

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.

136

No. A253156

REPORTERS' DAILY TRANSCRIPT  
Monday, October 26, 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.,  
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Official Reporters

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LOS ANGELES, CALIFORNIA, MONDAY, OCTOBER 26, 1970

9:11 o'clock a.m.

- - -

(The following proceedings were had in the chambers of the Court in the absence of the defendants and the jury, all counsel being present:)

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

First, I would like an explanation, Mr. Hughes, as to why you are late.

MR. HUGHES: Yes, I want to apologize, your Honor. I normally get -- every day I get a ride. Last night I talked to a person who was going to give me the ride. He said he would be there at 8:00 o'clock. He did not show up. I drove a car which probably I should not have driven.

First of all I don't have a phone at home. I had no way to contact the person without going out in the evening to the place where he would have been without an extra ten-minute delay or something.

I drove a car which is not registered and doesn't have any brakes.

I got here I believe about five minutes late.

THE COURT: It was more than that.

MR. HUGHES: It is 12 after now, but I think we were outside.

1 MR. BUGLIOSI: He had been here for about six or  
2 seven or eight minutes, your Honor, in fact, I was talking  
3 to him.

4 THE COURT: Well, all right, gentlemen, I expect you  
5 to be on time.

6 I am not concerned about your problem. Every-  
7 body has problems. We are to start the trial at 9:00  
8 o'clock in the morning.

9 Mr. Kanarek, you have a motion?

10 MR. KANAREK: Yes, your Honor.

11 THE COURT: What is the nature of the motion?

12 MR. KANAREK: The nature of the motion, your Honor,  
13 actually it's two motions.

14 One motion is, your Honor, in connection with  
15 this conspiracy count, my motion is technically that the  
16 People make an election, either they make the election  
17 that they use the purported confession or confessions of  
18 Susan Atkins as to the killing of Sharon Tate. If they  
19 want to use it, they must make the election as to whether  
20 they are going to have a conspiracy count also in before  
21 the jury.

22 If they have the conspiracy count, they cannot  
23 use any confession to Sharon Tate.

24  
25  
26  
2 fls.

2-1

1 MR. BUGLIOSI: You mean the confession of Susan  
2 Atkins?

3 MR. KANAREK: The confession of Susan Atkins in  
4 relation to the Sharon Tate killings.

5 I have taken the references out of the Law  
6 Library. I will give the Court the references. There are  
7 several law journals and law reviews on it.

8 THE COURT: I would suggest that you put your motion,  
9 if you have some authorities, in some kind of intelligible  
10 form and file it with the Court.

11 I am not going to run down to the Law Library  
12 and scurry around looking at your citations, Mr. Kanarek.

13 MR. KANAREK: It is going to be much effective to  
14 give your Honor the citations, because when I have said it,  
15 I have said it. It is that simple to me. It seems just  
16 so obvious.

17 THE COURT: Do you have some authority for this  
18 proposition, Mr. Kanarek?

19 MR. KANAREK: Yes.

20 THE COURT: What is it?

21 MR. KANAREK: The authority is the Bruton case and  
22 the fundamental fairness aspect of it in the sense that  
23 we have a conspiracy count.

24 In the conspiracy count, your Honor is going  
25 to instruct the jury that the statements of one co-conspirator  
26 can be used against the other co-conspirators, and the fact

that --

THE COURT: To the extent that they aren't excluded or limited.

MR. KANAREK: Well, yes, but the point is, your Honor, that the jury --

THE COURT: Of course, many of them have been.

MR. KANAREK: Yes. But here you have the fruition of at least a part of the conspiracy in the killing of Sharon Tate. So, the jury, as far as proving the conspiracy count, you have proved the conspiracy against Susan Atkins by the very fact of her confession, that she did what the District Attorney says she and Mr. Manson and others conspired to do. Therefore, it is sophistry, it is absolutely ridiculous to believe that the jury, so far as the conspiracy count is concerned, that that jury is going to segregate that confession of Susan Atkins and not use it against the other defendants in a joint trial.

Now, as I say, no matter how I synopsize or how I take quotes from these voluminous references, the Court is still going to want to read them, and in the interests of saving time, so that we don't inject additional error by putting in these written confessions, so-called, I ask the Court to read these references that I have.

The Court can come to its own conclusion, but I say there is no question about it, that it is reversible error to allow a purported confession of Susan Atkins,

and that they must dismiss the conspiracy count.

They either have to dismiss the conspiracy or  
they can't use the confessions; and that goes for Roni  
Howard and Virginia Graham, and all of that.

2a fls.

a-1  
1 THE COURT: You still haven't told me how, in your  
2 opinion, the confession of Susan Atkins -- apparently your  
3 contention is that it implicates the co-defendants in some  
4 manner.

5 MR. KANAREK: Because of the nature of a conspiracy.  
6 This isn't the substantive charge.

7 THE COURT: Let's get to specifics, Mr. Kanarek. What  
8 are you talking about?

9 MR. KANAREK: In a conspiracy, the acts and  
10 declarations of co-conspirators --

11 THE COURT: Don't just keep telling me the law. Tell  
12 me how the facts apply to what you are saying.

13 MR. KANAREK: Susan Atkins says, "I killed Sharon Tate."  
14 That, legally, puts upon the back of Mr. Manson, who was  
15 alleged to be a co-conspirator, the onus of that conspiracy  
16 coming to fruition.

17 THE COURT: I don't follow that at all. I don't see  
18 that one has anything to do with the other.

19 MR. KANAREK: Well, your Honor, I'd say that in a joint  
20 trial wherein these two alleged co-conspirators are being  
21 tried together, Susan Atkins' statements concerning the  
22 killing of Sharon Tate means that the conspiracy has come to  
23 fruition, that the object of the conspiracy has come about.

24 THE COURT: Only if the conspiracy is proved by some  
25 other evidence.

26 MR. KANAREK: Oh, no. That is the point, your Honor.



1 This is much more powerful than the overt acts  
2 that they have listed; walking to the residence; got out of  
3 the car. Those technical overt acts that they put forth in  
4 the indictment are nothing. Remember, your Honor, we are  
5 dealing with a lay jury. They are nothing compared to the  
6 actual killing of Sharon Tate that is confessed to by  
7 Susan Atkins.

8 THE COURT: This is the same thing that you raised  
9 last week, Mr. Kanarek.

10 MR. KANAREK: I have the references. Is your Honor  
11 refusing to look at these? I will leave the bookshere.

12 THE COURT: I am not refusing to look at anything.

13 If you want to submit some authorities, put it in  
14 a proper form and file it.

15 I have told you that dozens of times, Mr. Kanarek,  
16 if you have some legal argument to make, file your points  
17 and authorities.

18 MR. KANAREK: People vs. Ah Song indicates there are  
19 cases where it is not necessary.

20 Your Honor is rejecting what I am stating to you  
21 orally, so your Honor would, I gather, reject what I am  
22 going to put in writing. So, here is the horse's mouth, so  
23 to speak. I have cases and law reviews which substantiate  
24 the position.  
25  
26

3-1

1 THE COURT: If you wish to file some points and  
2 authorities I will carefully consider them, Mr. Kanarek.

3 Now, anything else?

4 MR. KANAREK: Yes, I have another motion; that is,  
5 that your Honor strike the statement of Stephanie Schram  
6 about both the conversation and the hitting on the head  
7 allegedly.

8 THE COURT: You made this motion at least once  
9 before.

10 MR. KANAREK: I checked it again, your Honor, over  
11 the weekend. The cross-examination did not open up any-  
12 thing that went on in the desert, and it is clearly outside  
13 the scope.

14 As a matter of fact your Honor indicated --

15 THE COURT: I think I indicated to you last week that  
16 if in fact that were true I would permit the People to  
17 reopen on that point.

18 MR. KANAREK: They didn't, though, they did not move  
19 to reopen. Not having moved to reopen the state of the  
20 record --

21 THE COURT: We have gone over that, so do not repeat  
22 it.

23 MR. KANAREK: Would you strike it?

24 THE COURT: I will not, sir.

25 MR. HUGHES: I will join that motion.

26 THE COURT: Anything further?

3-2

1 MR. BUGLIOSI: I spoke to Mr. Stovitz over the week-  
2 end and he tells me --

3 The first time I spoke to him he mentioned this  
4 to me, he said everything was in the report.

5 But this weekend he said he did say to Mr.  
6 Manson "You have been here before, haven't you, Charlie?"  
7 Or words to that effect.

8 Whereupon Charlie said "No, I have never been  
9 here."

10 So I think Aaron's statement clearly brings it  
11 within Miranda. It was a question and it was accusatory  
12 and he was not advised of his constitutional rights.

13 So I am going to drop this whole thing.

14 THE COURT: Very well.

15 MR. KANAREK: Then, your Honor, I make a motion to  
16 strike Mr. Manson's testimony.

17 THE COURT: Strike it?

18 MR. KANAREK: Yes.

19 MR. BUGLIOSI: It was not in front of the jury any-  
20 way.

21 MR. KANAREK: I know, but I make a motion to strike  
22 it, your Honor.

23 THE COURT: Why, on what grounds?

24 MR. KANAREK: On the grounds, first of all, evidently  
25 Mr. Bugliosi did not do his homework, his offer of proof  
26 is one where his own co-prosecutor --

4-3

1 THE COURT: Express yourself to your motion, sir.

2 MR. KANAREK: I say it is unfair to have that in  
3 the record to purportedly try to use against Mr. Manson  
4 for some impeachment purpose.

5 THE COURT: The motion is denied.

6 MR. KANAREK: Because that certainly is not what his  
7 offer of proof was to the Court in advance of that.

8 THE COURT: We had the hearing to determine the  
9 admissibility of the statements, Mr. Kanarek.

10 MR. KANAREK: We are talking about Mr. Stovitz.

11 THE COURT: I understand.

12 MR. BUGLIOSI: I have spoken to Aaron before and he  
13 said everything that transpired was in this report that  
14 Sergeant Nuckles had prepared.

15 He said he did not ask Manson any questions.  
16 That is why I put this on.

17 But then when Manson took the stand and  
18 mentioned this accusatory statement by Aaron, I called him  
19 this weekend and when I told him what Manson said, he  
20 said "Yes, I do recall saying that."

21 THE COURT: What do you intend to do today?

22 MR. BUGLIOSI: I would like to put on evidence about  
23 the letters, about how we got them.

24 I've got Kit Fletcher from San Diego. She will  
25 testify to receiving the letter in December of 1969.

26 The Jo Stevenson letter. I have a Deputy Sheriff

3-4

1 who was in charge of Dormitory 5000, where Sadie was living  
2 at the time.

3 She will testify the letters were never  
4 seized if they were addressed to some party outside the  
5 jail, they were not seized by the sheriffs.

6 If they were seized, <sup>an incident</sup> a report was made up and  
7 none was made up.

8 And the policy was to turn over Sadie's letters  
9 to the watch commander. I will have the watch commander  
10 testify to that, and I will have Sergeant Gutierrez testify  
11 to going over there in December and picking up this  
12 particular letter.

13 That is about all I can put on with respect  
14 to the Jo Stevenson letter.

15 She was in 5000. She used to live in 8000.  
16 In December she lived in 5000.

17 Mr. Shinn, you mentioned something about a  
18 stipulation five or ten minutes ago, to save time.

19 MR. SHINN: Stipulate that all three letters were  
20 photostated by the Sheriff's Department before they were  
21 sent out.

22 MR. BUGLIOSI: Yes.

23 MR. SHINN: You will stipulate to that?

24 MR. BUGLIOSI: Yes.

3a fls.

3a-1

MR. SHINN: Yes.

MR. BUGLIOSI: What about all of these witnesses I intended to call, you still want me to call them?

MR. SHINN: Yes, then we have the question whether or not she gave consent to photostat or whether or not there were any warnings given to her.

MR. BUGLIOSI: You still want all this foundational?

MR. SHINN: You don't need the 16 from the Sheriff's Department. You need one.

MR. BUGLIOSI: No, I'm not going to call them.

MR. SHINN: I thought you were going to call 16. Just call one.

MR. BUGLIOSI: Right. I would stipulate to that.

THE COURT: The District Attorney is stipulating that the letter was positive for mailing and was photostated by the jail authorities. Doesn't that satisfy you?

MR. SHINN: I think Mr. Bugliosi has that one witness who is going to testify that it was not taken from the locker; it was taken from the box where they deposit the mail.

MR. BUGLIOSI: We have contacted someone else now in 5000, they never dropped it in the mailbox. They left them near the bed or something, and someone would come and pick them up and bring them to the watch commander's office.

I just had a new deputy in my office this



3a-2

1 morning. They were physically picked up in 5000 and  
2 brought to the watch commander's office.

3 MR. SHINN: And he knows he picked these up, these  
4 three letters, then?

5 MR. BUGLIOSI: Well, all letters were picked up.

6 MR. SHINN: Then I want to ask him a few questions  
7 about the policy of the Sheriff's Department and whether  
8 they censor for security reasons or evidence gathering.

9 I don't know, I want to ask him a few ques-  
10 tions along those lines. It won't be long.

11 MR. BUGLIOSI: All right.

12 MR. SHINN: I won't be long with him, I just want  
13 to know the policy of the Sheriff's Department in censoring  
14 letters.

15 The main purpose of censoring letters, whether  
16 or not it was an evidence gathering purpose or just for  
17 security reasons, I don't know. I have some cases here.

18 THE COURT: Who is qualified to testify as to the  
19 purpose?

20 MR. SHINN: I guess one of the deputies that Mr.  
21 Bugliosi is going to bring over knows the policy of the  
22 Sheriff's Department regarding the mail, your Honor.

23 THE COURT: He may know the policy. Would he know  
24 the purpose?

25 MR. SHINN: I'm sure he should also know the  
26 reason for censoring letters, your Honor.

1 THE COURT: He may or may not, depending on what  
2 somebody told him.

3 MR. SHINN: I think someone there should know the  
4 purpose of censoring letters at the jail, your Honor.

5 I have been told that the main purpose was  
6 for security reasons.

7 MR. BUGLIOSI: I stipulated to that.

8 MR. SHINN: Okay, now this situation we have  
9 something else here, we have an officer gathering evidence,  
10 I mean, looking for evidence in the letter for purposes  
11 of using it against Miss Atkins. I don't think that is  
12 the purpose of censoring letters.

13 MR. BUGLIOSI: I think Miss Atkins' letters were all  
14 turned over to the Los Angeles Police Department. I don't  
15 know anyone in the Sheriff's Office looked for particular  
16 evidence.

17 I think as a matter of practice they turned  
18 them over to the Los Angeles Police Department and also  
19 the Sheriff's Office. They turned her letters over to  
20 them too.

21 MR. SHINN: Under whose direction, your direction  
22 or the Police Department? I don't know. We have to get  
23 into that because then I can lay my foundation.

24 MR. BUGLIOSI: I have these people out here right now.  
25 We have Kit Fletcher and then the deputy who was in  
26 charge of Susan Atkins' dormitory, also the watch commander



and I have Sergeant Gutierrez here.

THE COURT: All right, then, are we ready to proceed, gentlemen?

Is the jury still upstairs?

THE BAILIFF: Yes.

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

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

You may continue, Mr. Bugliosi.

MR. BUGLIOSI: People call Janet Owens.

4 fls.

4-1

(The witness enters the courtroom.)

1 THE CLERK: Will you raise your right hand, please,  
2 and repeat after me:

3 You do solemnly swear --

4 Repeat after me -- You do solemnly swear --

5 THE WITNESS: I do solemnly swear --

6 THE CLERK: -- that the testimony you may give --

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

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

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

10 THE CLERK: -- before this Court --

11 THE WITNESS: -- before this Court --

12 THE CLERK: -- shall be the truth, the whole truth --

13 THE WITNESS: -- shall be the truth, the whole truth --

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

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

16 THE CLERK: -- so help me God.

17 THE WITNESS: -- so help me God.

18 THE CLERK: Please take the stand and state and spell  
19 your full name.

20 THE WITNESS: Janet Marie Owens; O-w-e-n-s.

21 MR. KANAREK: Your Honor, may I have a continuing  
22 objection as to relevancy and materiality as to this witness?

23 THE COURT: You may.

24 MR. KANAREK: And also on the Sixth Amendment Right  
25 To Confront which is guaranteed by the Due Process Clause  
26

of the Fourth Amendment?

On

May I have it/a continuing basis?

THE COURT: You may not.

Let's proceed.

JANET MARIE OWENS,

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

DIRECT EXAMINATION

BY MR. BUGLIOSI:

Q Is it Miss Owens?

A Yes.

Q Janet, you have also been known by the name of  
Kit Fletcher?

A Yes, sir.

Q And in December of '69 were you living at 1145-D  
Cherry Street, Long Beach, California?

A Yes, sir.

Q That is Apartment D?

A Yes.

Q Do you know Susan Atkins?

A Yes.

Q And you knew her as Sadie Glutz?

A Yes, sir.

Q Where did you meet Susan Atkins?

1 A In the infirmary of SBI.

2 Q Sybil Brand Institute?

3 A Yes.

4 Q What month?

5 A October.

6 Q Of '69?

7 A Yes, sir.

8 Q You were incarcerated there at the time?

9 A Yes, sir.

10 Q And when were you released from Sybil Brand?

11 A November 11th.

12 Q 1969?

13 A Yes.

14 Q You will have to answer out loud.

15 A Yes.

16 Q I show you a letter, a photostatic copy of a  
17 letter. It is marked Court's Special Exhibit No. 11.

18 In the upper right-hand corner it says, "Sadie  
19 Glutz, December 17, 1969."

20 Did you ever receive the original of this  
21 letter?

22 Take a look at the letter before you answer it.  
23 while  
(Pause/the witness examines the document.)

24 A Yes, I received it.

25 Q You received the original of this letter?

26 THE COURT: Pull the microphone a little closer there

1 and keep your voice up.

2 MR. BUGLIOSI: Q You received the original of  
3 this letter, Court's Special Exhibit No. 11; is that correct?

4 A Yes.

5 Q Approximately when did you receive it?

6 A The 18th.

7 Q December 18th, 1969?

8 A Yes.

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4a-1

1 Q And you received it while you were living at  
2 the Long Beach address?

3 A Yes.

4 Q You have since turned the original of the  
5 letter over to a representative of the District Attorney's  
6 office?

7 A Yes, sir.

8 MR. BUGLIOSI: No further questions.

9 THE COURT: Mr. Fitzgerald?

10 MR. FITZGERALD: No, thank you. I have no questions,  
11 your Honor.

12 THE COURT: Mr. Shinn?

13 MR. SHINN: Yes, your Honor.

14  
15 CROSS-EXAMINATION

16 BY MR. SHINN:

17 Q Miss Fletcher, you said you received this  
18 letter on December the 18th, 1969?

19 A I am not sure of the dates.

20 Q You stated December the 18th?

21 A Approximately.

22 Q How did you pick that date?

23 A It is relative to my birthday. My birthday is  
24 on the 17th.

25 Q You received this letter at your residence,  
26 or did someone else give it to you at your residence?

1 A I picked it up there.  
2 I was living there at the time.  
3 Q Did the mailman leave it there, do you know --  
4 A Yes.  
5 Q Or did someone bring it there?  
6 A No, the mailman left it.  
7 Q Did he put it in a mailbox, or was it under  
8 the door?  
9 A It was in the mailbox.  
10 Q When did the Police Department contact you  
11 regarding this letter?  
12 A Thursday of last week. The 22nd, I think.  
13 Q Do you know who contacted you?  
14 A I am not sure of his name.  
15 Q Was it someone from the District Attorney's  
16 Office?  
17 A Yes, sir.  
18 Q And did they tell you that they had a photo-  
19 static copy of this letter?  
20 A He showed it to me.  
21 Q So, you turned the original letter over to  
22 Mr. Bugliosi or the Police Department?  
23 A Yes, sir.  
24 Q Did you know that your letter was photostated  
25 before you received it?  
26 A No, I didn't.

Q Did they tell you later it was photostated?

A When they came to my house, yes, they told me.

Q And at no time did you give them permission to photostat this letter, did you, before you received it?

A I didn't know it was, no.

MR. SHINN: I have nothing further.

THE COURT: Any questions, Mr. Kanarek?

MR. KANAREK: No, your Honor. Thank you.

THE COURT: Mr. Hughes?

MR. HUGHES: No questions.

THE COURT: Any redirect, Mr. Bugliosi?

MR. BUGLIOSI: No, your Honor.

THE COURT: You may step down.

MR. BUGLIOSI: Deputy Koeker.

May the last witness be excused, your Honor?

THE COURT: Yes. She is excused.

(The witness enters the courtroom.)

THE CLERK: Please raise your hand and be sworn,  
and repeat after me, please:

You do solemnly swear --

THE WITNESS: -- I do solemnly swear --

THE CLERK: -- that the testimony you may give in  
the cause now pending --

THE WITNESS: -- that the testimony I may give in  
the cause now pending --

THE CLERK: -- before this court --



1 THE WITNESS: -- before this court --

2 THE CLERK: -- shall be the truth, the whole truth --

3 THE WITNESS: -- shall be the truth, the whole  
4 truth --

5 THE CLERK: -- and nothing but the truth, so help  
6 you God.

7 THE WITNESS: -- and nothing but the truth, so help  
8 me God.

9 THE CLERK: Please take the stand and be seated.

10 Please state and spell your full name for the  
11 record.

12 THE WITNESS: Deputy Lila Koeker, K-o-e-k-e-r.

13  
14 LILA KOEKER,

15 called as a witness by the People, having been first duly  
16 sworn, was examined and testified as follows:

17  
18 DIRECT EXAMINATION

19 BY MR. BUGLIOSI:

20 Q What is your occupation?

21 A Deputy Sheriff for the County of Los Angeles.

22 Q Do you know Susan Atkins?

23 A Yes, I do.  
24  
25  
26

4b fls.

0-1  
1 Q Were you assigned to Sybil Brand Institute in  
2 December of '69?

3 A Yes, sir.

4 Q What was your job over there at that time?

5 A I was housing officer.

6 Q What were your duties as housing officer?

7 MR. KANAREK: Your Honor, may I have a continuing  
8 objection on relevancy and materiality as to this witness?

9 THE COURT: You may.

10 MR. KANAREK: Thank you.

11 MR. BUGLIOSI: Q What were your duties as  
12 housing officer?

13 A I was in charge of 4000 and 5000 cell block.

14 Q Would another name for a cell block be a  
15 dormitory?

16 A No, sir.

17 Q Was Susan Atkins in cell block 5000 in December  
18 of '69?

19 A 4 and 5000 both, sir.

20 Q She was residing <sup>in</sup> both 4 and 5000?

21 A Yes, sir.

22 Q With many other girls?

23 A Yes, sir.

24 Q And you were in charge of cell block 4000 and  
25 5000?

26 A Yes, sir.

1 Q Now, when an inmate of cell block 4 or 5000  
2 wrote a letter to someone outside Sybil Brand, how would  
3 the letter be processed by Sybil Brand?

4 A Well, in --

5 MR. KANAREK: Would your Honor make the order that  
6 none of this is to be used against Mr. Manson so that I  
7 wouldn't have to --

8 THE COURT: Stipulated?

9 MR. BUGLIOSI: Yes, sir.

10 THE COURT: The jury is instructed that the testimony  
11 of this witness is received only as against Susan Atkins  
12 and is not to be considered for any purpose as to any of the  
13 other defendants.

14 The same would also be true, gentlemen, with  
15 respect to the testimony of the last witness?

16 MR. KANAREK: Yes.

17 THE COURT: So stipulated?

18 MR. BUGLIOSI: Yes.

19 DEFENDANT MANSON: Isn't that silly?

20 THE COURT: The testimony of Janet Marie Owens, the  
21 last witness who testified to having received a letter, is  
22 also limited only as to Miss Atkins and is not to be  
23 received against any of the other defendants for any  
24 purpose whatever.

25 MR. BUGLIOSI: Q You may relate the policy over  
26 there with respect to processing letters of inmates that

43,331  
1 were sent to people outside Sybil Brand?

2 A Yes.

3 As the housing officer, these people were fed in  
4 their cells.

5 The housing officer placed the food on the  
6 ledge of the cell door.

7 If they had letters to be mailed that day, the  
8 letter was lying on the ledge, and it was picked up by the  
9 officer.

10 Q What would the officer do with the letter of  
11 the inmate?

12 A In this particular instance, it was taken to  
13 the custody office, the watch commander.

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1 Q When you say in this particular instance, you  
2 are referring to inmate Susan Atkins?

3 A Yes, sir.

4 Q Also known as Sadie Glutz?

5 A Yes, sir.

6 Q Her letters were taken where?

7 A To the Watch Commander.

8 Q So, whenever Susan Atkins wrote a letter, she  
9 would leave it where again now?

10 A On the ledge of the cell door.

11 Q And then one of your deputies would pick up the  
12 letter and deliver the letter to the -- what was the name  
13 again?

14 A The watch commander.

15 Q The watch commander?

16 A Yes.

17 Q Did this process ever vary?

18 A No, sir.

19 Q For any reason?

20 A No, sir.

21 Q If any letter of any inmate was seized in any  
22 fashion other than the manner that you have just testified  
23 to, would an incident report be made out?

24 A Yes, sir.

25 Q In December of '69, was any incident report  
26 ever made out concerning the seizure of any letter written

1 by Susan Atkins?

2 A No, sir.

3 Q I show you Special Court's -- Court's Special  
4 Exhibit No. 9.

5 The addressee appears to be one J. Stevenson,  
6 Box 2748 Fisher Lake, Michigan.

7 Are you familiar with this letter?

8 A Yes, sir.

9 Q Where did you see this letter for the first time?

10 A Twodays ago at Sybil Brand when I was asked to  
11 recognize the letter.

12 Q Now, when you were the housing officer of  
13 Cell Block 4 and 5000 in December of '69, you, yourself,  
14 do not recall this particular letter; is that correct?

15 A That is correct.

16 MR. BUGLIOSI: No further questions.

17 THE COURT: Mr. Fitzgerald?

18 MR. FITZGERALD: No questions, your Honor. Thank  
19 you.

20 THE COURT: Mr. Shinn?

21 MR. SHINN: Yes, your Honor.

22  
23 CROSS-EXAMINATION

24 BY MR. SHINN:

25 Q How long have you been a deputy?

26 A Since February of '68, sir.

1 Q Were you working at the Sybil Brand Institute  
2 all this time?

3 A Yes, sir.

4 Q Since you were a deputy?

5 A Yes, sir.

6 Q And I believe you stated that in this cell  
7 block -- was it 4000 or 5000?

8 A Both, sir.

9 Q She was in 4000 and 5000?

10 A Yes, sir.

11 Q And I believe you stated that the policy con-  
12 cerning mail was to put it outside?

13 A To put it on the ledge of their cell door.

14 Q Do they have a box at Sybil Brand where inmates  
15 could deposit mail?

16 A Yes, sir.

17 Q But in these two cells, there was no box?

18 A No, sir.

19 Q So that would be considered like depositing it  
20 in the box; is that correct?

21 A Yes, sir.

22 Q And it would be left open?

23 A What, sir?

24 Q Letters. Would they be left open?

25 A Yes, sir.

26 Q And the jail authorities would censor the mail;  
is that correct?

1 A Possibly they could, yes.

2 Q Well, do they censor the mail?

3 Do you know whether or not they censor the mail?

4 A Yes, sir.

5 Q All mail going out?

6 A All outgoing and incoming mail, sir.

7 Q In other words, when you say censor, some officer  
8 reads the letter; is that correct?

9 A Yes.

10 Q And do you know for what purpose they censor  
11 the outgoing mail?

12 A Yes, sir.

13 Q And what is the purpose?

14 A To prevent inter-facility gossip from going in  
15 outgoing mail, and from profanities.

16 Profanities are not allowed to go out of the ✓  
17 facilities in the letters.

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1 Q Is that the only reason for censoring these  
2 letters?

3 A All that I know, sir.

4 Q Do they censor for security reasons too?

5 A Yes, sir, that would be facility gossip.

6 Q In other words, if there is anything in the  
7 letters stating to the effect that they may make a break  
8 or try to break out of jail, things like that?

9 A Yes, sir.

10 Q Is that correct?

11 A Yes, sir.

12 Q Have you ever censored letters in the past?

13 A Yes.

14 Q At Sybil Brand?

15 A Yes, sir.

16 Q And while you were censoring these letters  
17 what were you looking for particularly?

18 A Inter-facility gossip and profanities.

19 Q That is all?

20 A Yes, sir.

21 Q Did anyone in the past while you were censoring  
22 letters from the District Attorney's office or the Police  
23 Department, tell you when you censor a particular letter  
24 to look for evidence that may be incriminating to the  
25 writer?

26 A No, sir.

5-2

1 Q But has that practice been done in the past,  
2 if you know?

3 MR. BUGLIOSI: Calls for a conclusion.

4 THE WITNESS: I don't know. I have not personally  
5 done so.

6 BY MR. SHINN:

7 Q Do you know whether or not it has been done  
8 at Sybil Brand?

9 MR. BUGLIOSI: Calls for a conclusion.

10 THE WITNESS: I don't know.

11 THE COURT: Sustained.

12 BY MR. SHINN:

13 Q Now, you stated that in this particular case  
14 Miss Atkins' letters -- you had orders to take all of her  
15 letters to the watch commander, is that correct?

16 A That's correct.

17 Q And who gave you that order?

18 A It was briefed in briefing by the watch  
19 commander. I don't know who originated the order.

20 Q It was only concerning Miss Atkins' letters,  
21 is that correct?

22 A No, sir, all family members.

23 Q Well, I mean, in that cell block, that was  
24 4000 and 5000, how many inmates in that cell?

25 A One to a cell, 24 cells in a cell block, sir.

26 Q And you have 24 inmates in 4000 and 5000?

5-3

1 A Each, it would be 48 total.

2 Q And you were directed only to take Miss Atkins'  
3 letter to the watch commander, is that correct?

4 A Yes, sir.

5 Q And did the watch commander or did someone tell  
6 you for what purpose?

7 A No, sir.

8 Q Did you form an opinion yourself as to what  
9 purpose these letters were taken to the watch commander?

10 MR. BUGLIOSI: Calls for a conclusion. Also  
11 immaterial.

12 THE COURT: Sustained.

13 BY MR. SHINN:

14 Q Now, do you know what happens after the letter  
15 gets to the watch commander?

16 A No, sir.

17 Q That is the last you see of the letter or  
18 hear of it?

19 A Yes, sir, it is all that is my concern.

20 Q Is it customary for the Sheriff's Department  
21 to photostat all letters going out, sent by inmates?

22 A Pardon me?

23 Q Do they photostat all inmates' letters, all  
24 inmates' outgoing mail?

25 A No, sir.

26 Q And do you know when they photostat a certain

5-4

1 letter going out?

2 A No, sir.

3 Q Were any signs posted at Sybil Brand concern-  
4 ing letters?

5 A Not to my knowledge, no, sir.

6 Q In other words, there is no signs posted up  
7 stating that "Your letters may be censored."

8 A No, sir.

9 Q There is no warning at all to the inmates  
10 that letters may be censored, is that correct?

11 A No, sir.

12 Q They are not told individually "If you write  
13 a letter we are going to read your letter and if we find  
14 anything incriminating against you, we are going to use  
15 it against you."

16 You don't inform inmates of that, do you?

17 A No, sir.

18 Q That is not the policy?

19 A No, sir.

20 Q Now, do you know the name of the watch  
21 commander on this particular day that Susan Atkins' letters  
22 were taken?

23 A Yes, sir.

24 Q What is his name or hername?

25 A Her name is Lieutenant Alley.

26 Q Do you know how to spell that?

1 A A-l-l-e-y.

2 Q Is she still working at Sybil Brand?

3 A Yes, sir.

4 MR. SHINN: Thank you, I have nothing further.

5 THE COURT: Any questions, Mr. Kanarek?

6 MR. KANAREK: No thank you, your Honor.

7 MR. HUGHES: No questions, your Honor. Thank you.

8 THE COURT: Any redirect?

9 MR. BUGLIOSI: No redirect.

10  
11 EXAMINATION

12 BY THE COURT:

13 Q Deputy Koeker, did you testify that the  
14 letters are laid unsealed on the ledge of the cell by  
15 the inmates?

16 A Yes, sir.

17 Q Are there any instructions to the inmates  
18 regarding this practice?

19 A They are told that they are allowed three  
20 pages, one side per page.

21 They have to fill out properly the return  
22 address on the envelope and the top of the first page.

23 They are told to leave their envelopes unsealed.

24 THE COURT: Are they told why the envelope is to be  
25 left unsealed?

26 THE WITNESS: I really don't know. I don't tell them.

1 THE COURT: Any further questions?

2 MR. FITZGERALD: No, your Honor.

3 THE COURT: You may step down.

4 THE WITNESS: Thank you..

5a fls.

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1 MR. BUGLIOSI: Call Lieutenant Alley.

2 THE CLERK: Raise your right hand and be sworn.

3 Repeat after me:

4 You do solemnly swear --

5 THE WITNESS: I do solemnly swear --

6 THE CLERK: -- that the testimony you may give --

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

8 THE CLERK: -- in the cause now pending before this  
9 Court --

10 THE WITNESS: -- in the cause now pending before this  
11 Court --

12 THE CLERK: -- shall be the truth, the whole truth,  
13 and nothing but the truth --

14 THE WITNESS: -- shall be the truth, the whole truth,  
15 and nothing but the truth --

16 THE CLERK: -- so help you God.

17 THE WITNESS: -- so help me God.

18 THE CLERK: Please take the stand.

19 Please state and spell your full name for the  
20 record.

21 THE WITNESS: Carolyn Alley, C-a-r-o-l-y-n, A-l-l-e-y.

22  
23 CAROLYN ALLEY,

24 called as a witness by and on behalf of the People, was  
25 examined and testified as follows:  
26

## DIRECT EXAMINATION

1 BY MR. BUGLIOSI:

2 Q What is your occupation, ma'am?

3 A Lieutenant, Sheriff's Department, Los Angeles  
4 County.

5 Q Kindly talk a little louder.

6 Were you the watch commander at Sybil Brand in  
7 December of 1969?

8 A Yes, sir.

9 Q And one of the inmates over there was Susan  
10 Atkins?

11 A Yes, sir.

12 Q Also known as Sadie Glutz?

13 A Yes.

14 Q And as watch commander were you aware that  
15 letters, outgoing letters written by Susan Atkins were  
16 turned over to you?

17 A Yes.

18 MR. KANAREK: Your Honor, may I have a continuing  
19 objection on relevancy and materiality as to this witness,  
20 and would your Honor address the jury as to the other  
21 matter?  
22

23 THE COURT: So stipulated, Mr. Bugliosi?

24 MR. BUGLIOSI: So stipulated.

25 THE COURT: The jury is instructed the testimony  
26 of this witness is received only as to Miss Susan Atkins



1 and is not to be considered for any purpose as to any of  
2 the other defendants.

3 Q BY MR. BUGLIOSI: Once Susan Atkins' letters  
4 reached your office, the watch commander's office, were  
5 they photostated?

6 A Yes.

7 Q And were photostatic copies then turned over to  
8 a representative of the Los Angeles Police Department who  
9 would come and pick them up?

10 A Yes.

11 Q And this was the established practice, then,  
12 with respect to Susan Atkins' letters in December of '69?

13 A Yes, sir.

14 Q Directing your attention to Special Exhibit No.  
15 9, a letter allegedly written by Susan Atkins to Jo  
16 Stevenson on December 13, 1969, you don't recollect this  
17 particular letter, I take it?

18 A No, sir.

19 Q After the letter would be photostated, I am  
20 referring to Susan Atkins' letters, would the original then  
21 be sent out to the addressee?

22 A Yes.

23 Q And a photostat would be kept for a representa-  
24 tive of the Los Angeles Police Department?

25 A Yes, sir.

26 MR. BUGLIOSI: No further questions.

MR. FITZGERALD: No questions.

1 THE COURT: Mr. Shinn?

2 MR. SHINN: Yes, your Honor.

3  
4 CROSS-EXAMINATION

5 BY MR. SHINN:

6 Q Lieutenant Alley, how long have you been at  
7 Sybil Brand Institute?

8 A Since its opening, seven years ago.

9 Q And you are very familiar with the policies of  
10 the jail there?

11 A Yes, sir.

12 Q And you have been in charge of certain areas  
13 there?

14 A Yes, sir.

15 Q And I believe you stated that -- strike that.  
16 Now, is there mail that goes out from Sybil  
17 Brand, is it all censored?

18 A Yes.

19 Q And the mail that comes in, it is also censored?

20 A Yes.

21 Q Now, what is the purpose, if you know, of  
22 censoring letters that are going out?

23 A It is for the jail security.

24 Any indication of an intent to escape, someone  
25 planning an escape, jail gossip.

26 We discourage jail gossip, and that kind of  
thing.

1 Q Would you say that the sole purpose of censoring  
2 these letters is for security purposes?

3 A Yes.

4 Q And not for exploratory type of search to  
5 gather evidence against the sender?

6 A Well, should there be any indication of criminal  
7 activity, we would bring it to the attention of some agency.

8 Q When you say criminal activity, what do you mean  
9 by criminal activity?

10 A Well, if someone in an outgoing letter or  
11 incoming refers to anything dealing with their case that  
12 might be used by the investigating agency, we would call it  
13 to their attention.

14 Q In other words, you would explore the letter and  
15 see whether or not besides security reasons, see that any  
16 other evidence that may incriminate the sender --

17 A That is not our primary purpose. Our primary  
18 purpose for censoring mail is jail security, but should  
19 these other things come to our attention, we bring them to  
20 the attention of an agency who would be interested.

21 Q In other words, if you found something in a  
22 letter that was incriminating, you would take it and photostat  
23 it and give it to the Police Department or to the District  
24 Attorney's Office, is that correct?

25 A No, not necessarily.

26 It would depend on the circumstances, if someone

1 wrote out a letter indicating their involvement in a  
2 particular crime or their knowledge of a crime, perhaps  
3 perpetrated by another person, we would contact the agency,  
4 if we could determine the jurisdiction, we would contact  
5 that agency and advise them of it, and then do what it was  
6 that they asked.

7 Q In other words, was this the practice of the  
8 Sheriff's Department for a long time?

9 A Yes.

10 Q In other words, to search letters to find  
11 incriminating evidence against the sender, was that the  
12 policy of the Sheriff's Department?

13 A No, sir, I said that it is the Sheriff's  
14 Department's practice to censor mail for the purpose of  
15 jail security.

5b-1

1 Q Yes.

2 A And should criminal activity come to our  
3 attention, then we call it to the attention of someone  
4 who would be interested.

5 Q Now, do you warn these inmates that when they  
6 write a letter that anything incriminating may be used  
7 against them; do you warn these inmates when they come in,  
8 or is there a sign posted?

9 A No.

10 Q There is no warning to inmates then?

11 A They know their mail is censored.

12 Q Yes, but censored for security reasons  
13 probably, right?

14 A We don't specifically say why, just that mail  
15 is censored.

16 Q They don't know, do they, because you don't  
17 tell them that anything they say may be used against them  
18 in the letter?

19 A No.

20 Q There is no warning posted?

21 A No.

22 Q And you don't orally warn the inmates when  
23 they first come in that their mail may be used against  
24 them, is that correct?

25 A No, we do not.

26 Q Now, in this particular case, regarding Miss

5b-2

1 Atkins, did someone tell you to photostat all of her  
2 letters?

3 A Yes.

4 Q Do you know the name of that person?

5 A This was a directive from Captain Carpenter.

6 THE COURT: Pull the microphone a little closer.

7 THE WITNESS: This was a directive from Captain  
8 Carpenter.

9 BY MR. SHINN:

10 Q Did you have a conversation with Captain  
11 Carpenter regarding this mail of Susan Atkins?

12 A No.

13 Q It was just in a directive?

14 A Yes.

15 Q In a letter form?

16 A Yes.

17 Q Did you have any conversation with anyone at  
18 Sybil Brand regarding Mrs. Atkins' letters?

19 A Oh, numerous conversations during the time that  
20 they have been there, but nothing specific.

21 Q I mean conversations with other officers  
22 regarding Miss Atkins' letters I'm talking about?

23 A I don't know how to answer you, I don't know  
24 what you are after.

25 Other than just discussions between one watch  
26 commander to another, there's some mail, you know, for

5b-3

1 distribution or for processing. Other than that I don't  
2 know what you mean.

3 Q Well, did you have a discussion with other  
4 officers regarding Miss Atkins' letters, stating that we  
5 are photostating all of her letters in the hopes of  
6 finding some evidence that may be used against her?

7 A No.

8 Q Did you yourself read these letters of Miss  
9 Atkins?

10 A I read some from time to time, I don't recall  
11 that particular letter.

12 Q You read other letters, correct?

13 A Yes.

14 Q And when you find something that is incriminat-  
15 ing, what do you do with this letter or this information?

16 A Are you speaking about her letters particularly?

17 Q Yes.

18 A Just did what I did with all of the others,  
19 left them for the day shift to have them photostated.

20 Q What do you do with these letters after they  
21 are photostated? Do you take them over to Mr. Bugliosi  
22 or give them to a police officer?

23 What do you do with them?

24 A No, the policy was someone from the Los Angeles  
25 Police Department would come to the jail and pick them up.

26 Q I see, there would be a daily mail run on her

5b-4

1 letters?

2 A If you wish to call it a mail run, I suppose  
3 so.

4 There was daily communication with these  
5 people, if they came over every day I don't know.

6 Q All right, now, in cell block -- what was it,  
7 4000, 5000?

8 A 5000.

9 Q 5000?

10 A Yes.

11 Q Now, do you know how many other inmates'  
12 letters were photostated if any?

13 A In that particular housing area?

14 Q In that cell block, 5000 or 4000?

15 A Of my own knowledge I don't know.

16 Q In other words, there were no other inmates  
17 letters that were being photostated, is that correct, in  
18 her cell block?

19 A Depends upon where the other persons involved  
20 in this matter were housed at that time.

21 Q In other words, you had orders to photostat  
22 all defendants' letters concerning this case?

23 A That's true.

24 Q And no other inmates' letters were photostated?

25 A Not specifically, no.

26 Q Was there a reason for that?



5b-5

1 A I suppose so. I did not inquire.

2 Q What do you suppose the reason was?

3 MR. BUGLIOSI: Calls for a conclusion. Also it is  
4 immaterial.

5 THE COURT: Sustained.

6 BY MR. SHINN:

7 Q Do you know of your own knowledge whether or  
8 not the District Attorney was behind all this photostating  
9 of letters?

10 MR. BUGLIOSI: Objection --

11 THE COURT: Sustained.

12 MR. SHINN: Do you mind if I finish, Mr. Bugliosi?

6 fls.

1 MR. BUGLIOSI: Calls for a conclusion. Also  
2 immaterial.

3 THE COURT: Sustained.

4 BY MR. SHINN:

5 Q This directive was signed by whom? Captain  
6 Carpenter?

7 A Yes, sir.

8 Q Did you, yourself, ever meet Susan Atkins  
9 at the County Jail?

10 A Meet?

11 Q Yes.

12 Did you ever see her, talk to her?

13 A I have seen her. I talked to her.

14 Q Did you, at any time, tell her that "Your  
15 letters are being photostated, so be careful what you say  
16 in your letters?"

17 A No.

18 Q You never gave her that warning?

19 A No.

20 The only time I ever saw her away from the  
21 normal jail population was in the company of her attorney,  
22 Mr. Caballero.

23 Q When an inmate enters Sybil Brand, do they  
24 sign a waiver, a waiver of their constitutional rights,  
25 in a printed form?

26 A A waiver of their constitutional rights?

1 Q Yes.

2 A With regard to what?

3 Q With regard to any of their constitutional  
4 rights.

5 Do they sign a waiver form saying "I waive  
6 my constitutional rights while I am at Sybil Brand"?

7 A No.

8 Q And they are not asked orally about their  
9 constitutional rights, or a waiver?

10 A No.

11 Q And there are no signs posted at Sybil Brand?

12 A Saying they no longer have any constitutional  
13 rights?

14 Q Yes.

15 A No.

16 Q Or saying "All outgoing mail will be censored  
17 and any incriminating evidence found in these letters will  
18 be used against you"?

19 A There are cell block rules and dormitory rules  
20 posted in all the housing areas.

21 One of the instructions on these rules is that  
22 their mail will be censored.

23 There is nothing about any content could be  
24 incriminating.

25 Q In other words, there is no warning saying  
26 that "Your letter will be censored"; there is no warning

1 that "anything incriminating will be used against you";  
2 is that correct?

3 A That's right.

4 MR. SHINN: I have nothing further.

5 THE COURT: Any questions?

6 MR. KANAREK: No thank you, your Honor.

7 THE COURT: Mr. Hughes?

8 MR. HUGHES: Yes. Thank you.

9  
10 CROSS-EXAMINATION

11 BY MR. HUGHES:

12 Q Lieutenant Alley, do you tell the inmates that  
13 their letters are censored?

14 A Yes.

15 Q Do you personally tell them?

16 A No.

17 Q There is a directive out?

18 A They are instructed when they reach their  
19 housing areas to read these dorm rules and these cell  
20 block rules, and the instructions are in those.

21 Q And do those instructions tell what is  
22 censored from the letter?

23 A No. Just that the mail is censored.

24 Q Do the instructions say that the letters may  
25 be photocopied?

26 A No.

6a-1

1 Q Now, you said that you censor letters for jail  
2 gossip.

3 What do you mean by jail gossip?

4 MR. BUGLIOSI: That is irrelevant.

5 THE COURT: Sustained.

6 MR. HUGHES: Q Do you censor all outgoing letters?

7 A Yes.

8 Q Do you censor letters written by inmates out-  
9 going to attorneys?

10 A Only to determine that it is to an attorney  
11 and is with regard to their case.

12 We are not interested in detailed contents.

13 Q Do you censor letters outgoing to the President  
14 of the United States?

15 A Yes.

16 Q Do you censor letters outgoing to the Mayor of  
17 the City of Los Angeles?

18 A Yes.

19 Q Do you censor letters outgoing which may be  
20 addressed to a priest?

21 A Yes.

22 Q To a minister?

23 A Yes.

24 Q Some other chaplain?

25 A Yes.

26 Q To the governor?

A Yes.

1 Q A State Senator?

2 A Yes.

3 Q United States Senators?

4 A Yes.

5 Q U.S. Congressmen?

6 MR. BUGLIOSI: This is irrelevant, your Honor.

7 THE COURT: Sustained.

8 MR. HUGHES: Q If there were an incriminating  
9 statement in a letter addressed to an attorney, would you  
10 photocopy that letter and send it over to some police  
11 agency?

12 A I have never had that come up but I don't think  
13 I would.

14 Q Who told you, if you know, to photocopy Miss  
15 Atkins' letters?

16 A The directive was from Captain Carpenter.

17 MR. HUGHES: Thank you.

18 No further questions.

19 MR. SHINN: Your Honor, I have one more question.

20 THE COURT: Very well.

21  
22 CROSS-EXAMINATION (CONTINUING)

23 BY MR. SHINN:

24 Q Did you photostat letters, say, of Miss Atkins  
25 going to her attorney?

26 A No, not so far as I know. I don't believe so.

1 Q In other words, the policy is that if a letter is  
2 addressed to one's attorney, you don't censor it?

3 A No.

4 I personally would consider it privileged.

5 Q So you don't read it, then; is that correct?

6 A Well, as I explained to you -- to Mr. Hughes --  
7 we read it to determine that it is to the attorney and  
8 that the content is with regard to the case.

9 Q You do read the letter addressed to the  
10 attorney?

11 A We scan it to make sure that is what it appears  
12 to be.

13 Q Although you know it is addressed to an attorney  
14 on the envelope, you do read that letter, you say?

15 MR. BUGLIOSI: This line of questioning, your Honor,  
16 is immaterial.

17 MR. SHINN: What?

18 MR. BUGLIOSI: The line of questioning is immaterial  
19 about letters to attorneys. We are not dealing with that in  
20 this case. We are dealing with a letter to a private  
21 citizen.

22 THE COURT: Are you making an objection on the grounds  
23 of irrelevancy?

24 MR. BUGLIOSI: Yes, your Honor.

25 THE COURT: Sustained.

26 MR. SHINN: Q Do you photostat letters sometimes to  
attorneys?

1 A No.

2 MR. BUGLIOSI: Same objection.

3 THE COURT: Sustained.

4 MR. SHINN: Q Have you ever in the past photostated  
5 a letter to an attorney?

6 MR. BUGLIOSI: Irrelevant.

7 THE COURT: Sustained.

8 MR. SHINN: Nothing further, your Honor.

9 MR. BUGLIOSI: One more question, your Honor, if I may.

10 THE COURT: Yes.

11  
12 REDIRECT EXAMINATION

13 BY MR. BUGLIOSI:

14 Q Who is Captain Carpenter?

15 A Sir?

16 Q Who is Captain Carpenter?

17 A He is my superior.

18 Q He is in charge of Sybil Brand?

19 A Yes.

20 MR. BUGLIOSI: No further questions.

21 THE COURT: You may step down.

22 MR. BUGLIOSI: May the witness be excused, your  
23 Honor?

24 THE COURT: Yes, you are excused.



6b-1

1 MR. BUGLIOSI: Sergeant Gutierrez,

2 THE CLERK: Please raise your right hand to be sworn  
3 and repeat after me.

4 You do solemnly swear --

5 THE WITNESS: I do solemnly swear --

6 THE CLERK: -- that the testimony you may give --

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

8 THE CLERK: -- in the cause now pending before this  
9 Court --

10 THE WITNESS: -- in the cause now pending before this  
11 Court --

12 THE CLERK: -- shall be the truth, the whole truth,  
13 and nothing but the truth, so help you God.

14 THE WITNESS: -- shall be the truth, the whole truth,  
15 and nothing but the truth, so help me God.

16 THE CLERK: Be seated, please.

17 Please state and spell your complete name.

18 THE WITNESS: Manuel F. Gutierrez, G-u-t-i-e-r-r-e-z.

19  
20 MANUEL F. GUTIERREZ,  
21 called as a witness by and on behalf of the People, having  
22 been first duly sworn, was examined and testified as  
23 follows:

24 DIRECT EXAMINATION

25 BY MR. BUGLIOSI:

26 Q Sergeant, you are one of the investigating

6b-2

1 officers in the La Bianca case?

2 A Yes, sir.

3 Q In December of 1969, was it your practice to  
4 go over to Sybil Brand and receive photostatic copies of  
5 letters written by Susan Atkins?

6 A Yes, sir.

7 Q I show you Court's Special Exhibit No. 9,  
8 a photostatic copy of a letter.

9 Have you ever seen this photostatic copy  
10 before?

11 A I have.

12 Q When did you see it for the first time?

13 A Approximately December the 15th or 16th, 1969,  
14 at Sybil Brand Institute For Women.

15 Q In the watch commander's office?

16 A In the watch commander's office.

17 Q Did the watch commander turn over this  
18 photostatic copy of the letter to you?

19 A Yes, she did.

20 Q And this is the copy that was turned over to  
21 you?

22 A Yes, sir.

23 Q And you brought it back to the Los Angeles  
24 Police Department; is that correct?

25 A That is correct, sir.

26 Q And you have received other photostatic copies

1 of letters allegedly written by Susan Atkins also; is  
2 that correct?

3 A Numerous, yes.

4 MR. BUGLIOSI: No further questions.

5 MR. FITZGERALD: No questions, your Honor.

6 THE COURT: Mr. Shinn?

7 MR. SHINN: Yes, your Honor.

8  
9 CROSS-EXAMINATION

10 BY MR. SHINN:

11 Q Mr. Gutierrez, was it your job to go over and  
12 pick up letters at Sybil Brand that Miss Atkins wrote?

13 A That was one of the many functions I had, yes,  
14 sir.

15 Q Did someone from your office tell you to go  
16 and get these letters each day?

17 A No, sir. That was my doing.

18 Q That was your doing?

19 A Yes, sir.

20 Q In other words, did you direct the Sheriff's  
21 Department to photostat all of Miss Atkins' letters,  
22 her outgoing letters?

23 A I did.

24 Q You did?

25 A I did.

26 Q In other words, you told Captain Carpenter

1 that you wanted all Miss Susan Atkins' letters photostated?

2 A I asked Captain Carpenter to photostat all her  
3 letters, yes, sir.

4 Q And what was the purpose of this photostating  
5 all Miss Susan Atkins' letters?

6 A To assist me in further investigation of this  
7 case.

8 Q What do you mean by further assessment of  
9 this case?

10 A Further investigation of this case. To assist  
11 me.

6c fls.

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1 Q In other words, you asked or requested the  
2 Sheriff's Department to make an exploratory search of  
3 Susan Atkins' letters for incriminating evidence against  
4 Susan Atkins; is that correct?

5 A No.

6 I asked Captain Carpenter if he would photostat every  
7 letter that went out written by Susan Atkins.

8 Q Did you get a court order for this?

9 A I did not.

10 Q Did you ask Miss Atkins' permission to photostat  
11 all of her outgoing letters?

12 A No.

13 Q Did you, at any time, advise Miss Susan Atkins  
14 that you are going to photostat all of her letters and if  
15 there is anything incriminating in the letters, it would  
16 be used against her?

17 Did you ever advise Miss Atkins of that?

18 A No, sir.

19 Q Do you know if anyone else advised Miss Atkins  
20 of this?

21 A Not to my knowledge, no, sir.

22 Q And I believe you stated that the main purpose  
23 of this was to search for incriminating evidence that may be  
24 used against Miss Atkins; is that correct?

25 A I didn't say that.

26 I said: Further my investigation.

1 In case there were some areas of investigation  
2 I hadn't covered, that was one.

3 If there was incriminating evidence in that  
4 letter, I would surely use it, yes, sir.

5 Q Use it against her; is that correct?

6 A Definitely.

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

8 THE COURT: Any questions, Mr. Kanarek?

9 MR. KANAREK: No, your Honor. Thank you.

10 THE COURT: Mr. Hughes?

11 MR. HUGHES: No questions, your Honor.

12 THE COURT: You may step down, sir.

13 We will take our morning recess at this time.

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

17 The Court will recess for 15 minutes.

18 (Recess.)  
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1 (The following proceedings were had in the  
2 absence of the jury, all defendants and all counsel being  
3 present:)

4 THE COURT: All parties and counsel are present.  
5 The jury is not present.

6 MR. BUGLIOSI: Yes, your Honor, I have no further  
7 testimony to offer with respect to the foundation on these  
8 letters.

9 I imagine the Court wants to hear some legal  
10 argument on it because at this point we would ask the  
11 Court to read the letters to the jury, the three of them,  
12 the three special exhibits, and I presume there is an  
13 objection from the defense as to the admissibility of these  
14 letters.

15 THE COURT: Now you are referring to Special Exhibits  
16 8, 9 and 11.

17 MR. BUGLIOSI: 8, 9 and 11, right.

18 MR. FITZGERALD: Notwithstanding the fact that the  
19 evidence is being admitted only as to Susan Atkins, all of  
20 the defendants will object on foundational grounds, although  
21 we will defer to Mr. Shinn in terms of legal argument,  
22 your Honor.

23 THE COURT: Do you wish to be heard, Mr. Shinn?

24 MR. SHINN: Yes, your Honor.

25 Well, I believe these letters violate the  
26 Fourth, Fifth, Sixth and the Fourteenth Amendments of the  
United States Constitution.

1 I believe counsel will stipulate or state that  
2 the Fourth Amendment does protect the mail.

3 I will cite this case of Oliver vs. United  
4 States, 239 Fed. 2d 818.

5 THE COURT: Just a moment, 239 -- 818.

6 MR. SHINN: 239 Fed. 2d 818.

7 THE COURT: All right.

8 MR. SHINN: In which the Court held that the Fourth  
9 Amendment does protect mail.

10 Also I will cite to the Court Gambino vs.  
11 United States, I believe it is 275 U.S. 310 and Napp vs.  
12 Ohio, 367 U.S. 643.

13 Now, that case held that where a State officer  
14 conducts a search solely to acquire evidence to turn over  
15 to police, or the District Attorney's Office, that is  
16 inadmissible.

17 Here the testimony of the officer, here,  
18 stated that under directive by Captain Carpenter, and I  
19 believe Mr. Gutierrez testified that he did instruct the  
20 Sheriff's Department to photostat all letters of Susan  
21 Atkins for the purpose of determining whether or not there  
22 was incriminating evidence that could be used against her,  
23 the question here is whether or not under the guise of  
24 censorship the Sheriffs could make an exploratory search  
25 for evidence which could be used against Susan Atkins.

26 Now, we hold here, under the theory that the



1 Sheriff's Department was an agent for Miss Atkins, had she  
2 deposited the mail and told the Sheriff's Department, "Please  
3 put this in the United States mail, I believe since Susan  
4 Atkins was the principal, the agent was under the direction  
5 of the principal, and the agent's authority was only to read  
6 the letter for the purpose of censoring to determine whether  
7 or not there was -- only for security reasons.

8 If we are going to say that once Miss Atkins  
9 did deposit the mail then the Sheriff's Department would be  
10 the agents of the United States mail, then I think the  
11 Fourth Amendment would protect Miss Atkins.

12 I think it is evident here that the Sheriff's  
13 Department's main purpose is not to censor the mail for  
14 security reasons but to gather evidence that could be  
15 used against Susan Atkins.

16 I believe it clearly violates the Fourth, Fifth,  
17 Sixth, and Fourteenth Amendments of the United States  
18 Constitution.

19 I submit on those bases.

20 May I say that the officer did testify that no  
21 other inmates' mail was photostated as much as Miss Atkins'  
22 mail was photostated.

23 I think the main reason here was not to censor  
24 for security reasons, but to gather evidence to be secured  
25 against Susan Atkins.

26 Submit it.

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1 MR. KANAREK: Your Honor, if I may address the  
2 Court briefly.

3 It is my position because of the Sixth  
4 Amendment right to confront, and the fact that there is  
5 a conspiracy count alleged in the indictment, that your  
6 Honor should not allow these letters to be read to the  
7 jury.

8 Furthermore, your Honor should strike all of  
9 the testimony of Roni Howard and Virginia Graham or, in  
10 the alternative, the District Attorney should dismiss --  
11 your Honor should dismiss the conspiracy indictment.

12 I cite to the Court People vs. Martin, 45 Cal.  
13 2d 755 at pages 760 to 761 wherein the California  
14 Supreme Court makes the --

15 My motion is that the California Supreme Court  
16 in that case makes it imperative that the Court not allow  
17 this testimony in even though it is not Mr. Manson who  
18 was in Sybil Brand.

19 Because, in that case People vs. Martin, the  
20 California Supreme Court stated that there is no standing  
21 requirement, if there is a Fourth Amendment violation,  
22 that is, you don't have to be the person, the actual  
23 person whose rights were specifically violated if you are  
24 in the trial, and the rights of another were violated,  
25 then you can raise the Fourth Amendment argument.

26 And so it is our position that allowing these

7a-2

1 letters in fetters our right to confront, which is guaranteed  
2 by the due process clause of the Fourteenth Amendment, that  
3 is, the Sixth Amendment right to confront because of the  
4 conspiracy count.

5 We have the situation wherein the jury is going  
6 to be told that one of the alleged co-conspirators confessed  
7 to murdering one of the alleged victims; and in a joint  
8 trial this is absolutely denying the defendant a fair trial.

9 Now, I'm referring your Honor especially in  
10 Bruton vs. the United States, the other language wherein  
11 Chief Justice Traynor of the California Supreme Court is  
12 quoted.

13 He says at page 131, that is in the Bruton vs.  
14 United States case, 391 U. S. 121 at 131, quoting Justice  
15 Traynor, "A jury cannot 'segregate evidence into separate  
16 intellectual boxes'. It cannot determine that a confession  
17 is true insofar as it admits that A has committed criminal  
18 acts with B and at the same time effectively ignore the  
19 inevitable conclusion that B has committed those same  
20 criminal acts with A."

21 This is especially important in connection with  
22 the conspiracy count.

23 I refer your Honor to the Georgetown Law Journal  
24 which I have here, Volume 58, page 621.

25 I have the Washburn Law Journal, Volume 8,  
26 page 381.

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The Duke Law Journal, 1970, page 329.

I also refer your Honor to Columbia Law Review, 56 Columbia Law Review, pages 1112 and 1113.

And I refer your Honor to the United States vs. Lawler, 413 Federal 2d 622, and in addition to Ohio State Law Journal, 28 Ohio State 356 at 359.

I think that it is clear that if this all goes to the jury, these purported confessions of Susan Atkins, that we have a typically -- a typical Bruton-Aranda situation, and that even though we pontificate and instruct and admonish, that the jury, and the United States Supreme Court recognizes it in Bruton, the jury is powerless, being flesh and blood people, they cannot do the segregation that is necessary, especially in connection with that conspiracy count.

So even though purportedly these words -- there's been purported deletion where it is limited to the first person singular, as to the conspiracy count, there is no question because of the very nature of the conspiracy count, Mr. Manson is named in the conspiracy count along with Susan Atkins, she is purportedly confessing. It is impossible to get a fair trial.

THE COURT: There are other counts --

MR. KANAREK: There is a difference. In the substantive counts the prosecution can make the argument that the only thing that is charged there is individual

7a-4

1 responsibility.

2 In the conspiracy count each conspirator is  
3 saddled with the acts and the statements of the fellow  
4 conspirators.

5 That is the reason, your Honor, that in the  
6 conspiracy count it is especially deadly.

7 THE COURT: Of course the conspiracy has to be proved  
8 by independent evidence, though. You made the same argument  
9 before several times, Mr. Kanarek. I have your points in  
10 mind.

11 MR. FITZGERALD: Before Mr. Bugliosi responds I would  
12 like to point out very simply in terms of the foundation,  
13 there has been a general foundation laid but no specific  
14 foundation laid as to these letters.

15 No one testified they picked up these particular  
16 letters.

17 These witnesses have testified only as to  
18 general policy in the jail, and general custom and habit  
19 with regard to letters, generally, and to these defendants  
20 generally.

21 No one said they picked up from a ledge in a  
22 jail cell any letters of Susan Atkins or a particular letter  
23 of Susan Atkins.

24 Sergeant Gutierrez remembers, the only man who  
25 testified to specifically -- he testified he picked that  
26 letter up at the watch commander's office at Sybil Brand.

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There is no foundation as to how that letter  
got to the watch commander.

1 THE COURT: Deputy Koeker testified no incident report  
2 was prepared for this particular defendant, and that letters  
3 not left on the ledge and otherwise picked up would have  
4 been written up in an incident report.

5 As to the Roni Howard and Kit Fletcher letters,  
6 those were actually sent out and those recipients testified.

7 So your remarks would be directed only to the  
8 third letter, isn't that right?

9 MR. FITZGERALD: Yes, I think their foundation is  
10 insufficient as to all but the Roni Howard letter.

11 THE COURT: How is it insufficient as to the Kit  
12 Fletcher letter?

13 MR. FITZGERALD: Well, because the Court may accept  
14 that as being a relevant foundation, but I cannot accept  
15 that, the fact that no incident report was made out.

16 That is negative evidence. I am sure there  
17 are hundreds of incidents that occur at Sybil Brand where  
18 there is no incident report.

19 She has testified to that. I am objecting.

20 MR. KANAREK: I would like to join in all of the  
21 comments Mr. Fitzgerald made after I argued.

22 THE COURT: As to the Kit Fletcher letter, Mr.  
23 Fitzgerald, she testified that she received the letter.

24 MR. FITZGERALD: Yes, I understand.

25 THE COURT: Are you thinking of the third letter,  
26 the "Dear Jo"?



1 MR. FITZGERALD: Oh, Stevenson, yes.

2 THE COURT: Do you wish to argue?

3 MR. BUGLIOSI: Yes, your Honor.

4 There is no question about the Kit Fletcher  
5 letter inasmuch as Miss Owens -- I think that is her  
6 real name -- testified she actually received the letter.

7 Concerning the Roni Howard letter, she testified  
8 she actually received this letter while with Susan Atkins  
9 while incarcerated at Sybil Brand.

10 The only letter we are talking about is the Jo  
11 Stevenson letter.

12 With respect to that letter, we put on strong  
13 circumstantial evidence with reference to procedure and  
14 practice.

15 That evidence is strong circumstantial evidence  
16 as to what happened on this particular occasion.

17 There is no evidence anyone forced Susan  
18 Atkins to write these letters, no coercion.

19 The only reasonable inferences that can be  
20 drawn from the evidence before the Court is she did write  
21 this letter to Jo Stevenson, placed it on the ledge, it  
22 was picked up in the general practice over there, and then  
23 turned over to the watch commander who in turn relinquished  
24 possession of it to Sergeant Gutierrez.

25 With respect to the legal arguments involved here,  
26 the primary contention apparently of Mr. Kanarek and



1 Mr. Shinn is somehow Susan Atkins' constitutional rights  
2 have been violated, particularly the Fourth Amendment  
3 rights as incorporated in the Fourteenth Amendment.

4 The law is very clear, as I think the Court  
5 knows, that inmates of prisons simply do not have the  
6 normal array of State and Federal constitutional rights that  
7 a normal citizen would have.  
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1 Perhaps the landmark case in this area is  
2 Stroud vs. United States, 251 U. S. 15.

3 In that case -- I think that is the Birdman  
4 of Alcatraz case -- in that case --

5 THE COURT: What is the citation?

6 MR. BUGLIOSI: 251 U. S. 15; 64 Lawyers Edition 103;  
7 and 40 Supreme Court 50.

8 In that case, certain letters were offered in  
9 evidence at the trial containing expressions tending to  
10 establish the guilt of the accused, and these letters were  
11 written by the accused after the homicide and while he was  
12 an inmate.

13 The Supreme Court of the United States said:

14 "They were voluntarily written, and under the  
15 practice and discipline of the prison were turned  
16 over ultimately to the warden who furnished them, in  
17 turn, to the District Attorney. They came into the  
18 possession of the officials under established  
19 practice reasonably designed to promote discipline.  
20 Under such circumstances, there was neither testimony  
21 required of the accused or unreasonable search and  
22 seizure in violation of his constitutional rights."

23 Then, perhaps the most direct expression in  
24 this area by the United States Supreme Court was the case  
25 of Lanza vs. New York, 370 U. S. 139, 82 Supreme Court 1218,  
26 where the Supreme Court categorically said that:

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1 "An inmate in jail or State Prison simply  
2 does not have any constitutional rights under the  
3 Fourth Amendment, unless he was then being coerced  
4 to do something, and there is no evidence of that  
5 in this case."

6 The California Supreme Court in *People vs.*  
7 *Lopez*, 60 Cal. 2d, 253 at 248, said:

8 "A prisoner has no right of privacy in a  
9 jail." Again referring to the Fourth Amendment.

10 In *People vs. Dinkins*, 242 Cal. App. 2d, in  
11 that case, your Honor, a defendant was down at the Long  
12 Beach jail and wrote a letter to someone outside the jail.  
13 The letter was censored and ultimately photostated and  
14 turned over to the District Attorney, and the letter was  
15 introduced into evidence in front of a jury.

16 The Appellate Court held that there was no  
17 error, and approvingly cited *Stroud vs. United States* and  
18 other cases standing for the proposition that once a  
19 defendant is incarcerated, he is divested of his Fourth  
20 Amendment rights.

21 The People, of course, would concede that  
22 tomorrow or five years from now the Supreme Court of the  
23 United States may very well cloth incarcerated defendants  
24 with Fourth Amendment rights, but the present state of the  
25 law, your Honor, is unquestionably that the Fourth  
26 Amendment is simply not applicable and, therefore, these

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1 letters, I believe, should be read to the jury.

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2 MR. KANAREK: If I may respond briefly, your Honor?

3 THE COURT: Well, Mr. Kanarek, we have permitted you  
4 to open the argument. The People have the right to close  
5 it.

6 MR. KANAREK: I just wanted to make the point:

7 Why should we inject error if the Supreme  
8 Court is going to change it?

9 MR. BUGLIOSI: I didn't say that.

10 MR. KANAREK: He indicated that.

11 THE COURT: Mr. Bugliosi, no more than any of the  
12 rest of us, knows what the Supreme Court is going to do  
13 next week or next year or five years from now. That is  
14 speculation.

15 MR. SHINN: May I be heard for a second time, your  
16 Honor?

17 THE COURT: All right.

18 MR. SHINN: In response to the cases that Mr.  
19 Bugliosi cited, I have read most of the cases and most of  
20 the cases involve a person that has already been convicted,  
21 your Honor, and not awaiting trial.

22 Now, I believe Miss Atkins just stands accused  
23 at the present time. She is not convicted yet.

24 Now, if we are going to go along with the  
25 argument of Mr. Bugliosi, assuming there are two co-defendants  
26 charged with the same crime in a bail-type of case, where

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1 one person gets out of jail on bail and the other person  
2 stays in jail, and they send letters. They both go to  
3 trial. The person that didn't send the letters out of  
4 jail, the one on bail, would have an advantage.

5 So, your Honor, I don't think the cases mean  
6 that just because a person is charged with a crime and  
7 stands accused that all of his constitutional rights are  
8 gone.

9 I believe the People would have a stronger  
10 case if there were notices put up or posted in the jail  
11 saying, "Your letters will be censored and anything you  
12 say could be held against you." Then they would have a  
13 clearer case of a waiver.

14 But here, your Honor, a prisoner doesn't know  
15 what they are going to do with a letter.

16 THE COURT: He knows. They are going to be censored.

17 MR. SHINN: Yes, your Honor, but censored for the  
18 purpose of security only.

19 THE COURT: Censored, period, for any purpose.

20 MR. SHINN: No, your Honor.

21 The officer testified that the main purpose was  
22 to censor the mail for security reasons only, your Honor.

23 THE COURT: All right.

24 MR. BUGLIOSI: Just one brief point for the record.

25 In Stroud and Dinkins, they were not  
26 convicted defendants. These were letters seized prior to

1 trial which were introduced by the People at the trial.

2 THE COURT: Of course. That was the point of the  
3 whole case.

4 MR. BUGLIOSI: Right.

5 MR. HUGHES: I wish to join in all defense counsel's  
6 motions.

7 MR. KANAREK: Your Honor, furthermore, on the  
8 implication, I would like to refer your Honor to the  
9 language in the Lawler case at page 628.

10 Referring to Bruton and another case, the  
11 Court says:

12 "Those cases held that the admission  
13 of a co-defendant's extrajudicial confession  
14 implicating the defendant constituted a denial  
15 of defendant's constitutional rights to confront  
16 the accuser and cross-examine him, but Bruton does  
17 not suggest that every act and word of a conspirator  
18 in furtherance of the conspiracy must be considered  
19 inadmissible against his co-conspirators."

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In this case, what could be more inculpat-  
ing than a confession?

It isn't a matter of deleting, because of the  
fact that there is a conspiracy charge. It implicates  
Mr. Hanson because of the nature of the proof, the nature  
of the fact that everybody is alleged to be part and parcel  
of the conspiracy.

To allow that jury, your Honor --

THE COURT: Mr. Kanarek, you have now made this  
argument one more time. You have made it at least six times  
that I can recall.

MR. KANAREK: I am trying to convince the Court.

THE COURT: There is no point in going over and over  
again the same point.

MR. KANAREK: I just hate to see error going into the  
record, your Honor.

THE COURT: I find nothing unreasonable in the  
procedures followed in this case, and I am going to over-  
rule all the objections.

The letters, as edited, contained in the  
transcript, Special Exhibits 8, 9 and 11, will be read by the  
reporter to the jury.

MR. SHINN: May I be heard, your Honor?

THE COURT: The Court has ruled, Mr. Shinn.

MR. SHINN: Yes, I understand, but I want to be heard  
on another matter.



1           Would the Court withhold reading the letters to  
2 the jury to permit me to take it up to the DCA on a writ of  
3 prohibition, a writ of mandate?

4           THE COURT: There will be no interim appeals in this  
5 case.

6           MR. SHINN: No.

7           On the motion, your Honor, the motion that was  
8 denied. I believe we have a right to file a writ of  
9 prohibition.

10          THE COURT: You may attempt it, if you like, Mr. Shinn,  
11 but I am not going to stay the proceedings, if that is  
12 what you are asking.

13          MR. SHINN: I mean, withhold reading the letters to the  
14 jury until the DCA decides whether this is admissible.

15          THE COURT: In other words, you are asking for a stay.

16          MR. SHINN: Not a stay of the trial, your Honor, just  
17 a withholding of the reading of the letters to the jury.

18          THE COURT: What is your estimate at the present time  
19 as to the rest of the People's case, Mr. Bugliosi?

20          MR. BUGLIOSI: A little over a week; perhaps a week  
21 and a half, your Honor.

22          THE COURT: Well, we are undoubtedly going to have  
23 lengthy arguments on the admissibility of the other exhibits.

24                Would you be prejudiced by delaying of these  
25 letters to the jury until that time?

26          MR. BUGLIOSI: No undue prejudice. But the DCA, of



1 course, wouldn't be controlling anyway, your Honor, over the  
2 United States Supreme Court.

3 THE COURT: The DCA is controlling on this court.

4 I don't think they will entertain any interim  
5 appeal on the point, Mr. Shinn.

6 MR. SHINN: Just a writ, your Honor. I believe they  
7 will entertain a writ with a letter enclosed that we are  
8 in trial and need an immediate answer.

9 I believe they will get it down in about 12 or  
10 15 days.

11 THE COURT: I am not going to stay the case.  
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1 MR. SHINN: Not the case, your Honor, but just the  
2 reading of the letter to the jury. That is all I am  
3 asking.

4 THE COURT: I know, but if one week from now the  
5 People are ready to rest and this is the only remaining  
6 evidence to come in, I will not postpone the trial.

7 MR. SHINN: Then will the Court wait until the last  
8 possible day then, your Honor, and I will try to get it  
9 up there tomorrow?

10 MR. BUGLIOSI: I will waive any objection, your  
11 Honor. It may go over until the end of our case.

12 THE COURT: We will defer the actual reading to the  
13 jury, until the close of the People's case.

14 MR. SHINN: Thank you.

15 THE COURT: I want it absolutely clear, Mr. Shinn,  
16 that I am not going to stay these proceedings.

17 MR. SHINN: Thank you.

18 THE COURT: Are you ready to proceed with your next  
19 witness?

20 MR. BUGLIOSI: Yes, your Honor.

21 Call Sergeant McKellar.

22 THE COURT: Are you ready to proceed in front of  
23 the jury, Mr. Bugliosi?

24 MR. BUGLIOSI: Yes, your Honor.

25 THE COURT: Mr. Shinn, before the jury comes back,  
26 I want to point out that this may raise a problem with

1 respect to the publicity order as to the unedited version  
2 of these letters being attached as an exhibit to any  
3 petition for a writ.

4 You had better give that some serious thought.

5 MR. SHINN: Yes, your Honor.

6 I am not going to even mention the letters.  
7 I am going to go on the Fourth, Fifth and Sixth  
8 Amendments, your Honor, so I don't think there will be  
9 any problem.

10 (Whereupon the jury entered the courtroom.)

11 (Now present are all counsel, defendants and  
12 jury.)

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

15 You may proceed, Mr. Bugliosi.

16 MR. BUGLIOSI: The People call Sergeant McKellar.

17 THE CLERK: Sergeant, would you raise your right  
18 hand, please, and be sworn.

19 Repeat after me:

20 You do solemnly swear --

21 THE WITNESS: I do solemnly swear --

22 THE CLERK: -- that the testimony --

23 THE WITNESS: -- that the testimony --

24 THE CLERK: -- you may give in the cause now pending  
25 before this court --

26 THE WITNESS: -- I may give in the cause now pending

1 before this court --

2 THE CLERK: -- shall be the truth, the whole truth,  
3 nothing but the truth, so help you God?

4 THE WITNESS: -- shall be the truth, the whole truth,  
5 nothing but the truth, so help me God.

6 THE CLERK: Will you take the stand, and please be  
7 seated.

8 Will you please state your full name for the  
9 record and spell it.

10 THE WITNESS: John William McKellar, Sr.;  
11 M-c-K-e-l-l-a-r, is the last name.

12 THE CLERK: Thank you.

13  
14 JOHN WILLIAM MC KELLER,  
15 called as a witness by and on behalf of the People, having  
16 been first duly sworn, was examined and testified as  
17 follows:

18  
19 DIRECT EXAMINATION

20 BY MR. BUGLIOSI:

21 Q Sergeant, what is your occupation?

22 A I am employed by the City of Mobile, Alabama,  
23 as a Detective Sergeant in the Criminal Investigation  
24 Division.  
25  
26

8d fls.

8d-1

1 Q Do you want to pull the microphone up a little  
2 closer to you, Sergeant, so you can sit back and relax?

3 A Yes.

4 Q Sergeant, do you know Defendant Patricia  
5 Krenwinkel?

6 A I do, sir.

7 Q Did you place her under arrest?

8 A I did, sir.

9 Q On what date?

10 A December the 1st, 1969, at approximately 3:20  
11 p.m. in the afternoon, our time.

12 Q Where at?

13 A At the intersection of Bucknell Road and  
14 Higgins Road in the County of Mobile. That is Alabama.

15 Q At that time, were you looking for her?

16 A Yes, sir, we were.

17 Q And with the intention of placing her under  
18 arrest?

19 A We were.

20 Q For the Tate-La Bianca murders?

21 A For homicide.

22 We had information that she had --

23 Q No, no, no, no. I am not talking about any  
24 information; but you were going to place her under arrest  
25 for some homicides here in Los Angeles?

26 A That is correct.

1 MR. KANAREK: Your Honor, may I make a continuing  
2 objection on relevancy and materiality as to this witness?

3 THE COURT: Very well.

4 MR. BUGLIOSI: Q Would you please relate the  
5 circumstances leading up to the arrest. Not as far as  
6 information, but as far as observation and location, et cetera.

7 MR. FITZGERALD: Immaterial and irrelevant.

8 THE COURT: You wish to be heard on this matter,  
9 Mr. Bugliosi?

10 MR. BUGLIOSI: At the bench, yes, your Honor.

11 THE COURT: Very well.

12 You may approach the bench.

13 (Whereupon, all counsel approach the bench and  
14 the following proceedings occur at the bench outside of the  
15 hearing of the jury:)

16 MR. BUGLIOSI: Sergeant McKellar will testify  
17 that he was looking for her. That she was parked in a vehicle,  
18 a police vehicle with a partner, and she, Patricia  
19 Krenwinkel, was a passenger in another vehicle.

20 As they passed Sergeant McKellar's vehicle,  
21 Patricia Krenwinkel looked at the sergeant, and immediately,  
22 right after it, right after she looked at him, reached into  
23 the back seat and grabbed a big hat, kind of a hippie  
24 type hat, and pulled it over her head, covering her face.

25 Then she was subsequently placed under arrest  
26 and gave a false name.

1 We are offering this to show furtive conduct,  
2 showing a consciousness of guilt. Which is standard, I  
3 think. Furtive conduct certainly is standard evidence  
4 showing consciousness of guilt at the time of arrest.

5 In fact, your Honor, I believe there is a case  
6 saying that furtive conduct can even be corroborating evi-  
7 dence by itself, legally, can be corroborating evidence in  
8 the case of an accomplice.

9 But, even assuming it is not enough, in and of  
10 itself, to constitute legal corroboration, it certainly is  
11 very relevant.

12 THE COURT: Corroboration of what?

13 MR. BUGLIOSI: Of Linda Kasabian's testimony.

14 Independent of the accomplice's testimony. It  
15 shows a consciousness of guilt. There are cases.

8e-1

1 THE COURT: Are you limiting it to this defendant?

2 MR. BUGLIOSI: Oh, yes. Oh, sure.

3 THE COURT: And the jury should be so instructed.

4 MR. BUGLIOSI: Yes. Just as to Patricia Krenwinkel.

5 THE COURT: In other words, this witness's entire  
6 testimony would be limited solely to Patricia Krenwinkel?

7 MR. BUGLIOSI: Yes.

8 She did make certain statements to him, which  
9 I am not going to go into, implicating co-defendants.  
10 That I will not go into.

11 THE COURT: Does he know that?

12 MR. BUGLIOSI: Yes.

13 Just the fact of the arrest, your Honor.

14 MR. FITZGERALD: I don't know of any case that  
15 allows you to put in the circumstances surrounding the  
16 defendant's arrest as evidence of furtive conduct and  
17 circumstantial evidence of guilt.

18 Flight, perhaps, but there is no flight here.  
19 She is in her hometown of Mobile, Alabama, a month after  
20 this offense is committed. It is a conclusion on his  
21 part that when she saw him she put on a hat.

22 THE COURT: That may be. That question, of course,  
23 hasn't been asked.

24 I don't know what he is going to testify to  
25 as to what he saw.

26 What case are you referring to, Mr. Bugliosi?



MR. BUGLIOSI: What case?

THE COURT: Yes.

MR. BUGLIOSI: You mean, your Honor, the case

holding it is legal corroboration?

THE COURT: No. Which constitutes evidence of

furtive conduct which is relevant?

MR. BUGLIOSI: For these murders here.

MR. FITZGERALD: They may want her for traffic

warrants. I don't know what is going on in Mobile, Alabama.

The evidence wasn't released to the defense.

MR. BUGLIOSI: The defense has a habit, your Honor,

and I don't criticize them, but by arguing conflicting

inferences, this has nothing to do with admissibility.

THE COURT: I understand that. You don't have to

waste time with that.

MR. BUGLIOSI: Right. But he is making the argument

of conflicting inferences.

This is for the defense to put on as to why

she, herself, engaged in this conduct. Maybe it was for

a traffic warrant, I don't know.

But I want to put on this furtive conduct,

and the jury is entitled to infer that the reason for the

furtive conduct was that she was wanted for these murders.

Now, if she did this for some other reason,

certainly she is entitled to put on that evidence.

MR. FITZGERALD: In terms of the cases that talk

8e-3

1 about evidence of flight as circumstantial evidence of  
2 guilt, there are certain requirements that have to be met.  
3 It has to be close in time so that the inference can be  
4 unequivocal.

8f fls.

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8f-1

1 THE COURT: What about giving a false name?

2 MR. FITZGERALD: I will give you cases that say it  
3 is immaterial and irrelevant and prejudicial to put on  
4 evidence that the defendant used aliases.

5 THE COURT: That is not what I am talking about.  
6 I am talking about giving a false name upon arrest.

7 MR. FITZGERALD: I think that evidence is immaterial  
8 and irrelevant.

9 THE COURT: Do you have any case on that?

10 MR. FITZGERALD: No.

11 THE COURT: I don't know of any either.

12 MR. FITZGERALD: Mr. Bugliosi, do you have a case  
13 that says you can?

14 I am not putting on this evidence, your Honor.

15 MR. KANAREK: Furthermore, your Honor, also, because  
16 of the conspiracy charge, this evidence would be used by  
17 the jury against Mr. Manson. So, there is a Sixth Amend-  
18 ment right to confront.

19 THE COURT: Make an offer of proof, Mr. Bugliosi,  
20 so we understand what the witness is going to testify.

21 MR. BUGLIOSI: The offer of proof, your Honor, is  
22 that this sergeant, who is with the Mobile, Alabama,  
23 Police Department, received information from Los Angeles  
24 that Patricia Krenwinkel was wanted on these murders.

25 I think the teletype went out on November 30th,  
26 1969.

1 Pursuant to receiving this information, he  
2 started looking for her, and he started looking for her  
3 at her relatives' home outside of Mobile.

4 On this one particular day, December the 1st,  
5 he was parked somewhere. Patricia Krenwinkel was in a  
6 car, was a passenger in a car being driven by a male.

7 The car passed the sergeant's car. The  
8 sergeant looked at Patricia Krenwinkel. She looked at him,  
9 and immediately thereafter she reached into the back seat  
10 of the car and grabbed a large floppy hat and pulled it  
11 down over her face, completely covering her face.

12 The officer formed the opinion that this was  
13 an attempt on her part to conceal her identity; whereupon,  
14 he started up his car, followed the male driver, pulled  
15 them over, placed her under arrest, and she gave the name  
16 Marni Montgomery, I believe, as her name.

17 That is the extent of what I want to put on.

18 This is furtive conduct showing a consciousness  
19 of guilt, your Honor. Hiding has always been conduct  
20 showing a consciousness of guilt.

21 MR. KANAREK: Because of the conspiracy charge, your  
22 Honor, it is on Mr. Manson's back this evidence.

23 THE COURT: I am going to overrule the objection.

24 MR. BUGLIOSI: Thank you.  
25  
26

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

Q BY MR. BUGLIOSI: Briefly relate, Sergeant, the circumstances immediately leading up to the arrest.

Were you with a fellow officer?

A Yes, I was.

Q What is his name?

A Detective Sergeant Charles Snaper.

Q Was he driving a police vehicle?

A He was driving a car.

Q You were the passenger?

A I was a passenger.

Q Your car was parked?

A Yes, our car was parked.

Q Where at?

A Bucknell Road in front of Mr. Garnet Reeves' residence.

Q Had you determined that Garnet Reeves was a relative of Patricia Krenwinkel's?

A An uncle of Miss Krenwinkel.

Q What happened as you and your fellow officer were parked in the police vehicle?

A We observed a small black Triumph automobile heading north on Bucknell Road.

As it passed the point where we were, on the passenger side was a white female.

1 She immediately reached over in the back and  
2 got a large black felt hat and pulled it over her head,  
3 down over her face.

4 Q Well, before she did that, did the car in  
5 which she was a passenger pass your car?

6 A Yes, it did.

7 Q How close did it come to your car?

8 A Within about 15 feet.

9 Q Did you look at this white female?

10 A I did, sir.

11 Q Did you observe her looking at you?

12 A Yes, sir.

13 Q How long after she looked at you did she reach  
14 for this large hat?

15 A Almost immediately.

16 Q And she reached where for the hat?

17 A Over the back of the seat.

18 Q Do you recall the type of hat that it was?

19 A It was a black felt type hat, very large.

20 Q And she placed this hat over her face?

21 A Over her head.

22 Q Over her head?

23 A Yes.

24 Q You have to answer out loud.

25 A Over her head down over the side of her face.

26 Q How much of her face did the hat cover?

1           A       Well, it covered her ears. You could still see  
2 her eyes and nose and mouth.

3           Q       So it covered her ears?

4           A       Yes, sir.

5           Q       Did she pull the hat as far as she could down?

6           A       As far as she could, yes, sir.

7           Q       There was no empty space between the top of her  
8 head and the hat?

9           A       No, sir.

10          MR. FITZGERALD: That calls for a conclusion that  
11 there is no space between the top of her head and the top of  
12 her hat, your Honor.

13                I ask that be stricken unless he could see inside  
14 the hat.

15          THE COURT: That portion will be stricken.

16                The jury is admonished to disregard it.

17                The jury is instructed also that the testimony  
18 of this witness is received only against Miss Krenwinkel and  
19 is not to be received for any purpose as to any of the other  
20 defendants.

21           Q       BY MR. BUGLIOSI: Did it appear that the hat  
22 was placed over her head tightly?

23           A       Yes, it did.

24           Q       What happened after you observed this,  
25 Sergeant?

26           A       The car continued on north and I advised my

1 partner that it looked like the subject we were looking for.

2 And we proceeded -- we started to pursue the  
3 car.

4 Q The subject you were looking for was Patricia  
5 Krenwinkel?

6 A That's correct.

7 Q You may continue. What happened next?

8 A We followed this vehicle for approximately a  
9 block and a half, and stopped it at the intersection of  
10 Higgins Road and Bucknell Road.

11 Q And did you then place Miss Krenwinkel under  
12 arrest?

13 A Yes, I walked around to the right side of the  
14 car, the passenger side of the car Miss Krenwinkel was in,  
15 and I identified myself as a police officer and --

16 Q Without going into any conversation now,  
17 you identified yourself and then you ultimately placed her  
18 under arrest, is that correct?

19 A That is correct.

20 Q Did she give her name at the time of arrest?

21 A The minute we stopped her she gave the name of  
22 Marnie Montgomery.

23 Q Marnie Montgomery?

24 A Yes, sir.

25 Q She did not give you the name Patricia Kren-  
26 winkel?



1 A She did not.

2 Q When had you received information that she was  
3 wanted for these murders?

4 A Approximately 10:00 a.m. December 1st.

5 Q That morning then?

6 A That morning, yes, sir.

7 Q The girl I am standing behind now, is this the  
8 girl you arrested?

9 A That is Patricia Krenwinkel. That is her.

10 MR. BUGLIOSI: May the record reflect I was standing  
11 behind Miss Krenwinkel, your Honor?

12 THE COURT: The record will so indicate.

13 MR. BUGLIOSI: No further questions.  
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9a-1

1 THE COURT: Mr. Fitzgerald?

2 CROSS-EXAMINATION

3 BY MR. FITZGERALD:

4 Q This intersection here, Bucknell and Higgins  
5 Road, is that a public thoroughfare in Mobile, Alabama?

6 A Yes, sir, it is, it is in the police jurisdiction.

7 Q That is a public street?

8 A Yes, it is a public street.

9 Q Traffic is not prohibited on this street?

10 A No, sir.

11 Q And did this car in which Patricia Krenwinkel  
12 was a passenger proceed in a normal fashion down the street?

13 A That is correct.

14 Q Was it speeding or anything?

15 A No, sir, it was not.

16 Q Were you in a marked police vehicle?

17 A Unmarked car.

18 Q Unmarked car?

19 A Yes, sir.

20 Q Yet the moment Patricia Krenwinkel's and your  
21 eyesmet, she put on a hat?

22 A That's correct.

23 Q Had you known her and seen her before?

24 A No, sir, I had not seen her before.

25 Q This was on what day, December 1?

1 A December 1, yes, sir.

2 Q And that was before there was any publicity in  
3 connection with the persons arrested for this offense, isn't  
4 that correct?

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

6 THE COURT: Sustained.

7 Q BY MR. FITZGERALD: You, I take it, read news-  
8 papers, do you not?

9 A Yes, sir, we read newspapers.

10 Q And you are familiar with the television and the  
11 radio and the newspaper coverage in connection with the  
12 arrest of the defendants in this case, are you not?

13 A That is correct.

14 Q And in this encounter with Miss Krenwinkel,  
15 it took place before that publicity was released in Mobile,  
16 Alabama, isn't that correct?

17 A That is correct.

18 Q And in what manner did you stop this Triumph  
19 automobile in which she was a passenger?

20 A We blew the siren on our police car.

21 Q Did this black Triumph automobile attempt to  
22 elude you in any fashion?

23 A It did not, sir.

24 Q Did it speed away?

25 A No, sir, it did not.

26 Q Did anyone open gunfire on your car or anything

like that?

A No, sir.

Q Was anyone armed at the time they were arrested?

A No, sir, nobody but my partner and I.

Q With the exception of you and your partner?

A Yes, sir, that's correct.

Q Did Patricia Krenwinkel attempt to flee or  
to run in any fashion?

A She did not.

Q Do you have the hat with you?

A No, sir, I do not.

MR. FITZGERALD: Thank you.

THE COURT: Any questions, Mr. Shinn?

MR. SHINN: No questions.

THE COURT: Mr. Kanarek?

MR. KANAREK: No questions, thank you.

MR. HUGHES: No questions.

MR. BUGLIOSI: A few more questions, your Honor.

#### REDIRECT EXAMINATION

BY MR. BUGLIOSI:

Q After the car passed you and you observed  
Miss Krenwinkel to place the hat over her head, you say  
the car did not speed away, is that correct?

A It did not speed away, no.

Q Did it increase its speed at all?

1 A I don't think so, just in a normal driving  
2 manner.

3 Q Your vehicle, you say, was an unmarked police  
4 vehicle?

5 A That's correct.

6 Q Did it have an aerial on it?

7 A Yes.

8 Q Where was this aerial located?

9 A In the center of the vehicle on the roof.

10 Q And you say your vehicle was parked close to a  
11 relative of Patricia Krenwinkel's?

12 A That's correct.

13 Q About how far away again?

14 A Almost in her driveway, and the house sits  
15 back perhaps 200 yards from the road.

16 MR. BUGLIOSI: Thank you. No further questions.

17 MR. FITZGERALD: Nothing further.

18  
19 EXAMINATION

20 BY THE COURT:

21 Q Sergeant, were either you or your partner in  
22 uniform?

23 A No, sir, we were not, your Honor.

24 THE COURT: Any further questions?

25 MR. BUGLIOSI: One more question, your Honor.  
26

## REDIRECT EXAMINATION

1  
2 BY MR. BUGLIOSI:

3 Q Had you been to the Reeves' residence before the  
4 arrest?

5 A I had not, no, sir.

6 Q Had your partner?

7 A Captain Donald Little and Officer Lynn Jordan,  
8 or Sergeant Lynn Jordan were at the house at the time the  
9 vehicle went by.

10 Q Was that the first time they had been there?

11 A Yes, sir, that was the first time they had been  
12 there.

13 MR. BUGLIOSI: No further questions.

14 MR. FITZGERALD: Nothing further.

15 THE COURT: You may step down, sir.

16 THE WITNESS: Thank you.  
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9b

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MR. BUGLIOSI: Sergeant Patchett.

THE CLERK: Raise your right hand and be sworn.

Repeat after me:

You do solemnly swear.

THE WITNESS: I do solemnly swear.

THE CLERK: That the testimony you may give --

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

THE CLERK: -- in the cause now pending before this  
court --

THE WITNESS: -- in the cause now pending before  
this court --

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

THE WITNESS: -- shall be the truth --

THE CLERK: -- the whole truth and nothing but the  
truth so help you God.

THE WITNESS: -- the whole truth and nothing but the  
truth so help me God.

THE CLERK: Please be seated.

State and spell your name for the record.

THE WITNESS: Frank J. Patchett, P-a-t-c-h-e-t-t.

FRANK J. PATCHETT,

a witness called by and on behalf of the People, was  
examined and testified as follows:

9b-2

## DIRECT EXAMINATION

1  
2 BY MR. BUGLIOSI:

3 Q What is your occupation and assignment,  
4 Sergeant?

5 A I'm a Police Officer for the City of Los  
6 Angeles, assigned to Robbery, Homicide Division.

7 Q Are you one of the investigating officers  
8 in the La Bianca case?

9 A I am.

10 Q On the date November 6th, did you go to the  
11 Sheriff's Jail in Independence, California?

12 A I did.

13 Q And was Charles Manson incarcerated in the jail  
14 at that time?

15 A He was.

16 Q Did you examine any of Mr. Manson's clothing  
17 at the jail?

18 A I did.

19 Q What clothing did you examine?

20 A It was a leather suit, shirt and pants and a  
21 pair of moccasin type boots.

22 Q Did you recover anything from the clothing?

23 MR. KANAREK: I object to the word "recover," your  
24 Honor, that implies something --

25 THE COURT: Overruled.

26 THE WITNESS: I took a leather thong from the



9b-3

1 pants and I also removed a leather thong from one of the  
2 boots.

3 BY MR. BUGLIOSI:

4 Q I show you People's Exhibit 75 for identifica-  
5 tion, a pair of leather thongs and also -- the leather  
6 thongs being removed from People's 95 for identification.

7 Have you ever seen those leather thongs before?

8 A Yes, sir, I have.

9 Q Where did you see these thongs for the  
10 first time?

11 A These thongs were in the boot and the trousers  
12 of the clothing that I mentioned earlier.

13 MR. KANAREK: Your Honor, I wonder if we might  
14 approach the bench?

15 THE COURT: For what purpose?

16 MR. KANAREK: Well, your Honor, does your Honor  
17 wish me to state it?

18 THE COURT: Do you wish to make a motion?

19 MR. KANAREK: Yes, your Honor.

20 THE COURT: With regard to this officer's testimony?

21 MR. KANAREK: Yes, your Honor.

22 THE COURT: All right, you may approach the bench.

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

25 MR. KANAREK: It is my position, your Honor, that  
26 there has to be a foundation laid as to --

9b-4

1 Evidently this officer was proceeding  
2 purportedly under a Grand Jury warrant, and proceeding under  
3 a Grand --

4 MR. BUGLIOSI: I don't know what you mean by warrant.

5 MR. KANAREK: There was a warrant after the Grand Jury  
6 indictment.

7 MR. BUGLIOSI: November 6th, 1969, your Honor --  
8 December 8th, I believe --

9 THE COURT: This officer went there November 6th?

10 MR. BUGLIOSI: He went there before that time.

11 MR. KANAREK: Then he was operating without a warrant.

12 MR. BUGLIOSI: Again, your Honor, in jail when  
13 incarcerated, things can be seized. It is the same old  
14 law.

15 MR. KANAREK: 1538.5 of the Penal Code says if a  
16 search or seizure is unreasonable, if it is not being  
17 pursuant to a warrant and unreasonable, then it has to be  
18 suppressed.

19 THE COURT: You haven't made any such motion.

20 MR. KANAREK: We made a 1538.5 before this trial  
21 started.

22 THE COURT: Not regarding this.

23 MR. KANAREK: Your Honor indicated when it came up  
24 during trial we would be able to renew any 1538.5 motion.

25 THE COURT: You made a 1538.5 motion with respect  
26 to certain matters.

1b-5

1 MR. KANAREK: Yes, your Honor.

2 THE COURT: You did not make it broad and open. You  
3 did not make a motion with respect to these articles.

4 MR. KANAREK: No, not with respect to these specific  
5 articles.

6 THE COURT: A 1538.5 motion is directed to specific,  
7 tangible evidence.

8 MR. KANAREK: I believe we asked for all of the  
9 evidence at that time, which I don't believe is pinpointed  
10 to us as far as this officer's testimony is concerned.

11 THE COURT: What does that mean?

12 MR. KANAREK: I mean that it is -- it is one thing to  
13 make a motion. It is something else for the People not  
14 to respond.

15 When we made our motion they did not say  
16 Sergeant Patchett is going to testify to these things.

17 THE COURT: Are you saying you did not know about  
18 the things?

19 MR. KANAREK: I am making the motion now out of an  
20 abundance of caution, I make the 1538.5 motion.

21 MR. BUGLIOSI: The sergeant has already testified  
22 to the same thing at the Grand Jury in this case, Mr.  
23 Kanarek, all about this. There is nothing new.

24 THE COURT: There is no search involved. The man is  
25 in jail.

26 MR. KANAREK: Yes, but this is a seizure.

9b-6

1 THE COURT: The seizure of clothes of a man in jail!

2 MR. KANAREK: That's right, because a man is in jail  
3 does not mean that he becomes -- I understand he was in  
4 jail.

5 THE COURT: Are you contending he was not?

6 MR. KANAREK: No, I am not.

7 THE COURT: He testified he was in jail. That is  
8 not the basis of the objection, that he was not in jail?

9 MR. KANAREK: No.

10 THE COURT: All right.

11 MR. KANAREK: I don't think that is a basis.

12 My position is, your Honor, that under 1538.5  
13 of the Penal Code, it provides that a motion can be made  
14 during the trial.

15 THE COURT: It is not automatic. I am not going to  
16 permit one except as to those specific matters that I told  
17 you you could have such a motion before the trial.

18 And as to those matters you have had your  
19 1538.5 motion during the course of the trial. We had a  
20 full hearing.

21 Now you are asking for one with respect to other  
22 matters as to which you had knowledge before the trial  
23 started, and no motion was made.

24 I'm going to use my discretion to deny such a  
25 motion at this time.

26 MR. KANAREK: Very well, your Honor.

9b-7

1 THE COURT: I have a serious question whether it  
2 would have any applicability in any event, but I am going  
3 to exercise my discretion and deny the motion.

4 MR. KANAREK: Very well, your Honor, but it is my  
5 position that in the context of what happened prior to  
6 the trial, in context with the Court's order, we could  
7 make the 1538.5 motion.

8 THE COURT: That is not the context, Mr. Kanarek,  
9 and I want the record to clearly correct that, and not  
10 twist it around to say something I never said.

11 MR. KANAREK: I did not memorize the Court's words,  
12 but the gist of it is, as I recall, the gist was it could  
13 be made during the course of the trial if appropriate.

14 THE COURT: "It" being the motion you filed before  
15 the trial and failed to support.

16 MR. KANAREK: But, your Honor, I think your Honor  
17 doesn't recall.

18 Your Honor made it clear that it could be  
19 done during the course of the trial.

20 THE COURT: If you don't recall what happened, Mr.  
21 Kanarek, go back and read the record and see what happened.

22 MR. KANAREK: I believe our motion was such that  
23 it covers these items.

24 THE COURT: What are you proposing now?

25 MR. KANAREK: What I am proposing, your Honor, is  
26 that your Honor suppress the use of these items.

THE COURT: On what ground?

MR. KANAREK: On the grounds, your Honor, that it was a seizure without a warrant.

Mr. Manson had a right to an attorney. It is an accusatory proceeding. My position is that Miranda, Escobedo and Dorado do other things than just tell somebody to keep your mouth shut.

There are many things that a lawyer does.

For the People to go and visit a defendant in a case of this type without having counsel present at the time --

There was an attorney, a Public Defender in Inyo County who was purportedly representing Mr. Manson.

Without that proper foundation, without the showing that the People complied with Miranda, Escobedo and Dorado, due process of the Fourteenth Amendment picks up the Fifth, Sixth.

9c Fla.

9c-1

1 THE COURT: Let's not have a lecture on the  
2 Constitution. You keep repeating yourself over and over  
3 again.

4 MR. KANAREK: We have to make a record.

5 THE COURT: There is no evidence here of any  
6 conversations involved between this officer and Mr. Manson.

7 MR. KANAREK: And I say Miranda itself indicates that  
8 lawyers do things other than just tell people, "Don't talk."

9 A man has a right to have a lawyer present.  
10 It is analogous --

11 THE COURT: When?

12 MR. KANAREK: At a time like this.

13 THE COURT: At a time like what? What time are  
14 you talking about?

15 MR. KANAREK: At a time when these items were seized,  
16 it's like a lineup, your Honor. He has a right to make  
17 sure that it is a fair sample, whatever it was that was  
18 done was done in a fair way, and it is certainly analogous  
19 to Wade and Gilbert.

20 THE COURT: I'm going to overrule the objection.

21 Let's proceed.

22 MR. KANAREK: Very well, your Honor.

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

26 THE COURT: What were the exhibit numbers,



1 Mr. Bugliosi?

2 MR. BUGLIOSI: 75 and 95, your Honor.

3 Q BY MR. BUGLIOSI: Sergeant, do you recall which  
4 particular leather thongs you removed from that area of  
5 clothing?

6 A No, I don't. However, the clothing is in  
7 custody of the Court here, and it can be easily ascertained.

8 I believe the more frayed looking one of the two,  
9 this one here, came from the boot.

10 Q You are talking about People's 75?

11 A Yes.

12 Q And you believe that People's 95 --

13 A -- came from the trousers.

14 MR. KANAREK: Your Honor, may I have a continuing  
15 objection on relevancy and materiality, and in view of the  
16 widespread use in our community in California of leather goods,  
17 my position is the prejudicial value far outweighs the  
18 probative value.

19 There is no showing of any connection, your  
20 Honor, because these exhibits and what allegedly occurred  
21 in the matters the District Attorney has a particular view-  
22 point on.

23 THE COURT: The objection is overruled.

24 MR. KANAREK: Do I have a continuing objection,  
25 though, on the relevancy and materiality?

26 THE COURT: If you ask for it.



1 MR. KANAREK: May I, your Honor?

2 THE COURT: Very well.

3 MR. KANAREK: Thank you.

4 Q BY MR. BUGLIOSI: I show you People's 244 for  
5 identification, have you ever seen those leather thongs  
6 before?

7 A Yes, I have.

8 Q Where did you see them for the first time?

9 A They were located underneath the front seat of  
10 the 1959 Ford which is in this picture here.

11 Q Showing you People's 38 for identification,  
12 is this the yellow Ford from which you removed Exhibit 244  
13 for identification?

14 A That's correct.

15 Q When did you remove 244 from People's 38?

16 A I don't recall the exact day, sometime in  
17 November.

18 Q 1969?

19 A Yes.

20 Q Where was the car at that time located?

21 A At that time it was impounded in a police  
22 impound lot, in the San Fernando Valley area.

23 Q Howard Summer's garage?

24 A That's correct.

25 Q I show you People's 64 for identification and an  
26 aerial photograph. The home on the left, do you

1 recognize that as the La Bianca residence?

2 A Yes, it is.

3 Q Incidentally, to the far left on this photograph  
4 there appears to be a wall.

5 A That's correct.

6 Q Does that enclose an estate?

7 A It does.

8 Q Do you know whose estate that is?

9 A Presently I am not sure. At one time I believe  
10 it belonged to Earl C. Anthony.

11 Q This is a very large estate?

12 A It is. It comprises approximately two acres.

13 Q Right next to the La Bianca residence?

14 A That's correct.

15 Q Now, the home on the right in this photograph,  
16 do you recognize that as the home in which Harold True  
17 formerly resided?

18 A That's correct.

19 Q At any time did you go to this particular home?

20 A Yes, I went to that home the day after --

21 This would have been Monday -- after the  
22 La Bianca murder, in checking the crime scene at the La  
23 Bianca home, I then went next door to the house.

24 Q August 11, 1969?

25 A I believe that <sup>was</sup> /Monday, yes.

26 Q You went to the former residence of Harold True?

1 A I did.

2 Q 3267 Waverly Drive?

3 A That's correct.

4 Q Was the home vacant at that time?

5 A Yes, it was.

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1 Q Are you familiar with the area in which the  
2 La Bianca residence is located?

3 A I am.

4 MR. BUGLIOSI: Your Honor, I have here a map of that  
5 particular area. May it be marked People's next in order?

6 I think it is 269.

7 THE COURT: 269 for identification.

8 BY MR. BUGLIOSI:

9 Q I show you People's 269 for identification,  
10 Sergeant, do you recognize this as being a map of the area  
11 in which the La Bianca residence was located?

12 A It is.

13 Q Is the La Bianca residence indicated by this  
14 red mark here?

15 A Right.

16 Q Waverly Drive, 3300 is above that, it has a  
17 red mark --

18 MR. KANAREK: May I approach the witness? Counsel  
19 should be shown an exhibit before it is shown to the witness,  
20 your Honor. I have not seen this.

21 THE COURT: You may approach the witness.

22 (Mr. Kanarek approaches the witness.)

23 BY MR. BUGLIOSI:

24 Q So this red spot here indicates the La Bianca  
25 residence?

26 A That's correct.

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Q You are familiar with Los Feliz Boulevard?

A I am.

Q Is that depicted on this map here?

A It is.

Q Where is Los Feliz Boulevard in relation to the La Bianca residence?

A On this map located north of it and somewhat west.

Q About how far away?

A It would be approximately between two and three city blocks.

However, there are no streets running through between Waverly Drive and Los Feliz Boulevard.

Q But if there were it would be the equivalent of two or three city blocks?

A Approximately, yes.

Q Is the Griffith Park area located in the vicinity of the La Bianca residence?

A The Griffith Park area is in turn north of Los Feliz Boulevard.

Q That is also depicted on this map here, the Griffith Park area?

A It is.

Q By the words "Griffith Park" printed on in black on the map?

A That's correct, right.

d-3  
1 Q The Golden State Freeway is rather close to  
2 the La Bianca residence?

3 A It is. It lies east of the La Bianca  
4 residence.

5 Q Where would the nearest on-ramp on the Golden  
6 State Freeway be with relation to the La Bianca residence?

7 A Roughly on the intersection of Los Feliz and  
8 Riverside Drive. The on-ramp itself is somewhat east of  
9 Riverside Drive off of Los Feliz Boulevard.

10 Q Approximately how far would the on-ramp be  
11 from the La Bianca residence?

12 A The greatest distance would be a half a mile.

13 Q And this is the Golden State Freeway?

14 A That's correct.

15 Q That is also depicted on this map?

16 A It is.

17 Q And one can take the Golden State Freeway  
18 northbound toward the direction of Sylmar?

19 A Yes, there is an off-ramp for Sylmar from the  
20 Golden State Freeway at Rexford, I believe.

21 Q And one could also reach Pacoima then on the  
22 Golden State Freeway?

23 A Yes.

24 MR. KANAREK: One could start his way to Dubuque,  
25 Iowa. I object to this.

26 THE WITNESS: I think you have to take the San

9d-4

1 Bernardine Freeway for that.

2 THE COURT: Overruled.

3 BY MR. BUGLIOSI:

4 Q So one could take the Golden State Freeway  
5 then directly to Pacoima?

6 A Yes.

7 MR. KANAREK: Hearsay, conclusion.

8 I think the jury is able to read a map.

9 THE COURT: Overruled.

10 MR. KANAREK: I object that the prestige of the Los  
11 Angeles Police Department --

12 THE COURT: The objection is overruled.

13 BY MR. BUGLIOSI:

14 Q One can take the Golden State Freeway northbound  
15 to Pacoima.

16 A That's correct.

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

18 THE COURT: Overruled.

19 BY MR. BUGLIOSI:

20 Q And also Sylmar, is that correct?

21 A Yes, it is.

22 Q And Pacoima is just south of Sylmar?

23 A Yes, it is.

24 Q Immediately south?

25 A Yes, they are both in the city limits -- within  
26 the City of Los Angeles and they are just areas designated

such as Highland Park, or whatever.

9D-1  
1 Q You are familiar with the fact that Pacoima  
2 has a rather heavy Negro population?

3 MR. KANAREK: Objection, your Honor. No foundation.

4 THE COURT: Sustained.

5 MR. BUGLIOSI: Q I show you People's 49 for  
6 identification, Sergeant.

7 Do you recognize what is shown in that photograph?

8 A Yes, I do.

9 Q Now, without giving any particular address, this  
10 is a home; is that correct?

11 A That is correct.

12 Q And in what area of town is it?

13 MR. KANAREK: Object, your Honor.

14 THE COURT: Overruled.

15 THE WITNESS: This is in the area of South Pasadena.

16 MR. BUGLIOSI: Q This particular home?

17 A That is correct.

18 Q What area of South Pasadena?

19 A Well, the south area of South Pasadena, bordering  
20 close to the Los Angeles city limits.

21 Q And did you direct that a photograph be taken  
22 of this home?

23 A I did.

24 Q And why did you do that?

25 MR. KANAREK: Object, your Honor. Calling for a  
26 conclusion, hearsay.



1                   There is no reason why -- the prejudicial  
2 value far outweighs the probative value.

3           THE COURT: Sustained.

4           MR. BUGLIOSI: Q           Did you ever drive to this  
5 home?

6           A           I did.

7           Q           In the accompaniment of Linda Kasabian?

8           A           That is correct.

9           Q           And myself?

10          A           Yes.

11          Q           And other law enforcement officers?

12          A           Yes.

13          Q           And you were directed, or you directed that a  
14 photograph be taken of this home; is that correct?

15          A           Yes.

16          MR. KANAREK: That is hearsay and a conclusion.

17          THE COURT: Overruled.

18          THE WITNESS: I did.

19          MR. BUGLIOSI: Q           I show you People's 57 for  
20 identification.

21                   Do you know what is shown in that photograph?

22          A           This is the parking lot of a church which is  
23 located in South Pasadena on the borderline of South  
24 Pasadena and San Marino.

25          Q           Approximately how far is this church from the  
26 home which is depicted in People's 49 for identification?

1           A       It would be somewhere between a half and two  
2 miles.

3           Q       And you have gone to this particular church area  
4 before?

5           A       I have.

6           Q       And you are the one that directed this photograph  
7 be taken?

8           A       I did.

9           Q       Have you driven there in the accompaniment of  
10 Linda Kasabian?

11          A       Yes.

12          Q       And myself?

13          A       Yes.

14          Q       And several other law enforcement officers?

15          A       Yes.

16          MR. BUGLIOSI: May I have just a moment, your Honor?  
17 I need a photograph. It will just take a second.

18          THE COURT: Yes.

19                 Mr. Bugliosi, may I see that map, Exhibit 269?

20                 (Mr. Bugliosi hands a document to the Court.)

21                 (Pause while certain exhibits are retrieved  
22 from the exhibit file.)

23          MR. BUGLIOSI: Q           I show you People's Exhibit 66  
24 for identification.

25                 Do you know what is shown in that photograph?

26          A       That is a Standard gas station.

10a-1

Q On Encinitas Boulevard?

A That is correct.

Q In Sylmar?

A That's right.

Q Do you know the address on Encinitas Boulevard?

A I don't know it from memory.

There is a photograph, I believe, depicting the address.

Q Behind the gas station here there appears to be a freeway; is that correct?

A That is correct.

Q Is that the Golden State Freeway?

A That is correct.

Q Going northbound on the Golden State Freeway, is this particular gasoline station visible from the freeway?

A The sign in the photograph sticks up such that it is visible from the freeway.

Q It is right off the freeway?

A It is.

Q Have you ever been to this gasoline station?

A I have.

Q With Linda Kasabian?

A Yes.

Q And myself?

A Yes.

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1 Q And several law enforcement officers?

2 A Yes.

3 Q And you directed that this photograph be taken?

4 A I did.

5 THE COURT: What is the correct spelling of the  
6 street?

7 MR. KANAREK: I think it is E-n-c-i-n-i-t-a-s,  
8 Encinitas, I believe.

9 THE COURT: Is that right, Officer?

10 THE WITNESS: I don't know for sure.

11 BY MR. BUGLIOSI:

12 Q Do you know the dates that you went to the  
13 gasoline station with Linda Kasabian, the gasoline station  
14 that is depicted in People's 66 for identification?

15 A No.

16 Those dates, I turned over to you.

17 There were two occasions in March, or three,  
18 and two or three in May.

19 Q You didn't go to the gasoline station five or  
20 six times, did you?

21 A No, no.

22 The one particular time that we went was either  
23 in March or May.

24 Q What about the church in Pasadena?

25 A It is the same situation. I am not sure of  
26 the exact date.

1 Q And the home in South Pasadena?

2 A Likewise the same situation.

3 Q So, between March and May of '69; is that  
4 correct?

5 A That is correct.

6 Q I'm sorry. 1970; correct?

7 A Yes.

8 MR. BUGLIOSI: No further questions.

9 THE COURT: Mr. Fitzgerald, cross-examination?

10 MR. FITZGERALD: Yes. Thank you.

11  
12 CROSS-EXAMINATION

13 BY MR. FITZGERALD:

14 Q Sergeant Patchett, I am holding Exhibit No. 95,  
15 Exhibit No. 244 and Exhibit No. 75.

16 Why do you call these thongs?

17 A To the best of my vocabulary, that is the way  
18 to describe them.

19 Q Aren't these leather shoelaces?

20 A I don't believe so.

21 You could also call them shoelaces or you  
22 could call them bootlaces.

23 Q In fact, you took them out of a boot, didn't  
24 you?

25 A One pair was taken from a boot.

26 Thongs are used in boots, though.

1 Q Instead of bootlaces you use thongs in boots?

2 A According to a fellow in a shoe store, yes,  
3 who sold them.

4 Q You were confused and thought you would seek  
5 some expert advice?

6 A No.

7 Immediately after the murder, our victim had  
8 been tied with leather thongs, so we went into various  
9 shoe stores and showed them and asked them if they sold  
10 such an item, and the shoe clerk referred to them as thongs,  
11 not laces.

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1 MR. KANAREK: Your Honor, may that hearsay statement be  
2 stricken?

3 THE COURT: It is in response to a question.

4 The motion is denied.

5 MR. FITZGERALD: Q Now, I have a pair of -- what  
6 do you call these?

7 A It looks like a boot type moccasin to me.

8 Q You recognize these as being similar to a pair  
9 of shoes you saw in Inyo County on November 6, 1969?

10 A They look somewhat similar, yes.

11 Q These are similar to the moccasin type boots  
12 from which you removed the thongs; is that correct?

13 A I believe so. I can't see them too well from  
14 here.

15 MR. FITZGERALD: May I approach the witness, your  
16 Honor?

17 THE COURT: You may.

18 MR. FITZGERALD: Q Do they appear to be  
19 similar?

20 A I am not positive, Counsel.

21 Q I am not asking if these are the moccasins.

22 A I am not even sure if they are the ones.

23 Q Did you remove the leather thongs from some  
24 leather boots?

25 A Something made of that type of material and  
26 similar looking to that; but in my own mind, I don't recall

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1 what they look like, and that doesn't jar me.

2 However, it might very well be the same ones.

3 Q Now, directing your attention to the address  
4 3301 Waverly Drive where Rosemarie and Leno La Bianca  
5 resided.

6 That location is also close to the Glendale  
7 Freeway, is it not?

8 A No. The Glendale Freeway is quite a bit east of  
9 that.

10 The Glendale Freeway starts at Glendale Boulevard  
11 and travels in -- it is a prolongation almost, at one point,  
12 of Glendale Boulevard, and terminates at Verdugo Road.

13 You get a little bit too far east at that point.

14 Q Once you get on the Golden State Freeway at  
15 Riverside Drive, the next exit north is the Glendale Freeway --  
16 the next exit south is the Glendale Freeway, is it not?

17 A No. I believe the next exit south is Glendale  
18 Boulevard, and then the next off-ramp is Fletcher Drive,  
19 and then the next off-ramp is an exit to the Glendale Free-  
20 way southbound.

21 Q And approximately two miles from the Riverside  
22 Drive entrance to the Golden State Freeway, there is  
23 located the intersection of the Golden State Freeway and  
24 the Pasadena Freeway; isn't that correct?

25 A I would say it is a little more than two miles,  
26 but roughly, yes.



1 Q Three miles?

2 A Right.

3 Q Also, the address of 3301 Waverly Drive is very  
4 close to the City of Glendale, is it not?

5 A Yes. If you continue on Los Feliz Boulevard for  
6 approximately a mile and a half to two miles east, you will  
7 run into the city limits of Glendale.

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1 Q Or if you go north on Hyperion, you will also  
2 run into Glendale; isn't that correct?

3 A Hyperion doesn't go through to Glendale, to the  
4 town of Glendale.

5 Q Why is that?

6 A Griffith Park is in the way.

7 Q Aren't you a little confused?

8 Would you like to see your map?

9 A I sure would.

10 (The witness is handed a document.)

11 (Pause while the witness studies a map.)

12 THE WITNESS: Hyperion runs basically east and west,  
13 and Glendale is north of Hyperion.

14 So, there is no way that Hyperion can run into  
15 Glendale.

16 I think you might be referring to Rowena.

17 Q No, I am referring to Hyperion.

18 First of all, Hyperion is adjacent to Waverly  
19 Drive; it actually runs perpendicular to Waverly Drive;  
20 is that correct?

21 A Well, they almost -- in direction, at one point,  
22 they are parallel.

23 Q Well, they cross one another; isn't that correct?

24 A They also do that, yes.

25 Q And the address 3301 Waverly Drive is approxi-  
26 mately two blocks or so from Waverly Drive and Hyperion;

10c-2

right?

1 A You are referring to the La Bianca residence?

2 Q Yes. Right.

3 A Yes. Two blocks.

4 Q All right.

5 Now, if you went down -- if you stood in front  
6 of the La Bianca residence, if you walked down to Hyperion  
7 and you took a left, and you walked, you would eventually  
8 run into Glendale, wouldn't you?

9 Not Glendale Boulevard, now, I am talking about  
10 the City of Glendale.

11 (Pause while the witness looks at the map.)

12 A Well, Hyperion turns into Glendale Boulevard.

13 Q All right. And that will take you to Glendale?

14 A That's correct.

15 Q All right.

16 Now, what is the area in which the La Bianca  
17 residence is located called?

18 A It is referred to as the Silverlake area.

19 Q Sometimes referred to as the Los Feliz area  
20 of the City of Los Angeles as well; isn't that correct?

21 A That is true.

22 Q It is actually between the two?

23 A That is correct.

24 Q Griffith Park Boulevard is also in the vicinity  
25 of the Waverly Avenue address, is it not?  
26

1           A       It is.

2           Q       As a matter of fact, there are several large  
3 thoroughfares in that vicinity, are there not?

4           A       If you talk of vicinity, yes.

5       MR. FITZGERALD: I have nothing further.

6       THE COURT: We will recess at this time.

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

10           The court will recess until 1:45.

11           (Whereupon at 12:00 o'clock noon the court  
12 was in recess.)

11-1  
1 LOS ANGELES, CALIFORNIA, MONDAY, OCTOBER 26, 1970

2 1:50 P.M.

3 ----O----

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

5 Will counsel approach the bench, please.

6 (The following proceedings were had at the bench  
7 outside of the hearing of the jury:)

8 THE COURT: I just wanted to make sure that the record  
9 is clear with respect to these letters, especially Exhibit  
10 8, 9 and 11, the letters purportedly written by Susan  
11 Atkins at Sybil Brand.

12 There were pending 1538.5 motions, Penal Code  
13 1538.5 motions with respect to those letters.

14 I am not sure my rulings indicated the specific  
15 ruling with respect to those motions.

16 Do both sides rest as far as those motions are  
17 concerned?

18 MR. SHINN: Yes.

19 MR. BUGLIOSI: People submit the matter. People rest.

20 THE COURT: You were all given full opportunity to  
21 argue, I want to make sure the ruling applies specifically  
22 to those motions.

23 MR. SHINN: I don't think we had any arguments on the  
24 motions. I will submit the arguments I made.

25 THE COURT: You argued at length this morning, you  
26 and Mr. Kanarek.

1 MR. SHINN: Yes, I submit those arguments on my 1538.5  
2 motion.

3 THE COURT: You argued your objections and your  
4 motions.

5 MR. SHINN: Yes, your Honor, my objections and my  
6 motions.

7 THE COURT: Does anyone have any objection to my  
8 making a specific ruling with respect to those motions at  
9 this time so the record is clear as to the 1538.5 motions?

10 MR. KANAREK: Is your Honor talking about Mr. Patchett's  
11 testimony?

12 THE COURT: No.

13 MR. KANAREK: You are talking strictly --

14 THE COURT: Only about the letters.

15 MR. KANAREK: I believe it is reversible error to  
16 read those to the jury as far as Mr. Manson is concerned.

17 THE COURT: Well, I understand that, Mr. Kanarek.

18 The only reason I called you up here, I want to  
19 be sure that I have ruled on the motions and I want the  
20 record to reflect it.

21 All right, then, I will deny all of the 1538.5  
22 motions with respect to the Special Exhibits 8, 9 and 11.

23 MR. KANAREK: It is just not 1538.5. Our constitutional  
24 objections go further than the California statute.

25 THE COURT: Yes, all objections are overruled.

26 MR. BUGLIOSI: When Mr. Koenig was on the stand the

1 defense asked him whether Sylmar was predominantly white.

2 Koenig was allowed to testify to that. I have  
3 Patchett on the stand now, I would like to have him testify  
4 to his observations with respect to the Pacoima area, which  
5 is immediately adjacent.

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1 THE COURT: If he has personal knowledge of it.

2 MR. BUGLIOSI: He has been there.

3 MR. KANAREK: It takes more than that.

4 MR. BUGLIOSI: You asked him if Sylmar was predomi-  
5 nantly white.

6 MR. KANAREK: I don't think there is any showing  
7 that he made any demographic study.

8 MR. BUGLIOSI: We are not going to use specific  
9 figures.

10 MR. KANAREK: I will object to his testifying as to  
11 this.

12 THE COURT: Let's proceed.

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

17 THE COURT: Are you ready to proceed, Mr. Bugliosi?

18 MR. BUGLIOSI: Your Honor, the People will call  
19 Frank Patchett.

20 MR. KANAREK: We haven't finished, your Honor. Just  
21 Mr. Shinn finished.

22 THE CLERK: You are still under oath.

23 THE WITNESS: Yes.

24 THE COURT: That is why he is back on the witness  
25 stand, so you can finish.

26 MR. KANAREK: Pardon, your Honor?



12-2

1 THE COURT: The witness has been recalled to the  
2 stand so you may complete your examination.

3 MR. KANAREK: Very well.

4 MR. SHINN: I have no questions, your Honor.

5 THE COURT: Mr. Kanarek.

6 MR. KANAREK: Yes. Thank you, your Honor.

7  
8 FRANK J. PATCHETT,  
9 the witness on the stand at the time of noon recess, resumed  
10 the stand and was examined further as follows:

11  
12 CROSS-EXAMINATION

13 BY MR. KANAREK:

14 Q Mr. Patchett, have you ever seen the TV  
15 production Bonanza?

16 A No, I haven't.

17 Q Have you ever seen any western in the movies?

18 A Yes.

19 Q Have you seen these types of -- the type of  
20 leather that you have testified to this morning? Have you  
21 seen that type of leather on people in western movies?

22 MR. BUGLIOSI: Irrelevant, your Honor.

23 MR. KANAREK: Your Honor, he is testifying --

24 THE COURT: Sustained.

25 BY MR. KANAREK:

26 Q You say you have been in a shoe store concerning

1 this leather material; is that right?

2 A That is correct.

3 Q Have you been down here on Olvera Street and  
4 seen garment after garment that has this type of leather  
5 material in it?

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

7 THE COURT: Sustained.

8 BY MR. KANAREK:

9 Q You went to stores in the general Los Angeles  
10 area looking at leather goods, is that correct, in connec-  
11 tion with this case?

12 A Yes.

13 Q Did you see literally hundreds or thousands  
14 of vests and pants and shoes that have this kind of  
15 leather material on them?

16 A No, sir. I didn't go to that type of store.

17 Q Didn't you go to any leather stores?

18 A No, sir.

19 Q What type of stores did you go to?

20 A A shoe store.

21 Q You went to a shoe store?

22 A Yes, sir.

23 Q Did you go to more than one store?

24 A No.

25 Q And in the shoe store that you went to, did  
26 you see many shoes that had this type of leather as part

of the shoe?

A I wasn't looking for that type of shoe. I was just looking for the laces.

Q All right.

Did you see many shoes that had these kinds of laces?

A No, sir.

Q Well, did you see any shoes that had these kinds of laces?

A Yes, I did.

Q Well, how many pairs of shoes did you see that had these kinds of laces?

A I don't specifically recall.

Maybe two or three boots that they had, construction-type work boots, had that type of laces.

12a fls.

12a

1 Q The very lace concerning which you testified to  
2 here; right?

3 A Yes, sir.

4 Q And you have been on this case since when,  
5 Officer?

6 A I worked the case for a couple of days right  
7 after it occurred, and then I went on vacation for a month,  
8 and when I returned I was assigned to the case.

9 Q And that was beginning when?

10 A Approximately September 15th.

11 Q Of 19--?

12 A '69.

13 Q So, from September 15th, 1969, to the present  
14 date, Officer, you have been working on this case?

15 A Among other things, yes.

16 Q But you have been working on this case since  
17 that time?

18 A Yes.

19 Q Is that correct?

20 A That is correct.

21 Q And directing your attention, then, to these  
22 leather materials that you have spoken of, have you seen  
23 these leather materials in the Los Angeles area at places  
24 where Mr. Manson was not located?

25 MR. BUGLIOSI: Ambiguous, your Honor.

26 THE COURT: Sustained.

1 MR. KANAREK: Q Is it a fair statement,  
2 Officer Patchett -- did you investigate the August 16th  
3 raid upon the Spahn Ranch?

4 A No, sir. I didn't have anything to do with that.

5 Q But you have seen evidence in connection with  
6 that raid?

7 A Yes, I have.

8 Q Have you seen evidence in connection with that  
9 raid wherein there was this type of leather present among  
10 all of the people that were arrested?

11 A No.

12 The only instance of this type of leather that  
13 I observed was a strand or a thong around Mr. Manson's neck.

14 Q Only Mr. Manson?

15 A Yes, sir.

16 Q You didn't see it on Juan Flynn?

17 A No, sir.

18 I was looking at photographs, and from the  
19 photographs this was the only time that I observed it.

20 Quite possibly it could have been there.

21 Q It could have been, but you were looking for it  
22 only as to Mr. Manson; right?

23 A No, not per se.

24 Just in looking through the photographs, it was  
25 very visible on Mr. Manson.

26 Everybody else wasn't, but I am not saying it

1 wasn't there.

2 Q Is it a fair statement, Mr. Patchett, that you  
3 were looking for evidence to convict Mr. Manson; right?

4 A Very definitely.

5 Q You weren't looking for any evidence to acquit  
6 Mr. Manson, were you, Mr. Patchett?

7 A Not hardly.

8 Q Not hardly; right?

9 A No.

10 MR. KANAREK: Thank you.

11 THE COURT: Any questions, Mr. Hughes?

12 MR. HUGHES: No questions, your Honor.

13 THE COURT: Any redirect?

14 MR. BUGLIOSI: Yes, your Honor.

15  
16 REDIRECT EXAMINATION

17 BY MR. BUGLIOSI:

18 Q Have you been to Pacoima, Sergeant?

19 A Yes, I have.

20 MR. KANAREK: Outside the scope of direct examination.

21 MR. BUGLIOSI: May we reopen direct, your Honor?

22 THE COURT: You may.

23 MR. BUGLIOSI: Q And you traveled throughout  
24 the city?

25 A Yes, I have.

26 Q Did you observe black people in Pacoima?

1 MR. KANAREK: Object on the grounds of conclusion,  
2 hearsay, improper foundation, no showing of any expertise,  
3 your Honor, any more than you or I can take the witness  
4 stand and testify to it.

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1 THE COURT: Overruled.

2 Q BY MR. BUGLIOSI: Did you observe black people  
3 in Pacoima?

4 A Yes.

5 Q In large numbers?

6 A Yes.

7 MR. KANAREK: I object on the ground it calls for a  
8 conclusion. It is ambiguous.

9 THE COURT: Sustained.

10 Q BY MR. BUGLIOSI: Did you see one black person?

11 MR. KANAREK: I object, your Honor. That is immaterial  
12 and irrelevant.

13 Also calls for a conclusion. There is no  
14 foundation. The prejudicial value far outweighs the  
15 probative value in the context of the prosecution's opening  
16 statement.

17 THE COURT: Overruled.

18 THE WITNESS: Would you repeat the question?

19 MR. BUGLIOSI: Let me rephrase it.

20 Q Did you see more than one black person?

21 A Yes, I did.

22 Q Did you see many black people?

23 A Yes.

24 Q Did you observe black people living in any  
25 particular area in Pacoima?

26 MR. KANAREK: Calls for a conclusion, improper



1 foundation.

2 MR. BUGLIOSI: He's a percipient witness, your Honor.

3 MR. KANAREK: The prejudicial value far outweighs  
4 any probative value.

5 THE COURT: I cannot hear you, Mr. Bugliosi.

6 MR. BUGLIOSI: He testified he was there, your Honor.  
7 He is a percipient witness.

8 THE COURT: That doesn't necessarily solve the problem.

9 The objection is to a specific question.  
10 Overruled. You may answer.

11 THE WITNESS: The Negro community -- Pacoima is more or  
12 less the Negro community base of the San Fernando Valley.

13 What I am saying is in the San Fernando Valley  
14 there is a Negro community and the Negro community is  
15 Pacoima.

16 Q And do you know approximately where the black  
17 people live in Pacoima?

18 MR. KANAREK: Calling for a conclusion, improper  
19 foundation, asking for a demographic expertise when there is  
20 no showing this man made those demographic studies.

21 MR. BUGLIOSI: I withdraw the question, your Honor.

22 No further questions.

23 THE COURT: Very well.

24 Any questions?

25 MR. FITZGERALD: No, your Honor, thank you.

26 THE COURT: Mr. Shinn.

MR. SHINN: No questions..

THE COURT: Mr. Kanarek?

MR. KANAREK: No questions, your Honor.

THE COURT: Mr. Hughes?

MR. HUGHES: No questions, your Honor.

THE COURT: You may step down.

MR. BUGLIOSI: People call Brooks Poston.

THE CLERK: Sir, please raise your right hand and be sworn. Repeat after me:

You do solemnly swear that the testimony --

THE WITNESS: I do solemnly swear that the testimony --

THE CLERK: -- you may give in the cause now pending before this Court --

THE WITNESS: -- I may give in the cause now pending before this Court --

THE CLERK: -- shall be the truth, the whole truth, and nothing but the truth --

THE WITNESS: -- shall be the truth, the whole truth and nothing but the truth --

THE CLERK: -- so help you God.

THE WITNESS: -- so help me God.

THE CLERK: Please take the stand and be seated.

Will you please state and spell your name for the record.

THE WITNESS: Brooks Poston, B-r-o-o-k-s, P-o-s-t-o-n.

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

4                                    DIRECT EXAMINATION

5 BY MR. BUGLIOSI:

6                    Q        Do you presently reside, Mr. Poston, in Shoshone,  
7 California?

8                    A        Yes, sir.

9                    Q        That is near where?

10                  A        It is 57 miles from Bakersfield.

11                  Q        A small town, Shoshone?

12                  A        Yes.

13                  Q        A couple of hundred people?

14                  A        About 156.

15                                MR. KANAREK: May we approach the bench, your Honor, in  
16 connection with this witness?

17                                THE COURT: For what purpose, Mr. Kanarek?

18                                MR. KANAREK: I would like to make a motion to the  
19 Court, your Honor, outside the presence of the jury.

20                                If your Honor wishes I will do it in the  
21 presence of the jury. It is up to your Honor to decide.

22                                I would rather in the interest of fairness do it  
23 at the bench because I am sure the jury does not wish to  
24 hear irrelevant and immaterial matter, your Honor.

25                                MR. BUGLIOSI: He is stipulating his motion is  
26

irrelevant, your Honor.

MR. KANAREK: I am not stipulating that at all.

I am saying what this witness is going to testify to I believe is irrelevant and immaterial.

THE COURT: We will have to wait and see.

Let's proceed.

Q BY MR. BUGLIOSI: Do you know the defendant Charles Manson, Mr. Poston?

A Yes, sir.

Q And when and where did you meet Mr. Manson for the first time?

A It was in June of 1968, at Dennis Wilson's residence, 14400 Sunset Boulevard.

Q Way out on Sunset Boulevard?

A Yeah.

Q Near Will Rogers' State Park?

A Right across from it.

Q Who was <sup>with</sup> Mr. Manson?

A A girl named Snake, or Diane Bluestein, I think her name is.

Q And Lynn Fromme, Squeaky; Sandra Goode and one girl who left shortly after that.

THE COURT: Keep your voice up.

MR. BUGLIOSI: Brooks, did you start to live at Wilson's residence?

A The first night we got there we went to another place called The Spiral Staircase House, and we were taken --

1                    Shortly thereafter we were taken to Malibu Sub-  
2 station and then back to Wilson's.

3                    Q       Did you start to live in Wilson's *Malibu*?

4                    A       Not right away, not like a permanent thing.  
5 We stayed there that night, and the next night.

6                    And then we went to Spahn's Ranch and then back  
7 again to Dennis's house for about two weeks.

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1 Q During this two-week period was Mr. Manson also  
2 living there at Wilson's residence?

3 A Yes.

4 MR. KANAREK: May I have a continuing objection on  
5 relevancy and materiality as to this witness?

6 THE COURT: Very well.

7 MR. KANAREK: Thank you.

8 BY MR. BUGLIOSI:

9 Q Mr. Manson was living there with the girl you  
10 previously mentioned?

11 A Yes.

12 Q Did you join Mr. Manson's group while you were  
13 living at Mr. Wilson's residence?

14 MR. KANAREK: That calls for a conclusion, your  
15 Honor.

16 THE COURT: Overruled.

17 THE WITNESS: I did not hear the question.

18 BY MR. BUGLIOSI:

19 Q Did you join Mr. Manson's group while you were  
20 living there at Mr. Wilson's residence?

21 A Yes, sir.

22 Q Immediately?

23 A No.

24 Q How long thereafter?

25 A The night before everyone left.

26 Q And how did you happen to join Mr. Manson's

13a-2

group?

A Charlie was leaving, taking his girls with him, and he wanted me to leave also, and I did not know too much about where to go because I just left home and safety and all that.

So I asked him if I could go with him.

Q Did you have a further conversation with him?

A Yes, he said --

He asked me if I could make love in front of 25 people.

MR. KANAREK: Your Honor, I --

BY MR. BUGLIOSI:

Q What did you say?

A I said yes.

MR. KANAREK: I would, your Honor -- may I approach the bench on that, your Honor.

THE COURT: If you have a statement or objection, state it.

MR. KANAREK: I ask that last statement be stricken.

THE COURT: The motion is denied.

MR. KANAREK: On the grounds of hearsay and conclusion.

The prejudicial value far outweighs the probative value.

MR. FITZGERALD: It is hearsay as to Krenwinkel. I move to strike.

MR. HUGHES: It is hearsay as to Leslie Van Houten.



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1 MR. SHINN: It is hearsay as to Susan Atkins.

2 THE COURT: Do you want to be heard on that, Mr.  
3 Bugliosi?

4 MR. BUGLIOSI: This particular testimony, your Honor,  
5 would be offered only against Mr. Manson.

6 THE COURT: The jury is instructed to consider the  
7 testimony of this witness only as to Mr. Manson and not  
8 as to any of the other defendants for any purpose what-  
9 ever.

10 MR. BUGLIOSI: Well, your Honor, just to the particular  
11 area we are in now, and in fact most of this testimony --  
12 there will be areas where the People will be offering  
13 his testimony against the co-defendants in this case.

14 THE COURT: Then you should so indicate before you  
15 ask the questions.

16 MR. BUGLIOSI: Right.

17 Q When he asked you that question you said that  
18 you would?

19 A Yes.

20 Q And you proceeded to go with him?

21 A That's correct.

22 Q Did anything happen during your stay at Mr.  
23 Wilson's place that made you want to join Mr. Manson?

24 A I saw the man -- the man came to Los Angeles  
25 with Dean Morehouse, who kneeled at Charlie's feet, and  
26 Charlie asked him if he was ready to die on that instant,



13a-4

1 and he said yes, and Charlie told him he could live forever.

2 And I felt that was the way I wanted to go too.

3 MR. KANAREK: Your Honor, may we approach the bench?

4 THE COURT: For what purpose?

5 MR. KANAREK: On this statement, your Honor. This  
6 is hearsay, conclusion. It has only prejudicial value.

7 THE COURT: Let's proceed.

8 BY MR. BUGLIOSI:

9 Q And you felt that Mr. Manson was some super-  
10 natural type of being then?

11 MR. KANAREK: I object, your Honor, calls for a  
12 conclusion.

13 MR. BUGLIOSI: Well, it is his state of mind, your  
14 Honor.

15 I am not saying Mr. Manson is a supernatural  
16 being. I am asking him for his state of mind.

17 THE COURT: The objection is sustained.

18 BY MR. BUGLIOSI:

19 Q Where did you and Mr. Manson and the girls go  
20 from there?

21 A We went to Spahn's Ranch.

22 Q And you started to live with Mr. Manson and  
23 the girls at Spahn Ranch?

24 A Yes.

25 Q And you became a member of the Family?

26 A Well, I had not worked my way into it at that

13a-5

time.

Q You had not worked your way into the Family at that point?

A I don't think I was accepted.

Q Did you ever become a member of the Family?

A In October of '68, I think, the way the first time that I'd really been a member, that is when I really began to live with them.

Q Well, when you first came to Spahn Ranch did you do any work there?

A Yes, I was sort of doing that because I thought it would help Charlie get a place to stay there and be able to stay at Spahn's.

Q What type of work did you do?

A Everything there was to do on the ranch.

Q And who told you to do this work if anyone?

A Charlie asked me sometimes to do things. He told me he wanted to help out George.

Q George Spahn?

A Yeah.

Q The owner of the ranch?

A Yes.

Q And you did work around the ranch?

A Yes.

Q Doing odds and ends?

A Yes, cleaning up the barn, saddling horses,

13a-6

renting them out.

Q And then you say in October of '68 you became a member of the Family?

A Yes.

Q While you were a member of the Family did Mr. Manson ever tell you for what purpose the girls were in the Family?

A Yes.

MR. KANAREK: I object on the ground of hearsay, conclusion.

MR. BUGLIOSI: I'm laying a foundation, your Honor.

MR. KANAREK: Improper foundation.

MR. BUGLIOSI: I am laying one now.

MR. KANAREK: Your Honor, it only has prejudicial value which far outweighs any probative value.

THE COURT: Will counsel approach the bench.

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

THE COURT: Where is all this going, Mr. Bugliosi?

MR. BUGLIOSI: He is going to testify to the man's domination over the Family.

THE COURT: And what time are we talking about?

MR. BUGLIOSI: '68, '69, prior to the murders, and to Manson's discussions with him about Helter Skelter and the black-white war and the Beatles, things like that.

THE COURT: Well, what about this particular question

13a-7

1 you have asked, for what purpose would it go in?

2 MR. BUGLIOSI: Manson's response was that the girls  
3 in the Family were to make love to and for no other reason;  
4 that is why they were there in the Family.

5 THE COURT: What is the relevance of that?

6 MR. BUGLIOSI: Again showing Manson's domination over  
7 the group; that he was using the Family for purposes that  
8 he deemed important, not for purposes that someone else  
9 deemed important.

14 fls.

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1 MR. KANAREK: Your Honor, I would make a motion --  
2 and I do make a motion -- that Mr. Bugliosi make an offer  
3 of proof as to all of this witness' testimony.

4 MR. BUGLIOSI: Oh, your Honor.

5 MR. KANAREK: It is so scurrilous and it is so  
6 prejudicial, that once you ring the bell, you can't unring  
7 it, and I make a motion to strike this about the kneeling  
8 and all of that.

9 Mere striking and mere admonishing the jury --  
10 I ask your Honor to admonish the jury, and that not  
11 sufficing, I ask for a mistrial, your Honor, because it is  
12 so prejudicial that it just denies the defendant a fair  
13 trial.

14 I think the only way we are going to do it --

15 THE COURT: The prosecution's evidence usually is  
16 prejudicial, Mr. Kanarek.

17 MR. KANAREK: But it has to be relevant and material.

18 Just because the prosecution has some viewpoint  
19 about the case that --

20 THE COURT: We have gone over this dozens of times in  
21 the trial. I understand your objection.

22 MR. KANAREK: This is way back in '68, your Honor.

23 THE COURT: That was the part that interested me.

24 There is no use repeating the same objection.

25 MR. BUGLIOSI: This is only a year before the  
26 murders.

The cases, of course, that I have given to the

1 Court --

2 THE COURT: We are not really concerned with Mr.  
3 Poston, whether or not he was dominated.

4 MR. BUGLIOSI: Whether or not he was what, your  
5 Honor?

6 THE COURT: Whether or not he was dominated.

7 It has to have some relevancy with respect to  
8 the defendants in this case. That is what concerns me.

9 Were any of these defendants members of the  
10 Family at this time?

11 MR. BUGLIOSI: Yes, your Honor, and I will put on  
12 evidence of that.

13 THE COURT: When?

14 MR. BUGLIOSI: From him.

15 THE COURT: Then I think you'd better start laying  
16 some foundation for this conversation.

17 MR. BUGLIOSI: And also from the subsequent witness,  
18 Paul Watkins, that Patricia Krenwinkel and Leslie Van Houten --

19 THE COURT: Mr. Poston is testifying now, not  
20 Watkins.

21 MR. BUGLIOSI: Right. But I will have evidence that  
22 they were members of the Family during this period.

23 THE COURT: Does he know?

24 MR. BUGLIOSI: I believe he does.

25 THE COURT: Well, if he is going to testify, you will  
26 have to lay the foundation for his testimony. You can't lay

1       with  
it / somebody else.

2           MR. BUGLIOSI: I agree.

3           MR. KANAREK: Your Honor, I make a motion for an  
4 offer of proof.

5           MR. BUGLIOSI: I can't make an offer of proof every  
6 time a witness takes the stand.

7           THE COURT: Let's proceed.

8           MR. HUGHES: Your Honor, I am also concerned about  
9 these statements that Mr. Manson supposedly is making about  
10 the co-defendants, obviously some girls at the ranch.

11                 It would seem what their purpose is -- I am  
12 afraid the next question that you will ask them -- that they  
13 are only there for killing, or something.

14           THE COURT: We can only take it question by question.  
15 If the question is not proper, I will sustain an objection.

14a-1

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

BY MR. BUGLIOSI:

Q Mr. Poston, do you know Patricia Krenwinkel?

A Yes.

Q When did you first see her at the ranch?

A Around July of '68.

Q What about Susan Atkins? Do you know her?

A Yes.

Q When did you first see her at the ranch?

A The same time.

Q How about Leslie Van Houten?

A Yes.

Q About the same time?

A No.

Q When did you see her?

A She came in August.

Q Of '68?

A '68.

Q And these three girls lived with the group there at Spahn Ranch?

A Yes.

Q Now, did you ever have a conversation with Mr. Manson with respect to the purpose of the girls in



14a-2

1 the Family?

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

3 THE COURT: Overruled.

4 Just answer yes or no.

5 A Yes.

6 BY MR. BUGLIOSI:

7 Q When did you have this conversation?

8 A In June of '68.

9 Q Did you ever have any conversations with him  
10 about that same subject later on?

11 A Yes.

12 Q When?

13 A Almost every month.

14 Q Thereafter?

15 A Yes.

16 Q At different places?

17 A Until I left, which would be in February, '69.

18 Q So, you had many conversations with Mr. Manson  
19 about the purpose of the girls in the Family?

20 A Yes.

21 Q At different times and at different places?

22 A Yes.

23 Q And in front of different people; is that  
24 correct?

25 A Yes.

26 Q What did Mr. Manson say?

14a-3

1 MR. KANAREK: Object on the grounds of remoteness.  
2 The prejudicial value far outweighs any probative value.  
3 Hearsay and conclusion and improper foundation.

4 This is February of '69, your Honor.

5 THE COURT: With respect to what, Mr. Bugliosi?

6 MR. BUGLIOSI: With respect to the purpose if the girls  
7 in the Family, your Honor.

8 This is Mr. Manson's statement.

9 THE COURT: Well, I think you should first determine  
10 whether or not he can remember any specific conversation.

11 MR. BUGLIOSI: All right.

12 Q Do you remember any specific conversation,  
13 sir?

14 A Yes.

15 Q When did that conversation occur?

16 A June of '68.

17 Q All right.

18 Who was present at that time?

19 A Charlie and myself.

20 Q What did Mr. Manson say?

21 MR. KANAREK: I object on the grounds that the  
22 prejudicial value far outweighs the probative value;  
23 conclusion, hearsay, remoteness.

24 This is June of '68.

25 THE COURT: Overruled.

26 You may answer.

1 THE WITNESS: He said that all girls were for was  
2 to make love.

3 BY MR. BUGLIOSI:

4 Q And that is why they were in the Family?

5 A Yes.

6 Q Do you know Charles Watson?

7 A Yes.

8 Q When and where did you meet him for the first  
9 time?

10 A During the summer of '68. I don't remember the  
11 month.

12 Q At Spahn Ranch?

13 A Yes.

14 Q Would you describe Charles Watson, his demeanor?

15 A Pardon?

16 Q Would you describe Mr. Watson's demeanor?

17 MR. KANAREK: I object on the grounds that the  
18 prejudicial value far outweighs the probative value.

19 We are talking about '68, your Honor.

20 THE COURT: Overruled.

21 BY MR. BUGLIOSI:

22 Q Would you describe his personality, his  
23 demeanor?

24 A Oh, he was very mild-mannered and he didn't  
25 say very much. Very quiet.

14aQ

1 Q What would he normally do during the day?

2 A He worked on trucks.

3 MR. KANAREK: I object on the grounds of remoteness,  
4 your Honor.

5 We are talking about 1968, your Honor.

6 THE COURT: Overruled.

7 MR. BUGLIOSI: Q He worked on trucks?

8 A Yes. He was a mechanic.

9 Q And he was a member of the Family?

10 A Not at that time.

11 Q Did he become a member of the Family?

12 A Yes.

13 Q When?

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

15 THE COURT: Overruled.

16 THE WITNESS: Around August and September of '68.

17 Q Did Mr. Manson ever ask you to make love to the  
18 girls in the Family?

19 MR. KANAREK: Your Honor, may I have a continuing  
20 objection on remoteness?

21 THE COURT: No, you may not.

22 MR. KANAREK: So that I don't have to reiterate it,  
23 your Honor?

24 THE COURT: No, you may not.

25 THE WITNESS: What was the question?

26 MR. BUGLIOSI: Q Did Mr. Manson ever ask you to

1 make love to the girls in the Family?

2 A Yes.

3 Q When was that?

4 A June, '68, the one conversation that I told you  
5 before.

6 Q Pardon?

7 A The conversation that I mentioned before in  
8 June of 1968.

9 Q Did Charles Watson ever tell you to make love  
10 to the girls?

11 A No.

12 MR. KANAREK: Calling for a conclusion, your Honor, and  
13 hearsay.

14 MR. BUGLIOSI: Q Did Charles Watson ever ask  
15 you or tell you to do anything?

16 A No.

17 MR. KANAREK: I object, your Honor, on the grounds of  
18 hearsay, the right to confront, your Honor.

19 THE COURT: Overruled.

20 MR. BUGLIOSI: Q Would the Family normally eat  
21 together at night, Brooks?

22 A Yes.

23 Q And where would they eat?

24 A During the first part of the stay there, they ate  
25 at the saloon, in the front part of Spahn's Ranch; later,  
26 in the back part of Spahn's Ranch, a place called the Outlaw

Shacks.

Q And how would you know the precise time to eat?

A Well, everyone would wait for Charlie to decide when to eat.

Q What would Charlie say?

A Sometimes Charlie wouldn't say. He would just look at a girl, or make a motion, and they would get food and start supper.

Q And sometimes Charlie would speak?

A Yes.

Q What would he say?

A "I am hungry."

Q And you wouldn't eat before he made some motion or before he said something; is that correct?

A Yes.

Q In the summer of 1968, did Mr. Manson speak about the relationship between black people and white people?

A Yes.

MR. KANAREK: Your Honor, I object on the grounds of hearsay, conclusion, improper foundation, your Honor. The prejudicial value far outweighs any probative value.

THE COURT: Overruled.

You may answer.

MR. BUGLIOSI: Q And he had a conversation with you about this?

A I was there when he was talking to someone else.

1 Q To whom was he talking?

2 A I don't remember the guy's name because he  
3 didn't stay at the ranch very long.

4 Q You were present?

5 A Yes.

6 Q And this was in the summer of '68?

7 A Yes. In the saloon at Spahn's Ranch.  
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14c-1

1 Q What did Mr. Manson say?

2 MR. KANAREK: I object on the grounds of hearsay,  
3 conclusion, your Honor.

4 THE COURT: Overruled.

5 MR. KANAREK: Improper foundation.

6 THE COURT: You may answer.

7 THE WITNESS: <sup>Manson</sup> He said that the white man's karma  
8 was turning, that the black man was going to level whitey's  
9 karma. To do this, the sword of Muhammad would swing back  
10 and chop the heads off of the whites because the whites  
11 had done it to the Muhammeden civilization which was a  
12 love civilization.

13 BY MR. BUGLIOSI:

14 Q Did Manson speak about the black-white  
15 relationship often during the summer of '68? ↑ ↑

16 MR. KANAREK: Your Honor, if I may, before that is  
17 answered, I would ask that the last answer be stricken  
18 on the grounds that the prejudicial value far outweighs  
19 any probative value.

20 THE COURT: The motion is denied.

21 MR. BUGLIOSI: Q Do you recall my last question,  
22 Brooks?

23 A No.

24 Q Did Mr. Manson speak about the black-white  
25 relationship often during the summer of '68?

26 MR. KANAREK: Leading and suggestive and ambiguous,



14c-2

1 your Honor.

2 THE COURT: Overruled.

3 THE WITNESS: A few times.

4 BY MR. BUGLIOSI:

5 Q At a later period, did he discuss the black-  
6 white relationship with much more frequency?

7 A Yes.

8 MR. KANAREK: I object as ambiguous, your Honor.

9 THE COURT: Overruled.

10 MR. KANAREK: May I make the objection, your Honor?

11 THE COURT: You did.

12 The objection is overruled.

13 MR. KANAREK: I hadn't finished.

14 BY MR. BUGLIOSI:

15 Q When was that that he started talking about  
16 the black-white relationship much more frequently?

17 A Towards the latter part of the year, which  
18 would make it November, December of '68, and then into  
19 January and February of '69.

20 Q Where were you during this period when Mr.  
21 Manson began speaking more of the black-white relationship?

22 A Well, from November, I believe, to the first  
23 two weeks in January, I was at Barker Ranch, which was in  
24 Goler Wash in Inyo.

25 Q November of '68 to the first two weeks in  
26 January, '69?

14c-3

1 A About the first two weeks of January.

2 Q You were at the Barker Ranch?

3 A Yes.

4 Q And you went to Barker Ranch from Spahn Ranch?

5 A Yes.

6 Q So, you left Spahn Ranch in November of '68?

7 A No. I left Spahn Ranch on October 31st of  
8 '68.

9 Q Is that Halloween?

10 A Yes.

11 Q How did you happen to leave Spahn Ranch on  
12 October the 31st, '68, for Barker Ranch?

13 A How?

14 Q What were the circumstances surrounding your  
15 leaving?

16 A Well, the ranch was getting too crowded?

17 Q Who said so?

18 A George was getting upset because there was  
19 not enough food, and people weren't coming around to rent  
20 the horses like they used to.

21 What was your question?

22 Q Did anyone make any decision to go from Spahn  
23 Ranch to Barker Ranch?

24 A No one said "We are going to go," or "It is  
25 time to go," and that type of decision.

26 Everyone just looked at Charlie, and Charlie

14c-4

1 said "The decision has been made for us," and he said,  
2 "We are leaving."

3 Q So, then, the whole group left for Barker Ranch;  
4 is that correct?

5 A Not the whole group.

6 Q Did a certain portion of the Family remain  
7 back at Spahn Ranch?

8 A Yes.

9 Q Who remained back at Spahn Ranch?

10 A Sadie.

11 Q Susan Atkins?

12 A Susan Atkins.

13 Q Who else?

14 A And Katie.

15 Q Patricia Krenwinkel?

16 A Yes.

14b fls.

17 Lynne Fromme, Squeaky; and Mary Brunner.  
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44-1

1 Q Did Mr. Manson tell them to remain back at  
2 the Spahn?

3 MR. KANAREK: Calling for a conclusion and hearsay,  
4 your Honor.

5 THE COURT: Lay the foundation.

6 MR. BUGLIOSI: Okay.

7 THE COURT: Sustained.

8 Q BY MR. BUGLIOSI: Do you know, did Mr. Manson  
9 tell that group to remain back at the Spahn Ranch?

10 A Yes.

11 Q He did?

12 A Yes.

13 Q And the rest of the Family went up to Barker?

14 A Yes.

15 Q Now, at Barker, in late '68 and early '69, you  
16 say Manson began discussing the black-white situation with  
17 more frequency?

18 A Yes.

19 MR. KANAREK: Leading and suggestive, your Honor.  
20 No foundation.

21 THE COURT: Overruled.

22 MR. KANAREK: Pardon?

23 THE COURT: Overruled.

24 MR. KANAREK: I haven't finished, your Honor.

25 It is a solicitation of hearsay.

26 THE COURT: Let's proceed.

MR. BUGLIOSI: Q

What would he say?

MR. KANAREK: Hearsay, your Honor, conclusion, improper foundation.

THE COURT: Overruled.

THE WITNESS: He said that the <sup>"SHIT"</sup>shit is coming down.

Q And did he say what he meant by that when he said the shit was coming down?

MR. KANAREK: I object on the grounds of hearsay, conclusion, your Honor.

THE COURT: Overruled.

MR. KANAREK: Improper foundation.

May I finish, your Honor?

THE WITNESS: He said the black man was going to rise and cover the white man as the night covers the day. That mass bloodshed was going to be taking place. That people who were supposed to be left -- in other words, the Christians this time, the ones that hung on the crosses before -- were going to have to be on the desert, and that the Romans would be hung on the cross this time.

Q BY MR. BUGLIOSI: Did he say who the Romans were?

MR. KANAREK: Calling for hearsay, conclusion and --

THE WITNESS: The Romans is the white establishment.

MR. KANAREK: I haven't finished.

THE COURT: Just a moment. Wait for the ruling.

Overruled.

1 MR. BUGLIOSI: Q So, Charlie said --

2 THE COURT: Just a moment.

3 Read the question and let's get the answer.

4 (The question was read by the reporter)

5 THE WITNESS: The Romans is the white establishment.

6 THE COURT: Is that what he said?

7 THE WITNESS: Pardon, your Honor?

8 THE COURT: Is that what he said?

9 THE WITNESS: No.

10 He said that the Romans were the pigs.

11 Well, not at that time was the pigs. It had been  
12 changed.

13 The Romans was The Man.  
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14E

14a-1

1 BY MR. BUGLIOSI:

2 Q Did he say who The Man was?

3 A The Man is law. The Man is the guy who runs  
4 the propane trucks, and The Man is the guy who digs the  
5 ditches. The Man is white.

6 Q The Man is the white man?

7 A Yes.

8 MR. KANAREK: Leading and suggestive, your Honor.  
9 Hearsay and conclusion.

10 THE COURT: Overruled.

11 BY MR. BUGLIOSI:

12 Q While Mr. Manson was with you and the rest  
13 of the group up at Barker during late '68 and early '69,  
14 would he leave now and then and return to Los Angeles?

15 A Well, I don't know really where he went to,  
16 but I suppose he went to Los Angeles. He did leave.

17 Q And then he would come back?

18 A Yes.

19 Q And when he would come back, would he say  
20 anything?

21 MR. KANAREK: I object. Calling for a conclusion.  
22 Improper foundation, your Honor.

23 THE COURT: Overruled.

24 THE WITNESS: After a time he would come back,  
25 and he would say that the shit was coming down worse.  
26



1 BY MR. BUGLIOSI:

2 Q Around New Year's time, 1969, did Manson come  
3 back to Barker Ranch from trips?

4 A Yes. New Year's Eve.

5 Q He came there from where?

6 A I suppose from Los Angeles.

7 Q And did he say anything New Year's Eve, 1969?

8 MR. KANAREK: I object.

9 Hearsay, conclusion and improper foundation.

10 The prejudicial value far outweighs any  
11 probative value.

12 THE COURT: Overruled.

13 You may answer yes or no.

14 THE WITNESS: Would you repeat the question?

15 BY MR. BUGLIOSI:

16 Q What did he say when he arrived back at  
17 Barker Ranch on New Year's Eve, 1969?

18 A He said, "Are you hep to what the Beatles are  
19 saying?"

20 Q Whom did he say this to?

21 A The entire Family as a group.

22 Q He asked the Family: "Are you hep to what the  
23 Beatles are saying?"

24 A Yes.

25 Q Did he say anything else?

26 A He said, "Helter Skelter is coming down. The



Beatles are telling <sup>it</sup> ~~him~~ like it is."

Q Now, prior to that time, New Year's Eve, '69, he used to say the s-h-i-t was coming down?

A Yes.

Q Then, you say, in 1969 he started saying "Helter Skelter is coming down"?

A Yes.

MR. KANAREK: Leading and suggestive.

THE COURT: Overruled.

THE WITNESS: Yes.

15 fls.

5-1  
1 Q BY MR. BUGLIOSI: Now, when I say New Year's  
2 Eve, 1969, I am referring to the day before January 1st,  
3 you realize that?

4 A Yes.

5 Q The day before January 1st, 1969?

6 A Yes.

7 Q Which I guess would be December 31st, '68, is  
8 that correct?

9 A Yes.

10 Q Was that the first time you had heard the term  
11 Helter Skelter, Brooks?

12 A Yes.

13 Q Prior to Mr. Manson mentioning the term, Helter  
14 Skelter, had you ever heard that term before in the Family?

15 A No.

16 Q To your knowledge he was the first one that  
17 used it, is that correct?

18 A Yes.

19 Q Did he mention the song, Helter Skelter, at that  
20 time?

21 A At that time? Yeah.

22 Q Did he say that was a song in the Beatles'  
23 album?

24 A Yeah, he said the Beatles also had a song out  
25 called Helter Skelter.

26 Q Did Mr. Manson ever tell you what Helter Skelter

meant?

1 MR. KANAREK: I object on the grounds of hearsay,  
2 conclusion, your Honor, the prejudicial value far outweighs  
3 the probative value.

4 THE COURT: Overruled. You may answer.

5 THE WITNESS: Yes, he says Helter Skelter from the  
6 Beatles was telling the black man to rise and the whole  
7 album -- it was a white album, I don't know if it had a name  
8 -- but the entire album was talking to him.

9 Q He said the Beatles were talking to him?

10 A Yes, talking through the record, looking for  
11 Christ.

12 And that Helter Skelter was coming down. They  
13 were telling the young love to get to the desert to hide.

14 Q When you say "they," you mean who?

15 A Beatles.

16 Q You may continue.

17 A To get to the desert and hide, and that the black  
18 man was going to come and do atrocious crimes from another  
19 part of the songs in the album.

20 Q Do you remember the song Piggies in the album?

21 A Yes.

22 Q Did Manson ever quote any verse from the song  
23 piggies?

24 MR. KANAREK: Hearsay, conclusion, improper foundation,  
25 your Honor.  
26

1           The prejudicial value far outweighs the probative  
2 value.

3           THE COURT: Overruled.

4           Q     BY MR. BUGLIOSI: Did he quote any verse from  
5 the song Piggies?

6           A     He said, when I came up there I hadn't heard the  
7 album, and he said there is a line in one of the Beatles  
8 songs called Piggies, and it says, "What they need is a  
9 damned good whacking," talking about the pigs who have the  
10 fork and knives.

11          Q     So he quoted a verse from the song Piggies to  
12 the effect that the piggies need a damned good whacking?

13          A     Yes.

14          Q     When was the first time that you saw this album?

15          A     About the third week in January, 1969.

16          Q     You were not at Barker Ranch any more?

17          A     No.

18          Q     You had moved where?

19          A     To the Gresham Street house in Canoga Park.

20          Q     How did it come about that you moved from  
21 Barker Ranch down to the Gresham Street house down in Canoga  
22 Park?

23          MR. KANAREK: Conclusion, your Honor.

24          THE COURT: Overruled.

25          THE WITNESS: It was too cold in the desert to stay  
26 up there any more.

1 Charlie went down and found a house and sent  
2 Cupid -- Beausoleil -- to get us.

3 Q Bobby Beausoleil?

4 A Yes, to take everyone down from the desert.

5 Q So then you all went to the Gresham Street  
6 address?

7 A Eventually, yeah.

8 Q At Gresham did you see the white Beatles album  
9 for the first time?

10 A Yes.

11 Q And did the Family used to play the album quite  
12 a bit?

13 A Yes, continuously.

14 Q Is that the only album they had?

15 A No.

16 Q There were other albums?

17 A Several.

18 Q But they played the white Beatles album con-  
19 tinuously, you say?

20 A Yes.

21 Q Throughout the day?

22 A Yes.

23 Q Day after day?

24 A Yes.

25 Q I show you People's 266 for identification.

26 Does this look like the white Beatles album?

1 that you have been referring to?

2 A Is it all right to open it?

3 Q Yes, you may open it.

4 A Yes.

5 Q Do you recall the song, Blackbird, in the  
6 Beatles album -- in the white Beatles album?

7 A Yeah.

8 Q Did Manson ever make any comment about that song?

9 A Yes.

10 MR. KANAREK: Hearsay, conclusion, improper foundation  
11 and also the prejudicial value far outweighs the probative  
12 value.

13 THE COURT: Overruled.

14 Q BY MR. BUGLIOSI: What did he say about the song,  
15 Blackbird?

16 A He said it was telling the black man to rise  
17 and fly, to take what he -- well, to take what the white  
18 man had given him and arise up.

19 Q Do you recall the song, Revolution 9, in the  
20 white Beatles album?

21 A Yes.

22 Q Was that song played frequently?

23 A Yes.

15a-1

1 Q Did Mr. Manson mention the song "Revolution 9"  
2 in relation to "Revelation 9"?

3 MR. KANAREK: Conclusion, hearsay, improper founda-  
4 tion.

5 THE COURT: Overruled.

6 MR. KANAREK: The prejudicial value far outweighs  
7 the probative -- pardon? I did not finish, your Honor.

8 THE COURT: You may answer.

9 THE WITNESS: I would like to hear the question  
10 again.

11 THE COURT: Read the question.

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

14 "Q Did Mr. Manson mention the song  
15 'Revolution 9' in relation to 'Revelation 9'?"

16 THE WITNESS: Yes.

17 BY MR. BUGLIOSI:

18 Q What did he say?

19 THE COURT: Just a moment.

20 Lay the foundation, Mr. Bugliosi.

21 BY MR. BUGLIOSI:

22 Q When did he make the statement about  
23 Revolution 9 in relation to Revelation 9?

24 A When -- you mean what month?

25 Q Approximately when and where?

26 A This would be -- either the last few days in

15a-2

January or the first day or two in February, 1969.

Q At the house on Gresham Street?

A Yes.

Q In Canoga Park?

A Yes.

Q Who was present?

A The entire Family.

Q What did Mr. Manson say?

MR. KANAREK: I object on the grounds of hearsay, conclusion, the prejudicial value far outweighs the probative value.

It is remote in time, your Honor.

THE COURT: Overruled.

BY MR. BUGLIOSI:

Q What did he say?

A He said that Revolution 9 was Revelations 9 from the Bible.

That the Beatles were the four-headed locust mentioned in Revelations.

That the breastplates of iron were the guitars.

Q The breastplates of iron in Revelation 9?

A Yes, were the guitars of the Beatles; that they had hair of women, faces of men, and were there to plague man with their voices.

Q Now, you say Manson said that the Beatles were talking to him through the album?



15a-3

1 A Yes.

2 MR. KANAREK: Hearsay, conclusion, your Honor.

3 THE COURT: Overruled.

4 THE WITNESS: Yes.

5 BY MR. BUGLIOSI:

6 Q What is this about Jesus Christ?

7 MR. KANAREK: I object, your Honor.

8 BY MR. BUGLIOSI:

9 Q With respect to the Beatles talking to him?

10 MR. KANAREK: Your Honor, I will object.

11 THE COURT: Overruled.

12 MR. KANAREK: May I make my objections, your Honor?

13 THE COURT: You have made them. Sit down.

14 MR. KANAREK: Very well, your Honor.

15 THE COURT: You may answer.

16 THE WITNESS: May I hear the question again?

17 BY MR. BUGLIOSI:

18 Q You said something about Charlie said the  
19 Beatles were talking to them through this album, and then  
20 you said something about Jesus Christ?

21 A Yes, they are asking for Christ, they are asking  
22 for a way out; they want Christ to sing to them through  
23 music, also, sing it loud too, so he can hear him. That  
24 is in one of the songs, Honey-Bye, I believe.

25 Q Did Mr. Manson refer to Jesus Christ as J.C.?

26 MR. KANAREK: I object, hearsay, conclusion, your

15a-4

1 Honor, hearsay, conclusion, your Honor.

2 The prejudicial value far outweighs the probative  
3 value.

4 It invades the freedom of religion under the  
5 First Amendment.

6 THE COURT: Overruled.

7 THE WITNESS: Yes.

8 BY MR. BUGLIOSI:

9 Q Now, there are no lyrics, no formal lyrics to  
10 the song Revolution 9, is that correct?

11 A Yes.

12 Q However, when Mr. Manson used to listen to  
13 Revolution 9 did he say anything with respect to lyrics?

14 MR. KANAREK: Hearsay. It's argumentative in fact,  
15 your Honor, he is making --

16 THE COURT: Overruled.

17 MR. KANAREK: May I finish?

18 THE COURT: You may answer.

19 THE WITNESS: He said when he was listening to it he  
20 heard the background voices, one voice going "Rise," another  
21 voice going "Rock that nick-son; rock that nick-son."

22 BY MR. BUGLIOSI:

23 Q Referring to President Nixon?

24 A Yes.

25 MR. KANAREK: May that be stricken, referring to  
26 President Nixon?

1 THE COURT: That will be stricken. The jury is  
2 admonished to disregard it.

3 BY MR. BUGLIOSI:

4 Q So Charlie claimed he heard the word in the  
5 background of Revolution 9 and the word was Rise?

6 A Yes.

7 Q Did Manson say the word "Rise" as he listened  
8 to the songs?

9 MR. KANAREK: Hearsay, your Honor, conclusion,  
10 improper foundation.

11 THE COURT: Overruled.

12 MR. KANAREK: The prejudicial value far outweighs the  
13 probative value.

14 THE WITNESS: He would not sit and chant with it, but  
15 when he got through he would say "Did you hear them say  
16 'Rise' in the background? It's in and around machinegun  
17 fire and the oinking of pigs in the background."

18 BY MR. BUGLIOSI:

19 Q Did Manson use the word pigs frequently in his  
20 conversation?

21 MR. KANAREK: Leading and suggestive, your Honor,  
22 improper foundation, calling for a conclusion, it's  
23 ambiguous, your Honor.

24 THE COURT: Overruled, you may answer.

25 THE WITNESS: In relationship in talking about the  
26 Beatles record, and about people on the street, in other

1 words, the man had become the pig.

2 BY MR. BUGLIOSI:

3 Q The white man?

4 A Yes, that meant law, like lawman also, that  
5 was the primary use of the word "man."

6 Q Did Mr. Manson say the pigs also meant the  
7 white establishment?

8 MR. KANAREK: Leading and suggestive, hearsay,  
9 conclusion, prejudicial value outweighs the probative  
10 value.

11 THE COURT: Sustained.

12 BY MR. BUGLIOSI:

13 Q Did Mr. Manson say the word pigs meant anything  
14 in addition to the lawman?

15 MR. KANAREK: Object, hearsay, conclusion.

16 THE COURT: Overruled.

17 MR. KANAREK: May I finish, your Honor?

18 THE COURT: You are finished, Mr. Kanarek.

19 MR. KANAREK: Pardon?

20 THE COURT: Approach the bench, gentlemen.

21 (The following proceedings were had at the bench  
22 out of the hearing of the jury:)

23 THE COURT: Mr. Kanarek, you are doing the same thing  
24 you have done with every other witness the prosecution has  
25 put on that testifies about Mr. Manson. You are trying  
26 to disrupt -- now, don't say a word until I am finished,

1 sir.

2 MR. KANAREK: Yes, your Honor.

3 THE COURT: You are trying to disrupt the testimony  
4 of this witness with frivolous, lengthy involved, silly  
5 objections.

6 You are also interrupting -- I am not going to  
7 permit you to do it.

8 If you don't stop it I am going to find you in  
9 contempt, and I want you to know it right now.

10 MR. KANAREK: May I say this to the Court.

11 The Court interrupted me.

12 This is the most scurrilous material --

13 THE COURT: That is no objection.

14 MR. KANAREK: Many times the question is objectionable  
15 on more than one ground.

16 THE COURT: Frivolous, multiple, repeated objections.  
17 You are trying to disrupt the testimony of the witnesses,  
18 sir.

19 You have done it time and time again during this  
20 trial. I am not going to permit you to do it, Mr. Kanarek.

21 MR. KANAREK: Your Honor is threatening me with  
22 contempt, your Honor, it is violative of the Court's power.

23 I mean, the Court --

24 THE COURT: You do not respond to what any other  
25 attorney I have ever had before me responds to, Mr. Kanarek,  
26 you simply have to be handled in an entirely different manner.

1           You whole objective seems to be to destroy any  
2 testimony the People want to get in by disrupting the  
3 testimony and by confusing the jury, distracting their  
4 attention by so interrupting and confusing the witness that  
5 he is unable to answer, by lengthening the time interval,  
6 and also the interval between question and answer.

7           I have studied you very carefully, Mr. Kanarek,  
8 I know exactly what you are doing.

9           I have had to find you in contempt twice before  
10 for doing the same thing. I won't hesitate to do it again,  
11 if you do it.

12           MR. KANAREK: May I respond to the Court?

13           THE COURT: No, there is no necessity to respond.  
14 Let's move along.

15           MR. KANAREK: May I point this out --

16           THE COURT: Get back and sit down, Mr. Kanarek.

15b fls-16

15B-1

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

3 THE COURT: You may continue.

4 Q BY MR. BUGLIOSI: In addition to the law man,  
5 did Mr. Manson say the word pig meant anything else?

6 A Yes.

7 Q Who?

8 A It meant the man that went to college, the white  
9 man.

10 And it meant the wealthy white people, the ones  
11 who wore the staunch white shirts, such as yourself.

12 Q My wife does not starch them, though, Brooks.

13 A Staunch.

14 MR. BUGLIOSI: I thought you said starch.

15 Q Go ahead.

16 A And everyone who is in more or less society  
17 of the establishment, the white establishment.

18 Q Did Mr. Manson ever say anything about the black  
19 man handing out coloring books?

20 A Yes.

21 Q What did he say?

22 A He said the Panthers are passing out in schools,  
23 to show the little kids how to kill the pigs.

24 Q To show the black kids how to kill the pigs?

25 A Yes.

26 Q In February of 1969 were you still at the

Gresham Street address?

A Which part? I left there in '69.

Q All right, in February of '69 were you still at

Canoga Park?

A Part of it, I was, yes.

Q In early February?

A Yes.

Q At any time in early February, at the Gresham house in Canoga Park, did Mr. Manson ever say how Helter Skelter was going to start?

A Yes.

Q And who was present on that occasion?

A The entire Family.

Q Was Susan Atkins present?

A Yes.

Q Was Patricia Krenwinkel?

A Yes.

Q Leslie Van Houten?

A Yes.

MR. BUGLIOSI: Your Honor, I would offer this particular testimony --I'm sorry, you were going to say something?

THE WITNESS: That's correct, this is not the time. The time he said it, Katie and Sadie were not there.

MR. BUGLIOSI: Was Leslie Van Houten there?

THE WITNESS: Yes.



1 MR. BUGLIOSI: I will offer this against Leslie  
2 Van Houten also, your Honor.

3 MR. KANAREK: May I object on the grounds of hearsay,  
4 a conclusion, your Honor?

5 The prejudicial value far outweighs the  
6 probative value.

7 THE COURT: Perhaps you'd better make an offer before  
8 the question is answered, Mr. Bugliosi. I have no idea  
9 what the witness is going to testify to.

10 MR. BUGLIOSI: May we approach the bench?

11 THE COURT: You may.

12 (The following proceedings were had at the bench  
13 out of the hearing of the jury:)

14 MR. BUGLIOSI: Manson said, your Honor, in his  
15 presence and apparently Leslie Van Houten's presence and  
16 other members of the Family, that Helter Skelter was going to  
17 start when a group of black people would come out of the  
18 Ghettoes and commit atrocities, butcher white families, cut  
19 them up, write pig on the wall in blood, and then the white  
20 man would then go into the ghettoes to get even with the  
21 black man, and there would be a war which would end up out  
22 in the streets, and there would be a tremendous amount of  
23 blood and of course the black man would prevail.

24 THE COURT: What is the relevancy of this to Leslie  
25 Van Houten?

26 MR. BUGLIOSI: Well, with respect to the La Bianca

1 murders, where they have that type of situation, where  
2 "Death to Pigs" was written on the wall --

3 THE COURT: I understand that, but how does the mere  
4 fact that she is present when he utters something make it  
5 relevant as to her?

6 MR. BUGLIOSI: Okay, I agree. Very well, your Honor, I  
7 will just offer it as to Mr. Manson.

8 MR. KANAREK: Your Honor, if I may, I object on the  
9 grounds of hearsay, conclusion, the prejudicial value far  
10 outweighs any probative value, your Honor.

11 It denies the defendant a fair trial.

12 It is remote as to time, as to anything that is  
13 alleged in the indictment.

14 THE COURT: You are wasting time, Mr. Kanarek. The  
15 objection is overruled.

16 MR. HUGHES: I object to this being admitted at all  
17 at this point since Mr. Bugliosi has indicated --

18 THE COURT: I cannot hear you.

19 MR. HUGHES: I object to this being introduced at all  
20 at this point since Mr. Bugliosi has brought out that  
21 Leslie Van Houten was there, and it is not relevant that she  
22 was there.

23 THE COURT: I am inclined to agree.

24 I will sustain the objection.

25 MR. KANAREK: In order not to --

26 THE COURT: There is nothing for you to say, the

1 objection is sustained.

2 Let's proceed, gentlemen.

3 MR. BUGLIOSI: Is your Honor saying I cannot get into  
4 the conversation as to him, as to Mr. Manson?

5 THE COURT: Yes, I think the whole thing is irrelevant.

6 MR. BUGLIOSI: Your Honor, I've got to be heard on this.

7 THE COURT: I thought you were being heard on this.

8 MR. BUGLIOSI: As to Leslie Van Houten.

?? 9 Mr. Manson, this is the Helter Skelter right  
10 here, the writing of pigs on the wall.

11 THE COURT: It will come in as to Manson.

12 MR. KANAREK: Your Honor, I was trying to say ---

13 THE COURT: Go back and sit down, Mr. Kanarek, you have  
14 been heard from.

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

17 THE COURT: This testimony will be considered only as  
18 to Mr. Manson and it is not to be considered for any purpose  
19 as to any of the other defendants.

Q What did Mr. Manson say, sir? How would Helter Skelter start? What did Mr. Manson say about that?

A He said a group of the real blacks -- real blacks -- would come out of the ghettos and do an atrocious crime in the richer sections of Los Angeles and other cities. They would do an atrocious murder with stabbing, killing, cutting bodies to pieces, smearing blood on the walls, writing "Pigs" on the walls. *(White Picked him up from the street and took him to the ghettoes and killed him with a knife)*

And that after this, he would go and hide in cellars of the ghettos.

Q When you say "he", you mean the black man?

A The black man.

Q Yes. Go ahead.

A And the brown man, or the trash man, would be left out front when the white man came down to the ghettos to slaughter Negroes. Which they wouldn't really be killing the black man, they would be killing the mongrels, is what he said, the ones that weren't any good, real black men, and they weren't any good to the white man either because they weren't a pure race.

The white man would go to the ghettos and destroy them, and the garbage would pile up because no one would be around to carry it off for them.

And then the real black man would come out of the cellars and say, "Look what you have done to my people. Help me. Look what you have done to my people."

1 And this was devised to separate the white  
2 man.

3 Q You may continue.

4 A To where there would be fighting in the streets  
5 among the whites over the Negroes.

6 In other words, blackie was playing on to the  
7 whites and getting them to kill each other off.

8 And then after only a few whites were left, the  
9 blacks would come out of the ghetto along with every  
10 civilization that the white man had destroyed and wipe out  
11 the remaining whites, and they would take over the world that  
12 way and level out the karma of whitey.

13 Then after blackie had the world, he would see  
14 that he didn't want it because it would be too much responsi-  
15 bility, and he would give it over to Charlie and the Family,  
16 which would be the original Twelve Tribes.

17 Q The original Twelve Tribes of Israel?

18 A Yes.

19 Q Did Mr. Manson mention the number 144,000 at  
20 all?

21 A Yes.

22 Q What did he say?

23 A He said that there would be 144,000 people in the  
24 desert hiding underground.

25 Q Underground?

26 A Underground, during Helter Skelter.

When Helter Skelter was complete, these 144,000 of the original Twelve Tribes would come and take back the world and be rightful owners again and tell the black man to go pick the cotton again.

Q Did Manson ever say what he thought the purpose of the black man was on this earth?

A To run and fetch for whitey.

Q Then the group, the Family, left the Gresham Street address; is that correct?

A Yes.

Q And went where?

A A small group went back to the desert, to Barker's Ranch.

Q Were you in that group?

A Yes.

Q And who told you to go back to Barker's Ranch, if anyone?

A Charlie.

Q Did you go there with anyone?

A Yes.

Q Who?

A A guy named T.J. and a girl named Juanita.

Q And another part of the Family went back to Spahn Ranch?

A As far as I know.

Q How did it happen that the Family left the Gresham Street address?

1           A.       The Gresham Street house was getting too crowded  
2 because another family had moved down, a real family, you  
3 know, mother and father, and they had three or four kids,  
4 and they moved into the house, and that many, along with  
5 the Family, seemed like it would draw a lot of attention  
6 to the house.

7           So, the place was getting too crowded and it was  
8 more or less decided that we should leave.

9           THE COURT: We will take our recess at this time,  
10 Mr. Bugliosi.

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

14           The court will recess for 15 minutes.

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

3 You may continue, Mr. Bugliosi.

4 MR. BUGLIOSI: Thank you, your Honor.

5 Q When you went to Barker Ranch -- this was in  
6 February of '69, from Gresham?

7 A Yes.

8 Q And you stayed at Barker until when?

9 A Until October 2nd, 1969.

10 Q After you left Gresham February, '69, when is  
11 the next time, if at all, that you saw Charles Manson?

12 A In September of '69.

13 Q At Barker?

14 A Yes.

15 Q Did you have any conversation with him at that  
16 time with respect to any agreements you had entered into  
17 with him?

18 MR. KANAREK: Your Honor, I believe that in view of  
19 the Court's previous ruling, this is now after those  
20 August dates, and I believe, your Honor, that your Honor  
21 takes the view that this is outside the scope of what  
22 should be gone into.

23 THE COURT: I don't know what that is supposed to  
24 mean, Mr. Kanarek.

25 MR. KANAREK: Your Honor, this is now in September.

26 THE COURT: Yes, I know that.



16a-2

1 I want to speak to counsel, though, about another  
2 matter, if you will approach the bench, please.

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

6 THE COURT: I think I had better know what you are  
7 getting into, Mr. Bugliosi.

8 MR. BUGLIOSI: Well, Manson used to enter into  
9 agreements with him -- not just with him, but with everyone  
10 in the family -- while they were under the influence of  
11 LSD -- which I don't intend to go into -- but then they  
12 would come down after the trip and he would ask them to  
13 live up to the agreement.

14 Now, when he met Manson in September of '69,  
15 Manson told him that he was still bound by those agreements.

16 THE COURT: What does that have to do with this case?

17 MR. BUGLIOSI: It shows domination.

18 THE COURT: What?

19 MR. BUGLIOSI: Domination, your Honor.

20 THE COURT: I think we are getting too far afield on  
21 this as to the relevance to the defendants and this case.

22 MR. BUGLIOSI: I would also like to go into another  
23 sex orgy at Canoga Park.

24 THE COURT: When did this occur?

25 MR. BUGLIOSI: This occurred in February of '69.

26 THE COURT: Who was present?

16a-3

1 MR. BUGLIOSI: The entire Family, as I understand it.

2 THE COURT: Including the defendants?

3 MR. BUGLIOSI: I believe so.

4 I don't want to get into the acts involved,  
5 and that is never my intention.

6 In fact, the first sex orgy that Linda Kasabian  
7 testified to, I didn't go into these.

8 MR. FITZGERALD: If you put in the sex orgy, we are  
9 going to put in the acts.

10 MR. BUGLIOSI: I am trying to show he was calling the  
11 shots and orchestrating the thing and leading them, but I  
12 don't want to go into the perversion. I am not going to  
13 make any effort to get into that, other than he was telling  
14 everyone what to do, and the manner in which he did it.

15 There was a certain amount of mysticism about it.

16 THE COURT: Well, don't you think you have enough of  
17 that already? At some point I think it becomes cumulative.

18 MR. BUGLIOSI: All right, your Honor.

19 THE COURT: I really think so.

16b fls.

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16b-1

1 MR. BUGLIOSI: All right. I won't pursue that. I  
2 won't pursue the sex orgy nor the agreements.

3 Now, there are some other --

4 THE COURT: I am not sure we can characterize those  
5 properly as agreements.

6 MR. BUGLIOSI: This is a term that they used to use,  
7 "agreement."

8 There are a couple of other points. Then I am  
9 through with the witness.

10 MR. KANAREK: May I inquire as to what the other  
11 points are?

12 THE COURT: As long as you are here, Mr. Bugliosi,  
13 what are the other points you are talking about?

14 MR. BUGLIOSI: Manson's indication that he is Jesus  
15 Christ in front of the whole Family, even before the  
16 murders.

17 I don't think this is cumulative.

18 THE COURT: What does that go to?

19 MR. BUGLIOSI: Oh, domination, clearly.

20 Here he is posing as Jesus Christ in front of  
21 the whole group. It is obvious that the group thought he  
22 was Jesus Christ. So that everything he said, they are going  
23 to obey.

24 This is not cumulative, your Honor.

25 THE COURT: Obvious how? It is not obvious to me.

26 MR. BUGLIOSI: I said it obviously goes toward the

16b-2

1 issue of domination.

2 If a man is in a group and he is portraying  
3 himself to that group as Jesus Christ.

4 THE COURT: When did this occur?

5 MR. BUGLIOSI: This would also be at Gresham in  
6 February of '69, in front of the whole Family. He spoke  
7 about dying on the cross.

8 THE COURT: To avoid any problems about these matters,  
9 Mr. Bugliosi, avoid leading and suggestive questions in  
10 laying the foundation, even if there isn't an objection,  
11 because sooner or later we are going to have a problem  
12 about it.

13 MR. BUGLIOSI: All right.

14 MR. HUGHES: Even if he said he was Jesus Christ,  
15 it wouldn't mean anything to a Buddhist, an atheist,  
16 a Jew or an agnostic.

17 MR. FITZGERALD: Or even to a Christian.

18 MR. HUGHES: Unless you show it meant something to  
19 all the members of the Family, I don't see what relevancy  
20 it has.

21 MR. BUGLIOSI: I can show, if you will let me state,  
22 that his concept of death was that there is no such thing  
23 as death.

24 That is about it.

25 THE COURT: All right.

26 MR. KANAREK: Your Honor, in order that I not interrupt,

1 I would ask that your Honor give me a continuing objection.  
2 I would be more than happy to have it.

3 I would object to the offer of proof, and Mr.  
4 Bugliosi can go ahead.

5 It is not my purpose at all, as your Honor  
6 indicates, to do anything to interrupt, but the nature of  
7 the legal process being an adversary proceeding, you have  
8 to do certain things.

9 THE COURT: No one has ever denied your right to  
10 object to anything, Mr. Kanarek. Don't try to twist it  
11 now.

12 That wasn't the purpose of my remarks and never  
13 has been.

14 You have been granted every opportunity to be  
15 heard, to object, or to make whatever motion you want.

16 MR. KANAREK: If I can have a continuing objection on  
17 the ground of hearsay, conclusion, and that the prejudicial  
18 value far outweighs the probative value, on the First  
19 Amendment right to freedom of religion?

20 THE COURT: I am not going to give you a continuing  
21 objection in a blanket form except as to relevancy and  
22 materiality.

23 MR. KANAREK: Then, your Honor forces me to make the  
24 objection.

25 THE COURT: You make whatever objections you think  
26 you have to.

MR. KANAREK: Would your Honor ask the witness to  
hesitate before answering?

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

Q BY MR. BUGLIOSI: Mr. Poston, did Charles Manson ever make any statements to you and the rest of the Family in your presence indicating he was Jesus Christ?

MR. KANAREK: Your Honor, then may I object on the grounds of hearsay?

THE COURT: Overruled, you may answer yes or no.

THE WITNESS: Yes.

Q BY MR. BUGLIOSI: And when did he make these statements?

A Well, at various times. One was in February of '69.

Q Where at?

A The Gresham Street house.

Q And who was present at that time?

A The entire Family with the exception of Sadie.

Q Was Patricia Krenwinkel present?

A Yes.

Q Was Leslie Van Houten present?

A Yes.

Q And this was in February of 1969 at the Gresham Street address in Canoga Park, is that correct?

A Yes.

Q What did Mr. Manson say?

MR. KANAREK: Hearsay, your Honor.



THE COURT: Overruled, you may answer.

THE WITNESS: He talked about a psilocybin trip he had.

Q A psilocybin?

A Yes.

Q Go ahead.

A And in the trip he <sup>said</sup> was on a mattress, and he had a girl at his feet and he said it was Mary, meaning Mary Brunner, and also I believe it meant Mary Magdalene, and he said he was in this -- in this trip he was on a cross; that he had died on a cross; that he experienced dying on the cross for us, meaning the Family.

That during the trip he experienced all the pains of the nails in the arms and the wrists, hands and in the feet and the spear in his side.

Then he fought it for a long time until he finally gave up, and he said when he gave up he died.

He experienced death and came up and saw the world through everyone's eyes.

Q So Mr. Manson said that he had died before, is that correct?

A Yes.

Q Did he say that more than once?

A Yes.

Q Did Mr. Manson ever pronounce his name other than by just saying Charles Manson?



1 A Yes.  
2 Q When was this?  
3 A This was also in '69, in February.  
4 Q At Gresham Street?  
5 A At the Gresham Street house.  
6 Q Who was present at the time?  
7 A Once again the entire Family with the exception  
8 of Sadie and Katie.  
9 Q Katie was not present, or Sadie?  
10 A No.  
11 Q But Leslie was there?  
12 A Yes.  
13 Q What did he say about his name?  
14 MR. KANAREK: Hearsay, your Honor.  
15 THE COURT: Overruled, you may answer.  
16 THE WITNESS: He threw it out, Charles Will Is Manson.  
17 Q Charles Will Is Manson?  
18 A Yes.  
19 Q And you knew his middle name to be Willis?  
20 A Willis.  
21 Q Willis?  
22 A Yes.  
23 Q Did Mr. Manson ever say anything about the soul?  
24 A Yes.  
25 Q When was this?  
26 A He said it many times. He talked about the soul

1 many times.

2 Q Where at?

3 A At Spahn's Ranch in '68, at the Gresham Street  
4 house in '69.

5 Q Do you remember any particular occasion at Spahn  
6 Ranch?

7 A There were no special occasions; it was just  
8 kind of conversation that was passed off in talking about soul.

9 Q Do you know who was present during these  
10 conversations?

11 A Different people at different times.

12 Q And you don't recall the particular conversations?

13 A Not at Spahn's Ranch.

14 Q What did Mr. Manson say about the soul?

15 MR. KANAREK: Hearsay, your Honor.

16 THE COURT: Overruled.

17 THE WITNESS: While in the Canoga Park address he  
18 says the soul doesn't hear "don't," the word "don't."

19 Q Did he give examples?

20 A Yes, he gave us an example and he said like a  
21 child doesn't go out of a door until the mother says,  
22 "Don't you go out of that door."

23 And someone who would say, "Don't hit me,"  
24 is programming you to hit him.

25 In other words, the soul is speaking because the  
26 soul doesn't use the word "don't."

1 Q The mother told the child, "Don't go out the  
2 door," did Mr. Manson say what the child would hear?

3 A "Go out the door."

4 Q He would not hear the word "don't"?

5 A Correct.

6 Q And if someone else told someone, "Don't hit me,"  
7 the party would hear only the words, "Hit me".

8 A Yes.

9 MR. KANAREK: Leading and suggestive and hearsay.

10 THE COURT: Sustained.

11 Q BY MR. BUGLIOSI: If A told B, "Don't hit me,"  
12 what would B hear according to Mr. Manson?

13 MR. KANAREK: Hearsay, conclusion.

14 THE COURT: Sustained.

15 Q BY MR. BUGLIOSI: Well, would you relate the  
16 "Don't hit me" example, sir, again.

17 MR. KANAREK: That is hearsay, your Honor.

18 THE COURT: I don't understand the question.

19 MR. BUGLIOSI: He gave an example. He gave two  
20 examples, a child going out of doors, and "Don't hit me."

21 THE COURT: If you are asking for the same thing again  
22 I will sustain an objection to it.

23 Q BY MR. BUGLIOSI: You, of course, were present  
24 in the evening that Mr. Manson used to talk to the Family,  
25 is that correct?

26 A Yes.

1 Q This happened on many occasions?

2 A Yes.

3 Q When these three female defendants were also  
4 present?

5 A Yes.

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1 Q And he would do almost all of the talking?

2 A Generally, yes.

3 Q Did he ever tell the Family why it was  
4 necessary to talk to them at night for periods of time?

5 MR. KANAREK: Hearsay and a conclusion, your Honor.

6 THE COURT: Overruled, you may answer.

7 THE WITNESS: Yes.

8 BY MR. BUGLIOSI:

9 Q What did he say?

10 MR. KANAREK: Same objections, your Honor.

11 THE COURT: Lay the foundation.

12 BY MR. BUGLIOSI:

13 Q When did he ever say why it was necessary to  
14 talk to the Family at night?

15 A When?

16 Q When did he ever make a statement as to why  
17 it was necessary?

18 A Well, he said that in July or at Spahn's  
19 Ranch in '68.

20 We were at Spahn's Ranch in '68 in the summer.

21 Q And the whole Family was present?

22 A No, no other one.

23 But I am just going back and saying, several  
24 times.

25 Q Several times he told the Family why it was  
26 necessary to talk?

17a-2

1 A Yes, at different times to different people  
2 because if a new person was there, he also would want to  
3 tell them.

4 Q Okay, what did he say?

5 MR. KANAREK: Hearsay and a conclusion, your Honor.

6 THE COURT: Overruled.

7 THE WITNESS: Could I hear the question, please.

8 BY MR. BUGLIOSI:

9 Q What did he say as to the reason why it was  
10 necessary to talk to the Family at night?

11 A Because most people were like computers.

12 In other words, they did not know anything that  
13 had not been put in them by schools, churches, parents,  
14 friends, relatives, radio, television and everything,  
15 and every other means of communication.

16 Nothing they had was their own; that they  
17 didn't know anything.

18 The only thing they knew is what they had  
19 been told and programmed, and that he with his music and  
20 his words could unprogram, take those programs out and  
21 leave a void, or nothing, in which love could come through.

22 Q Did Mr. Manson ever talk to you about the  
23 concept of death?

24 A Yes.

25 Q Many times?

26 A Yes.

17a-3

1 Q Where at?

2 A Spahn's Ranch, all during the summer of '68  
3 and into October.

4 Q Do you remember any particular conversations  
5 about death at Spahn Ranch?

6 A Yes.

7 Q Do you know who was present?

8 A I was and Charlie.

9 Q Anyone else?

10 A No.

11 Q Was this in the summer of '68 or when?

12 A Yes, the summer of '68.

13 Q At Spahn Ranch?

14 A Yes.

15 Q What did he say about death?

16 A He told --

17 MR. KANAREK: Your Honor, if I may, on the grounds  
18 of hearsay, remoteness to time and a conclusion.

19 And also the prejudicial value far outweighs  
20 the probative value in view of the charges in this case,  
21 your Honor.

22 THE COURT: Overruled, you may answer.

23 THE WITNESS: He said that death was a game, and that  
24 since death was a game there should be no fear of it.

25 If you have fear of it, then it is because you don't wish  
26 to experience it.

17a-4

1 BY MR. BUGLIOSI:

2 Q Did he say anything else about death?

3 A Yes.

4 MR. KANAREK: If I may further, more on the grounds  
5 of good character, the evidence code provides that a  
6 person's character cannot be impugned unless they put  
7 their character in issue first.

8 THE COURT: Overruled. You may answer the question.

9 THE WITNESS: Yes.

10 BY MR. BUGLIOSI:

11 Q What did he say?

12 A He said that if a person loves you, he should  
13 be willing to kill you as well as die for you.

14 Q Going back to this discussion, just for a  
15 moment, at the Gresham Street address in February of 1969,  
16 when Manson stated how he believed Helter Skelter would  
17 begin and he mentioned about pigs being written on the wall  
18 or printed on the wall or what have you.

19 Did he say what the word or words pigs would  
20 be printed with?

21 MR. KANAREK: Hearsay, your Honor, and a conclusion.

22 THE COURT: Overruled.

23 THE WITNESS: Blood.

24 BY MR. BUGLIOSI:

25 Q The victim's blood?

26 A Yes.



1 Q Have you ever told any members of the press  
2 your story about "Life with Charles Manson"?

3 MR. KANAREK: I object to that, your Honor, on the  
4 grounds of hearsay. I don't think that has any purpose  
5 or place.

6 MR. BUGLIOSI: If they are not going into it on  
7 cross-examination, your Honor, then I have no reason to  
8 go into it either.

9 THE COURT: I don't understand what you are saying  
10 but I'm going to sustain an objection, Mr. Bugliosi.

11 BY MR. BUGLIOSI:

12 Q Did you volunteer to be a witness in this  
13 case, sir?

14 MR. KANAREK: That, your Honor, I don't think has any  
15 probative value.

16 THE COURT: Sustained.

17 BY MR. BUGLIOSI:

18 Q And I have interviewed you how many times in  
19 my office?

20 A Twice.

21 Q You came down from Shoshone to see me?

22 A Yes.

23 MR. BUGLIOSI: Thank you. I have no further questions.

24 THE COURT: Cross-examination.

25 MR. FITZGERALD: Yes, your Honor.  
26

## CROSS-EXAMINATION

BY MR. FITZGERALD:

Q Mr. Poston, throughout your testimony you have used a term, entire Family.

Who comprised the entire Family?

A Do you want everyone?

Q Yes, everyone, the entire Family I want.

A All right, it was Tex, and sometimes off and on T.J., I don't know his last name.

Q Thomas John Wallaman?

A I don't know that is his name.

Q Continue?

A And Katie, Leslie, Sadie, Squeaky, Ouish, Paul, Mary, Charlie, me, Brenda, Sandra, Snake.

Other people came and went that I did not know the names of.

Dean Morehouse was there for a while and left.

Q Was he a member of the Family?

A No.

Q I'm just asking you to explain the term you used, the entire Family, that is all.

A All right.

Q Is that it?

A Yes.

Q Are you sure of it?

A No, there might have been some I left out

1 because those were the ones that impressed me the most.

2 Q What about Katherine Share, also known as  
3 Gypsy?

4 A Gypsy was in the Family.

5 Q Was she a member of this entire Family?

6 A Yes.

7 Q Is there some reason why you omitted her?

8 A Because I did not think of her.

9 Q Is there anybody else you haven't thought of?

10 A Well, if I thought of them I would have said

17b flsi them.

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17B-1

1 Q Well, all right. Let's take these conversations  
2 you had with Mr. Manson.

3 Start with the first conversation you testified  
4 to here today, and instead of using the term "entire Family"  
5 tell us who was present at those conversations.

6 A Well, what was the conversation?

7 Q Well, do you remember the first conversation  
8 you testified here today that you had with Mr. Manson?

9 A I don't remember what it was about because  
10 I told a lot today.

11 Q Do you recall the first conversation you testified  
12 to about here today?

13 A The first conversation I testified to about?

14 Q Yes, with Mr. Manson.

15 MR. BUGLIOSI: It's ambiguous, your Honor, it's  
16 also immaterial.

17 MR. FITZGERALD: Q You had a conversation in  
18 June of '68, correct? You had a conversation with  
19 Mr. Manson; that is the first conversation you ever had  
20 with Mr. Manson in your life, Mr. Poston, is that correct?

21 A June of '68 was when I first met Charlie.

22 Q Well, you didn't have a conversation with him  
23 before you met him, did you?

24 A No, I did not have a conversation with him when  
25 I met him either.

26 Q All right, when was the first conversation you

1 had with Mr. Manson after you met him in June of 1968 at  
2 Dennis Wilson's house, with Dean Morehouse?

3 A Which was when I was starting to leave?

4 Q All right, you had a conversation with him?

5 A Yes.

6 Q All right, who was there at that conversation,  
7 Mr. Poston?

8 A Myself and Charlie.

9 Q And that is it?

10 A Yes.

11 Q Let's take this conversation in regard to  
12 Manson saying he was Jesus Christ.

13 When did that take place?

14 A At which time?

15 Q The first time.

16 Was there more than once?

17 A There were many times.

18 Q How many is many, more than seven or eight or  
19 nine?

20 How many were there, can you give us a figure?

21 A Well, I don't recall exactly, or I don't recall  
22 exactly.

23 Q Can you give us an estimate? You had one conver-  
24 sation with him --

25 A Possibly five or six times.

26 Q All right, let's take conversation number four,

1 and tell me who was present at that conversation.

2 A Number four would have been in the desert, in  
3 '69.

4 Q What month in '69?

5 A The first part of January --

6 No, number four was not in the desert. That is  
7 incorrect.

8 Q Where was it?

9 A Number four was at Spahn Ranch before we left.

10 Q Uh-huh. Now, directing your attention, for  
11 example --

12 Well, who was present at that conversation?

13 A Myself and Charlie.

14 Q Just yourself and Charlie?

15 A Yes.

16 Q Nobody else?

17 A No.

18 Q Now, these conversations that took place at  
19 the Gresham Street house, several of the conversations  
20 you testified to took place at Gresham, correct?

21 A Well, they weren't really conversations because  
22 hardly anyone else talked.

23 Q I see, what would you call them?

24 A One-sided.

25 Q These one-sided declaratory statements that you  
26 have been testifying --

1           A       It was more or less Charlie talking to the rest  
2 of the group, no matter what you call it.

3           Q       The entire Family, right?

4           A       Yes.

5           Q       Now, the Gresham Street house was actually a  
6 back house, was it not?

7           A       Gresham Street?

8           Q       Yes.

9           A       No, it was a two-story house situated about 50  
10 feet from a street.

11          Q       Now, was everybody present in one room when  
12 Mr. Manson made these statements about this race revolution  
13 and things?

14          A       I don't know, at times, I don't know if everyone  
15 was in one room because I was watching Charlie.

16          Q       Well, in response to the questions by the  
17 prosecution you said that the entire Family --

18          A       The entire group was at the house, yes, and  
19 then generally assembled in one room, yeah, in the living  
20 room.

21          Q       Generally, but you cannot say specifically?

22          A       I cannot say every time that they were always  
23 there.

24          Q       All right, now, Mr. Manson did not seek you out,  
25 you sought him out, isn't that correct?

26          A       No, I did not seek him out. We just met.

1 Q Did you ask him if you could stay at the Spahn  
2 Ranch, Mr. Poston?

3 A I asked him if I could go with him.

4 Q Was there some reason for that?

5 A Yes, because I didn't have any place to go.

6 Q You had no place to go?

7 A That I could think of.

8 Q Where are you from?

9 A Texas.

10 Q Do you have a family in Texas, a home in Texas?

11 A No more.

12 Q Did you in 1968?

13 A Not that I considered I had.

14 Q What made you single out Mr. Manson?

15 A Because he was the one I knew, or he was the one  
16 I had met and I liked him.

17 Q You had just come down here from Northern  
18 California, had you not?

19 A Yes.

20 Q With Dean Morehouse, correct?

21 A Yes.

22 Q Did you ask Mr. Manson if you could stay at the  
23 Spahn Ranch?

24 A No, because I did not know where he was going.  
25 I just said, "Could I go along?"  
26



1 Q What did he say?

2 A He said, "Can you make love in front of 25  
3 people?"

4 Q What did you say?

5 A Well, at the time I said yes.

6 Q Then what happened, is that the entire conver-  
7 sation?

8 A Then Charlie left for the night; this was at  
9 Dennis' house.

10 Then Charlie left for the night and he sent  
11 Lynn and Snake to get me the next day. He left me there.

12 Q And did you go out to the Spahn Ranch?

13 A No.

14 Q Where did you go?

15 A I don't know because I was in back of the van  
16 and they were driving and I was sitting on the floor not  
17 paying any attention to where we went.

18 We wound up on some dirt road somewhere where  
19 there was a trailer, I don't know where it is, but it was  
20 near the Coast, though.

21 Q Did you beg Mr. Manson to stay at the Spahn  
22 Ranch with him?

23 A No.

24 Q Did anybody force you to stay there? T

25 A No.

26 Q Could you have left at any time?

1 A No.

2 Q Was there something holding you there?

3 A Yes.

4 Q What was that?

5 A My thoughts on Charlie.

6 Q What were your thoughts, did you think he was  
7 Jesus Christ?

8 A Yes.

9 Q You did?

10 A Yes.

11 Q When did you first develop this belief that he  
12 was Jesus Christ?

13 A At Dennis Wilson's house.

14 Q Do you still believe he is Jesus Christ?

15 A No.

16 Q What made you believe he was Jesus Christ?

17 A I saw Dean kneel before him, and Charlie asked  
18 him if he was ready to die, and Dean shook his head yes, and  
19 Charlie said --

20 Q Charlie killed him, right?

21 A No, Charlie said, "You can live forever."

22 At the time I was on LSD.

23 Q You were?

24 A Yes.

25 Q Now, did you disagree with any of these points  
26 of view that Mr. Manson had?

1 MR. BUGLIOSI: It's irrelevant.

2 THE COURT: Overruled, you may answer.

3 Q BY MR. FITZGERALD: You may answer.

4 A Not with all of them.

5 Q With any of them?

6 A How do you mean?

7 Q Well, he said various things.

8 Let's start with the first one, I believe he  
9 said something about the function of women was to make love,  
10 right?

11 A Yes.

12 Q Did you believe that?

13 A At the time I didn't know whether I believed it  
14 or not because I was still watching, because I hadn't had  
15 any experience in that.

16 Q You never made love with any of those girls, did  
17 you, Mr. Poston?

18 A No.

19 Q Not all the while you were there?

20 A No.

21 Q Did you believe Mr. Manson's theory of  
22 revolution?

23 A It seemed logical to me.

24 Q And you have already stated you believe he was  
25 Jesus Christ?

26 A Yes.

1 Q Did you, yourself, listen to these records as  
2 well as Mr. Manson?

3 I am referring to the double white Beatle album.

4 Q And did you listen to those songs?

5 A Yes.

6 Q Do you know the songs on that album?

7 A I don't know them by heart. I could not sing  
8 them to you.

9 Q But by and large are you familiar with them?

10 A When I hear the names, some of the lines come in.

11 Q Have you heard each selection on that double  
12 white Beatle album several times?

13 A I don't know because I have never read the  
14 album selections to know if there was more than what I heard  
15 on there.

16 Q Did you spend a good deal of time listening to  
17 the double white Beatle album, you, personally, yourself?

18 A Not as much as others.

18-1

1 Q Which is how much?

2 A How much how?

3 Do you mean hours, minutes, days?

4 Q All right. Yes.

5 Did you spend days listening to them?

6 A I spent probably two or three days listening  
7 to them.

8 Q Have you heard gunshots in any of those songs  
9 on that double white Beatles album?

10 A I heard a machinegun on one.

11 Q And are there screams in that album?

12 A I don't recall screams now, hearing screams.

13 Q Did you hear any voices on that album or in  
14 that album talking to you, "Rise," "Bye-bye Blackbird,"  
15 that sort of thing?

16 Did you hear those words, or did you think,  
17 was it your state of mind, that Mr. Manson was hearing  
18 things?

19 A No. I thought Charlie heard them.

20 Q Did you hear them?

21 A I didn't hear them talking to me, or I didn't  
22 interpret them, because I didn't know what they were saying.

23 Q Did Mr. Manson interpret the selection  
24 Revolution on the album?

25 I believe you previously testified that he  
26 said that was Revelations 9; is that right?

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A Yes.

Q And I take it he elaborated on the comparison?

A Yes, somewhat.

Q Did you accept that comparison?

A Yes.

Q And why was that?

A Because Charlie said so.

Q Had you listened to the song?

A Yes.

Q And did you make a comparison of your own?

A No. Be cause I didn't know what Revelations was.

Q If Mr. Manson at point back there, were to have told you to die, would you have died?

A I was working on that.

Q You were working on it?

A Yes.

Q Did you get very ill and attempt to die?

A I got so I couldn't move very good.

Q Did you talk yourself into dying?

A No. I listened to Charlie.

Q Are you familiar with something called a catatonic state?

A I don't know what it means.

Q Have you ever for days lied immobile?

A Well, I don't know whether I have or not. Someone told me I did. It didn't seem to me that I did.

18-3

1 Q Was there some period of your life dealing  
2 with Charlie and some of the others that you can't  
3 remember or recall, that you are just completely blacked  
4 out about?

5 A Well, I heard what I thought was going on.

6 At one point I laid on a couch, and they told  
7 me I laid there for three days; but to me it didn't seem  
8 like three days.

9 Q Did you sometimes get well afterwards?

10 A Well, from what?

11 Q From this period in which --

12 A I wasn't sick.

13 Q This concept about being programmed. I take  
14 it you also believed that?

15 18a fls. A I did, yes.

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18-4

1 Q Do you still believe that?

2 A No.

3 Q Wasn't Mr. Manson simply suggesting that you  
4 can implant ideas in people's minds by using certain  
5 words, or was that in one area of the concept of programming  
6 people or unprogramming people?

7 A I don't really know what exactly he meant by  
8 it, but, to me, the way it came out was that he could  
9 unprogram you by taking away inhibitions and other things  
10 that would keep you from doing things that you would do.

11 Q Did he attempt to unprogram you?

12 A I suppose he did.

13 Q And you weren't consciously aware of any effort  
14 on his part to unprogram you or to program you?

15 A Well, he didn't sit down and say, "Now, I am  
16 going to unprogram you."

17 He said that he could.

18 Q Excuse me?

19 A He said that he could unprogram me.

20 Q But you are unaware of whether or not he did,  
21 in fact?

22 A No.

23 I know that he put things into me, some ideas  
24 in my mind.

25 Q But you don't know which ideas?

26 A I know some of them. If I knew them all, then



1 I wouldn't have them any more, would I?

2 Q Well, this placing of ideas in your mind,  
3 was this part of his attempt to unprogram you from your  
4 inhibitions and things?

5 A I believe it to be so, yes.

6 Q Did he attempt to make you a stronger person  
7 or did he ever tell you that he was attempting to make you  
8 a stronger person, Mr. Poston?

9 A Yes.

10 Q And you are a stronger person as a result,  
11 are you not?

12 A He did a lot for me.

13 Q Now, in terms of what he said about death,  
14 didn't Mr. Manson also say that he was willing to die for  
15 you, Mr. Poston?

16 A Yes.

17 Q On a number of occasions; isn't that correct?

18 A Not too many times in those words.

19 Q In connection with --

20 A In different ways.

21 Q How do you mean?

22 A He wouldn't say it in those words each time.

23 Q But he gave you the impression that it was  
24 reciprocal, is that it?

25 A What is reciprocal?

26 Q Death.

I A What does reciprocal mean?

2 Q A fair -- even exchange, back and forth,  
3 one way and the other.

4 A As to what?

5 As to him dying for me or being willing to  
6 and my dying for him?

7 Q If a person loves you, he should be willing  
8 to kill you as well as die for you?

9 A Yes.

10 Q Is that pretty much your statement of what Mr.  
11 Manson allegedly told you about how he felt about death?

12 A Yes.

13 Q Can you explain that? If a person loves you,  
14 he should be willing to kill you as well as die for you?

15 A He used to tell me to give it up. To give  
16 up. In other words, to give up my ego.

17 Q In other words, you are talking about the  
18 death of the ego?

18b Fla 19 A He used to say ego, yes.

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18b1

1 Q That is different than death itself, isn't it?

2 A How?

3 Q Well, death of a human being is not synonymous  
4 with the death of one's ego, is it? You don't have to kill  
5 somebody in order to stifle ego, do you?

6 A It wouldn't seem that way, no.

7 Q Now, directing your attention to this conver-  
8 sation or conversations you have had with Manson in  
9 connection with this allegedly being Jesus Christ.

10 Didn't Manson say that everybody was Jesus  
11 Christ?

12 A Yes.

13 Q You and I and --

14 A Yes.

15 Q -- Squeaky and Brenda and everybody was  
16 Jesus Christ?

17 A Yes. Everyone was as much Christ as they could  
18 be.

19 Q So, it is fair to say that, then, Manson said:  
20 you were Jesus Christ, Mr. Poston?

21 A He told me I should be Christ.

22 Q I take it he told other people they ought to be  
23 Jesus Christ as well?

24 A Well, I don't know if he told them the <sup>same</sup> way  
25 or if he told them the same thing.

26 Q Were you ever present when he told other people

1 that they were Jesus Christ?

2 A Let's see.

3 I think there were two occasions when he told a  
4 group.

5 Q Well, you have been present many times when  
6 Manson said that everybody was Jesus Christ; isn't that  
7 correct?

8 A No.

9 Q Well, just a few moments ago, when I asked:  
10 Didn't Manson believe that everybody was Jesus Christ? Or  
11 didn't Manson say everybody was Jesus Christ? You said yes.

12 A Yes.

13 Q What did you base that opinion on?

14 A Him telling me.

15 Q Did Manson also have or speak frequently about  
16 reflections and one person being a reflection of another?

17 A Yes.

18 Q Did he frequently say that anything, for example,  
19 you saw in him was actually something within yourself that  
20 you had projected onto him?

21 A Yes.

22 Q And he actually said that quite frequently;  
23 isn't that right?

24 A Well, I don't know about quite frequently or  
25 not, because he said a lot of things.

26 Q And didn't he tell people that if they saw

1 Jesus Christ in him, they were actually seeing the goodness  
2 in themselves?

3 A No, he didn't say it that way when I was there.

4 Q How did he say it?

5 A Well, he said it different ways.

6 "The love you see in me is the love you see in  
7 you." Words to that effect.

8 Q Did you see love in Manson?

9 A I did.

10 Q So, the love you saw in him was, in actuality,  
11 what?

12 A The way he said it, was the love I saw in me.

13 Q And Manson was attempting to get you to --

14 A What he said, "Love myself."

15 Q Develop some self-respect in yourself?

16 A Most of the time what I remember was being  
17 told to die.

18 Q That your ego had to die?

19 A Well, he didn't say ego all the time. He said  
20 die. Give it up.

21 Q And you didn't, apparently.

22 A Well, not the way I thought he meant.

23 Q And you disobeyed him?

24 A Obviously.

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18c-1

Q Did you ever see anybody else disobey him?

A How do you mean disobey?

MR. BUGLIOSI: No foundation as to when and where.

At any time?

THE COURT: Overruled.

You may answer.

THE WITNESS: What?

THE COURT: You may answer.

BY MR. FITZGERALD:

Q Did you ever see anybody else disobey him during the period of time that you saw other people around him?

A Well, I don't know if it was disobey or not.

Q All right.

You testified previously that you became a member of his group called the Family; right?

A I thought I was, yes.

Q Could you tell us what constituted membership or how one became a member?

A Being with them.

Q And that was it?

A Yes.

Q Was anything special required of you?

A Well, I was supposed to make love to the girls, but I never did; and I was supposed to die, but I never did.

DEFENDANT MANSON: That is why you couldn't make love to the girls.

1 BY MR. FITZGERALD:

2 Q Did you refuse to make love to the girls out  
3 of some sort of moral compunction or some strong moral  
4 Christian or ethical beliefs?

5 A Did I what?

6 Q Did you not make love with the girls because  
7 of some moral philosophy or belief?

8 A Moral philosophy or belief?

9 No.

10 Q Why didn't you?

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

12 MR. FITZGERALD: Within the context here, your  
13 Honor, I don't think it is irrelevant.

14 THE COURT: You may answer.

15 THE WITNESS: Why didn't I make love to the girls?

16 MR. FITZGERALD: Yes.

17 THE WITNESS: Because I was afraid I couldn't.

18 BY MR. FITZGERALD:

19 Q You weren't required to do any special thing  
20 in order to come into the Family; is that right?

21 A Well, for about three months I worked at  
22 Spahn Ranch shoveling horse manure.

23 Q That was an agreement -- strike that.

24 You actually worked caring for the horses and  
25 that sort of thing; is that right?

26 A Yes.

1 Q And that was as a result of an agreement you  
2 had with George Spahn, was it not?

3 A No.

4 Q Well, actually, you weren't paid anything for  
5 your job; right?

6 A No money.

7 Q No money?

8 A No.

9 Q And that was because you were just a young  
10 boy away from home and weren't worth anything; isn't that  
11 right?

12 Isn't that what you have said on previous  
13 occasions?

14 A I don't remember saying that.

15 Q Well, why did you work there at the Spahn  
16 Ranch?

17 A Because Charlie asked me to.

18 Q For not any money?

19 A Charlie asked me.

20 Q Did you work continuously there?

21 A Yes.

22 Q I mean, an every day sort of thing, regularly?

23 A Yes.

24 Q And it wasn't because you wanted to work;  
25 is that right?

26 A It was because I wanted to stay around Charlie.



1 Q But what I am trying to get at is, it is only  
2 because Mr. Manson asked you to work that you worked?

3 A Yes.

4 Q It wasn't because you wanted to work or  
5 anything like that?

6 A No.

7 Q Did anybody work with you?

8 A Work with me? What do you mean?

9 Was there anyone else working there?

10 Q Other people, other members of the Family that  
11 worked with you caring for the horses, and so on and so  
12 forth?

13 A Every now and then, yes, somebody would come  
14 up and help me saddle up the horses.

18d fls

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Q Juan Flynn was there, wasn't he?

A Yes.

Q He was a member of the Family, wasn't he?

A Not that I knew of.

Q He was not a member of the Family?

A No.

Q But he worked with you anyway?

A He worked at the ranch.

Q And you are staying now in Shoshone, California with Paul Watkins and Paul Crockett, are you not?

A Yes.

Q And you went to live with them in approximately March of 1969?

A That is approximately when Crockett came to Goler Wash.

Q Have you been to Spahn Ranch since March of 1969?

A Yes.

Q When was that, do you recall?

A That was in December of 1969.

Q December of 1969?

A Yes.

Q Between March of '69 and December of '69, were you at the Spahn Ranch at any time?

A No.

Q So, you were not at the Spahn Ranch during the summer months, June, July and August, of 1969?

1 A No.

2 Q And your testimony about conversations with  
3 Manson relate to early '69?

4 A Yes. January.

5 Q January, February?

6 A January, February, March.

7 Q But during the period of time that you were at  
8 the Spahn Ranch, in 1968, Juan Flynn was not a member of the  
9 Family; is that your testimony?

10 A Yes.

11 Q What about a girl by the name of Barbara Hoyt?  
12 Was she a member of the Family?

13 A Barbara Hoyt?

14 Well, I knew a girl named Barbara, or I saw her  
15 once on the desert, but she wasn't a member of the Family  
16 when I was there in '68.

17 Q What about Stephanie Shram?

18 A I don't think I have ever seen her.

19 Q What about Kittie Lutesinger?

20 A I think I saw her in the desert in September.

21 Q September?

22 A Of '69.

23 Q Of 1969?

24 A Yes.

25 Q You were not living with a group of people that  
26 were living at Barker Ranch or Meyers Ranch, though, in

1 September of '69; correct?

2 A Crockett and Watkins and myself were living at  
3 Barker Ranch in March through October 2nd of '69.

4 Q But there were no other people in the so-called  
5 Manson Family that were living there during that period of  
6 time that you were living with Watkins and Crockett?

7 A No.

8 Q And Mr. Crockett is an enemy of Mr. Manson, is he  
9 not?

10 A I don't know.

11 Q Well --

12 A That is for them to decide.

13 Q Well, you actually lived with Mr. Crockett;  
14 right?

15 A Yes.

16 Q I take it that you are familiar with his beliefs  
17 and his opinions, and so on?

18 A Yes.

19 Q You actually lived in quite an intimate living  
20 situation with him, did you not?

21 A We live in the same house.

22 Q And for a period of time, you lived in the desert  
23 where there wasn't anybody around but Mr. Crockett and  
24 Mr. Watkins?

25 A No. There was another person there named Bob.

26 Q Ballarat Bob?

1 A No.

2 Q He hadn't come around by that time, or at that time  
3 he didn't come around, and a girl named Juanita?

4 Juanita Wildbush?

5 A Yes.

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1 Q Was she a member of the Family?

2 A Not at that time.

3 Q But Mr. Crockett bears animosity towards  
4 Mr. Manson, does he not?

5 A Pardon?

6 Q Mr. Crockett, quite frankly, doesn't like  
7 Mr. Manson; isn't that right?

8 A No.

9 Q No, that is not right, or no --

10 A No, that is not right.

11 Q Did you participate in the sale of some story  
12 to some media representatives? And when I say "participate,"  
13 I mean, did you, along with Paul Watkins and Paul Crockett,  
14 sell a story about your life in the Manson Family?

15 MR. BUGLIOSI: The defense said this was irrelevant,  
16 your Honor, so I would ask the Court to sustain the defense's  
17 objection.

18 MR. KANAREK: Your Honor, it depends on the context.

19 THE COURT: Overruled.

20 You may answer.

21 THE WITNESS: Will you re-read the question, please?

22 MR. FITZGERALD: Q Did you, Paul Watkins and  
23 Paul Crockett, sell a story concerning your life in the  
24 Manson Family?

25 A We sold part of the story that was supposed to  
26 deal with life in the commune. That is what the title was

supposed to be.

That was mostly Watkins and me.

Q And you met with a man by the name of Ivar Davis?

A Yes.

Q And you had numerous conversations with Mr. Davis?

A No.

Q Tape-recorded conversations?

A I believe I had maybe three, four or five conversations with Davis.

Q And you were paid for this; correct?

A Yes.

Q Did Juan Flynn also participate in the sale of this story?

A Yes.

Q About life in the commune?

A Yes.

Q All the money was given to Mr. Crockett, wasn't it?

A The money was -- part of it was, yes.

Q Did you retain --

A The part we got in cash, we split up; and the part that was in the check, he took, because he was oldest, and we figured it was easier.

Q When did you sell the story?

A December, '69.

1 Q And this was after Charlie Manson was arrested?

2 A Yes.

3 Q And was in jail in Inyo County?

4 A I believe so.

5 Q And this/after some publicity had been released  
6 concerning Mr. Manson's so-called involvement in this case?

7 A I don't think any of that had been released.  
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19-1

1 Q What was your motive in selling this story?

2 A Money.

3 Q You thought you could make a little money off  
4 Charlie?

5 A Yeah.

6 Q How much did you make?

7 A I think I got \$1100.

8 Q Was that one-fourth or one-fifth?

9 A One-fourth.

10 Q As far as you know did everybody get the same  
11 amount?

12 A Yeah.

13 Q All right, did you see the story in its final  
14 published form?

15 A I did not see any of the stories that went out  
16 because they were supposed to be foreign publications,  
17 foreign magazines, and I never got to see them.

18 Q Now, in connection with the sale of that  
19 story, you told Mr. Davis things that are a little  
20 different from what you testified here today, have you  
21 not?

22 A No.

23 Q You say you have not seen the story in its  
24 final form?

25 A Not the ones that went to foreign publications,  
26 no.

19-2

1 Q Have you seen the ones that were released for  
2 publication in the continental United States?

3 A Let's say I saw one in something called the  
4 National Tattler or something like that.

5 Q The National Inquirer?

6 A Yes, National Inquirer, by Don Leavy, Steve  
7 Don Leavy.

8 Q You know of him?

9 A Yes.

10 Q He interviewed you?

11 A Yes.

12 Q And you told him about your live in the  
13 commune?

14 A Yes.

15 Q Did you tell him that you were a leader in  
16 this commune?

17 A No.

18 Q Did you tell him that you were second in  
19 command?

20 A No.

21 Q Did you say you were Satan's second in command?

22 A No.

23 Q Did Mr. Watkins?

24 A No.

25 Q Are you familiar with the book called Five  
26 to Die?

19-3

1 A Yes.

2 Q Is that based in part on interviews with you?

3 A It seems that it is, yeah.

4 Q Pardon me?

5 A It seems that it is, yes.

6 Q Why does it seem so?

7 A Because we didn't have any idea the book was  
8 coming out or a book was being worked on.

9 Q But there are direct quotes in that book?

10 A Attributed to us, not necessarily by us.

11 Q Attributed to you?

12 A Yes, we were supposed to have said it.

13 Q And have you seen that book and read it?

14 A Yes.

15 Q And it is not accurate, is that right?

16 A No, it is not accurately 100 percent true.

17 Q Were you paid an additional sum of money for  
18 Five to Die?

19 A No.

20 MR. FITZGERALD: Would this be a convenient time to  
21 break, your Honor.

22 THE COURT: We have another 15 minutes.

23 MR. FITZGERALD: Oh, excuse me. We go to 4:30.

24 I have no further questions at this time.

25 THE COURT: Mr. Shinn?

26 MR. SHINN: I have no further questions.

19-4

1 THE COURT: Mr. Kanarek?

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

3  
4 CROSS-EXAMINATION

5 BY MR. KANAREK:

6 Q Now, Mr. Poston, is it a fact that until  
7 some time late in 1969 you had no occasion to attempt to  
8 remember any of the conversations that you have spoken  
9 to us about today, is that right?

10 A No.

11 Q Pardon?

12 A No.

13 Q Did you ever reduce to writing anything that  
14 you have told us about today prior to December, 1969?

15 A Writing?

16 Q Yeah, writing, I mean like on a typewriter?

17 A I haven't written anything.

18 Q And you never caused anything to be reduced  
19 to writing, is that a fair statement, Mr. Poston?

20 A How do you mean by caused, like I made  
21 statements?

22 Q But is it a fair statement that in connection  
23 with the conversations that you have told us about today,  
24 you never caused those conversations to be put down into  
25 written form at any time, is that right?

26 A No.

1 Q Is that right?

2 A That's right.

3 Q And did you put these conversations, when you  
4 had conversation, were there any stenographic notes taken  
5 or was it put on a tape recorder when you talked to Mr.  
6 Davis?

7 A Ivar Davis?

8 Q Yes.

9 A We made tapes for him.

10 Q Did you make tapes for him?

11 A Yes.

12 Q And that was in December of 1969?

13 A Yes.

14 Q Now, is it a fair statement that Mr. Manson  
15 has a very good sense of humor?

16 MR. BUGLIOSI: It calls for a conclusion, your Honor,  
17 also it's irrelevant.

18 THE WITNESS: I used to think he did, yeah.

19 THE COURT: Overruled.

20 MR. KANAREK: Pardon?

21 THE COURT: You may answer.

22 THE WITNESS: I used to think he did, yeah.

23 BY MR. KANAREK:

24 Q Directing your attention to the people you  
25 call the Family. That wasn't a life where people did not  
26 laugh and joke and have generally a good time, is that

↑↑

correct?

A No, sometimes, only sometimes when Charlie would be around things would be like when a school teacher comes back to class. People would have to snap back into the part that they were playing.

But a lot of times everybody was laughing.

Q Did you ever hear of a thing called the magical mystery tour?

A Yeah.

Q And Charlie and the people at the ranch would conduct magical mystery tours, right?

A Yes.

Q They would make off like they were western bandits and they portrayed various roles like this in a western there at the Spahn Ranch on many many occasions, right?

A Yes.

19-a 1 Q And is it a fact that people would assume  
2 certain parts?

3 Someone would be, let's say, a hero; someone  
4 would be a villain, is that right?

5 A No, not that I was aware of.

6 Q Would you describe for us one of the magical  
7 mystery tours that you participated in?

8 A How do you mean that I participated in?

9 Q Well, you joined in in these magical mystery  
10 tours that the group there at the Spahn Ranch --

11 A As far as I know, it was not a group thing.

12 It was just one individual would wake up in the  
13 morning and decide he was going to be a certain type person  
14 that day.

15 Q All right, would you give us an instance, a  
16 for instance of that?

17 A Charlie used to play cowboy.

18 Q All right, would you describe for us, let's  
19 say on Sunday --

20 You pick the day as to what you observed, tell  
21 us about it.

22 A I pick a day, any day?

23 Q Yes, anything that you observed.

24 A Okay, one day his parole officer was coming to  
25 the ranch.

26 Q Pardon?

1           A       His parole officer was coming to the ranch and he  
2 dressed up like a cowboy, put his chaps on, his hat, not  
3 his, I guess, Bennie's, the ones he used, and went into a  
4 drawl, as much like a cowboy in the movies as anything I've  
5 seen, and would portray that part.

6                   And when the guy left, he got out of his costume  
7 and went back to being Charlie.

8           Q       Yes, but would you tell us the parole officer  
9 recognized that Mr. Manson was joking?

10          A       I don't think so.

11          Q       You mean the parole officer thought that  
12 Mr. Manson --

13          A       -- that Mr. Manson was working there.

14          Q       I see.

15                   Well, this is what you call a magical mystery  
16 tour?

17          A       Yeah, to me. It used to become something else.

18          Q       Well, weren't there raids that revolved around  
19 the saloon?

20          A       Raids?

21          Q       Where people made off like what was happening  
22 was in a Western?

23          A       No.

24          Q       Did the group at Spahn Ranch ever play motor-  
25 cycle gang?

26          A       Not while at the ranch, but at Gresham Street.



1 Q All right, would you tell us what that was?

2 A That is when people were -- every man was supposed  
3 to get motorcycles.

4 Naturally, I did not get one, so I got to ride  
5 in back of the three-wheeler.

6 Charlie had a red cog motorcycle.

7 Q And would you tell us what happened?

8 A We drove from Gresham Street to the ranch,  
9 and put on like a veilance, of being motorcycle people,  
10 and walked around, rode downtown into Chatsworth, Canoga  
11 Park.

12 Q Did you say a veilance?

13 A Yeah, like a veilance, like a face.

14 Q I see, in other words, they were joking around,  
15 right?

16 A Yeah, well, not joking, it was more like he said,  
17 "Put it on to keep the man from bothering you. Become  
18 something else, don't get stuck in one person; be something  
19 else."

20 Q Well, during these events that you are speaking  
21 of the people that were involved joked, laughed or were  
22 having generally a good time, is that right?

23 A Yeah, uh-huh.

24 Q Now, on this occasion when you saw that his P.O.  
25 came to the ranch -- when was that?

26 A That was in the summer of '68.

1 Q December of '68. Then on how many occasions did  
2 this happen?

3 A What do you mean?

4 Q How many different times did Mr. Manson portray  
5 himself as a Western type character?

6 A Well, I don't know an exact number because I  
7 did not see him all the time.

8 Q Well, you remember -- on how many occasions was  
9 his P.O. present at the ranch?

10 A One as far as I know,

11 Q And he put on a Southern drawl?

12 A Yeah.

13 Q Is that right?

14 Now, do you consider that you have a sense of  
15 humor, Mr. Poston?

16 A No.

17 Q You don't have much of a sense of humor?

18 A No, not like Charlie.

19 Q And as a matter of fact have you found in your  
20 lifetime that things that you consider and you take  
21 seriously, other people take jokingly?

22 MR. BUGLIOSI: That calls for a conclusion, your  
23 Honor.

24 MR. KANAREK: Well, he has been doing this throughout,  
25 your Honor.

26 THE COURT: Sustained. That comment was unnecessary,

1 Mr. Kanarek. It is a violation of what I told you on many,  
2 many occasions during this trial.

3 I admonish you, sir, not to make those comments.

4 Q BY MR. KANAREK: Well, Mr. Poston, on the  
5 occasion that you are speaking of when Mr. Manson put on a  
6 Southern drawl did he talk with a Southern drawl while  
7 his parole officer was present?

8 A No.

9 Q Well --

10 A He did for us but not for him.

11 Q I see. Would you describe Mr. Manson's wearing  
12 apparel on that day?

13 A He had a plaid shirt and a cowboy hat, chaps, a  
14 pair of boots.

15 I think he had a bandana.

19b-1

1 Q All right, now, would you tell us how  
2 different that was from how Charlie Manson dressed the  
3 day before?

4 A Well, since this day stuck out really good  
5 in my mind, I don't recall what he looked like the day  
6 before.

7 Q In other words, he might have worn substantially  
8 the same thing the day before?

9 A No, I don't think so. He wore partially the  
10 same things like Levis, sometimes he wore silk pants,  
11 sometimes cutoffs for a <sup>bath</sup> suit, sometimes a robe.

12 Sometimes he would wear shirts, sometimes a  
13 vest, sometimes a cowboy hat, sometimes one of those  
14 watch-hats.

15 Q So on the day of the parole officer, actually  
16 the only thing you remember that was different was the  
17 fact that the parole officer was present, right?

18 A Partially. This is the first time I actually  
19 saw Charlie have to go through a thing for another person.

20 Q And Mr. Manson showed respect for the parole  
21 officer, is that correct?

22 A I don't know if it was respect or not.

23 Q Well, he treated the parole officer with  
24 respect and deference, is that correct?

25 A I don't know what deference is and I don't  
26 know if it's respect because I'm not Charlie.

19b-2

1 Q Well, you observed, you heard and you saw,  
2 is that correct, Mr. Poston?

3 A Yes.

4 Q Did you see Mr. Manson speak to the parole officer  
5 in a manner that you would consider to be a respectful  
6 manner?

7 A Well, let's see, he called me over and he said  
8 "Tell this man about the credit card," because I had given  
9 him a credit card --

10 THE COURT: You are not answering the question, sir.

11 THE WITNESS: Well, I was getting to it.

12 THE COURT: Reframe the question.

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

14 Q Mr. Poston, what I'm asking you to do now is  
15 to tell us your observations as to Mr. Manson's conduct  
16 toward the parole officer when he was in the parole officer's  
17 presence, did he speak to the parole officer with respect?

18 A I don't know what respect would be to Charlie.  
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20 fls.

20-1

1 Q Well, what did you observe? Would you tell us  
2 what you saw Mr. Manson say to the parole officer and what  
3 the parole officer said to Mr. Manson?

4 MR. BUGLIOSI: This line of questioning is irrelevant,  
5 your Honor.

6 THE COURT: Sustained. It is also ambiguous.

7 BY MR. KANAREK:

8 Q Well, would you describe the demeanor? What  
9 was the demeanor of Mr. Manson toward the parole officer?

10 Do you know what I mean by demeanor?

11 MR. BUGLIOSI: Same objection.

12 MR. KANAREK: Your Honor, Mr. Bugliosi has inquired  
13 of the demeanor of people other than Mr. Manson. Mr. Manson  
14 is a defendant in this case where his integrity has been  
15 impugned.

16 THE COURT: Mr. Kanarek:

17 The objection is overruled.

18 You may answer.

19 THE WITNESS: What does demeanor mean, again?

20 MR. KANAREK: His attitude, his general --

21 THE COURT: We will adjourn at this time.

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

25 The court will adjourn until 9:00 a.m. tomorrow  
26 morning.

(Whereupon at 4:29 o'clock p.m. the court was  
in recess.)