pick you up."

20 Q Did they come and pick you up?

21 A Yes.

22 Q Then you saw Mr. Bugliosi for the third time  
23 now; correct?

24 A No.

25 I had seen him -- it is hard for me to remember --  
26 I can't remember if it was the first, second, third or what,

1 because, well, whenever I did talk to Mr. Bugliosi -- well,  
2 I know the last time I seen him he was very angry at me.

3 Q Mr. Bugliosi was mad at you?

4 A Yes. Because I was supposed to come to court  
5 and I didn't come when he subpoenaed me. He subpoenaed  
6 me.

10a



10a-1

1 Q Now, how many times do you think that you saw  
2 Mr. Bugliosi before coming to court to testify? Two or  
3 three times?

4 A I just seen him this morning, and there was  
5 another time.

6 Q No. Before that I am talking about.

7 A Five times, maybe.

8 Q Five times?

9 A Yes.

10 Q And did these conversations last -- what --  
11 five minutes? Was he always busy?

12 A I don't know how long.

13 Q It was a short time; correct?

14 A Yes.

15 Q Very short?

16 A Yes. Every time I have talked to him hasn't  
17 been too long.

18 Q And would it be fair to state that during all  
19 these conversations with Mr. Bugliosi, you have forgotten  
20 what you have talked about?

21 Would that be a fair statement?

22 A No.

23 Q You recall some of the conversation?

24 A Yes.

25 Q What part of the conversation do you remember?

26 A I remember talking to him and telling him about

10a-2

1 being at SBI, and my relationship with Susan Atkins, how  
2 well I knew her.

3 Q Is that all you remember?

4 A We talked about other things.

5 Q Are you finished?

6 A Yes.

7 Q Now, is that all you remember of your conversa-  
8 tion with Mr. Bugliosi the three or four times that you  
9 talked to Mr. Bugliosi?

10 A He asked me if I had ever discussed any of the  
11 cases about the murder, you know, the murders, with Susan.  
12 He asked me if she confided in me.

13 Q Is that all you can remember now?

14 A Yes.

15 Q You have thought about this carefully, every-  
16 thing that <sup>he</sup> /asked you, and that is all you can remember  
17 about your conversation with Mr. Bugliosi; correct?

18 A Yes.

19 Q Did he ever show you a statement concerning  
20 the conversation between you and Mr. Bugliosi?

21 A No.

22 Q Did he ever discuss the Tate case with you?

23 A Yes.

24 Q He discussed the Tate case with you?

25 A Well, yes.

26 Q Do you recall what he said about the Tate case

10a-3

1 to you?

2 A No, I don't remember. I don't remember exactly  
3 what he asked me.

4 MR. SHINN: May I have a moment, your Honor?

5 (Mr. Shinn confers with Mr. Fitzgerald and  
6 Mr. Kanarek.)

7 MR. SHINN: I have nothing further, your Honor, at  
8 this time.

9 THE COURT: Any questions, Mr. Kanarek?

10 MR. KANAREK: Merely this.

11 CROSS-EXAMINATION

12 BY MR. KANAREK:

13 Q Could you please tell us what were the crimes  
14 that you were in jail for?

15 A My crimes?

16 MR. KAY: Objection as irrelevant.

17 THE COURT: Sustained.

18 MR. KANAREK: Q Have you been convicted of a  
19 felony?

20 A I was charged --

21 MR. KAY: Objection. Asked and answered.

22 MR. KANAREK: No, that hasn't been answered.

23 THE COURT: Yes. She answered the question for  
24 Mr. Shinn.

25 MR. KANAREK: May I have an answer?  
26

1 THE COURT: She answered that question when Mr.  
2 Shinn asked her that question.

3 MR. KANAREK: Very well, your Honor.

4 Thank you.

5 MR. HUGHES: No questions, your Honor.

6 MR. BUGLIOSI: I have a question.

7 THE COURT: I have some questions also.

8 MR. BUGLIOSI: Very well.

9 EXAMINATION

10 BY THE COURT:

11 Q When was the first time, Miss Walker, that you  
12 ever told anyone of your conversations with Susan Atkins  
13 while you were at Sybil Brand?

14 A Well, after I left Sybil Brand I was up in  
15 Ventura, and her picture was in the paper.

16 I was talking to one of my counselors, and I  
17 told her that I had -- you know, she was talking about her,  
18 and I told her that I had been in jail with her.

19 Q Did you tell your counselor what Susan Atkins  
20 had told you about her relationship, if anything, with any  
21 of the --

22 A No. She was asking me questions about her.  
23 Like, you know, what kind of a girl did she seem to be.

24 Q My question is: When did you first tell  
25 anyone of the conversations that you had with Susan Atkins  
26

1 at Sybil Brand?

2 A Well, that counselor up there was the first  
3 one that I told that I knew her and had talked to her.  
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11 fls.

11-1

1 Q Did you tell the counsellor what Susan had  
2 told you?

3 A No.

4 Q When was the first time you told anyone what  
5 Susan told you?

6 A When I talked to the two men that came down to  
7 see me.

8 Q You don't remember their names?

9 A No, I don't.

10 Q You told them what Susan told you at Sybil  
11 Brand?

12 A Yes.

13 Q Were they taking notes?

14 A Yes.

15 Q Both of them?

16 A I don't know if both of them were. They were  
17 both asking me questions.

18 Q Did you tell them everything that Susan Atkins  
19 had told you at Sybil Brand?

20 A They asked me if I would just stop and see if  
21 I can remember, you know, if she ever mentioned anything to  
22 me about, or pertaining to these cases.

23 Q All right, do you remember what you told these  
24 men, what did you actually tell them that Susan told you?

25 A I don't remember everything.

26 Q Do you remember anything that you told them?

1           A       I just remember telling them that I knew her  
2 and I, you know, was friendly with her.

3           Q       I want to know if you told them what she said.

4           A       I told them everything I could remember.

5           Q       When was that?

6           A       I guess, well -- I don't remember everything I  
7 told them but --

8           Q       Do you remember anything that you told them?

9           A       Yes.

10          Q       What did you tell them?

11          A       Well, they were asking me questions and I was  
12 answering them.

13          Q       What did you say?

14          A       Well, I was answering as truthfully as I could.

15          Q       I want to know what you told them, Miss Walker,  
16 about what Susan had told you.

17                   Did you tell them anything?

18          A       Yes, I talked to them.

19          Q       Do you remember what you told them?

20          A       I don't remember everything I told them. I  
21 don't remember everything they asked me.

22          Q       Do you remember telling them anything about  
23 what Susan told you?

24          A       Yes.

25          Q       Do you remember what you told them?

26          A       Yes.

1 Q What?

2 A I told them -- I told them about our debate  
3 about when the cases were on the radio.

4 Q Well, what did you say?

5 A And I told them that -- they asked me if I was  
6 willing to go to court, and I told them I did not want to go  
7 to court.

8 Q What did you tell them about what you and  
9 Susan said?

10 A Well, it wasn't that we were talking -- we  
11 were arguing where they were thinking on the radio that they  
12 had a clue to who had done, you know, the murder, or what-  
13 ever, and it was more like a debate.

14 Q Did you tell them what you said with Susan?

15 A Well, I told them about the argument that --  
16 yeah.

17 Q What did you tell them?

18 A I --

19 Q I want to know the words that you used, if you  
20 can remember them, in relating the conversation you had with  
21 Susan.

22 Do you understand?

23 A You keep saying the conversation. I have had  
24 a lot of conversations with her.

25 Q Any conversation with Susan, tell me what you  
26 told these men about those conversations. What did you say?



Do you remember?

A I remember when they first came up and talked to me they told me that I did not have to talk to them, you know, and --

I guess when they came to talk to me I was scared, well, I was scared for a reason of my own.

Q You are not answering the question, Miss Walker.

Do you remember what you told the officers that Susan had told you?

A No, I don't remember everything.

Q Do you remember anything?

A I remember telling them -- I told them that -- I told them about running around with her, you know, when I was in 8000.

I don't remember everything. I can't remember.

MR. BUGLIOSI: May I ask a few questions, your Honor?

THE COURT: Just a minute.

Q Now, Miss Walker, do you know why you are here today?

A Yes.

Q Why are you here?

A I am here because I was subpoenaed to be here.

Q And you knew you were going to be a witness?

A Yes.

Q Did you have any idea of what you were going to

1 be a witness to, what you were going to talk about?

2 A Yes.

3 Q What was that?

4 A About Susan.

5 Q What about Susan?

6 A How well I -- about my relationship with her or  
7 anything she told me.

8 Q What was the last part?

9 A My relationship with her, anything that we  
10 ever talked about.

11 Q Now, do you remember what you talked about with  
12 Susan at Sybil Brand?

13 A I talked to her about a lot of things. I wrote  
14 her when I was out and she wrote me letters.

15 Q All right, now, let's go back to Sybil Brand.

16 You had some conversations with Susan regarding  
17 the killings at the Tate residence, is that right?

18 A The only thing I can remember ever saying about  
19 them is what I testified just a little bit ago, about we had  
20 an argument about what came over on the radio, statements  
21 she made.

22 Q You and Susan had an argument?

23 A Not an argument argument, you know, just a  
24 debate.

25

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11a-1

1 Q All right, and what did you say and what did  
2 she say?

3 A Well, the newscast was on and there was some-  
4 thing about a pair of glasses that was at the scene of the  
5 murder.

6 And I remember stating, I said, "Well, they'll  
7 catch whoever did it."

8 And she said, "Why, just because they found a  
9 pair of glasses?"

10 And I said, "Yeah, well, they can find out all  
11 kinds of things from that pair of glasses" I said.

12 And I said, "When they found that pair of  
13 glasses they are going to find him."

14 She said "Say they found the person that owns  
15 those glasses there, supposing they find him and they  
16 blame him for it," she said, "wouldn't that be too much if  
17 they blamed him for the murders and the only thing he was  
18 guilty of was dropping a pair of sunglasses there."

19 She thought I meant the person who dropped the  
20 glasses was the people who caused the murders or whatever,  
21 you know, was the same person.

22 All I was trying to get across to her was  
23 whoever dropped those glasses had to be on the scene of it  
24 or they would never have dropped their glasses.

25 THE COURT: Did she say anything else about the  
26 killings at the Tate residence?

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1 THE WITNESS: No, no.

2 THE COURT: Now, you said that when you said goodbye  
3 to her later that she indicated to you in some way that  
4 she might not see you again, is that right?

5 A Yes, while she was crying.

6 Q Did you have a conversation with her at that  
7 time?

8 A Yeah, I was trying to make her stop crying.

9 I told her "I'll see you again, everything will  
10 be okay," even though I didn't know everything was going to  
11 be okay, you know, I was just telling her this so she would  
12 not be crying.

13 I did not want to see her cry.

14 Q What did she say?

15 A She said "No, I know I'll never see you again."  
16 And I said "Yeah, you will, everything is going  
17 to be okay."

18 And she said "I'm in more trouble than you know  
19 of."

20 I said "Well, I know you are not in here for  
21 stealing bubblegum."

22 But she says "There's more to it than just,  
23 you know, what I'm going to court on now; there's more to  
24 it than you know."

25 And that is when she told me "I was in on those  
26 murders."

1 THE COURT: Is that all she said just "I was in on  
2 those murders"?

3 A That's right.

4 Q Did she mention which murders she was talking  
5 about?

6 A No.

7 Q Is that the end of the conversation?

8 A No.

9 Q What else was said?

10 A I was saying something to her to make her  
11 stop crying. I kept telling her to stop crying, it didn't  
12 matter, you know.

13 Q Was there anything else said about the murders?

14 A No.

15 Q Did you have any other conversation with her  
16 at any other time other than what you have already related  
17 regarding any murders?

18 A No.

19 THE COURT: Any further questions, gentlemen?

20 MR. BUGLIOSI: Just a couple.

21  
22 REDIRECT EXAMINATION

23 BY MR. BUGLIOSI:

24 Q Roseanne, you realize you don't have to be  
25 afraid to tell the judge what you spoke to me about?

26 Do you realize that?

1 A Yes.

2 MR. KANAREK: That is assuming facts not in evidence.

3 I request --

4 I would ask your Honor to admonish Mr. Pugliesi  
5 not to make such a statement.

6 THE WITNESS: He don't have to make a statement. I  
7 already know that.

8 THE COURT: Anything further?

9 MR. BUGLIOSI: Yes.

10 Q Now, those things you testified to here in  
11 court, you do recall telling me those same things in my  
12 office?

13 12 file 13

14 A Yes.

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11-1

1 Q You do recall telling me the same things in my  
2 office; is that right?

3 A Yes, I remember.

4 MR. BUGLIOSI: No further questions.

5 MR. FITZGERALD: I have no questions, your Honor.

6 THE COURT: Very well.

7 You may step down.

8 THE WITNESS: Thank you.

9 THE COURT: Will counsel approach the bench, please.

10 MR. KANAREK: There is no jury, your Honor.

11 (Whereupon, all counsel approach the bench and  
12 the following proceedings occur at the bench:)

13 THE COURT: It appears to me that not only is the  
14 statement ambiguous -- the statement I am referring to is  
15 the statement that she said Susan Atkins said to her that  
16 "I was in on those murders" -- not only is it ambiguous  
17 with respect to what murders she is talking about, but I  
18 think it also would be objectionable under the Bruton-  
19 Aranda rule as stating, in effect, that she committed the  
20 murders with someone else.

21 MR. HUGHES: I agree with you.

22 THE COURT: I am going to exclude the testimony on the  
23 ground that any probative value would be substantially  
24 outweighed by the risk of its prejudicial effect on the jury  
25 because of its ambiguity, the risk of confusing the jury,  
26 and because of the possible, probable, implication of

1 co-defendants by reason of the ambiguous nature of the  
2 statement.

3 MR. BUGLIOSI: Of course, there are other things that  
4 she testified to that in no way involve Aranda or Burton.

5 THE COURT: What are those?

6 MR. BUGLIOSI: When it came out over the radio about  
7 the glasses, That would be extremely important.

8 And also: "That ain't the way it went down."

9 That, in no way, violates Aranda or Bruton,  
10 in no possible or conceivable way.

11 THE COURT: She can testify to that statement.

12 MR. BUGLIOSI: Yes.

13 THE COURT: But the glasses?

14 MR. BUGLIOSI: It has extreme importance to the  
15 prosecution.

16 THE COURT: Of course, that is a comment that anybody  
17 can make about anything.

18 It doesn't have any particular relevance as far  
19 as I can see.

20 MR. BUGLIOSI: It has a lot of relevance to me, and I  
21 can tell the Court right now what the relevance is.

22 THE COURT: I am interested.

23 MR. BUGLIOSI: The relevance is this: that the  
24 defense is going to argue that, undoubtedly, these glasses  
25 belong to the killer or killers, and yet the prosecution has  
26 not connected them with these defendants. Who do these



1 glasses belong to?

2 Susan, in so many words, is saying that these  
3 glasses do not belong to the killer. She is saying:  
4 Wouldn't it be something if they found the guy who owned  
5 those glasses and they blamed him for the murders and the  
6 only thing he did was drop them there?

7 Just because the glasses are at the scene  
8 doesn't mean that the party had anything to do with the  
9 murders.

10 So, with respect to these glasses, your Honor,  
11 I deem it crucial to the prosecution, because the  
12 defense argument, of course, will be that these glasses  
13 belonged to the killer, and we are claiming that these  
14 defendants are the killers, yet we haven't been able to  
15 connect the glasses up with them.

16 It is extremely valuable.

17 The other statement is, of course, "That  
18 ain't the way it went down," showing knowledge of these  
19 murders.

20 It in no way violates Bruton or Aranda.

12a

12a-1

1 MR. KANAREK: Your Honor, may I respond to Mr.  
2 Bugliosi?

3 THE COURT: Yes.

4 MR. KANAREK: Your Honor, his argument shows why your  
5 Honor shouldn't allow it in.

6 Not only does Bruton and Aranda forbid the  
7 statements to be used against the defendants, it also  
8 forbids these statements to be used to deprive the defendants  
9 of a defense.

10 Now, maybe he could, in a separate trial,  
11 argue that this could be used against Susan Atkins and  
12 maybe undermine her defense, but what she says cannot  
13 undermine the defense of the other defendants, and that is  
14 what Mr. Bugliosi intends to do.

15 THE COURT: I don't understand.

16 MR. KANAREK: What I am saying is, your Honor, that  
17 what Mr. Bugliosi is saying is that because of what she is  
18 saying, this proves that what we are going to put on about  
19 the glasses isn't true.

20 It is going to be evidence to show that the  
21 defense that the murder was committed by other people is  
22 phony.

23 Now, that might be, he could use that against  
24 Susan Atkins, but he can't deprive the defendants of a  
25 defense by a statement of Susan Atkins in a joint trial  
26 through the means of this witness. That is depriving all

12a-2

1 the defendants, the other defendants.

2 THE COURT: How is it depriving them of a defense,  
3 Mr. Kanarek?

4 MR. KANAREK: Your Honor will admonish the jury that  
5 the statement can only be used as to Susan Atkins, yet  
6 Mr. Bugliosi has just told us that the defendants, plural,  
7 are going to try to show that those glasses belong to  
8 someone, and make the argument that that someone happened  
9 to be -- or whoever it was -- happened to be the killer  
10 or killers.

11 That is undermining our defense to allow this  
12 to come in.

13 He has stated that he is going to use it to  
14 undermine our defense, and these are words of Susan Atkins,  
15 they cannot be used to undermine the defense of other  
16 defendants.

17 That is one point.

18 Another point is that there has been alleged  
19 a conspiracy.

20 I recently checked the law on it. The law  
21 provides for absolute liability. In other words, when  
22 Susan Atkins confesses to murder -- I am not talking about  
23 the substantive counts, I am talking about the conspiracy  
24 count -- that means that the purpose of that conspiracy  
25 was met; that the reason that they conspired actually  
26 came to a fruition of murder.

1                   Therefore, your Honor, the prosecution is  
2 getting the benefit, which is an illegal benefit, of  
3 the murder on the basis that the conspiracy count -- he  
4 is using the conspiracy count now to get --

5           THE COURT: I don't understand what you are talking  
6 about, Mr. Kanarek. Get to the point.

7           MR. KANAREK: The point is, your Honor, if she  
8 confesses that she stabbed Sharon Tate and she killed  
9 Sharon Tate, that means that the very reason the conspiracy  
10 came into being, actually the very reason, was satisfied;  
11 and it also means that this overt act --

12           THE COURT: That is an extrapolation that I can't  
13 agree with. It may or may not.

14           MR. KANAREK: The point is, your Honor, that means a  
15 murder has taken place.

12b fls.

12B

1 THE COURT: Get to the point. So then what?

2 MR. KANAREK: The point is, your Honor, that either  
3 the conspiracy count has to be dismissed against all of the  
4 defendants in a joint trial, or else they can't use the  
5 confession of Susan Atkins that she killed Sharon Tate,  
6 because that means that the defendants are then going to be  
7 found guilty because of her statement.

8 MR. BUGLIOSI: Your Honor, that is a different thing.

9 THE COURT: I don't know what he is talking about.

10 MR. BUGLIOSI: She is not going to testify that Susan  
11 Atkins told her that she killed Sharon Tate.

12 You are talking about the other statements,  
13 Mr. Kanarek.

14 MR. KANAREK: I concede that.

15 THE COURT: If the statement comes in against  
16 Susan Atkins alone, it comes in against her alone.

17 MR. KANAREK: Mr. Bugliosi is right. I am, at this  
18 point, referring to the statements of Roni Howard and  
19 Virginia Graham, because their statements --

20 MR. BUGLIOSI: That was resolved by the Court many  
21 days ago.

22 THE COURT: The jury will be admonished, just as the  
23 jury has been admonished and instructed previously.

24 THE COURT: I am sure that the Court is not of such a  
25 mind that the Court will not consider further argument.

26 MR. BUGLIOSI: We are talking about her testimony now,

1 and those two points in no way remotely or conceivably  
2 implicate the co-defendants.

3 MR. KANAREK: I am saying that Roni Howard's and  
4 Virginia Graham's statements -- I am trying to save some  
5 time --

6 MR. SHINN: Regarding this witness, your Honor, I  
7 believe the prejudicial value far outweighs the probative  
8 value.

9 THE COURT: I already told you that I am going to  
10 exclude that part --

11 MR. SHINN: I want to make a motion --

12 THE COURT: Just a moment.

13 May I finish a sentence once?

14 MR. SHINN: I am sorry.

15 THE COURT: I already told you that I am going to  
16 exclude that portion where she testified that Susan Atkins  
17 told her, "I was in on the other murders."

18 We are talking about something entirely  
19 different right now. Have you been listening at all,  
20 Mr. Shinn?

21 MR. SHINN: Yes, your Honor, I have been listening.

22 MR. KANAREK: On the glasses, too, that undermines  
23 our defense.

24 Your Honor, we are going to bring people here.  
25 It may be permissible to undermine the defense of Susan  
26 Atkins, but it shouldn't undermine the defense of the other

defendants.

THE COURT: I haven't the vaguest idea what you are talking about, Mr. Kanarek. You haven't been able to articulate your position in the proper form.

MR. KANAREK: Because you don't understand, your Honor, doesn't mean that I am not trying.

THE COURT: Try harder.

12c

12c01

1 MR. KANAREK: Mr. Bugliosi is going to try to show  
2 that those glasses --

3 THE COURT: I heard all that.

4 MR. KANAREK: The statement that is going to be  
5 used to undermine the defense is the statement of Susan  
6 Atkins. It is not the statement of Mr. Manson, Patricia  
7 Krenwinkel or Leslie Van Houten. Therefore, the prosecu-  
8 tion cannot get the benefit -- it is an illegal benefit--  
9 to undermine our defense by a statement of Susan Atkins.

10 It can be used to undermine her defense, your  
11 Honor, but not ours.

12 THE COURT: The evidence is being offered only as to  
13 Susan Atkins; is that right?

14 MR. BUGLIOSI: Yes.

15 THE COURT: And the jury will be instructed, as  
16 they have previously been instructed, that the evidence is  
17 limited to a particular person and may only be considered  
18 against that particular person.

19 MR. KANAREK: Your Honor --

20 THE COURT: Just a moment.

21 Nothing has changed. The fact that she said  
22 it doesn't undermine any defense. It is going to be  
23 considered only as to her.

24 MR. KANAREK: But say, apart from Susan Atkins,  
25 we bring evidence to this courtroom that those glasses --  
26 whatever it might be -- that those glasses are tied in



1 with some other person or persons. The fact of that  
2 statement of hers would undermine our defense, because Mr.  
3 Bugliosi will argue --

4 THE COURT: Not if the testimony is limited to her.

5 MR. KANAREK: But it is a kind of a distinction that  
6 you can't make in argument.

7 THE COURT: This is a comment about a radio broad-  
8 cast.

9 MR. KANAREK: I know.

10 THE COURT: A news broadcast.

11 MR. KANAREK: But it shows guilty knowledge on her  
12 part.

13 THE COURT: I don't think it indicates anything.

14 MR. BUGLIOSI: We are just wasting time now.

15 MR. HUGHES: If it doesn't indicate anything, your  
16 Honor, I think it should be excluded so far as relevance  
17 and materiality.

18 THE COURT: It is part of the conversation.

19 MR. BUGLIOSI: I want to make this one observation,  
20 your Honor.

21 Looking over the transcript, with respect to  
22 my comment to the Court yesterday on the issue of Wade  
23 and Gilbert, I do, of course, disagree with the Court a  
24 hundred percent, but I apologize for my language.

25 THE COURT: It isn't an issue of Wade and Gilbert.  
26 Take a look at Simmons.

1 MR. BUGLIOSI: I am aware of Simmons. I gave the  
2 Court the citation.

3 What I want to say is that I apologize to the  
4 Court for the language that I used. Obviously it was  
5 inappropriate when I said it was absurd.

6 I apologize to the Court. That language had  
7 no place in this proceeding.

8 THE COURT: The point is that it seems inconceivable  
9 to me that as long after these cases as it now is that the  
10 prosecution will attempt to show photographs to the witness  
11 at a pretrial identification without making a record, and  
12 without even knowing what photographs or how many are  
13 shown to the witness.

14 That is the part that seems inconceivable to  
15 me.

16 The reason that I excluded the evidence was  
17 because you were in no position to even lay a basic founda-  
18 tion as to the identification by photograph.

19 MR. BUGLIOSI: May I briefly be heard on that? It  
20 will just take a few minutes.

21 THE COURT: There is no point. I have made the  
22 ruling.

23 MR. BUGLIOSI: What the Court is saying is that what I  
24 did is inappropriate, and it was on this rationale:  
25 Every single case deals with a lineup or showing photographs  
26 of a victim or a witness of a crime, not this type of

1 situation. It was a witness to a crime. There is no case  
2 that deals with this type of situation.

3 THE COURT: You are asking him to identify a  
4 defendant.

5 MR. BUGLIOSI: I know, but these cases come out  
6 where we are trying to have someone identify the person  
7 that committed the crime.

8 THE COURT: I understand.

9 MR. BUGLIOSI: Secondly, your Honor, Wade and Gilbert  
10 and Simmons say, if the lineup is unfair, only say that  
11 you exclude the out-of-court identification, which I was  
12 not seeking.

13 THE COURT: There were other problems, as I set forth  
14 in the record. The time, the intervening events, and so  
15 forth.

16 In any event, I have ruled.

17 MR. BUGLIOSI: All right.

18 I am saying that I disagree with the Court,  
19 and that language was totally inappropriate on my part,  
20 and I apologize.

13 fls.

3-1

1 THE COURT: I have indicated to you what you may go  
2 into with this witness.

3 As to any additional witnesses, Mr. Bugliosi,  
4 in my opinion we wasted a whole morning because the state-  
5 ments were not reduced to writing.

6 MR. BUGLIOSI: We would have had to have a hearing --

7 THE COURT: If you are going to put on any evidence  
8 of other conversations, I am making an order right now I  
9 want written statements as to what the conversation pur-  
10 ported to be as to the witness with the defendant.

11 We have taken a deposition here and wasted half  
12 a day in court doing what should have been done before.

13 MR. BUGLIOSI: We still would have had to consume  
14 time back in chambers, and there still would be this  
15 cross-examination, so we really haven't lost that much time.

16 I have one more statement; that is the state-  
17 ment of Dianne Lake concerning Leslie Van Houten.

18 That conversation was tape recorded. The  
19 applicable portion has been typed up. I have given a copy  
20 to all defense and I will give the Court a copy.

21 THE COURT: We are right back to the same thing.

22 I have to decide what is applicable.

23 I have to know what the entire conversation is  
24 in order to place it in its proper perspective.

25 MR. BUGLIOSI: I will have the whole thing typed up.

26 THE COURT: You cannot select out a portion and ask me

1 to edit.

2 MR. BUGLIOSI: I will have the whole tape typed up.

3 There is only about one tape.

4 THE COURT: Are you ready to proceed? I think you  
5 should confer with this witness and make it perfectly clear  
6 she is not to mention any murders.

7 MR. BUGLIOSI: Yes.

8 MR. KANAREK: While we are at the bench, your Honor,  
9 may I ask when are you going to have Dewayne Wolfer back  
10 with that aerial map.

11 THE COURT: You can take that up at another time.

12 Are you ready to proceed?

13 MR. BUGLIOSI: Let me talk to her for one minute,  
14 to coach her not to bring up anything about the murders.

15 THE COURT: Two points.

16 MR. BUGLIOSI: Right.

17 THE COURT: She testified to the statement, "That is  
18 the way it went down."

19 MR. BUGLIOSI: Right, and the eye glasses.

20 THE COURT: And the conversation regarding the glasses.

21 MR. BUGLIOSI: Thank you.

22 THE COURT: I assume counsel can stipulate that this  
23 evidence is introduced solely with respect to Susan Atkins.

24 MR. KANAREK: Of course it is our desire it not be  
25 received at all. It is received over our objection, no  
26 question about that, your Honor.

1 (The following proceedings were had in open  
2 court in the presence of the jury, all defendants and all  
3 counsel being present:)

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

6 You may proceed, Mr. Bugliosi.

7 MR. BUGLIOSI: People call Roseanne Walker back to the  
8 witness stand.

9  
10 ROSEANNE WALKER,  
11 called as a witness by and on behalf of the People,  
12 resumed the stand and testified further as follows:

13  
14 FURTHER DIRECT EXAMINATION

15 BY MR. BUGLIOSI:

16 Q Now, Roseanne, you testified that you knew  
17 Susan Atkins; you knew her by the name Sadie Glutz; you  
18 knew her at Sybil Brand Institute in East Los Angeles, is  
19 that correct?

20 A Yes.

21 Q And you knew her during a several-month period  
22 there; is that correct?

23 A Yes.

24 Q You don't know exactly when Susan came to  
25 Sybil Brand?

26 A No.

1 Q But you came there on July 23rd and you left in  
2 late November, 1969?

3 A Yes.

4 Q And you indicated that there was a radio there  
5 in Dormitory 8000 at Sybil Brand?

6 A Yes.

7 Q That now and then you would hear a radio  
8 broadcast concerning the Tate and La Bianca murders?

9 A Yes.

10 Q I believe you indicated or testified that on  
11 some of these occasions Sadie was present with you when  
12 there was a broadcast on the Tate and La Bianca murders,  
13 is that correct?

14 A Yes.

15 Q After any one of these broadcasts on the  
16 Tate and La Bianca murders, did Sadie make any comment?

17 A Yes.

18 Q Do you know when that was approximately?

19 A No.

20 Q Either September, October, or November of 1969?

21 A Yes.

22 Q What did she say to you?

23 MR. HUGHES: Your Honor, I object as being hearsay  
24 as to Defendant Leslie Van Houten.

25 MR. FITZGERALD: Join.

26 MR. BUGLIOSI: People stipulate it is offered only

1 against defendant Susan Atkins.

2 MR. KANAREK: People join in the objection.

3 THE COURT: All right. The jury is instructed that  
4 the testimony of this witness will be received as to  
5 Susan Atkins only and is not to be considered for any  
6 purpose as to any of the other defendants.

7 The objections are overruled.

8 You may proceed.

9 Q BY MR. BUGLIOSI: You may relate, Roseanne,  
10 what Susan Atkins told you after you and she heard one of the  
11 broadcasts on the Tate and La Bianca murders.

12 A It is a comment.

13 Q You may relate that comment.

14 A She said, "That ain't the way it went down,"  
15 and it was during the broadcast.

16 Q So the man over the radio was speaking about  
17 the Tate and La Bianca murders, is that correct?

18 A Yes.

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1 Q And while he was talking you said Susan made  
2 the statement "That ain't the way it went down," is that  
3 correct?

4 A Yes.

5 Q Did Susan explain what she meant by that?

6 A No.

7 Q At any other time did you -- were you in  
8 Susan's presence when a radio newscaster was talking  
9 about the Tate-La Bianca murders?

10 A Yes.

11 Q Do you know when that was?

12 A No.

13 Q Was it within the same period of time?

14 A Yes.

15 Q Either September or October or November of  
16 1969?

17 A Yes.

18 Q In Dormitory 8000?

19 A Yes.

20 Q What did Susan say to you?

21 A There was a discussion.

22 Q All right, what was the discussion?

23 A It was -- well, on the radio, the radio said  
24 that the police had turned up a clue, something about a  
25 pair of glasses.

26 Q Did the broadcaster indicate where the glasses

1 had been found?

2 A No, they said the police were looking for the  
3 person who owned the glasses.

4 Q Did the broadcaster indicate that the glasses  
5 were found at the scene?

6 A Yes.

7 Q All right, then did you --

8 A Not at the scene, but they were so many yards  
9 away from the house or something.

10 Q You are not sure?

11 A Yeah, I'm sure that -- well, it just said it  
12 was a break-through, and the newsman said it was a break-  
13 through.

14 Q The police had found glasses at the scene or  
15 close to the scene of the murders?

16 A Yes.

17 Q And then you and Susan had a conversation with  
18 respect to these glasses?

19 A Yes.

20 Q What did you say and what did she say?

21 A I said, "Now that they found the glasses they  
22 will find whoever did it."

23 And she said -- we were arguing -- she thought  
24 I meant whoever owned the glasses was the person who did  
25 it, you know.

26 Q This was your position?

1 A Yeah.

2 Q And what was her position?

3 A Her position was, well, she said, it would be--  
4 it would be okay if they found the person that owned the  
5 glasses and they blamed him, and the only thing he did was  
6 drop glasses there; all he was guilty of was losing his  
7 glasses.

8 Q Will you repeat that, Roseanne, I had a diffi-  
9 cult time understanding what you said.

10 THE COURT: Just a moment. Do you want the answer  
11 read?

12 MR. BUGLIOSI: Well, I think --

13 THE COURT: Did the reporter take down the answer?

14 (Whereupon the reporter reads the record as  
15 follows:

16 "A Her position was, well, she said,  
17 it would be -- it would be okay if they found  
18 the person that owned the glasses and they blamed  
19 him, and the only thing he did was drop glasses  
20 there; all he was guilty of was losing his  
21 glasses.")

22 THE COURT: Had you completed your answer?

23 THE WITNESS: Yes.

24 BY MR. BUGLIOSI:

25 Q Did she say anything else?

26 A Well, she didn't -- she didn't -- it wasn't a

1 question she was asking me, it was a -- she said -- it  
2 was a statement.

3 She said, "Wouldn't it be too much if they  
4 found these people," you know --

5 She thought I was blaming whoever had the  
6 glasses for doing it.

7 Q Did she say anything with respect to "Just  
8 because a person left his glasses" --

9 A Yes.

10 Q -- "at the scene, it does not mean that he was  
11 the murderer?

12 A Yes.

13 Q Okay, what did she say?

14 A Well, she said, she did not say it that way,  
15 she said that just because -- just because a pair of  
16 glasses was there, she was telling me that whoever owned  
17 them --

18 She was trying to make me --

19 Not trying to make me realize, but she was  
20 saying just because the glasses was there, this pair of  
21 glasses was there, it doesn't mean that they are the  
22 people that did it, or the person that did it just because  
23 their pair of glasses was there.

24 Q Okay.

25 Incidentally, Roseanne, you and Sadie were  
26 kind of pals over there, weren't you, at Sybil Brand?

1 A Yes.

2 MR. SHINN: That's leading and suggestive, your Honor.

3 THE COURT: Overruled.

4 BY MR. BUGLIOSI:

5 Q And you operated kind of a store there in  
6 the Dormitory?

7 A Yes.

8 Q You sold eyebrow makeup and lipstick, things  
9 like that?

10 A Yes.

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Q Cigarettes?

A Yes.

Q Did you give Sadie a free pack of cigarettes one time?

A Yes.

Q And you confided in her now and then; isn't that right?

A Yes, I talked to her.

Q You told her about problems you had with your husband?

A Yes.

Q And you considered Sadie to be a friend of yours; is that right?

A Yes.

Q And she was friendly to you?

A Yes.

MR. BUGLIOSI: No further questions.

THE COURT: Cross-examination, Mr. Fitzgerald?

MR. FITZGERALD: Yes, your Honor.

CROSS-EXAMINATION

BY MR. FITZGERALD:

Q When did you have this conversation with Miss Atkins, Miss Walker?

A Are you asking me the exact date or what?  
When I was at SBI.

1 Q How long were you in SBI?

2 A From July to November.

3 Q And when, during that period of time, did you  
4 have a conversation?

5 A I don't remember the exact date. It was after  
6 I had known her for a little bit.

7 Q When did you meet her?

8 A When she came into the dorm.

9 Q When was that?

10 A It was about September, but I am not sure.

11 Q What time did you leave Sybil Brand?

12 A November.

13 Q So, sometime between September and November,  
14 you had a conversation with her?

15 A Yes.

16 Q Was that the first conversation you had ever  
17 had with her?

18 A No.

19 Q How many conversations did you have with  
20 Susan Atkins altogether?

21 A I don't remember how many. It was many. We  
22 talked many times.

23 Q Did you have conversations with other inmates?

24 A Yes.

25 Q At Sybil Brand?

26 A Yes.

1 Q A lot of other inmates?

2 A Well, I was friendly to everybody.

3 Q Did you make it a point to talk with everybody  
4 you could?

5 A No.

6 Q How many people were in the dormitory where you  
7 were located?

8 A I don't know the exact number but there was a  
9 lot of girls in the dorm.

10 Q 60 or 70? Would that be about it?

11 A 60.

12 Q Did you used to talk to most of the girls  
13 every day?

14 A No, not all of them. It was a working dorm.

15 Q Would you talk to most of them every day?

16 A If the occasion called for it, yes. But during  
17 the day we were supposed to be working, except for the  
18 night crew, and they were sleeping.

19 Q Where was this store that you operated  
20 located?

21 A Well, I had things in my locker, some of the  
22 other people had things in their locker that belonged to me  
23 that was supposed to belong to them, and spread out a little  
24 bit.

25 Q And would the inmates come to you every day?

26 A Not every day. But if they needed something,



1 if I didn't have it, I could usually find a way to get it.

2 Q You were a very friendly person, weren't you?

3 A Yes.

4 Q And you liked to talk to people; right?

5 A Yes.

6 Q And you talked to people almost every day that  
7 you were there at Sybil Brand; right?

8 A Yes.

9 Q When you talk to people, do you talk fast or  
10 do you talk slow?

11 A Fast.

12 Q You are talking very slow today, aren't you?

13 A Yes.

14 Q Is there some reason for that, Miss Walker?

15 A Yes. I am nervous.

16 Q Did you take some tranquilizers before you came  
17 to court?

18 A No.

19 Q When you are nervous, do you speak slowly?

20 A I just don't -- I guess I do because I am  
21 nervous and I am talking slow.

22 Q When you are nervous, don't you usually talk  
23 fast?

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

25 THE COURT: Overruled.

26 THE WITNESS: Would you repeat the question you just

1 asked me?

2 THE COURT: Well, we are going to take our recess  
3 at this time.

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

7 The Court will recess until 1:45.

8 (Whereupon, at 12:01 p.m. the court was in  
9 recess.)

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LOS ANGELES, CALIFORNIA, THURSDAY, OCTOBER 22, 1970

1:45 P.M.

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

You may continue, Mr. Fitzgerald.

MR. FITZGERALD: Thank you, your Honor.

CROSS-EXAMINATION (CONTINUED)

BY MR. FITZGERALD:

Q And would you have conversations with various people in the jail, Miss Walker, in order simply to pass the time?

A Yes.

Q And was having conversations one of the ways in which you made your time in jail a little more pleasant?

A Yes.

Q And did you have numerous conversations with Miss Susan Atkins?

A Yes.

Q And did you talk about a variety of subjects?

A Yes.

Q And would you frequently become involved in discussions where she would take one side of an argument and you would take another side of it?

A Yes.

1 Q And is that what happened in regard to hearing  
2 this thing on the radio about the clue in the Tate case?

3 A Yes.

4 MR. FITZGERALD: Thank you.

5 Your Honor, I have no further questions.

6 THE COURT: Mr. Shinn.

7 MR. SHINN: Yes, your Honor.  
8

9 CROSS-EXAMINATION

10 BY MR. SHINN:

11 Q When did you get out of Sybil Brand?

12 A November.

13 Q From there you went to this other jail?

14 A I went to the Ventura School For Girls.

15 Q That is Juvenile Hall?

16 A It is under the Youth Authority.

17 Q What?

18 A It is under the Youth Authority.

19 Q Youth Authority. And how long did you stay  
20 there?

21 A Until February.

22 Q Now you are on parole, is that correct?

23 A Yes.

24 Q And have you been convicted of a felony?

25 A Yes.

26 Q When was this?

1 A This was during the time I was in Sybil Brand  
2 in '69.

3 Q And what was that for?

4 A Forgery.

5 Q Forgery of a prescription?

6 A Yes.

7 Q Of dangerous drugs?

8 A Yes.

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Q That is the only felony conviction that you know of?

A No.

Q Do you have another one?

A Yes.

Q When was that one?

A At the same time I was convicted for the forgery of prescription, I was convicted of five felonies.

Q Five felonies?

A Yes.

Q And do you know what these five felonies are?

A Yes.

Q What are they?

A It was three forgery, one forgery of prescription, and a Grand Theft.

Q Now, since leaving Sybil Brand, you read something about the Tate case, did you not?

A Yes.

Q And you heard over the radio about this case, too; is that correct? About some of it?

A Yes.

Q And also on television, you saw some parts of this case on television, too; is that correct?

A No.

Q You never watched television since --

A I watched television, but if it should come on

1 the TV, I just turned it off.

2 Q Well, was there a television set up in this  
3 Juvenile Hall?

4 A Yes.

5 Q And you used to be in a room, a television  
6 room; is that right?

7 A Yes.

8 Q And other girls would be watching it, too; is  
9 that correct?

10 A Yes.

11 Q And if you saw something about the case come on,  
12 you couldn't turn it off then, could you?

13 A No. But I could leave the room.

14 When I was up there, if I didn't care to watch --  
15 if I watched TV, it was to watch a program like, well, we  
16 watched The Courtship of Eddie's Father, things like that.

17 Then, when the news came on, you either had a  
18 choice of going to your room or staying, and then you had to  
19 watch the news.

20 I used to go to my room when the news came on.

21 Q But when the news came on, you didn't know what  
22 the news was going to be at first; is that right?

23 A That's right.

24 Q And you didn't --

25 A But being there, I didn't care to hear any  
26 news.

1 Q But you did see some portions of this case?

2 A Well, I was always in my room during the news.

3 Q You would run to your room when the news came on;  
4 is that correct?

5 A Not run to it. Just where I was going. I  
6 didn't care to watch the news.

7 Q And you discussed this case with other people  
8 in Juvenile Hall; is that correct? Parts of it, I mean?

9 A One other person.

10 Well, I didn't discuss the case. I discussed  
11 that I knew Susan Atkins, I stated to one of the counsellors  
12 there.

13 Q But with other inmates you talked about it?

14 A No.

15 Q Well, you heard other inmates talk about it,  
16 then, without you joining in the conversation; isn't that  
17 correct?

18 A Yes.

19 Q And you read magazines, papers, about this case?

20 A One time I read something. It was pertaining  
21 to Miss Atkins.

22 Q Then you read magazines, too?

23 A I just saw her picture in the paper.

24 No, not magazines.

25 Q Now, when you met Miss Atkins at Sybil Brand,  
26 you had other pals, too, didn't you?



1 A Yes.

2 Q You didn't concentrate your attention on Miss  
3 Atkins, did you?

4 A No. I had other associates in there.

5 Q In other words, you very seldom talked to  
6 Miss Atkins; is that correct?

7 A I didn't talk to her no less or no more than  
8 -- I conversed with a lot of people in there. I was  
9 friendly to a lot of people in there.

10 Q And I believe you said there were about 60  
11 people, I mean 60 inmates in your cell block?

12 A Yes.

13 Q Your dormitory?

14 A Yes.

15 Q And you spent about, what? Six months in that  
16 cell block, that dormitory, the total time you spent there?

17 A Not that long, but almost.

18 Q Almost five or six months?

19 A Yes.

20 Q And during this time you talked to 60  
21 people, approximately 60, 70 people?

22 A Mostly everybody in the dorm knew my name. I  
23 didn't know everybody's name, but I knew most of the people  
24 there.

25 Q Because you were selling some cosmetics or  
26 something?

1 A Yes. Cigarettes.

2 Q And they all came to you?

3 A Yes.

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1 Q And so you had many conversations with many  
2 inmates, is that correct?

3 A Yes.

4 Q And also you heard other people discuss this  
5 case, without you participating, I mean?

6 A Yes.

7 Q You overheard group discussions of this Tate  
8 case?

9 A Yes.

10 Q And in fact some of these discussions you were  
11 involved in, is that correct?

12 A No.

13 Q In a small way?

14 A No.

15 Q Did you just listen then?

16 A Yes, because I could not shut it out, unless  
17 I could force myself to go to sleep.

18 Q There is a television set at the Sybil Brand  
19 Institute, correct?

20 A Yes.

21 Q Where you could watch television?

22 A Yes.

23 Q And there are newspapers?

24 A No, there is no newspapers.

25 Q There is no newspapers there?

26 A No.

17-2

1 Q Are they available there?

2 A Yes.

3 Q You could buy newspapers there?

4 A Yes.

5 Q And there's magazines?

6 A Yes.

7 Q Movie magazines, Life magazines, Look magazines?

8 A No, there's magazines but I think they are in  
9 the infirmary.

10 Q But you read newspapers, magazines?

11 A I did not read the paper. I never bought the  
12 paper at Sybil Brand.

13 There was papers available.

14 Q You saw them laying on the table, did you not?

15 A Yes, if I picked a paper up to read it, it  
16 was to read one certain thing and --

17 Q When the news of this case came out on the  
18 radio there was a lot of talk about it in the Dormitory,  
19 was there not?

20 A Yes.

21 Q It was the main topic for a while there, is  
22 that correct?

23 A Yes.

24 Q Everybody was talking about this case?

25 A Yes.

26 Q You overheard a lot of things said about the

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1 case?

2 A Yes.

3 Q People talking, I mean?

4 A Yes.

5 Q You heard about this case over the radio, too,  
6 is that correct?

7 A Yes.

8 Q Many many times?

9 A Yes.

10 Q And did you watch TV while you were at Sybil  
11 Brand?

12 A A few times.

13 Q You say a few times.

14 What do you mean, five, six, seven times?

15 A Just a few -- they had a special program on  
16 I would like to watch.

17 Q You watched the news sometimes, did you not?

18 A Not if I could help it.

19 Q But you did watch the news sometimes?

20 A No.

21 When I watched TV it was to watch this one  
22 program. It was about maybe five or six times. It was  
23 a teenage program.

24 Q And you had many conversations with Miss  
25 Atkins, correct?

26 A Yes.

1 Q About many subjects?

2 A Yes.

3 Q How many conversations would you say you had  
4 with Miss Atkins approximately?

5 A I don't know. We just talked -- we have  
6 talked a lot.

7 Q Now, besides talking about the Tate matter,  
8 do you recall talking about any other topics or subjects?

9 A Yes.

10 Q What other topics or subjects?

11 A I talked to her about the things that, like  
12 my daughter, I told her I had a little daughter you know.

13 And I talked to her about my husband.

14 And just, you know, just somebody to talk to.

15 Q Well, it was just casual conversation most of  
16 the time, is that correct?

17 A Yes.

18 Q And you did not pick her out or she did not  
19 pick you out for a special friend, is that correct?

20 A Well, I was everybody's friend.

21 Q That is what I mean.

22 In other words, you had no special palsy-walsy  
23 in there, did you? Everyone was your friend?

24 A There was just some girls that I liked a  
25 little more than I did others.

26 Q That is not including Miss Atkins, is it?

(No response.)

Is that correct?

A No.

Q Now, you said you had this conversation with Miss Atkins about the Tate case.

Now, do you recall what month that was?

A No.

Q You don't recall the month?

A No.

Q Do you recall what day it was?

A No.

Q Monday, Tuesday, Wednesday, you don't recall?

A No.

17a fls. 13

17A

1 Q Would it be fair to state that since you were in  
2 Sybil Brand four or five months, most of those events that  
3 occurred in Sybil Brand you have forgotten?

4 A Yes.

5 Q Is that correct?

6 A Yes.

7 Q In other words, you have to think back what  
8 happened at Sybil Brand. Your memory is kind of foggy,  
9 is that correct?

10 A Yes.

11 Q Now, when Miss Atkins discussed this Tate matter  
12 with you back in Sybil Brand, you did not tell anyone about  
13 it at that time, did you?

14 A No.

15 Q It was just a casual discussion, a debate?

16 A Yes.

17 Q You took one side of the debate and she took the  
18 other side of the debate, is that correct?

19 A Yes.

20 Q Now, I believe you talked to Mr. Bugliosi?

21 A Yes.

22 Q The District Attorney here?

23 A Yes.

24 Q You talked to him probably four or five times?

25 A Yes.

26 Q In the past?



1 A Yes.

2 Q And that was before coming to court and you  
3 talked to him for approximately, you said, five or ten  
4 minutes each time?

5 A Yes.

6 Q Is that correct?

7 A Yes.

8 Q And while you were talking to Mr. Bugliosi  
9 people came in and out of the office?

10 A Yes.

11 Q And it was interrupted?

12 A Yes.

13 Q And in fact you did not have a very long  
14 conversation at any time with Mr. Bugliosi, is that  
15 correct?

16 A Yes.

17 Q Now, do you recall anything you said, or the  
18 conversation you had with Mr. Bugliosi the first time you  
19 saw Mr. Bugliosi?

20 A No.

21 Q You don't recall?

22 A No, nothing comes back to memory.

23 Q It's a blank, is that correct?

24 A Yes.

25 Q Now, you saw Mr. Bugliosi again about what,  
26 a week later or two weeks later?

1 A Uh-huh, yes.

2 Q And your conversations lasted about five  
3 minutes again?

4 A Yes.

5 Q You were interrupted again; I mean Mr. Bugliosi  
6 was interrupted.

7 People came in and out of his office?

8 A Yes.

9 Q And do you recall what you talked about at that  
10 time -- this is the second time.

11 A No, I want to go back to the first time.

12 The first time I seen him the questions he

13 asked me were about his investigators, I guess, the

14 District Attorney investigators that came out to see me

15 at the group home, he asked me questions like they did.

16 Q But you don't recall the conversation you had  
17 with Mr. Bugliosi, do you, the first time you talked to him?

18 A Well, I mean it was like a repeated scene to  
19 me.

20 He asked me just about the same kind of questions  
21 that they asked me.

22 Q Would you say that Mr. Bugliosi did most of the  
23 talking when you first met him?

24 MR. BUGLIOSI: That is ambiguous and irrelevant.

25 THE COURT: It is ambiguous. Sustained.

26 Q BY MR. SHINN: In your first conversation with

1 Mr. Bugliosi do you know whether or not he did most of the  
2 talking?

3 MR. BUGLIOSI: Same objection.

4 THE COURT: Sustained.

5 Q BY MR. SHINN: Was it a question-and-answer  
6 type of a conversation?

7 A Yeah -- yes and no.

8 Q Okay now --

9 A It was about an even conversation.

10 Q Well, would it be fair to state that most of your  
11 answers were yes or no?

12 MR. BUGLIOSI: It's ambiguous.

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1 THE COURT: Overruled.

2 You may answer.

3 MR. SHINN: Do you understand the question?

4 THE WITNESS: No. Would you please ask me again?

5 BY MR. SHINN:

6 Q When Mr. Bugliosi talked to you, would it be  
7 fair to state that most of your answers to his questions  
8 were either yes or no?

9 A Yes, it would be, yes.

10 Q I mean, in other words, he asked you questions,  
11 and all you said was "Yes, that is true," and "No, that  
12 is not true," yes and no; is that correct?

13 A Yes.

14 Q And you don't recall the first conversation  
15 that you had with Mr. Bugliosi, the topic of the conversa-  
16 tion; is that correct?

17 A Well, he just asked me about what the two  
18 other men came to see me, you know, he asked me about  
19 the questions that they asked me about; and he asked me  
20 if it surprised me that those people came out.

21 Q And that is all you remember of the first  
22 conversation with Mr. Bugliosi?

23 A Yes.

24 Q Okay.

25 Now, directing your attention to the second  
26 time you saw Mr. Bugliosi.

1 Do you recall what you talked about at that  
2 time?

3 A I am trying to remember.

4 Q If you don't remember, you can say "I don't  
5 remember."

6 A I don't remember right now.

7 Q Okay.

8 Now, the third time that you saw Mr. Bugliosi.  
9 Do you recall the conversation you had with  
10 him?

11 A I don't remember.

12 Q You don't recall?

13 A I don't remember.

14 Q Your mind is a blank?

15 A Yes.

16 Q How about the first time you talked to Mr.  
17 Bugliosi?

18 A The only --

19 Q I am speaking of the fourth time now that you  
20 talked to Mr. Bugliosi.

21 A I don't remember.

22 Q It is pretty hard for you to remember; correct?

23 A Yes.

24 Q Now, the fifth time that you talked to Mr.  
25 Bugliosi.

26 Do you recall what you talked about in his

1 office?

2 MR. BUGLIOSI: Assumes a fact not in evidence, your  
3 Honor.

4 MR. SHINN: I will withdraw the question.

5 Q Did you talk to Mr. Bugliosi five times maybe,  
6 six times?

7 A Yes.

8 Q Okay.

9 Now, the fifth time --

10 A I don't count the times that I have talked to  
11 him.

12 Today, so far, I have talked to him twice.

13 Q But I am speaking of before you took the  
14 witness stand.

15 A I don't remember how many times I have talked  
16 to him.

17 Q You talked to him many times; is that correct?

18 A Yes.

19 Q Before testifying in court?

20 A Yes.

21 Q Now, did you talk to Mr. Bugliosi just before  
22 you testified in court?

23 A Yes.

24 Q When was this?

25 A Earlier this morning.

26 Q Where did this conversation take place?

1           A       Where?  
2           Q       Yes, where?  
3           A       Upstairs -- downstairs in this building.  
4           Q       In his office?  
5           A       Yes.  
6           Q       Was anyone else present?  
7           A       Yes.  
8           Q       Who else was present?  
9           A       I don't know who the lady was. There was a  
18a fls10 lady there, and I had my little girl there.

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3a 1 Q Was any other police officers present?

2 A The man that brought me to court for  
3 transportation.

4 Q The police officer?

5 A I think he is a police officer, I am not sure.

6 Q Now, this conversation you had with Mr. Bugliosi  
7 this morning, how long did it last?

8 A Oh, maybe five minutes.

9 Q Do you recall what was said?

10 A The first thing he asked me was how I was  
11 feeling, and he asked me about my little girl, because my  
12 baby had been sick.

13 Q Was there anything else said?

14 MR. BUGLIOSI: Your Honor, I have no objection to this  
15 conversation, but I think Mr. Shinn might have some objec-  
16 tions.

17 I will waive the hearsay objection, if he wants  
18 the entire conversation. I will waive the hearsay  
19 objection.

20 MR. SHINN: May we approach the bench for a second  
21 then, your Honor? I wasn't aware of this.

22 THE COURT: There is no need to approach the bench.

23 MR. KANAREK: If he waives the hearsay objection, your  
24 Honor, all he has to do is just not object. He doesn't  
25 have to enunciate it.

26 (Mr. Shinn and Mr. Bugliosi confer.)



1 MR. SHINN: Q During this conversation that you had  
2 with Mr. Bugliosi this morning, who did most of the talking,  
3 you or Mr. Bugliosi?

4 MR. BUGLIOSI: That is irrelevant. We may have been  
5 talking about the weather, your Honor.

6 THE COURT: Sustained.

7 MR. SHINN: Q Did you talk about your testifying to-  
8 day in court?

9 A Yes.

10 Q What did Mr. Bugliosi say about that?

11 A He told me not to be nervous, and he told me not  
12 to be afraid, and that he would make it as short as possible  
13 because he knows I don't want to be up here.

14 Mostly he was trying to reassure me not to be  
15 afraid or be nervous.

16 Q Did he show you any documents, a piece of  
17 paper?

18 A No.

19 Q Now, getting back to Sybil Brand, to while you  
20 were at Sybil Brand.

21 Would it be fair to state that since you heard  
22 a lot of conversation about this case from different people  
23 and different girls in your dormitory, it is very difficult,  
24 is it not, for you, at the present time, to actually say  
25 what Miss Atkins said and what someone else said?

26 MR. BUGLIOSI: That is irrelevant, unless he is

1 talking about the conversation she has already testified to,  
2 your Honor.

3 MR. SHINN: This is for impeachment purposes, your  
4 Honor.

5 MR. BUGLIOSI: Whether she remembers another  
6 conversation is too remote and it is irrelevant.

7 THE COURT: The question is ambiguous, Mr. Shinn.

8 The objection is sustained.

9 MR. SHINN: Q You heard other persons in your dormi-  
10 tory talk about the Tate case; correct?

11 A Yes.

12 Q And you heard the radio, too, about the Tate  
13 case?

14 A Yes.

15 Q And you heard Miss Atkins talk to you or she  
16 debated with you about the Tate case; correct?

17 A Yes.

18 Q Now, would it be fair to state that some of the  
19 things that you recall now, or you forgot now, you are  
20 confused as to who said what?

21 MR. BUGLIOSI: That is an ambiguous question, your  
22 Honor. It is also compound.

23 THE COURT: Doyou understand the question?

24 THE WITNESS: Yes.

25 MR. BUGLIOSI: How can she remember something that she  
26 has forgotten, your Honor?

1 THE COURT: Overruled.

2 You may answer.

3 Do you have the question in mind?

4 THE WITNESS: Yes. Was my state of mind confused?

5 Would you ask the question again?

6 MR. SHINN: Q Well, my question was whether or not  
7 you may be confused as to what Miss Atkins said and what  
8 other people said about the Tate case.

9 A Yes.

10 Q In other words, you are confused whether she  
11 said it or someone else said it?

12 A I am not confused about what she said, the  
13 debate she and I had. I am not confused as to what side I  
14 was on.

15 Q But you had a debate with other people, too;  
16 correct?

17 A No.

18 Q You had no debates with other people while you  
19 were there for five or six months?

20 A No.

21 Q Do you recall what other topics Miss Atkins  
22 talked to you about besides the Tate case?

23 A She was reading a book. Maybe she would tell me  
24 about different things in the book. She used to read  
25 different books and she would tell me about the books she  
26 was reading.

19-1

1 Q Would it be fair to state that what has  
2 happened in Sybil Brand during your stay there, the  
3 events and the conversation, and all that, it's kind of  
4 hazy now, is that correct?

5 A Yes.

6 Q You are not sure of what exactly happened?

7 A Oh, I know what happened, there's things I  
8 would like to forget.

9 Q But it's hazy in your mind now, is that  
10 correct?

11 A Some things are, yes.

12 Q Now after talking to Mr. Bugliosi did he ever  
13 show you any notes that he took, if any?

14 A No.

15 Q Did you talk to any police officers besides  
16 Mr. Bugliosi, the District Attorney?

17 A Yes, I think they were police officers or  
18 investigating officers.

19 Q Where and when did you talk to police officers  
20 concerning this case?

21 A The first time I was in Los Angeles where I  
22 was living.

23 Q Did you make a statement to them at that  
24 time about this case?

25 A Yes.

26 Q Did you ever see those notes again that the

19-2

1 police took?

2 A No, really the information -- they asked me  
3 my name, and when I told him my name he would write my  
4 name down, you know.

5 Q What else did you tell them?

6 A I told them that -- where I'd been incarcerated.  
7 Really, I answered questions that they asked  
8 me.

9 The first thing I told them was "I don't want  
10 to talk to you."

11 That's the very first thing I told them.

12 Q Now, while you talked with the police or  
13 the District Attorney, did they mention anything about  
14 your parole?

15 A No.

16 Q They never said to you "Maybe we can help you  
17 with your parole"?

18 A No.

19 Q You don't recall that conversation?

20 A No.

21 Q Have you taken any drugs in the past?

22 A Yes.

23 Q What kind of drugs?

24 MR. BUGLIOSI: It's irrelevant.

25 THE COURT: Sustained.  
26

1 BY MR. SHINN:

2 Q Do drugs affect your memory?

3 A No.

4 Q Does it affect your sight?

5 A Not that I know of. I am not a doctor but  
6 I don't have trouble with my eyes.

7 Q And it does not affect your memory?

8 A No.

9 Q Does it affect your actions? Does it make you  
10 move faster or slower?

11 A Yes.

12 Q Does it dull your mind?

13 A No.

14 MR. SHINN: I have nothing further.

15 THE COURT: Any questions, Mr. Kanarek?

16 MR. KANAREK: In view of the fact that the Court  
17 has ordered that this be accepted only as to Susan  
18 Atkins, your Honor, I have no questions.

19 THE COURT: Mr. Hughes?

20 MR. HUGHES: No questions, thank you.

21 THE COURT: Redirect?

22 MR. BUGLIOSI: Very briefly, your Honor.

23  
24 REDIRECT EXAMINATION

25 BY MR. BUGLIOSI:

26 Q Roseanne, you testified you might be confused

1 between what Susan told you and what someone else told  
2 you.

3 Do you remember testifying that way about  
4 three or four minutes ago?

5 A No, I don't remember the question being put  
6 to me that way.

7 Q All right, apart from that, let me ask you  
8 once again:

9 Did Susan say to you: "That ain't the way it  
10 went down" after the broadcast on the Tate-La Bianca  
11 murder?

12 A She did not say it directly to me. She said  
13 it --

14 Q "That ain't the way it went down"?

15 A Yes, it wasn't said directly to me, it wasn't  
16 said directly to anybody.

17 Q But you heard her say that?

18 A Yes.

19 Q You are not confusing her with anyone else?

20 A No.

21 Q And was it Susan you heard the conversation  
22 from concerning the glasses?

23 A Yes.

24 Q You are not confusing Susan with somebody  
25 else?

26 A No.

1 MR. BUGLIOSI: Thank you.

2 THE COURT: Anything further?

3 MR. FITZGERALD: No, your Honor, thank you.

4 THE COURT: You may step down.

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1 MR. BUGLIOSI: Your Honor, may we approach the bench  
2 on the next witness?

3 THE COURT: Very well.

4 (The following proceedings were had at the  
5 bench outside of the hearing of the jury:)

6 MR. BUGLIOSI: Two points. The first point on this  
7 particular tape, the police had a conversation with Dianne  
8 Lake in which she related what allegedly Leslie Van Houten  
9 told her about the La Bianca murders.

10 I have been told this is four hours, and it  
11 would take eight hours of typing time for each particular  
12 hour.

13 There are a total of about 32 hours. We were  
14 planning on calling Dianne Lake to the stand Monday.

15 I have heard the tape. The defense has been  
16 given a copy of the tape. There is only about a paragraph  
17 and a half on Leslie Van Houten's involvement in the  
18 La Bianca murders.

19 It's a very, very brief reference. I am  
20 wondering if the Court wants that.

21 If the Court does want it we will have to get  
22 down and start typing right now.

23 MR. HUGHES: I disagree. I heard the tape. I could  
24 not subscribe to that representation.

25 MR. BUGLIOSI: It is only a paragraph on her involve-  
26 ment in the La Bianca murders.

1 MR. HUGHES: I could not subscribe to that, number  
2 one.

3 not  
4 Plus that is/the only tape recording.

5 You check on January 14th, the officer  
6 Gutierrez -- excuse me, Officer Sartucci and I believe  
7 Sergeant Nielsen went out to Patton State Hospital and  
8 interviewed her out there.

9 That tape has never been made available to me.

10 MR. BUGLIOSI: I agree, but the one where she  
11 relates --

12 MR. HUGHES: Plus there was a tape recording of  
13 November 25th, 1969 with Sergeant Nielsen and at this  
14 moment I am in the process of having parts of that  
15 transcribed myself.

16 MR. BUGLIOSI: I have given every tape that I have  
17 to Mr. Hughes.

18 MR. HUGHES: Granted.

19 MR. BUGLIOSI: You have what, three or four of them?

20 Now, I didn't even have them typed up for myself.

21 The only thing I had typed up was a large  
22 paragraph and a half about the La Bianca murders.

23 MR. FITZGERALD: Maybe I can put this in somewhat of a  
24 perspective for you, your Honor.

25 THE COURT: I wish someone would.

26 MR. FITZGERALD: Dianne Lake is a witness that is  
going to be called by the prosecution, a young girl 18

1 years of age who was arrested in the desert of Inyo  
2 County along with most of the other defendants in early  
3 October, 1969.

4 She was made a ward of the Juvenile Court in  
5 Inyo County.

6 Subsequently she was transferred to the Patton  
7 State Hospital, and she remained in Patton State Hospital  
8 until approximately August 28th of this year when she was  
9 placed in a foster home situation.

10 Now, she has been interviewed by representatives  
11 of law enforcement in connection with her connection with  
12 the so-called Manson Family on a number of occasions, I  
13 would say perhaps 10 or 12 different occasions.

14 Now, this is a statement that involves the  
15 Aranda-Bruton problems, what Mr. Hughes is referring to.

16 Your Honor has shown a consistent interest in  
17 the totality of the witnesses' statements. I think Mr.  
18 Hughes is simply trying to point out she made a number of  
19 statements, and if your Honor is going to be presented with  
20 the total of what she has to say, there are some problems.

21 MR. KANAREK: Plus the fact, your Honor, the information  
22 that we have is that she actually was committed.

23 MR. FITZGERALD: That is an entirely different  
24 problem.

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1 MR. KANAREK: There is no foundation possible.

2 MR. FITZGERALD: In that connection I have about a  
3 ten-page motion myself with Mr. Hughes; it is prepared;  
4 it is in writing.

5 At the time she was going to be sworn as a  
6 witness we were going to file it. If it is convenient for  
7 the Court we will file it at this time.

8 THE COURT: Relating to her competency?

9 MR. FITZGERALD: Relating to her competency. It is  
10 a long motion set out with voluminous declarations,  
11 references to her incarceration.

12 THE COURT: She is going to be the next witness.

13 MR. BUGLIOSI: No, Monday.

14 MR. FITZGERALD: But if your Honor would like to  
15 review the material we have, we will file it.

16 THE COURT: Sure.

17 MR. BUGLIOSI: Before you make any decision with  
18 respect to this paragraph and a half, maybe it's two  
19 paragraphs, we would ask you to look at that and determine  
20 if there are any Aranda problems -- and there are.

21 We can look at that; we don't need anything  
22 more really for the Aranda problem.

23 Now, Mr. Hughes has all the tapes. If he can  
24 find something else, your Honor, in any of these other  
25 tapes which he feels are favorable or helpful to his  
26 client, I would say the burden is upon him, it is not an

Aranda problem for the Court.

The burden is upon him to come forward and point out to the Court this particular other reference in one of the tapes that is favorable to his client.

I don't think that the editing problem would require that we have all of these tapes typed up.

THE COURT: Well, of course that is your side of the story, Mr. Bugliosi, and I understand.

I am not criticizing you for that.

But it may very well be that there are matters contained in the other tapes that are impeaching, for example, or at least --

MR. BUGLIOSI: I agree.

THE COURT: -- or at least if the defendant intended to bring it in by way of impeaching testimony, it would implicate others.

I have to see the entire statements this witness made in order to know whether any portion of them create Bruton-Aranda problems, and whether or not these problems can be solved by effective deletion.

There is no other way to do it. I cannot wait until the statements are in, and Mr. Hughes or someone else goes in on cross-examination.

I would have to foreclose their cross-examination because there are matters there that implicate the co-defendants, and the statements are already in.

1                   These things have to be known in  
2 advance.

3                   Once that witness takes the stand to testify,  
4 I have to know everything that she said to anybody regarding  
5 her conversations with a defendant.

6                   MR. BUGLIOSI: It is going to be a monumental task  
7 then, I imagine there might be a couple of hundred pages;  
8 there might be a couple of hundred pages for the Court to  
9 read.

10                  I have not had them typed up, but they are hours  
11 and hours and hours.

12                  THE COURT: Believe me, I am not anxious to do any-  
13 thing that increases the burden of the trial.

14                  On the other hand I don't see any other solution.

15                  MR. KANAREK: Sort of parenthetically, Mr. Bugliosi  
16 was representing that he was also going to have the tapes  
17 of Juan Flynn --

18                  MR. BUGLIOSI: I never said that. I did not type  
19 it up for myself. I don't have it.

20                  THE COURT: I don't see any other solution, Mr.  
21 Bugliosi. I think that has to be done and I think we  
22 should go on with other witnesses while it is being done.

23                  MR. HUGHES: On a couple of occasions I have asked  
24 Mr. Bugliosi for the tapes of January 14th.

25                  MR. BUGLIOSI: I opened up my tubs to Mr. Hughes.  
26 He looked in there and he took everything that I have.

1 That is all I can give him, and I sent them  
2 over to the Los Angeles Police Department.

3 MR. HUGHES: I have evidence that the Los Angeles  
4 Police Department has tapes of January 14th, of a January  
5 14th conversation with her that I have never been able to  
6 get, a conversation with Diane Lake.

7 THE COURT: That's all right, gentlemen, we are not  
8 here for a discovery proceeding.

9 Let's take one step at a time.

10 MR. BUGLIOSI: The only thing I can think of, your  
11 Honor, she definitely won't be able to testify Monday, and  
12 I will just have to get several people working probably  
13 for a week.

14 THE COURT: You have other witnesses?

15 MR. BUGLIOSI: Oh, yes, I will have to bring other  
16 witnesses in.

17 Now, the next witness, here, creates a very  
18 interesting problem.

19 He is a Father. I think perhaps the Court  
20 could look at the statement here and read it.

21 It depends how the Court wants to proceed.  
22 It is Father Ryan. There's never been a lineup; he was  
23 shown some photographs of Manson in San Diego and apparently  
24 he picked out a picture of Charles Manson.

25 Apparently he was the Father at a church,  
26 Our Mother of Good Counsel Church, 2060 North Vermont,

1 which is only about 12 blocks from the La Bianca residence,  
2 July 6, 1969, he recalls a conversation with a man who  
3 came to the door who fits the description of Manson, and  
4 who told the Father that he was Jesus Christ.

5 And the Father told me that he recognized the  
6 man was an imposter.

20 fls.



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1 He shut the door in the man's face.

2 Now, the position that I would take would be  
3 that there is no sense to having him testify to any of this  
4 if he can't identify Mr. Manson.

5 I would like to call him to the stand and have  
6 Mr. Manson approach him.

7 He says Mr. Manson's hair at the time that he saw  
8 him was long. - It is not like it is right now. It was long.

9 THE COURT: I think we had better go in to chambers.  
10 We can't try this case here at the bench. We have a court-  
11 room full of people and the jury in the box and everyone  
12 present, and apparently we have some preliminary matters  
13 here that require some open discussion rather than a  
14 whispered conference at the bench.

15 MR. BUGLIOSI: All right.

16 THE COURT: I think we'd better recess for a few  
17 minutes and take up these matters, if he is going to be  
18 your next witness.

19 MR. FITZGERALD: In regard to the witness mentioned  
20 earlier, Dianne Lake, I said that I would file some  
21 documents. I have now filed them, your Honor.

22 THE COURT: All right. Give it to the clerk.

23 MR. FITZGERALD: I did give it to the clerk.

24 (Whereupon, all counsel return to their  
25 respective places at counsel table and the following  
26 proceedings occur in open court within the presence and

1 hearing of the jury:)

2 THE COURT: Ladies and gentlemen, we are going to  
3 take a recess at this time. There are some matters that  
4 I have to take up with counsel in chambers, and we will  
5 resume as soon as possible.

6 Do not converse with anyone or form or  
7 express any opinion regarding the case until it is finally  
8 submitted to you.

9 (The following proceedings occur in court.  
10 All counsel present. Defendants absent.)

11 MR. BUGLIOSI: Do you have a copy of the statement of  
12 the Father?

13 MR. FITZGERALD: Yes.

14 MR. BUGLIOSI: Let's give it to the Court and let the  
15 Court read it to get an idea of what he will testify to.

16 (A document is handed to the Court.)

17 (Pause while the Court reads.)

18 THE COURT: What is the relevancy of it?

19 MR. BUGLIOSI: Well, there is --

20 THE COURT: Even assuming it to be true.

21 MR. BUGLIOSI: Again, your Honor, I think it is little  
22 more than a speck of circumstantial evidence, but at least  
23 it is a speck.

24 Number one, we have Manson saying that he is  
25 Jesus Christ.

26 Number two, we place Manson very close to the

1 La Bianca residence around the time of the murders.

2 MR. HUGHES: How close?

3 MR. BUGLIOSI: Well, it says here --

4 THE COURT: What is the address of the church?

5 MR. BUGLIOSI: 2060 North Vermont.

6 THE COURT: What was the La Bianca address?

7 MR. FITZGERALD: 3301 Waverly Drive.

8 2060 North Vermont is approximately at the  
9 intersection of Franklin and Vermont.

10 3301 Waverly Drive is approximately --

11 THE COURT: A mile and a half about, isn't it?

12 MR. FITZGERALD: Yes. I was going to say approximately  
13 two miles. Anywhere between a mile and a half and two  
14 miles.

15 MR. BUGLIOSI: Those are very short blocks up there,  
16 very short blocks.

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1 THE COURT: Well, the miles are the same length.

2 MR. BUGLIOSI: It is like the guy that is working  
3 long hours, you know, there are 63 minutes or something in  
4 an hour.

5 MR. FITZGERALD: It is simply that I happen to live  
6 in the area and I am more familiar with it.

7 MR. BUGLIOSI: That is the area that you live?

8 MR. FITZGERALD: Yes.

9 MR. HUGHES: I lived in that area, and I agree, it  
10 is somewhere between a mile and a half and two miles.

11 MR. BUGLIOSI: I will draw your attention to the  
12 fact that on the night of the La Bianca murders we have  
13 Linda Kasabian's testimony that he knocked on the door of a  
14 church in Pasadena, and the unmistakable inference is that  
15 he intended to kill the priest.

16 MR. KANAREK: Oh, Mr. Bugliosi.

17 MR. BUGLIOSI: All right, no. He was going to ask  
18 about a rosary. Do you want me to stipulate with you?

19 MR. KANAREK: Mr. Fitzgerald lives in that area.  
20 Maybe he can tell you.

21 MR. HUGHES: We would ask that the defendants be  
22 present, especially if there is going to be some in-chambers  
23 identification.

24 THE COURT: What is that?

25 MR. HUGHES: I believe we asked one of the marshalls  
26 or one of the bailiffs to have the defendants present in

1 chambers, especially if there were going to be some in-  
2 chambers identification by this priest.

3 We were discussing it outside.

4 MR. FITZGERALD: Apparently the priest is not going  
5 to be present in chambers.

6 THE COURT: Not as far as I am concerned he isn't.

7 What was the address on Waverly Drive?

8 MR. FITZGERALD: 3301.

9 It is near the intersection of Waverly Drive and  
10 Hyperion.

11 MR. KANAREK: Right.

12 THE COURT: I am just trying to find it on my map.

13 Yes, I see it.

14 Well, it is a considerable distance from  
15 Vermont.

16 MR. BUGLIOSI: The investigator here says a half a  
17 mile.

18 MR. FITZGERALD: No, no.

19 THE COURT: He is wrong. I know that without even  
20 looking at the map. I know the area generally.

21 It is more than a half a mile to Hillhurst,  
22 and Hillhurst is a good half mile from Vermont.

23 MR. FITZGERALD: Yes, from Vermont and Franklin, a  
24 good half mile.

25 MR. KANAREK: Then we have the Wade and Gilbert  
26 problem, your Honor.

1 THE COURT: What was the procedure used with respect  
2 to the priest? Did he make the identification before he  
3 was shown photographs? Did he make it from a picture in the  
4 newspaper?

5 MR. BUGLIOSI: He tells me that he saw Mr. Manson's  
6 photograph in the newspaper, and after he saw the picture  
7 in the newspaper, he gave at least one sermon -- I think he  
8 said two -- but he was talking to his parishioners about  
9 "Where is Jesus Christ?" and he mentioned Charles Manson's  
10 name in his sermon, that Charles Manson came to his door  
11 and said, "I am Jesus Christ."

12 This was before he was even contacted by the  
13 police.

14 Apparently a parishioner called the LAPD and  
15 told them about the sermon.

16 So, Sergeant Sartucci went down to San Diego  
17 and showed him the photographs, and apparently he picked  
18 out the photograph of Manson.

19 But, apart from that, as I say, it was his  
20 opinion that this was Charles Manson even before he met  
21 Sergeant Sartucci.

20b-1

1 THE COURT: What was the date of Mr. Manson's  
2 appearance at the church?

3 MR. BUGLIOSI: In the report here, he told Sartucci  
4 it was late July or early August.

5 He just told me recently it could have been  
6 July 6th.

7 MR. KANAREK: Your Honor, there is an aspect of  
8 freedom of religion to this and freedom of speech.  
9 Free speech, your Honor.

10 I was going down the freeway and there was a  
11 man with a swastika selling a magazine called --

12 THE COURT: What does that have to do with this?

13 MR. KANAREK: -- White Power.

14 We do have it in our country, your Honor. We  
15 are proud of it.

16 THE COURT: We have a number of other provisions in  
17 our Constitution too, but what does that have to do with  
18 this?

19 MR. KANAREK: I am saying, first of all, your Honor--

20 THE COURT: No one is denying Mr. Manson the right  
21 to say he is Jesus Christ.

22 MR. KANAREK: But I am saying that type of right is  
23 actually being fettered by what Mr. Bugliosi is doing in  
24 this case.

25 I would be scared to talk about certain things  
26 for fear I may end up as a defendant in a murder case.

20b-2

1 THE COURT: Let's not waste time.

2 I really don't see how you, in good faith,  
3 can make an argument like that with a straight face.

4 MR. KANAREK: I make it in the utmost of good faith,  
5 your Honor.

6 I believe that there are some things, your  
7 Honor, human beings talk to each other, there are certain  
8 things, there is a certain distribution curve to all of  
9 our characters, and some of us talk about some unusual  
10 things.

11 MR. BUGLIOSI: There is a certain amount of humor  
12 involved here because the priest said, with a straight  
13 look on his face, he told me "When Mr. Manson told me he  
14 was Jesus Christ, I knew he was an imposter," he said,  
15 and he closed the door on him.

16 MR. KANAREK: I bet the original Jesus Christ got  
17 the same kind of reaction.

18 MR. BUGLIOSI: The second crucifixion up here; is  
19 that right?

20 THE COURT: I have a difficult time seeing what the  
21 relevancy of this evidence is to the issues in this case.

22 MR. BUGLIOSI: Admittedly, your Honor, it is not  
23 powerful circumstantial evidence, but the speck of evidence  
24 is that he is in the vicinity.

25 After all, geographically, Los Angeles is  
26 probably the largest city in the entire nation. He is in



1 the vicinity of the La Bianca residence about a month  
2 before the murders. He is saying "I am Jesus Christ."  
3 Which, alone, would seem that we could call the witness  
4 alone to the stand to say that he had a conversation with  
5 Manson and he said, "I am Jesus Christ."

6 I think that, alone, apart from when and where  
7 it took place, has some relevance that this man thinks  
8 he is Jesus Christ.

20c fls.

20c

1 THE COURT: Why? That is the point that I'd like to  
2 hear from you.

3 Why does it have relevance if he made that  
4 statement?

5 MR. BUGLIOSI: The relevance goes toward many issues.  
6 It goes toward his power, his charisma, his domination  
7 over the Family.

8 The defense is making a big issue out of the  
9 fact that Linda Kasabian thought that Charles Manson was  
10 Jesus Christ. Maybe one reason why she thought that he was  
11 Jesus Christ is because he said so.

12 THE COURT: It is one thing for a defendant in a  
13 case to believe, or an accomplice, or a member of the Family  
14 so-called, to believe that Mr. Manson is Jesus Christ.  
15 That is one thing. But for him to go tell a stranger that  
16 he is Jesus Christ would seem to have no relevance, to  
17 my mind.

18 MR. BUGLIOSI: But he told other people that he was  
19 Jesus Christ, too.

20 THE COURT: All right, perhaps he did, and perhaps  
21 you should put on that evidence if you have it. What we  
22 are talking about now is assuming an identification can be  
23 made -- which is another matter -- it just wouldn't seem to  
24 have any relevance.

25 MR. BUGLIOSI: Well, he is showing an animosity  
26 toward the priest.

1 THE COURT: How?

2 MR. BUGLIOSI: How?

3 THE COURT: How does it show that?

4 And even if that is true, why is that relevant?

5 MR. BUGLIOSI: Again, on the night of the La Bianca  
6 murders, he intended to kill the priest at the church, or  
7 whoever was inside the church in Pasadena.

8 THE COURT: I don't know about that.

9 MR. BUGLIOSI: We put on evidence of that, that  
10 they were out looking for people to kill. Linda Kasabian  
11 testified to that.

12 THE COURT: Are you talking about the statements of  
13 Linda Kasabian?

14 MR. BUGLIOSI: Yes.

15 And that they stopped at some church in  
16 Pasadena.

17 THE COURT: That is another matter.

18 MR. BUGLIOSI: That Mr. Manson got out of the car and  
19 knocked on the door -- or I don't know if he knocked on the  
20 door, but he came back to the car and said that the door  
21 was locked.

22 So, he has this animosity toward established  
23 religion.

24 THE COURT: I think all you do is create a host of  
25 problems with no probative value whatever.

26 My present feeling is it is completely

1 irrelevant.

2 MR. KANAREK: With Halloween coming up, Mr. Bugliosi  
3 may be able to get some defendants and witnesses, your  
4 Honor.

5 MR. BUGLIOSI: I don't go outside when the Goblins  
6 are out, Irving. I might bump into you.

7 THE COURT: I just don't see it, Mr. Bugliosi.

8 MR. BUGLIOSI: All right, your Honor.

9 MR. SHINN: He tried anyway.

10 MR. BUGLIOSI: I wanted to get into the record, though,  
11 about the imposter bit.

12 MR. HUGHES: I believe the other defendants don't have  
13 any objection to his appearance.

14 MR. BUGLIOSI: He told me he knew he was an imposter  
15 and he closed the door on him.

16 MR. KANAREK: The same thing happened on the original  
17 Christmas Eve, Mr. Bugliosi. The door was closed at the  
18 inn, as I recall, something like that, and Christ had to  
19 go somewhere else to be born, as I recall.

20 MR. FITZGERALD: Now you have got the story straight,  
21 Mr. Bugliosi.

22 MR. KANAREK: Isn't that true? He was refused  
23 admittance, his mother?

24 MR. BUGLIOSI: Were you there, Charlie?

25 MR. KANAREK: Are you deprecating that story?

26 THE COURT: All right, gentlemen. Anything else?

1 Do you have another witness you can call?

2 MR. BUGLIOSI: Yes. Harold True.

3 THE CLERK: What is the name of the priest?

4 MR. BUGLIOSI: Father David H. Ryan, R-y-a-n.

5 MR. HUGHES: May we have a short recess, your Honor?

6 THE COURT: We will take a 15-minute recess and then  
7 we will resume with the jury.

8 (Recess.)

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21-1

1 (The following proceedings were had in the  
2 chambers of the court outside the presence of the defendants  
3 and the jury:)

4 THE COURT: All counsel are present. I wanted to  
5 talk to you briefly, gentlemen, about this motion for an  
6 evidentiary hearing to determine the capacity of the  
7 witness Diane Lake to testify which was filed today by  
8 Mr. Fitzgerald, Mr. Hughes -- I guess by all counsel.

9 MR. FITZGERALD: All of them. I put all their names  
10 on there so it could be joint.

11 THE COURT: All of the defendants' counsel.

12 MR. FITZGERALD: Particularly myself and Hughes.

13 THE COURT: I wanted to determine if possible whether  
14 or not it will be necessary or desirable for the Court to  
15 appoint a psychiatrist to examine her, and if so I wanted  
16 to do it and have the examination as soon as possible so  
17 there won't be any unnecessary delay.

18 MR. BUGLIOSI: I haven't read the motion yet, your  
19 Honor, but of course the Court knows better than I that  
20 the mere fact the defense has made the motion is not an  
21 automatic reason for having her examined.

22 THE COURT: That is true, but there are some things  
23 raised in here which, in Mr. Fitzgerald's declaration,  
24 which might call into question the capacity and ability of  
25 this witness to comprehend events, facts, conversation and  
26 so forth, entirely apart from the question of whether or

21-2

1 not she is competent to testify under 701 of the Evidence  
2 Code.

3 In other words, the same type of thing that  
4 was raised in connection with the young Michael Hendricks,  
5 and these appear to be substantial matters.

6 He quotes, Mr. Fitzgerald quotes in his  
7 declaration from allegations made by the conservator for  
8 Diane Lake.

9 He talks <sup>of</sup> a diagnosis and recommendation of  
10 Dr. H. Woshrin, who apparently was connected with her  
11 confinement at Patton.

12 Is that right?

13 MR. FITZGERALD: That is correct.

14 THE COURT: At Patton State Hospital?

15 MR. FITZGERALD: I might point out, if I might just  
16 very briefly interrupt the Court, I might point out in  
17 connection with and in support of my declaration we caused  
18 to have subpoenaed to court her file from Patton State  
19 Hospital.

20 THE COURT: The Clerk has handed the files to me.  
21 I have not looked at them yet.

22 Does anyone have any objection to my looking  
23 at them at this time?

24 MR. FITZGERALD: No objection.

25 MR. KANAREK: No objection.

26 MR. SHINN: No objection.

1 MR. HUGHES: No objection.

2 THE COURT: I don't mean right now, I mean within the  
3 next few days or a week.

4 MR. FITZGERALD: No objection.

5 MR. KANAREK: No objection.

6 MR. FITZGERALD: I might also point out that my  
7 motion papers and my declaration was dated August 12.

8 There was no intent on my part to hold this  
9 back; simply I was of the impression at the time I made  
10 it we could only object at the time she was being called  
11 as a witness, and Mr. Hughes and Mr. Bugliosi and I agreed  
12 that the prosecution would attempt to give us two weeks  
13 notice as to when she was going to testify, and when it  
14 was mentioned she was going to testify on Monday, we  
15 immediately filed the papers.

16 And I think that this is not a situation where  
17 we are merely attempting to protect the record.

18 Here was a young girl who I think the evidence  
19 will amply demonstrate was wondering around the desert  
20 with very inappropriate and bizarre affectations.

21 She was made a ward of the Juvenile Court in  
22 Inyo County, subsequently transferred to a mental institu-  
23 tion in California with a diagnosis of a severe psychotic  
24 disorder, and I think that inasmuch as she is going to  
25 testify as to events that took place at or about the time  
26 that she was suffering from this psychosis, that her



testimony is suspect.

21a-1 1 MR. HUGHES: Plus, I would say, unlike Mr. Hendricks  
2 testimony, Dianne Lake's testimony goes to words and  
3 confessions and admissions, and this may be a whole  
... 4 different area as far as recall than, say, what Michael  
5 Hendricks was going to testify as to someone whom he could  
6 identify actually just holding a gun.

7 So I think perhaps the Court might consider  
8 that also, consider the necessity for an appointment of  
9 psychiatrists, or the weight to be given to the psychiatric  
10 evaluations.

11 THE COURT: Do you plan to call any of these doctors  
12 or other people as your own witnesses if we have a  
13 competency hearing?

14 MR. FITZGERALD: Yes.

15 MR. HUGHES: We do have them under subpoena.

16 MR. FITZGERALD: We have them all under subpoena  
17 and we have them on call.

18 Your Honor may recall vaguely that a Deputy  
19 Attorney General came to court in response to the subpoenas  
20 for the personnel at Patton State Hospital, and asked us to  
21 please place these people on call because they did not want  
22 to disable the institution by having all of these people here  
23 at once.

24 I think, though, in fairness, and I attempted to  
25 point it out in my declaration, that her current diagnosis  
26 is one of normality, and that she has now, we have learned

1 subsequent to the execution of the declaration, that she  
2 has been released from Patton State Hospital and has been  
3 placed in a foster home in Inyo County.

4 We would anticipate that these doctors if  
5 called on this competency issue will probably testify that  
6 she is normal, rational and sane at the present time, and  
7 she probably, although I'm not saying they will, they would  
8 probably testify that she is competent to testify; that is,  
9 that she understands the nature of the oath at the present  
10 time and that she understands the language to a sufficient  
11 extent that she can answer responsively.

12 What they will say in regard to her testimony  
13 relating to events that took place during her schizophrenic  
14 episode is something else again.

15 In our conversations with the personnel at  
16 Patton State Hospital they have been extremely reluctant to  
17 discuss any aspect of this case whatsoever.

18 They say that they have notes on their file not  
19 to discuss it, and to contact Mr. Bugliosi, and so on and  
20 so forth.

21 As a result we issued subpoenas for them, and  
22 then the Attorney General came in, and so we are sort of  
23 dealing at arm's length.

24 THE COURT: Well, if she is in Inyo County now, how  
25 are our Los Angeles doctors going to examine her?

26 MR. FITZGERALD: We learned by way of hearsay

1 information that she was released on August the 28th to a  
2 foster home in Inyo County, and we understand that she is  
3 in the home of one James Gardiner who is an investigator for  
4 the Inyo County District Attorney's Office.

5 Also a supplemental portion of the Patton State  
6 Hospital records indicates that she was released on the  
7 28th to a foster home in Inyo County, and I believe the  
8 name Gardiner appears.

9 Did you anticipate, Mr. Bugliosi, bringing her  
10 down here from Inyo County?

11 MR. BUGLIOSI: Yes.

21b

21b-1

1 THE COURT: It is not a question of her being  
2 brought down, but is there any reason why she could not  
3 be brought down in advance of the hearing so the doctors  
4 can examine her down here, rather than trying to find  
5 doctors to go up to Inyo County, which is quite a burden.

6 MR. BUGLIOSI: What about doctors up there to examine  
7 her?

8 MR. HUGHES: I understand there are very very few  
9 if any psychiatrists, and so on, in Inyo County.

10 THE COURT: When you live in Inyo County you don't  
11 have that kind of problem; only in Los Angeles County.  
12 The High Sierras is good fishing.

13 MR. FITZGERALD: In our examination of the juvenile  
14 files we discovered that the Coroner of Inyo County was  
15 the conservator. We thought she was dead or something.

16 It is a very small county and various officials  
17 fulfill various official functions.

18 THE COURT: Would you check into it, Mr. Bugliosi,  
19 to see about bringing her down as soon as possible,  
20 so I can appoint psychiatrists.

21 MR. BUGLIOSI: She is coming down Monday.

22 THE COURT: Tomorrow is Friday.

23 MR. BUGLIOSI: Would the Court assume some of the  
24 expenses?

25 THE COURT: I think that would be an appropriate  
26 expense under these circumstances since the defendants are

1 requesting that she be examined, I take it that is what you  
2 are requesting.

3 MR. FITZGERALD: Yes, and to save time and to narrow  
4 the issues I am saying that it is likely they would opine  
5 that she is competent to testify.

6 And I think the area in which we need to probe  
7 a little is the area of her relating events that took  
8 place during her schizophrenic episode.

9 THE COURT: Whether she is able to comprehend the  
10 events to which her testimony relates.

11 MR. FITZGERALD: Correct. She will testify apparently  
12 to admissions and confessions. It is important also in  
13 terms of any sort of Aranda-Bruton control of the witness  
14 on the witness stand.

15 I think it is important to have some sort of  
16 psychiatric appraisal.

17 THE COURT: All right, then I will appoint doctors  
18 on Monday after she arrives.

19 We were able to get our examinations of Mr.  
20 Hendricks somewhat sooner than the usual three weeks.

21 MR. BUGLIOSI: That is a problem, because we really  
22 are traveling rapidly now towards the end.

23 We got rid of Father Ryan and I'm striking a  
24 couple of witnesses.

25 The days are longer right now. We could be  
26 through by the end of next week.

1           Of course we've got Postin and Watkins, I don't  
2 know long you guys are going to examine them.

3           MR. KANAREK: That is why I would ask Mr. Bugliosi  
4 to make an offer of proof as to Paul Postin and Mr. Watkins.

5           THE COURT: Let's not get off into that. Let's  
6 continue to talk about Diane Lake.

7           MR. BUGLIOSI: The examination of Diane would have  
8 to be expedited obviously per the Court's order, no  
9 question about it.

10          THE COURT: We simply will have to find doctors,  
11 competent doctors that are willing to do it considerably  
12 faster than the usual period given, which is something like  
13 three weeks.

22 fls.

22-1

1 MR. MUSICH: Maybe the doctors can be contacted or  
2 appointed at this time, ascertaining whether or not they will  
3 be able to examine her Monday and how soon after they would  
4 be able to have their reports?

5 THE COURT: Let's see. I appointed Dr. Abe, and who  
6 was the other?

7 THE CLERK: Meyers.

8 THE COURT: Yes, Thomas Meyers.

9 I had originally appointed Dr. Skrdia but he was  
10 unable to do it because of the press of his practice, and he  
11 was also going out of town, so Dr. Meyers was appointed in  
12 his place.

13 Would you call these two doctors and find out  
14 if they can examine Dianne Lake the first part of next  
15 week?

16 THE CLERK: She will be in the area?

17 THE COURT: She will be in Los Angeles. We will  
18 make arrangements to have her here.

19 Could she be taken to the doctor's offices?  
20 She is not in custody. She would have to go to the office.

21 MR. MUSICH: We should be able to arrange that.

22 THE COURT: That will help the doctors.

23 I will ask the clerk to informally inquire.

24 MR. HUGHES: Your Honor, in a sense, she is in custody,  
25 since I believe not only is she under conservatorship in  
26 Inyo County, but she is also a ward of the court of Inyo



County.

THE COURT: But she is not in jail.

MR. KANAREK: May I inquire of the Court? Is she ambulatory? Can she go somewhere on her own?

MR. BUGLIOSI: She is a straight-A student at Patton. Really.

THE COURT: Anything else, gentlemen?

I will ask the clerk to do that, just to make an informal inquiry, just to see whether these doctors are available.

MR. FITZGERALD: I would offer to stipulate that in the event these two doctors are not available, that your Honor could appoint a third or a fourth or fifth doctor, if necessary, in the absence of me, certainly.

THE COURT: Well, we will make the inquiries anyway. The appointment doesn't take long.

Anything else, gentlemen?

MR. KANAREK: Your Honor, we are interested in expedition. I would ask your Honor that Mr. Bugliosi make an offer of proof as to Paul Postin and Watkins.

THE COURT: Who are these people?

MR. KANAREK: These are people who are going to testify concerning statements which I don't think are admissions. In other words, after the fact. In other words, this is at the Barker Ranch.



22a-1

1 MR. BUGLIOSI: Before, too.

2 MR. KANAREK: Well, the before part is different,  
3 from your theory, but the after part, which at least  
4 according to the book Five To Die would indicate there is a  
5 lot of conversation in there that I think your Honor would  
6 find to be inadmissible, and we could cut it down if  
7 Mr. Bugliosi made an offer of proof. It would cut down  
8 court time enormously, and I think it is in order.

9 MR. BUGLIOSI: I think we would lose a lot more  
10 time.

11 They are going to testify to the standard things  
12 that we have had other witnesses testify to in this case.

13 MR. KANAREK: I hope they aren't standard.

14 MR. BUGLIOSI: They are former members of Manson's  
15 Family.

16 THE COURT: Are there going to be any Bruton and  
17 Aranda problems?

18 MR. BUGLIOSI: No, there aren't going to be any  
19 confessions to the murders.

20 MR. KANAREK: But there are statements, your Honor.

21 THE COURT: What is the general nature of it?

22 MR. BUGLIOSI: Manson's philosophy on life, about  
23 Helter Skelter; things like that.

24 MR. HUGHES: I think that is a Bruton and Aranda  
25 problem as to the conspiracy.

26 MR. BUGLIOSI: We had this already with eight or ten

1 other witnesses.

2 MR. HUGHES: What I am saying is that it is a Bruton  
3 and Aranda problem as to the conspiracy count.

4 MR. KANAREK: It is cumulative.

5 MR. BUGLIOSI: We have another problem now, Mr. Kanarek.

6 When you are out in the country fighting with a  
7 bear, you don't call out, "Bring on more bears." We have  
8 other problems right now.

9 With respect to Dianne Lake, Mr. Hughes said  
10 that he doesn't request that the tape dated November 25th,  
11 1969, be typed up.

12 Is that correct, Mr. Hughes?

13 MR. HUGHES: That's right.

14 MR. BUGLIOSI: Do you stipulate to that?

15 MR. HUGHES: I don't require your typing it up.

16 I may use the contents for impeachment or  
17 something, but as far as I know, there are no --

18 MR. BUGLIOSI: That is the problem. The Court feels  
19 that you might bring up something in an impeachment question  
20 that might incriminate a co-defendant.

21 MR. HUGHES: What I am saying is that from the tape  
22 I would not bring up anything that would incriminate a  
23 co-defendant.

24 MR. KANAREK: You can't tell that a hundred per cent.

25 THE COURT: That doesn't solve the problem, unfortun-  
26 ately.

1 If, in fact, it happens, it is difficult, if not  
2 impossible, to undo it.

3 The only way it could be avoided is for the  
4 Court to know the entire substance of the conversations that  
5 this witness claims she had with whichever defendant it was  
6 in advance.

7 MR. HUGHES: Actually, your Honor, on the tape she  
8 gives mostly negative statements, that she wasn't here,  
9 she wasn't there.

10 THE COURT: I am not going to do it by some form of  
11 osmosis. Either I see the statements or they don't come  
12 in.

22b

22b-1

1 MR. KANAREK: Since the People are advocating them,  
2 your Honor, it is their burden.

3 MR. BUGLIOSI: Your Honor, since the Court wants  
4 all the statements, is it possible for the Court to direct,  
5 at the Superior Court's expense, a court reporter to do it?

6 I say that for two reasons. One, I think it  
7 would be much more accurate and more speedy.

8 THE COURT: Transcribing of a tape recording?

9 MR. BUGLIOSI: Our office is overflowing with  
10 competent clerical personnel. Vis-a-vis the LAPD, we  
11 are competent, but I am just wondering if the Court could  
12 appoint someone.

13 It is going to be a monumental task. There is  
14 no question about it.

15 MR. MUSICH: One advantage would be that it would  
16 definitely be an independent person doing it.

17 THE COURT: How will the accuracy be determined?

18 MR. MUSICH: If anybody has any arguments against  
19 what the transcript or final document looks like, they  
20 would have to go to the tape and make their own interpreta-  
21 tion and bring it before you.

22 THE COURT: How much are you talking about?

23 MR. MUSICH: This is four hours of tape.

24 MR. BUGLIOSI: That is the one dated December 30th,  
25 1969.

26 Another one is dated November 25th, 1969.

22c fls.

22b-2

1 MR. HUGHES: That is only about an hour.

2 MR. BUGLIOSI: There are others, too.

3 THE COURT: Are they intelligible? Can you under-  
4 stand what is being said?

5 MR. BUGLIOSI: Yes.

6 MR. HUGHES: In that regard, as to the intelligibility  
7 of the 12/30/69 tapes, the LAPD has in their possession  
8 cassette recordings and the DA has the recording on the  
9 reel.

10 The cassette recordings that I have heard of  
11 those tapes are much more intelligible.

12 So, I think whoever is directed to transcribe  
13 that should use the cassette recordings.

14 THE COURT: Just how are these court reporters going  
15 to do it, assuming they are asked to? They are in here  
16 all day long.

17 MR. BUGLIOSI: I didn't necessarily mean these two  
18 court reporters, but some Superior Court reporter.

19 I am sure we can find someone in our office  
20 to do it, but I think it would take longer and I don't  
21 think it would be as expert as an actual court reporter.

22 In fact, I don't think we have any court  
23 reporters in our office.

24 THE COURT: Let's go off the record.

25 (Off the record discussion.)

26 MR. FITZGERALD: An alternative suggestion would

1 be to bring her in and ask her what she knows, of course,  
2 and, you know, start fresh.

3 THE COURT: In effect, a deposition?

4 MR. FITZGERALD: In effect, a deposition.

5 For example, your Honor, could have her sit  
6 down and ask her to tell us everything she knows. Or  
7 the DA could bring her in and take a deposition of her  
8 all over again, as you did with Roni Howard and Virginia  
9 Graham, except that this time just ask her to say every-  
10 thing she knows. Then have that typed up.

11 Now, that shouldn't be very difficult for the  
12 reporters in your office to do, and then present the  
13 material to the Judge.

14 That might be easier. I have no objection  
15 to that.

16 THE COURT: Suppose she says something on the  
17 deposition that is inconsistent with what she said on  
18 one of the tape recordings?

19 MR. FITZGERALD: I concede that is a problem, if you  
20 have got some impeachment.

21 THE COURT: Once you take a statement, you simply  
22 can't ignore it any more. It becomes part of the totality  
23 of the witness's statement and it can't be ignored.

24 MR. HUGHES: I am not going to go into any previous  
25 statements she made. She made statements before the  
26 Grand Jury.

1 THE COURT: I would say this, Mr. Bugliosi: I think  
2 this is something that the District Attorney's Office  
3 has to take over.

4 Now, if you don't feel that you have competent  
5 personnel up there -- and from the quality of the last  
6 transcription, I am inclined to agree with you -- then  
22d fls. 7 perhaps you should get someone else to do it.

22d-1

1 MR. BUGLIOSI: All right. I will get working on that.

2 THE COURT: I don't think this is a function for the  
3 Court to be injecting itself into the middle of the  
4 prosecution's case.

5 This is your case, and while I appreciate your  
6 problems, I think it is your problem.

7 All I can suggest is that it be done expedi-  
8 tiously.

9 MR. BUGLIOSI: All right. I will get going on that.

10 What did he say? It takes eight hours for one  
11 hour of tape?

12 MR. MUSICH: Yes.

13 MR. BUGLIOSI: This one tape will take 32 hours of  
14 listening -- deciphering.

15 THE COURT: I see no reason why the District Attorney's  
16 Office can't hire a court reporter to transcribe these  
17 tapes.

18 MR. BUGLIOSI: Okay.

19 We have another witness now, Harold True. There is  
20 certainly no Aranda problem, just the fact that Manson  
21 visited the home next door to the La Bianca residence.

22 That shouldn't take more than 15 or 20 minutes.

23 MR. SHINN: After that, who have you got? After you  
24 put on True?

25 MR. BUGLIOSI: After, we are going to run into a legal  
26 problem. I am sure Paul will object to Patricia Krenwinkel's



1 refusing to give a handwriting exemplar.

2 I want to argue that this shows a consciousness  
3 of guilt on her part.

4 We are going to argue the Ellis case, and,  
5 apparently, the case of People vs. Hess is right in point.

6 THE COURT: Has she refused to give a handwriting  
7 exemplar?

8 MR. FITZGERALD: Yes.

9 THE COURT: How do you intend to prove it?

10 MR. BUGLIOSI: By calling Deputy H. L. Moss, who  
11 asked her to write it.

12 THE COURT: Suppose she was asked in open court in  
13 front of the jury to give an exemplar?

14 MR. FITZGERALD: I will answer that question second.

15 First, I will say that she refused to give a  
16 handwriting exemplar on the advice of counsel.

17 I personally advised her not to give a hand-  
18 writing exemplar, and I am going to point that out in the  
19 event you introduce it.

20 MR. BUGLIOSI: This was before you advised her, Paul.

21 MR. HUGHES: Will you tell us when the refusal took  
22 place?

23 MR. FITZGERALD: I advised her and she refused on  
24 April 3rd.

25 MR. HUGHES: Because I saw her in early March and  
26 I gave her the same advice.

1 MR. BUGLIOSI: You remember your telling me that you  
2 hadn't gotten to her at that point?

3 In fact, I am positive, Paul, because I didn't  
4 even advise you of it.

5 I sent someone over there, and under the current  
6 cases I didn't even have to advise you. And then you came  
7 to me and you said, "I understand that you tried to get an  
8 exemplar off Katie." And I didn't even advise you of it.

9 There was no way for her to contact you because  
10 they even told her that she did not have a right to have her  
11 attorney present.

22a

22e-1

1 MR. FITZGERALD: Yes. But I had a discussion with  
2 her. I was aware that there was certain evidence and that --  
3 and I was aware of the fact that you might try to get a  
4 handwriting exemplar from her to compare her handwriting  
5 with the handwriting in blood at the La Bianca home,  
6 and I told her not to give any handwriting exemplar.

7 But beyond that, I wanted to point out that  
8 this is almost sophistry because the prosecution has  
9 exemplars of her handwriting.

10 MR. BUGLIOSI: We do?

11 MR. FITZGERALD: Certainly.

12 MR. BUGLIOSI: Where?

13 MR. FITZGERALD: She has written thousands of letters  
14 out of the jail that you have censored and photocopied.

15 You have all the handwriting you want.

16 MR. KAY: Except that this handwriting was printed.  
17 We wanted to get printing like was on the walls of the  
18 La Bianca home. Letters written in handwriting don't  
19 do us any good.

20 MR. FITZGERALD: All right. We will give you  
21 handwriting in open court, to answer your question.

22 If requested to do it, I will advise her to  
23 give it to you.

24 MR. KANAREK: If I may, Messiah vs. the United  
25 States, I think, forbids the prosecution to do this.

26 THE COURT: To do what?

1 MR. KANAREK: For the prosecution to approach a  
2 defendant, either directly or indirectly. It is violative  
3 of the rules set out in Messiah vs. the United States.

4 THE COURT: Mr. Fitzgerald, since you are willing,  
5 apparently, to give an exemplar in open court upon  
6 request, why not give it without the request and avoid  
7 the problem.

8 MR. FITZGERALD: I will do that.

9 I didn't want to do it at the time for various  
10 reasons that I would not like to make part of the record.

11 MR. BUGLIOSI: I think we still have the consciousness  
12 of guilt issue.

13 The fact that she is willing to give an exemplar  
14 now does not erase her refusal at a previous time.

15 THE COURT: That will, of course, depend on the  
16 circumstances, which I am not familiar with.

17 Certain, if she were advised by counsel, or  
18 if he thought she wanted advice from counsel first, and  
19 refused for that reason, that would dilute, if not  
20 destroy, any consciousness of guilt.

21 MR. BUGLIOSI: She never told the person that she  
22 was acting under advice of counsel.

23 THE COURT: I don't think she is under any compulsion  
24 to tell an investigator why she doesn't do something.

25 MR. BUGLIOSI: Under the law, she is not entitled  
26 to have counsel, you know.

1 MR. FITZGERALD: I know it.

2 MR. BUGLIOSI: On that issue, a handwriting exemplar,  
3 and that is why you were not advised.

4 MR. FITZGERALD: I know. And as soon as I found out  
5 she did it, I came to you and complained that you were  
6 trying to get a handwriting exemplar, because I was afraid  
7 she would not follow my advice.

8 As soon as I found out that there was handwriting  
9 in blood on the wall, I advised her not to give an exemplar.

10 MR. BUGLIOSI: This is the first time that I heard you  
22f fls. 11 advised her of that.

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1 MR. FITZGERALD: No.

2 MR. HUGHES: No.

3 MR. MUSICH: That was up to her.

4 She was advised that she had no right to an  
5 attorney, and that it was an inference of guilt if she  
6 refused.

7 She didn't come forth and say, "No, I am not  
8 giving it because my attorney said no."

9 It is a matter of what her state of mind was  
10 or what the evidence is at that time.

11 If, as a matter of fact, she said "No," it could  
12 be used as an inference of guilt.

13 THE COURT: Perhaps you can confer with each other  
14 and decide what you want to do in that regard.

15 You now have an offer for a handwriting exemplar  
16 if you want it.

17 MR. KAY: A printing exemplar.

18 MR. MUSICH: Well, the ability to doctor that up is  
19 another problem.

20 THE COURT: Is there any reason why we should not get  
21 back into the court and resume?

22 MR. FITZGERALD: No, your Honor.

23 THE COURT: Do you have any current estimate of the  
24 duration of your case, Mr. Bugliosi?

25 MR. BUGLIOSI: I would say a week and a half. Assuming  
26 we get the psychiatric evaluation of Diane Lake in a couple

1 of days.

2 THE COURT: Are you going to request the doctors to  
3 testify also?

4 23 fls.

MR. BUGLIOSI: Yes. Absolutely.

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1 THE COURT: I mean they must be prepared to, whether  
2 or not they will depends on whether anyone calls them, but  
3 they must be prepared to.

4 Let's resume, gentlemen, when you are ready  
5 let the Clerk know.

6 (The following proceedings were had in open  
7 court in the presence and hearing of the jury, all  
8 defendants and all counsel being present:)

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

11 You may continue, Mr. Bugliosi.

12 MR. BUGLIOSI: Call Harold True.

13 THE CLERK: Will you raise your right hand, please.

14 Would you please repeat after me.

15 I do solemnly swear --

16 THE WITNESS: I do solemnly swear --

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

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

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

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

21 THE CLERK: -- before this Court --

22 THE WITNESS: -- before this Court --

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

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

25 THE CLERK: -- the whole truth --

26 THE WITNESS: -- the whole truth --



23-2.

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

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

3 THE CLERK: -- so help me God.

4 THE WITNESS: -- so help me God.

5 THE CLERK: Would you be seated, please.

6 Would you please state and spell your name  
7 for the record.

8 THE WITNESS: Harold True, T-r-u-e.

9  
10 HAROLD TRUE,

11 called as a witness by and on behalf of the People, having  
12 been first duly sworn, was examined and testified as  
13 follows:

14  
15 DIRECT EXAMINATION

16 BY MR. BUGLIOSI:

17 Q What is your occupation, sir?

18 A Student.

19 Q Have you ever lived at the address 3267 Waverly  
20 Drive in Los Angeles?

21 A Yes.

22 Q When did you move there?

23 A In September, 1966 until '67, September, '67.

24 Q You moved there in September --

25 A I moved there early '67 and lived there through  
26 the period of '67 and through '68.

23-3

1 Q Did you move into that address with anyone?

2 A Yes, I moved in with three other fellows.

3 Q Harry Yost is one?

4 A Yes.

5 Q Al Swerdlov?

6 A Yes.

7 Q Ernest Baltzell.

8 A Yes.

9 Q And you moved in again when?

10 A '67, around the first part of '67.

11 MR. KANAREK: Your Honor, may the same ground rules  
12 on relevancy and materiality apply, continuous objection?

13 THE COURT: Very well.

14 MR. KANAREK: Thank you.

15 BY MR. BUGLIOSI:

16 Q I show you People's 200 for identification,  
17 an aerial photograph, do you recognize in this photograph  
18 the residence where you lived?

19 A Yes, I do.

20 Q Where is it?

21 A It's --

22 Q Right here?

23 A Yes.

24 Q What about that, is that part of the same  
25 house?

26 A This is the house, this is the garage in the back.

23-4

1 Q With the garage in the back, is that correct?

2 A Yes.

3 Q So this is the residence where you moved in,  
4 you say, in early 1967?

5 A Yes.

6 Q With these other three gentlemen?

7 A Yes.

8 Q And when did you move out?

9 A September of '68.

10 MR. BUGLIOSI: May I mark this, your Honor, Mr.  
11 True's former residence?

12 THE COURT: You may.

13 What is the exhibit number?

14 MR. BUGLIOSI: 200.

15 Q Do you recognize the house next door as being  
16 the house at one time of Leno and Rosemary La Bianca?

17 A Well, I just know it was the house next door.

18 At the time I knew of no one living there,  
19 so the name of the residence --

20 It was just the house next door.

21 Q You have learned since then this is the former  
22 residence of Leno and Rosemary La Bianca?

23 A Yes.

24 MR. BUGLIOSI: May I mark this house, your Honor,  
25 the La Bianca residence?

26 THE COURT: You may.

23-5

BY MR. BUGLIOSI:

Q So facing the street then, the La Bianca residence would have been on your right?

A It would be the left.

Q Facing the street?

A Facing the street, yes, on the right.

Q The La Bianca residence would be immediately to your right, is that correct?

A Yes.

Q There are no homes in between?

A No.

Q And there is a yard separating your former residence from the La Bianca residence?

A Yes.

Q I show you People's 62 for identification. This is also a photograph of your former residence?

A Yes.

Q This shows the pathway leading up to your residence?

A Yes.

Q You cannot see the La Bianca residence in this photograph, can you?

A No.

23a fls. 23

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1 Q Do you know the defendant Charles Manson?

2 A Yes.

3 Q When was the first time you met Mr. Manson?

4 MR. KANAREK: Your Honor, that would be outside --

5 Unless there's some connection timewise with  
6 some events, your Honor, two days that was spoken of or  
7 something in connection with this case, then I object to it.

8 THE COURT: Overruled.

9 You may answer.

10 THE WITNESS: I met Mr. Manson in March of '67.

11 Q BY MR. BUGLIOSI: And where did you meet  
12 Mr. Manson at that time?

13 MR. KANAREK: Again, your Honor, I can see no --

14 It has no pertinency in connection with these  
15 proceedings.

16 THE COURT: Overruled. You may answer.

17 THE WITNESS: I met him at his residence in Topanga  
18 Canyon.

19 Q BY MR. BUGLIOSI: Did you go there to visit  
20 someone?

21 A Yes.

22 Q Mr. Kaufman?

23 A Yes.

24 Q Phil Kaufman?

25 A Yes.

26 Q Are you sure this was not March of 1968?

A Yes, I'm positive.

1 Q It was not March of '68?

2 A It was not.

3 Q You say it was March of '67?

4 A Yes.

5 Q And was Mr. Manson living at the Topanga Canyon  
6 residence at that time?

7 A Yes.

8 Q With Mr. Kaufman?

9 A Yes.

10 Q Was anyone else living at that residence at  
11 that time?

12 A There were some girls living there.

13 Q About how many?

14 A Ten or so.

15 Q Any other men besides Mr. Kaufman and Mr. Manson?

16 A I think two or three, maybe four.

17 Q Did Mr. Manson ask you if you could do anything  
18 for him on that occasion?

19 MR. KANAREK: I object on the grounds of hearsay, your  
20 Honor, and conclusion, it has no pertinency.

21 MR. BUGLIOSI: Just foundational, your Honor.

22 MR. KANAREK: Still no basis for it.

23 THE COURT: Do you wish to approach the bench,  
24 gentlemen, and discuss this matter?

21B

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

MR. BUGLIOSI: This is just foundational, your Honor, he asked True if True would help him move, so a week later he came back and True came back and put all of Manson's belongings in a car and they drove it to the residence next to the La Bianca residence and they stayed there overnight.

Susan Atkins was one of the people that was with Mr. Manson at that time, and Patricia Krenwinkel and several other members of the Family.

It's just foundational.

MR. KANAREK: Well, your Honor, what he calls foundational, this is not a documentary or a narrative, it's a lawsuit.

THE COURT: What is your objection?

MR. KANAREK: My objection is it is way outside the scope of any of the issues framed by these pleadings.

THE COURT: If that is the objection, it's overruled.

MR. KANAREK: And also relevancy.

THE COURT: Overruled. It places Mr. Manson at the scene of Mr. True's home.

MR. KANAREK: Why doesn't he ask him that?

MR. BUGLIOSI: You don't take things out of context.

MR. KANAREK: He can ask him if he's ever been to his home.

He doesn't have to belabor the record.

1 THE COURT: He might not ask it the same way you  
2 might ask it, Mr. Kanarek, but that does not make it  
3 inadmissible.

4 MR. KANAREK: It is requesting conversation, it's  
5 hearsay, your Honor.

6 MR. BUGLIOSI: There is no incriminating statement.  
7 I am bringing in the fact that --

8 MR. KANAREK: I can only assume Mr. Bugliosi is  
9 prosecuting this case because he wants a conviction.

10 THE COURT: I don't see it is hearsay.

11 MR. KANAREK: He is offering it for the truth of the  
12 matter asserted, about moving.

13 MR. BUGLIOSI: It is foundational, your Honor.

14 THE COURT: Of course, that does not answer all  
15 questions either.

16 I take it the fact you want to establish is  
17 that Manson was at Mr. True's home.

18 MR. KANAREK: Yes, why doesn't he ask him that?

19 THE COURT: I think it can be done more directly.

20 MR. KANAREK: It would cut down our cross-examination,  
21 the necessity for extensive cross-examination.

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

24 Q BY MR. BUGLIOSI: Did Mr. Manson visit your  
25 residence around that time?

26 A Yes, he did.



1 Q How long after you visited him and Mr. Kaufman  
2 did Mr. Manson come to your residence?

3 A The next day.

4 Q And did he come there with anyone?

5 A He came with all the girls and other fellows.

6 Q And do you know the defendant Susan Atkins?

7 A Yes.

8 Q Was she present at that time?

9 A Yes.

10 Q Do you know the defendant, Patricia Krenwinkel?

11 A Yes.

12 Q Was she present at that time?

13 A Yes.

14 Q Do you know Lynn Fromme?

15 A Yes.

16 Q Also known as Squeaky?

17 A Yes.

18 Q Was she present?

19 A Yes.

20 Q Do you know Mary Brunner?

21 A Yes.

22 Q Was she present?

23 A Yes.

24 Q Do you know a Nancy Pittman also known as  
25 Brenda McCann?

26 A Yes.

1 Q Was she present?

2 A Yes.

3 Q Do you know Charles Watson?

4 A No.

5 Q You don't know Charles Watson?

6 You never heard of a man named Tex Watson?

7 MR. KANAREK: I object to that, whether he heard of  
8 him or not.

9 THE COURT: Overruled.

10 THE WITNESS: I have read of him in the newspapers.  
11 I don't know him personally.

12 Q BY MR. BUGLIOSI: Charles Watson was not among  
13 the group, is that correct?

14 A That is correct.

15 Q Do you recall who else accompanied Mr. Manson?

16 A Just everybody that was present mostly, you know.

17 Q I am referring to names, do you remember any  
18 other?

19 A No.

20 Q But the people whom I have just mentioned,  
21 they were with Mr. Manson?

22 A Yes.

23 Q Did they stay overnight?

24 A Yes.

25 Q That is, Mr. Manson and these girls?

26 A Yes.

1 Q And they stayed at your residence at 3267  
2 Waverly Drive, is that correct?

3 A Yes.

4 Q Now, between this time, March of 1967 and  
5 September of 1968 when you moved out of the Waverly address,  
6 did you see Mr. Manson?

7 A Yes.

8 Q Did he visit you again at your residence?

9 A Yes.

10 Q Approximately about how many times?

11 A Four or five times.

12 Q Did he ever come by himself?

13 A A couple of times, a couple of times he came  
14 with some people.

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1 Q During any of these four or five times did he  
2 ever stay overnight?

3 A Once.

4 Q Was he by himself that time?

5 A Yes.

6 Q So Mr. Manson stayed overnight at your residence  
7 at 3267 Waverly Drive on two occasions?

8 A Yes.

9 Q But he was at the residence, well, the first  
10 time and then four or five additional times?

11 A Yes.

12 Q Did Mr. Manson ever ask you if he could live  
13 with you at the Waverly address?

14 MR. KANAREK: I object to that as hearsay, your Honor,  
15 no foundation.

16 THE COURT: Sustained.

17 Q BY MR. BUGLIOSI: Did Mr. Manson ever attempt to  
18 move in with you at the Waverly address?

19 MR. KANAREK: Same objection, and in addition soliciting  
20 a conclusion.

21 THE COURT: Sustained.

22 Q BY MR. BUGLIOSI: Mr. Manson, I take it, never  
23 did live there at the Waverly address, is that correct?

24 A That's correct.

25 Q After you moved out of the Waverly address in  
26 September of 1968 did you see Mr. Manson thereafter?

1 A Once or twice, maybe three times.

2 Q Where at?

3 A The Spahn Ranch.

4 Q Incidentally, while you were living at the  
5 Waverly address in addition to the times that Mr. Manson  
6 visited you, did you visit him?

7 A Yes.

8 Q At the Spahn Ranch?

9 A No, no, Topanga Canyon.

10 Q How many times?

11 A Five, ten times maybe, I don't know.

12 Q When was the last time that you saw Mr. Manson  
13 before his incarceration?

14 MR. KANAREK: That is assuming facts not in  
15 evidence, your Honor, that this gentleman knows of the  
16 incarceration. It is also ambiguous. This record  
17 reveals the incarceration of August 16th as well as  
18 subsequent incarcerations.

19 Q BY MR. BUGLIOSI: The incarceration on these  
20 charges.

21 MR. KANAREK: That also assumes facts not in evidence.

22 THE COURT: Overruled, you may answer.

23 THE WITNESS: Repeat the question, please.

24 Q BY MR. BUGLIOSI: When was the last time you saw  
25 Mr. Manson before he was incarcerated on these charges?

26 A November, '68.

1 Q Where did you see him at that time?

2 A Spahn Ranch.

3 Q Was there any reason for not seeing him beyond  
4 or after November of '68?

5 MR. KANAREK: That's calling for a conclusion, your  
6 Honor, and hearsay.

7 THE COURT: Sustained.

8 Q BY MR. BUGLIOSI: Did you leave the country  
9 around that time, sir?

10 A Yes.

11 Q Where did you go?

12 A Ethiopia.

13 Q You were a member of the Peace Corps?

14 A Yes.

15 Q And you returned from Ethiopia when?

16 A June of '69.

17 Q Have you seen Mr. Manson since June of 1969?

18 A Yes.

19 Q Where?

20 A At the Los Angeles County Jail.

21 Q You visited him there?

22 A Yes.

23 Q On how many occasions?

24 A Two or three.

25 Q When Mr. Manson was in Independence, California  
26 did you ever write him a letter?

1 A Yes, I did.

2 Q That was when?

3 A I guess August, when he was -- when I first  
4 heard that he had been jailed.

5 Q August of '69?

6 A Yes.

7 Q You are not sure about that date, are you?

8 MR. KANAREK: That's argumentative, your Honor.

9 THE COURT: Overruled.

10 THE WITNESS: I have the letter with my attorney,  
11 which it could be checked, it's either August or September  
12 of that time.

13 Q In any event he was in Independence at the time?

14 A Yes.

15 Q And you wrote him a letter?

16 A Yes.

17 Q Do you know a girl named Linda Kasabian?

18 A Yes.

19 Q Did Linda Kasabian ever come to your residence  
20 at 3267 Waverly Drive while you were living there?

21 A Yes.

22 Q When did she come there?

23 A The summer of '68.

24 Q Was she with anyone?

25 A Yes.

26 Q Who was she with?

- 1 A Her husband and some other people.
- 2 Q She was not there with Mr. Manson?
- 3 A No.
- 4 Q She just visited you once at that address?
- 5 A Yes.
- 6 Q Did you ever see her after that?
- 7 A Yes.
- 8 Q Where at?
- 9 A Topanga Canyon.
- 10 Q When was that?
- 11 A It was after -- let's see -- July, August of
- 12 '69.
- 13 Q These gentlemen you were living with, these
- 14 three other gentlemen, when you moved out of the Waverly
- 15 address in September of '68, were they still living there?
- 16 A Yes.
- 17 Q Did they eventually move out?
- 18 A Yes.

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23d

1 Q Do you know when?

2 A October, November of '68, right after I did,  
3 they stayed about a month.

4 Q Do you know if Mr. and Mrs. La Bianca were  
5 living next door to you while you were living at the Waverly  
6 address?

7 A No, I do not.

8 Q You are not familiar with who was living there  
9 during the time you were living at 3267 Waverly?

10 A I was under the impression that the house was  
11 vacant.

12 MR. KANAREK: Your Honor, may that be stricken as a  
13 conclusion and hearsay, it's also conjecture on the part of  
14 this gentleman evidently. It's an impression.

15 THE COURT: The answer is "no," you don't know who  
16 was living there?

17 A The answer is no, I don't know who lived there.

18 THE COURT: The previous answer is stricken.

19 The jury is admonished to disregard that  
20 stricken answer.

21 MR. BUGLIOSI: No further questions.

22 THE COURT: Cross-examination.

23  
24 CROSS-EXAMINATION

25 BY MR. FITZGERALD:

26 Q Is it Mr. True or Dr. True?

1 A Mr. True.

2 Q You do not have a Ph.D.?

3 A No.

4 Q You're working on a Ph.D.?

5 A Yes.

6 Q I believe in political science, is that correct?

7 A History.

8 Q How many residences have you had in the last  
9 five years, Mr. True?

10 MR. BUGLIOSI: It's irrelevant, your Honor.

11 THE COURT: Overruled.

12 THE WITNESS: Five.

13 Q BY MR. FITZGERALD: Could you place in mind the  
14 first residence you had, number one, in other words?

15 A Do you want the address or where?

16 Q Yes, can you give us the address?

17 A 113 South Clark, Los Angeles.

18 Q Is that in the City of Los Angeles?

19 A Yes.

20 Q Who was your next-door neighbor at that time,  
21 do you recall?

22 A No.

23 Q What about address number two, what was that?

24 A 9257 Skyline.

25 Q Is that in the City of Los Angeles, Mr. True?

26 A Yes.

1 Q What year was that, do you recall?

2 A '66.

3 Q What is number three?

4 A 3267 Waverly.

5 Q That was in '67?

6 A Yes.

7 Q Number four?

8 A I was in Ethiopia for a period, and then back  
9 into -- I lived on Chandler Boulevard in Van Nuys.

10 Q Were you in Ethiopia with the United States  
11 Redevelopment Agency?

12 A No, I was with the Peace Corps.

13 Q And after the Chandler address?

14 A South Gate.

15 Q I take it over the period of your life you had  
16 various neighbors, had you not?

17 A Yes.

18 Q Obviously you had various neighbors.

19 Actually, in addition to writing a letter to  
20 Mr. Manson when he was in Inyo County you actually visited  
21 him here in the Los Angeles County Jail, didn't you?

22 A Yes.

23 Q Those were on the dates of December 13th, 1969  
24 and December 26, 1969, isn't that correct?

25 A I am not sure of the dates but, yes.

26 ly a friend of Mr. Manson's,

1 are you not?

2 A Yes.

3 Q You are not ashamed of that fact?

4 A No.

5 Q You still consider yourself to be a friend of  
6 Mr. Manson, right?

7 A Yes, yes.

8 MR. FITZGERALD: Thank you, Mr. True.

9 MR. SHINN: No questions.

10 THE COURT: Mr. Kanarek?

11 MR. KANAREK: Yes, your Honor.

12 CROSS-EXAMINATION

13 BY MR. KANAREK:

14 Q Mr. True, when you saw Linda Kasabian in July  
15 and August of 1969, were you ever with her at any time  
16 when she ingested LSD?

17 A No.

18 Q Were you with her at any time when she was smoking  
19 marijuana?

20 A No.

21 Q And during July of 1969, every time that you were  
22 in the presence of Linda Kasabian, was this in Topanga  
23 Canyon?

24 A Yes.

25 Q Were you ever in her presence at the Spahn Ranch  
26

1 in July or August of 1969?

2 A No.

3 MR. KANAREK: Thank you.

4 Thank you, your Honor.

5 THE COURT: Any questions, Mr. Hughes?

6 MR. HUGHES: I have no questions.

7 THE COURT: Anything further, Mr. Bugliosi?

8 MR. BUGLIOSI: No further questions.

9 THE COURT: You may step down, sir.

10 MR. BUGLIOSI: Your Honor, I believe the next witness  
11 will necessitate a legal discussion either at the bench or  
12 in chambers.

13 Deputy Moss, H. L. Moss.

14 THE COURT: Will you approach the bench, gentlemen?

23e-1

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

MR. BUGLIOSI: The next witness, your Honor, is H. L. Moss, on the handwriting exemplar.

I have just been told by Mr. Fitzgerald he will not permit his client to make a handwriting exemplar in court, so basically what we are dealing with is this refusal on her part to grant a handwriting exemplar.

The People will, or are alleging that we should be able to comment on her refusal as showing consciousness of guilt.

People vs. Ellis, by analogy, and People vs. Hess, I have it at the counsel table, which actually is a handwriting case where the defendant refused to give a handwriting exemplar and the Court held the prosecution had the right to comment on the refusal.

Obviously this is a legal issue we are going to have to go into.

MR. FITZGERALD: Mr. Bugliosi is correct. I did represent to the Court -- I hope I represented it in good faith -- that my client would be willing to give a handwriting or printing exemplar in court if we were asked.

I considered that matter carefully since I made that representation to the Court, and, if the Court please, I would respectfully request to recant.

I am no longer willing to allow my client to

23e-2

1 execute any handwriting or printing exemplar.

2 It is also my understanding of the law that such  
3 a handwriting, the present state of the law in California is  
4 that the privilege of self-incrimination does not include  
5 the right to refuse to give a handwriting exemplar.

6 People vs. Graves is the landmark case in  
7 California.

8 However, I would object to the prosecution  
9 presenting any evidence that my client refused on the  
10 ground it violates her Fifth and Fourteenth Amendments  
11 rights in regard to self-incrimination.

12 Four Justices of the United States Supreme  
13 Court agree with me.

14 THE COURT: In what period?

15 MR. FITZGERALD: I believe it's in either Wade or  
16 Gilbert.

17 The United States Supreme Court however has  
18 decided by five Justices, has decided the right of self-  
19 incrimination does not apply.

20 I did not bring my resume of cases to the  
21 court today because I did not think the issue was going  
22 to come up today.

23 I have no objection to the People proceeding  
24 at this time.

25 I think my record is adequately protected if  
26 I object.

23e-3

1 THE COURT: Do you propose to call a witness for the  
2 purpose of having her testify that she asked Miss Krenwinkel  
3 for a handwriting exemplar and was refused?

4 MR. BUGLIOSI: The offer of proof, your Honor, she  
5 came up to Miss Krenwinkel and told her she wanted a  
6 handwriting exemplar; that the words "Death to pigs,"  
7 "Rise," and "Helter Skelter" were printed in blood at the  
8 La Bianca residence and she wanted Patricia Krenwinkel  
9 to write those words.

10 She did not have a right under the law to have  
11 an attorney present; that she did not have a right to refuse  
12 to give a handwriting exemplar, and that if she did refuse,  
13 the prosecution could comment on her refusal.

14 She was told all of these things, and after  
15 being told all of these things she refused.

16 So it is a negative thing and we are offering  
17 it to show consciousness of guilt.

18 There are several cases on it, your Honor.

19 People vs. Ellis is quite a landmark case.

20 Graves actually, although Graves never specifically  
21 answered it, they strongly implied there is no right to  
22 counsel at the time of handwriting exemplar.

23 Certainly Ellis and several other cases I  
24 have and the new case, People vs. Hess is right in point  
25 that we have a right to comment on the refusal.

26 MR. KANAREK: However, your Honor, I believe they may



23e-4

1 have the ultimate right to an exemplar, but I think under  
2 the doctrine of Massiah, after a person has become an  
3 accused, the defendant has the right that he or she not  
4 be approached by law enforcement, and Mr. Fitzgerald I  
5 believe had the right to be informed and be present.

6 His point may be well taken, but I think that  
7 the obligation to first approach counsel, and see that that  
8 be done -- Massiah is really sort of an extension of  
9 Miranda and Escobedo.

10 When a person has a lawyer he has a right that  
11 that lawyer be present as far as the prosecution approaching  
12 the defendant.

13 As far as Mr. Manson is concerned I would  
14 ask whatever happens that your Honor request and admonish  
15 the jury that none of this is to be used against Mr. Manson  
16 for any purpose whatsoever, because it is an admission.

17 THE COURT: When does this take place?

18 MR. BUGLIOSI: I have my notes at home, your Honor,  
19 I should have brought them today. I forgot.

20 But I can get this information for you because  
21 this lady has a copy of everything.

22 This, I would say, was --

23 THE COURT: The witness ought to know.

24 MR. BUGLIOSI: Oh, yes, I say, you are asking me  
25 and I forget.

26 THE COURT: I would like to take a look at the latest

23e-5

1 cases. I think I read them.

2 MR. BUGLIOSI: Hess came out two weeks ago.

3 THE COURT: Is that a California case?

4 MR. BUGLIOSI: Yes.

5 THE COURT: A Supreme Court case?

6 MR. BUGLIOSI: No.

7 THE COURT: You have a citation?

8 MR. BUGLIOSI: Yes, I can get it, of course I can  
9 give it to the Court right now.

10 THE COURT: It is a quarter after 4:00 now. Do you  
11 have any citations, any of you gentlemen?

12 MR. FITZGERALD: No, but I wonder if we could go over  
13 until tomorrow, although I basically have no quarrel with  
14 counsel's representations.

15 I just want to protect the record in this  
16 regard.

17 THE COURT: I think I am familiar with the law.

18 I think under the present <sup>law</sup> clearly the People  
19 have a right to attempt to obtain a handwriting exemplar,  
20 but I just wanted to review the cases first.

24 fls.

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1 MR. SHINN: I have the Massiah case.

2 MR. FITZGERALD: I will make this representation to  
3 the Court: I will go back to my office tonight and I will  
4 review all my materials. If I have case authority to the  
5 contrary, I will make sure that it is here before your  
6 Honor by 8:15 tomorrow morning.

7 MR. BUGLIOSI: I have some cases to give the Court  
8 right now, if we can go back to chambers and discuss this.

9 THE COURT: I will adjourn at this time, excuse the  
10 jury.

11 MR. FITZGERALD: We would also like to get the  
12 defendants together this afternoon and try to clarify some  
13 ground rules.

14 I wonder if we couldn't meet for about 15 minutes  
15 after court adjourns?

16 THE COURT: After our meeting in chambers.

17 MR. FITZGERALD: Yes. If that is agreeable with the  
18 Court.

19 Thank you, your Honor.

20 (Whereupon, all counsel return to their  
21 respective places at counsel table and the following  
22 proceedings occur in open court within the presence and  
23 hearing of the jury:)

24 THE COURT: Ladies and gentlemen, we are going to  
25 adjourn at this time.

26 Do not converse with anyone or form or express

1 any opinion regarding the case until it is finally sub-  
2 mitted to you.

3 The Court will adjourn now until 9:00 a.m.  
4 tomorrow morning.

5 (The following proceedings occur in chambers.  
6 All counsel present. Defendants absent.)

7 THE COURT: I am going to ask the doctors to examine  
8 Dianne Lake with respect to her competency under Evidence  
9 Code Section 701 and her ability to understand and compre-  
10 hend conversations with another person during September,  
11 1969.

12 MR. FITZGERALD: That is fine. Except that I won't  
13 burden the doctors with my declarations or affidavits be-  
14 cause it may contain conclusionary statements and things,  
15 but I would ask the Court to recommend that they read the  
16 file of the Patton State Hospital that is currently on file  
17 in court.

18 I think that is extremely valuable to any  
19 psychiatric evaluation.

20 THE COURT: Just the one file?

21 MR. FITZGERALD: Just the one file.

22 THE CLERK: There are actually three files.

23 MR. HUGHES: Can I be heard in that regard?

24 There are two files from Patton, and also a  
25 file from the Inyo County court, No. 69-37J.

26 MR. MUSICH: You want the psychiatrist to read those

1 files, not the Court?

2 MR. FITZGERALD: I don't care.

3 MR. MUSICH: The Court has made a determination to  
4 appoint psychiatrists.

5 MR. FITZGERALD: They are in the possession of  
6 Mr. Darrow.

7 THE COURT: The Patton Hospital file and what else?

8 MR. HUGHES: The Inyo County Superior Court file  
9 69-37J. That stands for the Juvenile section.

10 That was the file appointing the conservator.

11 THE COURT: 69?

12 MR. HUGHES: 69-37J.

24a

24a-1

1 MR. FITZGERALD: Also, your Honor, do you want to  
2 set up a tentative day or a tentative time of day to take  
3 the testimony of the psychiatrists?

4 THE COURT: I think we will have to wait and see when  
5 they can make their examinations.

6 They understand they are going to have to  
7 examine and testify sometime next week?

8 THE CLERK: I told them they may be required to  
9 testify on Thursday or Friday.

10 THE COURT: I don't know if we can reasonably expect  
11 them to do it any sooner than that.

12 MR. FITZGERALD: No.

13 THE COURT: Because they probably can't make the  
14 examination before Tuesday or Wednesday.

15 THE CLERK: Any last day for the receipt of the  
16 reports, hopefully?

17 THE COURT: Let's put it this way: They should be  
18 prepared to submit their written report and to testify on  
19 Thursday, which would be October the 29th.

20 You can tell them they should be ready by then.  
21 The exact time we will give them notice.

22 I was just looking at this Hess case.

23 That is a rather peculiar case. It doesn't  
24 cover the situation here.

25 In that case, one person refused to give a  
26 backhand handwriting exemplar, and another person gave

24a-2

1 exemplars after the litigation started in order to  
2 corroborate her testimony. This was another person.

3 All the court said was that normally it is  
4 not proper to use an exemplar obtained after the litigation  
5 starts in order to corroborate a witness's testimony, but  
6 due to the peculiar facts in this case, there wasn't any  
7 error.

8 MR. BUGLIOSI: The court says more than that, your  
9 Honor.

10 MR. KAY: Yes.

11 The court says that the doctrine of post  
12 litem motam generally implies that there is some pre-existing  
13 writing to compare with.

14 Now, here in the Hess case they needed some  
15 backhand -- well, writing with a backhand slant -- that is  
16 what they mean by backhand writing, writing with a backhand  
17 slant -- and here in our case we have somewhat similar  
18 facts, where we need actual printing, not a handwriting  
19 exemplar, not something as a person would write letters,  
20 but we need a peculiar type of writing to compare with  
21 writing that was written in blood on the wall.

22 THE COURT: That isn't the point that I was making.

23 There the affidavit was used to corroborate  
24 a witness's testimony.

25 MR. BUGLIOSI: The language here is: "The order  
26 requiring Mrs. Hess to provide a backhand written exemplar

1 was proper, and under the rationale of People vs. Ellis,  
2 it was also proper for the People to prove she refused to  
3 comply with the order."

4 MR. MUSICH: I don't think the Court has any question  
5 with the present state of the law.

6 THE COURT: I am saying the facts in this case were  
7 considerably different.

8 MR. BUGLIOSI: I thought the Court was indicating that  
9 as far as the law is concerned, Hess was not in point.

10 THE COURT: No, I was not addressing myself to that.

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1 We start out reading Matteson, People vs.  
2 Matteson, Cal. 2d 466 at Page 469.

3 And then, of course, People vs. Graves, 64  
4 Cal. 2d 208 at Page 210.

5 Those cases both strongly imply that the Fifth  
6 Amendment was not applicable to handwriting exemplars.

7 Of course that has been held many times.

8 MR. BUGLIOSI: Gilbert vs. California, 388, 263  
9 then has clarified this point and expressly held that the  
10 Fifth and Sixth do not apply to handwriting exemplars.

11 MR. FITZGERALD: That is the case I was referring to  
12 where there was a dissenting opinion of four justices,  
13 it was Gilbert.

14 MR. BUGLIOSI: By analogy I call the Court's  
15 attention to People vs. Ellis, 65 A.C., 571. I think I  
16 gave the Court the Cal. citation. In that case the Court  
17 said the People can comment on a defendant's refusal to  
18 speak for voice identification purposes.

19 In People vs. Suddeth, that is also 65 Cal. 2d,  
20 we can comment on the defendant's refusal to take a blood  
21 or Breathalyzer test.

22 In People vs. Saldivar, 249 A.C.A. 764, we can  
23 comment on the defendant's refusal to take a urine test  
24 in a heroin case.

25 The Court might also read People vs. Cabala,  
26 239 Cal. Ap. 2d, 732, holding that a person has no

1 constitutional right to refuse to take a naline test.

2 So by analogy, your Honor, the law is clear  
3 in the State of California that a refusal to do certain  
4 things other than testimonial compulsion, anything other  
5 than that can be commented upon by the prosecution.

6 THE COURT: All right. Anything else, gentlemen?

7 I will read these cases between now and tomorrow.

8 (Whereupon, the court was recessed until 9:00  
9 a.m. the following day.)  
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