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

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

No. A253156

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

Defendants.

REPORTERS' DAILY TRANSCRIPT

APPEARANCES:

For the People:	VINCENT T. BUGLIOSI, DONALD A. MUSICH, STEPHEN RUSSELL KAY, DEPUTY DISTRICT ATTORNEYS
For Deft. Manson:	I. A. KANAREK, Esq.
For Deft. Atkins:	DAYE SHINN, Esq.
For Deft. Van Houten:	RONALD HUGHES, Esq.
For Deft. Krenwinkel:	PAUL FITZGERALD, Esq.

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

LOS ANGELES, CALIFORNIA, MONDAY, MARCH 29, 1971

4:24 P.M.

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THE COURT: All defendants, all counsel and all jurors are present.

Mr. Tubick, has the jury reached a verdict?

THE FOREMAN: Yes, we have, your Honor.

THE COURT: Will you please hand all of the verdict forms to the bailiff.

(Whereupon, the foreman hands the verdict forms to the bailiff who gives them to the Judge.)

DEFENDANT MANSON: I don't see how you can get by with this without letting me put on some kind of defense. Who gives you the authority to do this?

Hey, boy!

THE COURT: Mr. Manson, if you don't remain quiet I will have you removed immediately from the courtroom.

DEFENDANT MANSON: I didn't ask to come back.

THE COURT: That is your final warning, sir.

DEFENDANT MANSON: You people don't have no authority over me. Half of you in here ain't as good as I am.

THE COURT: Remove Mr. Manson from the courtroom.

DEFENDANT MANSON: It is not the people's courtroom.

(Whereupon, Defendant Manson leaves the courtroom.)

THE COURT: The clerk will read the verdicts.

1 THE CLERK: "Superior Court of the State of  
2 California for the County of Los Angeles.

3 "The People of the State of California  
4 versus Charles Manson, Patricia Krenwinkel,  
5 Susan Atkins, Leslie Van Houten.

6 "Case No. A-253 156, Department 104.

7 "We, the jury in the above-entitled  
8 action, having found the defendant Charles  
9 Manson guilty of murder in the first degree  
10 as charged in Count I of the Indictment, do  
11 now fix the penalty as death.

12 "Dated this 29th day of March, 1971,  
13 signed Herman Tubick, Foreman."

14 DEFENDANT KRENWINKEL: You have just judged your-  
15 selves.

16 DEFENDANT ATKINS: You'd better lock your doors and  
17 watch your own kids.

18 THE COURT: Remove Miss Atkins from the courtroom.

19 DEFENDANT ATKINS: You are removing yourself. You  
20 are removing yourself from the face of the earth, you old  
21 fools.

22 DEFENDANT KRENWINKEL: There never has been any  
23 justice here.

24 THE COURT: Remove Miss Krenwinkel from the court-  
25 room.

26 DEFENDANT VAN HOUTEN: Your whole system is a game.

1 THE COURT: Remove Miss Van Houten from the courtroom.

2 DEFENDANT KRENWINKEL: You judged yourselves.

3 DEFENDANT VAN HOUTEN: You blind, stupid people.

4 Your children will turn against you.

5 THE COURT: Continue reading the verdicts.

6 THE CLERK: Further, "People of the State of

7 California versus Charles Manson, Patricia

8 Krenwinkel, Susan Atkins, Leslie Van Houten.

9 "Case No. A-253,156, Department 104.

10 "We, the jury in the above-entitled  
11 action, having found the defendant Patricia  
12 Krenwinkel guilty of murder in the first degree  
13 as charged in Count I of the Indictment, do now  
14 fix the penalty as death.

15 "Dated this 29th day of March, 1971,  
16 Herman Tubick, Foreman."

17 Further, "People of the State of California  
18 versus Charles Manson, Patricia Krenwinkel,  
19 Susan Atkins, and Leslie Van Houten, case No.  
20 A-253,156, Department 104.

21 "We, the jury in the above-entitled  
22 action, having found the defendant Susan Atkins  
23 guilty of murder in the first degree as charged  
24 in Count I of the Indictment, do now fix the  
25 penalty as death.

26 "Dated this 29th day of March, 1971,  
Herman Tubick, Foreman."

1 Further, "People of the State of  
2 California versus Charles Manson, Patricia  
3 Krenwinkel, Susan Atkins and Leslie Van Houten,  
4 Case No. A-253,156, Department 104.

5 "We, the jury in the above-entitled  
6 action, having found the defendant Charles  
7 Manson guilty of murder in the first degree as  
8 charged in Count II of the Indictment, do now  
9 fix the penalty as death.

10 "Dated this 29th day of March, 1971,  
11 Herman Tubick, Foreman."

12 (Off-the-record discussion between the Court  
13 and the clerk.)

14 THE CLERK: Ladies and gentlemen of the jury, is each  
15 of these verdicts as to Count I your verdict?

16 (All jurors answer yes.)

17 THE CLERK: I repeat myself:

18 "The People of the State of California  
19 versus Charles Manson, Patricia Krenwinkel,  
20 Susan Atkins and Leslie Van Houten, case No.  
21 A-253,156, Department 104.

22 "We, the jury in the above-entitled  
23 action, having found the defendant Charles  
24 Manson guilty of murder in the first degree as  
25 charged in Count II of the Indictment, do now  
26 fix the penalty as death.

1 "Dated this 29th day of March, 1971,  
2 Herman Tubick, Foreman."

3 Further, "People of the State of California,  
4 versus Charles Manson, Patricia Krenwinkel,  
5 Susan Atkins and Leslie Van Houten, Case No.  
6 A-253,156, Department 104.

7 "We, the jury in the above-entitled  
8 action, having found the defendant Patricia  
9 Krenwinkel guilty of murder in the first  
10 degree as charged in Count II of the Indictment,  
11 do now fix the penalty as death.

12 "Dated this 29th day of March, 1971,  
13 Herman Tubick, Foreman."

14 Further, "People of the State of California  
15 versus Charles Manson, Patricia Krenwinkel,  
16 Susan Atkins, Leslie Van Houten, case No.  
17 A-253,156, Department 104.

18 "We, the jury in the above-entitled  
19 action, having found the defendant Susan Atkins  
20 guilty of murder in the first degree as charged  
21 in Count II of the Indictment, do now fix the  
22 penalty as death.

23 "Dated this 29th day of March, 1971,  
24 signed Herman Tubick, Foreman."

25 Ladies and gentlemen of the jury, is each of  
26 these verdicts as to Count II your verdict?

1 (All of the jurors answer yes.)

2 Further, "The People of the State of  
3 California versus Charles Manson, Patricia  
4 Krenwinkel, Susan Atkins and Leslie Van Houten,  
5 Case No. A-253,156, Department 104.

6 "We, the jury in the above-entitled  
7 action, having found the defendant Charles  
8 Manson guilty of murder in the first degree as  
9 charged in Count III of the Indictment, do now  
10 fix the penalty as death.

11 "Dated this 29th day of March, 1971,  
12 signed Herman Tubick, Foreman."

13 Further, "People of the State of  
14 California versus Charles Manson, Patricia  
15 Krenwinkel, Susan Atkins, Leslie Van Houten,  
16 Case No. A-253,156, Department 104.

17 "We, the jury in the above-entitled  
18 action, having found the defendant Patricia  
19 Krenwinkel guilty of murder in the first degree  
20 as charged in Count III of the Indictment, do  
21 now fix the penalty as death.

22 "Dated this 29th day of March, 1971,  
23 Herman Tubick, Foreman."

24 Further, "People of the State of California  
25 versus Charles Manson, Patricia Krenwinkel,  
26 Susan Atkins, Leslie Van Houten, case No.

1 "A-253,156, Department 104.

2 "We, the jury in the above-entitled  
3 action, having found the defendant Susan  
4 Atkins guilty of murder in the first degree  
5 as charged in Count III of the Indictment, do  
6 now fix the penalty as death.

7 "Dated this 29th day of March, 1971,  
8 signed Herman Tubick, Foreman."

9 Ladies and gentlemen of the jury, is each of  
10 these verdicts as to Count III your verdict?

11 (All members of the jury indicate yes.)

12 THE CLERK: Further, "People of the State of  
13 California versus Charles Manson, Patricia  
14 Krenwinkel, Susan Atkins and Leslie Van Houten,  
15 case No. A-253,156, Department 104.

16 "We, the jury in the above-entitled  
17 action, having found the defendant Charles  
18 Manson guilty of murder in the first degree as  
19 charged in Count IV of the Indictment, do now  
20 fix the penalty as death.

21 "Dated this 29th day of March, 1971,  
22 Herman Tubick, Foreman."

23 Further, "People of the State of California  
24 versus Charles Manson, Patricia Krenwinkel,  
25 Susan Atkins, Leslie Van Houten, case No.  
26 A-253,156, Department 104.

"We, the jury in the above-entitled



1 "action, having found the defendant Patricia  
2 Krenwinkel guilty of murder in the first degree  
3 as charged in Count IV of the Indictment, do now  
4 fix the penalty as death.

5 "Dated this 29th day of March, 1971.

6 "Signed Herman Tubick, Foreman."

7 Further, "People of the State of California  
8 versus Charles Manson, Patricia Krenwinkel,  
9 Susan Atkins, Leslie Van Houten, case No.  
10 A-253,156, Department 104.

11 "We, the jury in the above-entitled  
12 action, having found the defendant Susan Atkins  
13 guilty of murder in the first degree as charged  
14 in Count IV of the Indictment, do now fix the  
15 penalty as death.

16 "Dated this 29th day of March, 1971,  
17 signed Herman Tubick, Foreman."

18 Ladies and gentlemen of the jury, is each of  
19 these verdicts as to Count IV your verdict?

20 (All the members of the jury indicate yes.)

21 THE CLERK: Further, "People of the State of  
22 California versus Charles Manson, Patricia Krenwinkel,  
23 Susan Atkins, Leslie Van Houten, case No. A-253,156,  
24 Department 104.

25 "We, the jury in the above-entitled action,  
26 having found the defendant Charles Manson guilty

1 "of murder in the first degree as charged in  
2 Count V of the Indictment, do now fix the  
3 penalty as death.

4 "Dated this 29th day of March, 1971.

5 "Signed Herman Tubick, Foreman."

6 Further, "People of the State of California  
7 versus Charles Manson, Patricia Krenwinkel,  
8 Susan Atkins, Leslie Van Houten.

9 "Case No. A-253,156, Department 104.

10 "We, the jury in the above-entitled  
11 action, having found the defendant Patricia  
12 Krenwinkel guilty of murder in the first degree  
13 as charged in Count V of the Indictment, do now  
14 fix the penalty as death.

15 "Dated this 29th day of March, 1971,  
16 signed Herman Tubick, Foreman."

17 Further, "People of the State of California  
18 versus Charles Manson, Patricia Krenwinkel,  
19 Susan Atkins, Leslie Van Houten, case No.  
20 A-253,156, Department 104.

21 "We, the jury in the above-entitled  
22 action, having found the defendant Susan Atkins  
23 guilty of murder in the first degree as charged  
24 in Count V of the Indictment, do now fix the  
25 penalty as death.

26 "Dated this 29th day of March, 1971.

1 "Signed Herman Tubick, Foreman."

2 Ladies and gentlemen of the jury, is each of  
3 these verdicts as to Count V your verdict?

4 (All the members of the jury indicate yes.)

5 THE CLERK: Further, "People of the State of  
6 California versus Charles Manson, Patricia  
7 Krenwinkel, Susan Atkins, Leslie Van Houten,  
8 case No. A-253,156, Department 104.

9 "We, the jury in the above-entitled  
10 action, having found the defendant Charles  
11 Manson guilty of murder in the first degree  
12 as charged in Count VI of the Indictment, do  
13 now fix the penalty as death.

14 "Dated this 29th day of March, 1971,  
15 signed Herman Tubick, Foreman."

16 Further, "People of the State of  
17 California versus Charles Manson, Patricia  
18 Krenwinkel, Susan Atkins, Leslie Van Houten,  
19 case No. A-253,156, Department 104.

20 "We, the jury in the above-entitled  
21 action, having found the defendant Patricia  
22 Krenwinkel guilty of murder in the first  
23 degree as charged in Count VI of the Indictment,  
24 do now fix the penalty as death.

25 "Dated this 29th day of March, 1971.

26 "Signed Herman Tubick, Foreman."

1 Further, "People of the State of California  
2 versus Charles Manson, Patricia Krenwinkel,  
3 Susan Atkins and Leslie Van Houten.

4 "Case No. A-253,156, Department 104.

5 "We, the jury in the above-entitled  
6 action, having found the defendant Susan Atkins  
7 guilty of murder in the first degree as charged  
8 in Count VI of the Indictment, do now fix the  
9 penalty as death.

10 "Dated this 29th day of March, 1971.

11 "Signed Herman Tubick, Foreman."

12 Further, "People of the State of California  
13 versus Charles Manson, Patricia Krenwinkel,  
14 Susan Atkins, Leslie Van Houten, Case No.  
15 A-253,156, Department 104.

16 "We, the jury in the above-entitled  
17 action, having found the defendant Leslie  
18 Van Houten guilty of murder in the first degree  
19 as charged in Count VI of the Indictment, do  
20 now fix the penalty as death.

21 "Dated this 29th day of March, 1971.

22 "Signed Herman Tubick, Foreman."

23 Ladies and gentlemen of the jury, is each of  
24 these verdicts as to Count VI your verdict?

25 (All of the members of the jury indicate yes.)

26 THE CLERK: Further, "People of the State of

1 "California versus Charles Manson, Patricia  
2 Krenwinkel, Susan Atkins, Leslie Van Houten.

3 "Case No. A-253,156, Department 104.

4 "We, the jury in the above-entitled action  
5 having found the defendant Charles Manson  
6 guilty of murder in the first degree as charged  
7 in Count VII of the Indictment, do now fix the  
8 penalty as death.

9 "Dated this 29th day of March, 1971,

10 "Signed Herman Tubick, Foreman."

11 Further, "People of the State of California  
12 versus Charles Manson, Patricia Krenwinkel,  
13 Susan Atkins, Leslie Van Houten.

14 "Case No. A-253,156, Department 104.

15 "We, the jury in the above-entitled  
16 action, having found the defendant Patricia  
17 Krenwinkel guilty of murder in the first degree  
18 as charged in Count VII of the Indictment, do  
19 now fix the penalty as death.

20 "Dated this 29th day of March, 1971,  
21 signed Herman Tubick, Foreman."

22 Further, "People of the State of California  
23 versus Charles Manson, Patricia Krenwinkel,  
24 Susan Atkins, Leslie Van Houten, case No.  
25 A-253,156, Department 104.

26 "We, the jury in the above-entitled action,

1 "having found the defendant Susan Atkins  
2 guilty of murder in the first degree as  
3 charged in Count VII of the Indictment, do  
4 now fix the penalty as death.

5 "Dated this 29th day of March, 1971,  
6 signed Herman Tubick, Foreman."

7 Further, "People of the State of  
8 California versus Charles Manson, Patricia  
9 Krenwinkel, Susan Atkins, Leslie Van Houten,  
10 case No. A-253,156, Department 104.

11 "We, the jury in the above-entitled  
12 action, having found the defendant Leslie  
13 Van Houten guilty of murder in the first degree  
14 as charged in Count VII of the Indictment, do  
15 now fix the penalty as death.

16 "Dated this 29th day of March, 1971.

17 "Signed Herman Tubick, Foreman."

18 Ladies and gentlemen of the jury, is each of  
19 these verdicts as to Count VII your verdict?

20 (All of the jurors answer in the affirmative.)

21 THE CLERK: Further, "People of the State of  
22 California versus Charles Manson, Patricia  
23 Krenwinkel, Susan Atkins, Leslie Van Houten,  
24 case No. A-253,156, Department 104.

25 "We, the jury in the above-entitled  
26 action, having found the defendant Charles Manson

1 guilty of conspiracy to commit murder as  
2 charged in Count VIII of the Indictment,  
3 do now fix the penalty as death.

4 "Dated this 29th day of March, 1971.

5 "Signed Herman Tubick, Foreman."

6 Further, "People of the State of  
7 California versus Charles Manson, Patricia  
8 Krenwinkel, Susan Atkins, Leslie Van Houten,  
9 case No. A-253,156, Department 104.

10 "We, the jury in the above-entitled  
11 action, having found the defendant Susan Atkins  
12 guilty of conspiracy to commit murder as charged  
13 in Count VIII of the Indictment, do now fix the  
14 penalty as death.

15 "Dated this 29th day of March, 1971.

16 "Signed Herman Tubick, Foreman."

17 Further, "People of the State of California  
18 versus Charles Manson, Patricia Krenwinkel,  
19 Susan Atkins, Leslie Van Houten, case No.  
20 A-253,156, Department 104.

21 "We, the jury in the above-entitled  
22 action, having found the defendant Patricia  
23 Krenwinkel guilty of conspiracy to commit  
24 murder as charged in Count VIII of the Indict-  
25 ment, do now fix the penalty as death.

26 "Dated this 29th day of March, 1971,



1 "signed Herman Tubick, Foreman."

2 Further, "People of the State of  
3 California versus Charles Manson, Patricia  
4 Krenwinkel, Susan Atkins, Leslie Van Houten,  
5 case No. A-253,156, Department 104.

6 "We, the jury in the above-entitled  
7 action, having found the defendant, Leslie  
8 Van Houten, guilty of conspiracy to commit  
9 murder as charged in Count VIII of the Indictment,  
10 do now fix the penalty as death.

11 "Dated this 29th day of March, 1971.

12 "Signed Herman Tubick, Foreman."

13 Ladies and gentlemen of the jury, is each of  
14 these verdicts as to Count VIII your verdict?

15 (All the jurors indicate in the affirmative.)

16 THE COURT: The clerk will poll the jury.

17 THE CLERK: Mrs, Thelma S. McKenzie, is each of the  
18 verdicts for Counts I through Count VIII your verdict?

19 MRS. MC KENZIE: Yes.

20 MR. KANAREK: Your Honor, if I may, I would like each  
21 verdict polled separately and have the jurors say yes  
22 individually to each of the counts, each of the jurors as  
23 to Mr. Manson.

24 I don't know how counsel feel about it.

25 MR. FITZGERALD: I will join in that motion.

26 MR. KANAREK: I would like each one of these jurors



1 be polled as to each count.

2 THE COURT: Yes. I understand what you are saying.

3 The clerk will continue polling the jury.

4 THE CLERK: Mrs. Shirley B. Evans, is each of the  
5 verdicts of counts I through VIII your verdict?

6 MRS. EVANS: Yes, it is.

7 THE CLERK: William T. McBride, II, is each of the  
8 verdicts for Counts I through VIII your verdict?

9 MR. MC BRIDE: Yes, sir.

10 THE CLERK: Mr. Alva K. Dawson, is each of the  
11 verdicts for Counts I through VIII your verdict?

12 MR. DAWSON: Yes, sir.

13 THE CLERK: Mrs. Jean K. Roseland, is each of the  
14 verdicts for Counts I through VIII your verdict?

15 MRS. ROSELAND: Yes.

16 THE CLERK: Mr. Anlee L. Sisto, is each of the  
17 verdicts for Counts I through VIII your verdict?

18 MR. SISTO: Yes.

19 THE CLERK: Mr. William M. Zamora, is each of the  
20 verdicts for Counts I through VIII your verdict?

21 MR. ZAMORA: Yes, it is.

22 THE CLERK: Miss Mary M. Mesmer, is each of the  
23 verdicts for Counts I through VIII your verdict?

24 MISS MESMER: Yes, it is.

25 THE CLERK: Mr. John M. Baer, is each of the  
26 verdicts for Counts I through VIII your verdict?

1 MR. BAER: Yes, it is.

2 THE CLERK: Mrs. Evelyn J. Hines, is each of the  
3 verdicts for Counts I through VIII your verdict?

4 MRS. HINES: Yes, it is.

5 THE CLERK: Mr. Larry D. Sheeley, is each of the  
6 verdicts for Counts I through VIII your verdict?

7 MR. SHEELEY: Yes.

8 THE CLERK: Mr. Herman C. Tubick, is each of the  
9 verdicts for Counts I through VIII your verdict?

10 MR. TUBICK: Yes.

11 THE CLERK: All answer in the affirmative, your  
12 Honor.

13 THE COURT: The date for sentencing will be April  
14 19th at 9:00 a.m.

15 MR. KANAREK: Your Honor, may we approach the bench  
16 briefly?

17 THE COURT: All trial motions will be heard April  
18 19th at 9:00 a.m., to precede the sentencing.

19 MR. KANAREK: May I approach the bench on a very  
20 important matter before the jury is discharged, your  
21 Honor?

22 THE COURT: Is this the same motion you made after  
23 the last verdict, Mr. Kanarek?

24 MR. KANAREK: No, it isn't, your Honor, no, it is  
25 not.

26 THE COURT: All right, counsel may approach the

1 bench.

2 (The following proceedings were had at the  
3 bench out of the hearing of the jury:)

4 MR. KANAREK: Your Honor, there is extant at the  
5 present time a publicity order.

6 I move that the Court hand to each of the  
7 jurors a copy of the publicity order and order the jurors  
8 not to discuss this case with anyone, because they may  
9 well be witnesses at the motion for new trial.

10 That is my motion, your Honor.

11 THE COURT: The motion is denied.

12 MR. FITZGERALD: Maybe it is not necessary, but I  
13 would like the record to indicate that we will at that  
14 time move for a motion for new trial, and, in lieu of the  
15 motion for new trial, that the penalties be reduced.

16 THE COURT: I will deem that all defendants have  
17 made a motion for new trial, and to reduce the penalties,  
18 all motions to be heard preceding the sentencing on April  
19 19th at 9:00 a.m.

20 MR. KANAREK: We will waive time and ask that it  
21 go further than that time because it is going to take more  
22 than that time to prepare for a motion for a new trial.

23 THE COURT: That is the date, sir.

24 MR. KANAREK: I make a motion it be extended under  
25 People vs. Crovedi. We have a right to prepare --

26 THE COURT: The motion is denied.

MR. KANAREK: Very well.

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

3 THE COURT: Ladies and gentlemen of the jury, the  
4 People of the State of California owe a tremendous debt of  
5 gratitude to each of the jurors, in this most difficult  
6 case, for your unswerving devotion to duty throughout the  
7 long, arduous months of this trial, and for the personal  
8 sacrifices that each of you ~~has~~ made in being away from  
9 your families, your friends and your occupations.

10 To my knowledge no jury in history has ever  
11 been sequestered for so long a period, or subjected to  
12 such a trying ordeal. I hope that it is never necessary  
13 again.

14 After you are discharged today from further  
15 service, you are free to discuss this case and your  
16 service as jurors with anyone you please.

17 However, you are under no obligation to discuss  
18 it with anyone. That is entirely within your discretion.

19 When you talk to your families and friends  
20 about the case, and review the newspaper accounts of the  
21 trial during the period that you were sequestered,  
22 you will learn for the first time what was kept from you  
23 concerning the trial and the many incidents relating to it.  
24 Perhaps this knowledge will give you a better insight into  
25 the reasons why sequestration of the jury was believed  
26 necessary in this case.

1 For your devotion above and beyond the call of  
2 duty the People of the State of California thank you.

3 If it were within the power of a trial judge  
4 to award a medal of honor to jurors, believe me I would  
5 bestow such an award on each of you.

6 Before we adjourn I want to extend my personal  
7 thanks to each of you, and I want to personally shake the  
8 hand of each of you.

9 (Whereupon, Judge Older shakes the hands of  
10 each juror.)

11 THE COURT: Thank you very much. The Court is now  
12 adjourned.

13 (Whereupon, an adjournment was had to  
14 reconvene Monday, April 19, 1971, at 9:00 a.m.)  
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LOS ANGELES, CALIFORNIA, MONDAY, APRIL 19, 1971

9:00 A.M.

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

THE COURT: All counsel are present. Before we take up any other matters, apparently one of the exhibits --

MR. KAY: People's Exhibit 87.

THE COURT: -- People's 87 was misplaced or taken at some time, either during or after the jury's deliberations.

A copy has been made so it may be substituted and placed in the record. If anyone wants to look at it, to refresh his recollection as to what it is, he may do so.

MR. KANAREK: Your Honor, we cannot agree to stipulate to that. It is our belief a felony has been committed --

THE COURT: Then you can report that to the proper authorities.

MR. KANAREK: I understand that.

THE COURT: The only thing I am interested in is making sure that that record is complete.

MR. KANAREK: We cannot agree. We cannot stipulate to that.

I have spoken to Mr. Fitzgerald and Mr. Shinn about it, and we are not going to stipulate that this

1 go into evidence.

2 THE COURT: I am going to order it be substituted for  
3 the missing photograph.

4 MR. KANAREK: It is our position --

5 THE COURT: Just a moment, sir, don't interrupt me.

6 MR. KANAREK: I'm so sorry, your Honor.

7 THE COURT: It is a copy of 87. It is simply a dupli-  
8 cate copy of a photograph, and it will be substituted for 87.

9 MR. KANAREK: We cannot accept that. We ask for a  
10 hearing, an evidentiary hearing.

11 We claim it is a violation of the due process  
12 and due protection clauses under the 14th Amendment, for  
13 your Honor to order summarily some document into evidence.

14 It is our belief, your Honor, there should be a  
15 complete hearing on this. I have not spoken to Mr. Keith;  
16 I have spoken to Mr. Fitzgerald and Mr. Shinn; we ask for  
17 an evidentiary hearing.

18 THE COURT: Are you contending that this copy is not  
19 a duplicate copy of Exhibit 87? Is that what you are saying?

20 MR. KANAREK: I am contending, your Honor, there  
21 should be a hearing. I don't know; I don't know.

22 THE COURT: You certainly looked at the photograph  
23 often enough during the trial, Mr. Kanarek. Do you have some  
24 doubt about it?

25 MR. KANAREK: Yes, your Honor.

26 THE COURT: All right, then, I will tell you what we

1 will do, just to settle that.

2 Mr. Bugliosi, will you prepare a declaration,  
3 if such is the fact, that this photograph is an exact  
4 duplicate copy of People's 87?

5 MR. BUGLIOSI: Very well.

6 THE COURT: And then if you have any doubt about it,  
7 Mr. Kanarek, you may file a counter declaration and I will  
8 resolve the point at that time.

9 MR. KANAREK: I was going to tell your Honor once  
10 again --

11 THE COURT: You are obviously wasting time. This is  
12 another disruptive matter --

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

14 THE COURT: Just a moment, I have not finished,  
15 Mr. Kanarek, I am groping for the right words to describe  
16 your obstructionism with regard to what is such an  
17 obvious point that it hardly needs elaboration.

18 All right, now, have you discussed with your  
19 clients whether they wish to come into the courtroom and  
20 conduct themselves in a proper manner, during the hearing  
21 of motions for new trial, or any other motions, and the  
22 sentencing?

23 MR. KEITH: No, your Honor, I have not.

24 MR. FITZGERALD: No, I haven't, either.

25 MR. SHINN: I haven't either.

26 MR. KANAREK: Nor have I.



1 THE COURT: I will ask you to do that then; then you  
2 can come back in here and let me know on the record before  
3 we proceed.

4 MR. KAY: Your Honor, I would like to point out at  
5 this time that while Mr. Keith, Mr. Fitzgerald and Mr. Shinn  
6 were very diligent in filing their briefs so that the  
7 prosecution may have a chance to read them on Friday,  
8 Mr. Kanarek apparently filed his after everybody went home  
9 at 5:00 o'clock Friday night.

10 We just received it now, and it looks like it's  
11 a couple of hundred pages. We have not had a chance to read  
12 it .

13 THE COURT: Well, I can tell you, Mr. Kay, Mr. Kanarek's  
14 points and authorities are the exact duplicate, as far as  
15 I can see, of those filed by Mr. Fitzgerald.

16 I don't know if he copied <sup>them verbatim</sup> or what procedure  
17 was followed. To my knowledge there is very little new, if  
18 anything, in his points and authorities. The great bulk of  
19 the 200 pages consists of apparently Xerox copies of news-  
20 paper clippings pertaining to the trial.

21 MR. KANAREK: Well, if your Honor reads the points  
22 and authorities --

23 THE COURT: I did read them, Mr. Kanarek.

24 MR. KANAREK: Well, your Honor, you would see --

25 THE COURT: Incidentally, I would like an explanation  
26 as to why you failed to comply with the Court's order to

1 file them by noon on Friday.

2 MR. KANAREK: Well, your Honor, because of the  
3 problems involved in getting the duplication for the 214  
4 exhibits.

5 THE COURT: There are Xerox machines all over  
6 Los Angeles.

7 MR. KANAREK: I know, your Honor, but I had to go --  
8 I went to a printing place in order to attempt to make the  
9 Court's deadline.

10 I understand Mr. Keith also did not make the  
11 Court's deadline. I called Mr. Darrow; I offered to bring  
12 them to your Honor's house.

13 Mr. Darrow told me that Mr. Keith had -- because  
14 he was late also -- had asked to come to your Honor's house,  
15 and your Honor had declined, indicating your Honor was not  
16 going to be here over the weekend, or something to that  
17 effect.

18 So he declined my request.

19 THE COURT: In any event, I don't find it a sufficient  
20 excuse, Mr. Kanarek. You are also late this morning. I  
21 would like an explanation for that.

22 MR. KANAREK: Well, your Honor, I think I was about  
23 12 minutes late.

24 THE COURT: No, you were 15 minutes late.

25 MR. KANAREK: Well, your Honor, I will tell your  
26 Honor what happened.

1 At Pass Avenue and the Ventura Freeway I left  
2 the freeway to get gasoline because I was afraid I might  
3 not have enough to get to court.

4 I went to Pass Avenue; I got gasoline at a  
5 gas station off Pass Avenue offramp.

6 At the intersection, or the transition road  
7 between the Golden State Freeway and Pasadena Freeway,  
8 where the two come together there was a horrendous traffic  
9 jam, inching inch by inch --

10 THE COURT: What time did you get off the freeway?

11 MR. KANAREK: What time, your Honor?

12 THE COURT: Yes.

13 MR. KANAREK: Probably about twenty minutes to 9:00,  
14 your Honor.

15 THE COURT: And then the traffic jam occurred after  
16 you got back on the freeway?

17 MR. KANAREK: No, the traffic jam was at the  
18 transition road between the Golden State Freeway and the  
19 Pasadena Freeway.

20 THE COURT: What time was that?

21 MR. KANAREK: Just before I got to the courthouse,  
22 your Honor.

23 THE COURT: Perhaps you can explain to me why at 8:15  
24 this morning your office called and told the clerk you  
25 were going to be late.

26 MR. KANAREK: As an abundance of caution, your Honor,

1 out of consideration for the Court, I wanted to indicate I  
2 would possibly be a few minutes late, yes, your Honor.

3 THE COURT: I see; I see! That is a very interesting  
4 explanation, Mr. Kanarek.

5 MR. KANAREK: Because I certainly -- because of your  
6 Honor's feelings towards me, I tried to -- I tried to make  
7 this 9:00 o'clock --

8 THE COURT: I have no personal feelings about you,  
9 Mr. Kanarek. I have some professional feelings about you.

10 I think that you are lacking in professional  
11 responsibility; that you don't give a good deal of thought  
12 or effort to carrying out your responsibility as a lawyer  
13 in many respects.

14 But I have no personal feelings against you.

15 MR. KANAREK: There is no such thing as contempt of  
16 lawyer; there is contempt of court. I would not wish to  
17 take on the Court.

18 But I would welcome going through this record  
19 in connection with matters that I feel, wherein the Court  
20 has been erroneous in its rulings, I would welcome doing  
21 that on a professional basis with the Court.

22 THE COURT: What does this have to do with it?

23 MR. KANAREK: Well, your Honor, because --

24 THE COURT: If you are talking about legal error you  
25 will have an opportunity to argue your motion for new trial.  
26 Let's not get off into collateral matters.

1           Is there anything else, gentlemen, before you  
2 inquire of your clients as to whether or not they intend to  
3 conduct themselves in a proper manner? If not, I would ask  
4 you to each interview your clients and then come back into  
5 chambers before we commence.

6           (Whereupon, the various defense counsel go to  
7 consult with their clients and return.)

8           MR. KANAREK: Mr. Manson did not indicate he wanted  
9 to come back into the courtroom.

10          THE COURT: The question I want answered, Mr. Kanarek,  
11 is whether Mr. Manson will conduct himself in a proper  
12 manner, not whether he wishes to return to court.

13          MR. KANAREK: I will re-ask the question.

14          MR. KEITH: Leslie Van Houten said she would be good,  
15 and wanted to come back, but I wouldn't go any farther than  
16 that, your Honor.

17          THE COURT: I don't expect counsel to underwrite  
18 their client's representations in that regard, in view of  
19 what has happened during this trial.

20          Well, I am going to have all of the defendants  
21 brought into the courtroom then. I hope that they have the  
22 good sense to conduct themselves in a proper manner.

23          On the other hand, if they don't, they will  
24 promptly be removed and we will proceed from there.

25          Is there anything else before we commence?

26          MR. BUGLIOSI: Do you want the jurors in court while

1 the defendants are making their argument as to whether they  
2 should be brought to the witness stand?

3 Do you want them in court?

4 THE COURT: I don't think it makes any difference.

5 MR. KANAREK: I make a motion to exclude the witnesses.

6 THE COURT: The motion is denied. Did you subpoena  
7 them here?

8 MR. KANAREK: Yes, your Honor.

9 THE COURT: The motion is denied.

10 All right, let's proceed, gentlemen.

11  
12 (Whereupon, at 9:35 a.m. the following  
13 proceedings were had in open court, all defendants and all  
14 counsel being present:)

15 THE COURT: All parties and counsel are present.  
16 I believe the first order of business, Mr. Fitzgerald,  
17 would be your motion for a continuance or, in the alter-  
18 native, to be relieved as counsel for Miss Krenwinkel.

19 Do you wish to be heard on that?

20 MR. FITZGERALD: Yes, just very briefly.

21 I think the affidavit attached to the motion  
22 adequately sets out the grounds for my motion.

23 Very simply and essentially there just is not  
24 enough time to adequately and professionally, in a competent  
25 fashion, prepare the motion for new trial for Patricia  
26 Krenwinkel, due to the complexity of the case, the length

1 of the case and the number of witnesses that were called,  
2 and the enormous overriding importance of the motion.

3 For that reason I would respectfully request  
4 that the motion be continued for ten days in order that I  
5 might prepare additional materials, and argue additional  
6 points.

7 As the Court knows, I did file a motion for a  
8 new trial, but I don't in any respect consider that to be  
9 an adequate motion. I think it is adequate as far as it  
10 goes, but it just does not go far enough. It is not  
11 comprehensive and it does not cover the nature, the points  
12 of law concerned in the case that may very well convince  
13 your Honor to grant a motion for new trial.

14 THE COURT: Do you wish to be heard, Mr. Bugliosi?

15 MR. BUGLIOSI: People oppose the motion for continu-  
16 ance, your Honor.

17 MR. KANAREK: Your Honor, if I may, I also make a  
18 motion for continuance.

19 People vs. Crovedi --

20 THE COURT: Then that motion should have been filed  
21 in writing on Friday as the Court directed, Mr. Kanarek,  
22 and it should have been supported by showing of good cause  
23 which you have not done, so I will not entertain it.

24 MR. KANAREK: It was physically impossible.

25 THE COURT: As for Mr. Fitzgerald's motion, I have  
26 given it careful consideration.



1 I believe three weeks is ample time to prepare  
2 adequately for the motion and, in fact, it appears without  
3 question that he has done so.

4 He has filed a written notice of motion, and  
5 motion, and points and authorities, including declarations  
6 of some 43 pages, which I have read and considered, and  
7 certainly I would permit Mr. Fitzgerald to argue additional  
8 points not included in his written supporting papers, if  
9 he has such other points that he wishes to argue.

10 I find no sufficient showing of good cause for  
11 granting the motion for continuance, and that motion is  
12 denied.

13 The motion to be relieved as counsel for  
14 Miss Krenwinkel is also denied.

15 In what order do you gentlemen wish to argue  
16 your motion for new trial?

17 MR. MANSON: I would like to put on a defense of  
18 some sort.

19 MR. FITZGERALD: May we have just a very brief  
20 moment, your Honor?

21 (Off the record consultation among defense  
22 counsel.)

23 MR. FITZGERALD: I will begin, your Honor, if the  
24 Court pleases.

25 THE COURT: Very well, Mr. Fitzgerald.

26 MR. FITZGERALD: In support of the written notice of



1 motion for a new trial there is attached a declaration by --

2 DEFENDANT MANSON: Your Honor --

3 THE COURT: Mr. Manson, as I have told you many  
4 times during the course of this trial, you must conduct  
5 yourself in a proper manner while you are in the courtroom  
6 or you will be removed; the same applies today, sir.  
7 This is your last warning.

8 DEFENDANT MANSON: This is your last warning, too.

9 THE COURT: Go ahead, Mr. Fitzgerald.

10 DEFENDANT MANSON: Better pay heed to it.

11 MR. FITZGERALD: There is attached to the notice of  
12 motion two declarations, one a declaration in affidavit form;  
13 the other a declaration on information and belief.

14 In the declaration, the actual affidavit, and  
15 in the declaration on information and belief, I think that  
16 I have established a prima facie case for calling one or  
17 more of the jurors in the case to the witness stand in  
18 order that all counsel, although I am making the motion I  
19 am anticipating all counsel will join in the motion to  
20 interrogate the jurors in about five separate and distinct  
21 areas, if the Court please.

22 One is to determine their exposure to  
23 prejudicial trial publicity.

24 The other is to determine whether or not the  
25 jurors were approached by persons other than other jurors,  
26 and the case was discussed prior to deliberations and

1 verdict.

2 The third area is that perhaps the jury engaged  
3 in improper deliberations, particularly in regard to the  
4 Morse instruction, CALJIC 8.82.

5 The fourth area is the jurors' state of mind in  
6 regard to the death penalty, and the affidavit attached to  
7 the Notice of Motion.

8 There is a statement of one regular juror that  
9 his state of mind was such that the death penalty did not  
10 mean the death penalty, and life imprisonment did not mean  
11 lifeimprisonment.

12 The fifth area is, all counsel would like to  
13 interrogate members of the jury concerning their financial  
14 arrangement with regard to the sale of their story. Although  
15 we have not established by way of affidavit or declaration  
16 that these jurors improperly engaged in any financial  
17 arrangements, that is to say, we have not established that  
18 they did so prior to any deliberations or verdict, nor have  
19 we established that there is any patent illegality in their  
20 conduct.

21 Certainly it is a highly unusual and peculiar  
22 situation, and the jurors are naturally reluctant to speak  
23 with defense counsel concerning these matters. Consequently,  
24 the absence of affidavits on the part of jurors themselves.

25 We would, therefore, request that we be allowed  
26 to briefly interrogate the members of the jury that are

1 present here today to determine the existence or non-  
2 existence of the five factors I have mentioned.

3 Now, I can continue on or we can handle this  
4 point-by point, whatever the Court prefers.

5 THE COURT: I think this matter should be resolved  
6 at this time, Mr. Fitzgerald.

7 MR. FITZGERALD: I think other counsel want to be heard  
8 on this very limited issue as well.

9 THE COURT: All right, very well.

10 MR. KEITH: May the Court please, I will join in  
11 Mr. Fitzgerald's motion to examine the jurors under oath.

12 My points and authorities only show one instance  
13 where there may have been impropriety, not on the part of  
14 the jurors, but on the part of someone not a member of the  
15 jury or a member of the Court's staff, namely a member of  
16 Life magazine.

17 Letters were addressed to them; whether they  
18 received the letters or not is unknown to me.

19 This is a matter that can be considered by  
20 the Court under People vs. Hutchinson.

21 As I understand that case and the Evidence Code,  
22 the Court is not allowed to -- or let me put it this way:

23 Questions concerning their subjective  
24 deliberations may not be asked on the grounds it is  
25 incompetent under the Evidence Code and People vs.  
26 Hutchinson.

1 But any outside influences, pressures and the  
2 like, may be, and is the subject of proper inquiry.

3 Under the circumstances in this case, I did  
4 not approach any of the jurors. I don't know what pressures  
5 or influences, such as the publicity they may have been  
6 exposed to were.

7 I do believe that inquiry is appropriate in this  
8 case, particularly in view of its magnitude and also under  
9 the statutory and case law of this State.

10 THE COURT: Does anyone else wish to be heard?

11 MR. KANAREK: Yes, your Honor, as your Honor knows,  
12 and as I believe it has been reflected in the public press,  
13 the colored picture -- I think it is People's 87 -- of  
14 Sharon Tate has disappeared.

15 There are people who say that someone on the  
16 jury stole that picture. The clerk has told me that the  
17 picture disappeared in a way, that it would mean the last  
18 place it was was in the jury room.

19 Now, stealing a picture of that type is a  
20 felony because it is a file, it is part of a court file,  
21 and obviously we all know that such theft is a felony, no  
22 matter by whom it is committed.

23 So, therefore, I would ask your Honor to instruct  
24 the jurors that if they take the witness stand they may  
25 incriminate themselves and perhaps they want counsel, or  
26 some juror may want counsel.

Now, I am not suggesting anything except what

1 has been presented to me. This picture of Sharon Tate has  
2 been focused on by the press throughout the world as well as  
3 in Southern California.

4 It is a felony, and we would hope that the  
5 District Attorney's office would prosecute that felony as  
6 well as any other felony.

7 And so that is a point that we wish to interro-  
8 gate on.

9 Now, perhaps the People on the jury wish to  
10 have counsel in connection with this, or maybe they wish  
11 to waive counsel, but I would ask your Honor to -- I would  
12 move, your Honor, to inform them that when they take the witness  
13 stand, and if they are interrogated in connection with  
14 this disappearance of this picture of Sharon Tate, that she  
15 or he may incriminate herself or himself.

16 That is my motion at this instant, your Honor.

17 As your Honor knows, this picture has dis-  
18 appeared.

19 What I am saying is merely what has been  
20 related to me.

21 I make that motion.

22 THE COURT: All right. Did you wish to be heard,  
23 Mr. Shinn?

24 MR. SHINN: Yes, your Honor.

25 Where the facts in support of a motion do not  
26 appear on the record or were not taken by testimony during

1 the trial, your Honor, I believe the Court has a discretion-  
2 ary power to allow an evidentiary hearing.

3 I believe Mr. Fitzgerald's motion and his  
4 affidavit does not reveal that these are the facts that we  
5 want that are in the trial, but these are outside the trial.

6 I cite People vs. Tucker, 117 Cal. 221.

7 (Not-clearly heard interruption by Mr. Manson.)

8 MR. SHINN: In People versus Ferguson, 124 Cal. Ap.  
9 221, which states a court has discretionary power to allow  
10 an evidentiary hearing at a motion for a new trial.

11 And I believe this is a proper case where we  
12 should be allowed to take evidentiary hearing.

13 DEFENDANT MANSON: And I can prove it.

14 THE COURT: Any opposition, Mr. Bugliosi?

15 MR. BUGLIOSI: Has the defense completely argued  
16 their motion to have an impeachment hearing on the verdict?  
17 If they have I have a couple of comments in reply.

18 MR. KANAREK: No, your Honor, I have not. I ask for  
19 a ruling, on my motion that the Court instruct the jurors  
20 they have a right not to incriminate themselves.

21 THE COURT: Let's not waste any more time on that  
22 point. You have made your point.

23 MR. KANAREK: Is that motion denied?

24 THE COURT: Yes, that motion is denied.

25 Go ahead, Mr. Bugliosi.

26 MR. BUGLIOSI: As I understand it, prior to People  
vs. Hutchinson, 71 Cal. 2d 342 there was a general rule

1 adopted and gleaned from the common law prohibiting impeach-  
2 ment of a jury verdict.

3 Section 1181, subdivision 4, of the Penal Code  
4 apparently provided an exception to that general rule  
5 against impeachment of a jury verdict, and the exception  
6 came into play where, number one, a juror concealed his  
7 bias during questioning during voir dire.

8 Number two, the defense did not discover this  
9 bias or concealment of the bias prior to the rendering of  
10 the verdict by the jury.

11 People vs. Hutchinson abrogated the general rule  
12 against impeachment of a jury verdict, holding impeachment  
13 of a jury verdict is permissible.

14 However, the point that I want to make is that  
15 all cases, even those prior to Hutchinson, where Section  
16 1181, Subdivision 4, was involved, People vs. Castaldia,  
17 51 Cal. Ap. 2d 569, People vs. Sherman, 97 Cal. Ap. 2d 245;  
18 People vs. Sanchez, 232 Cal. Ap. 2d, 812.

19 All of those cases, as well as the Hutchinson  
20 case itself never permitted an impeachment hearing unless  
21 the defense first filed with the Court the affidavit of one  
22 or more jurors showing grounds for the impeachment.

23 In other words, your Honor, there has to be  
24 some basis upon which the hearing can be predicated. The  
25 hearing has to be predicated upon affidavits filed with the  
26 Court, not upon pure conjecture and speculation.



1           Perhaps Mr. Fitzgerald has something to say  
2 first.

3           MR. FITZGERALD: Well, in respect to Juror Sisto,  
4 I did file an affidavit.

5           I concede, of course, that Mr. Sisto did not  
6 execute an affidavit but I think under the circumstances he  
7 does not need to execute an affidavit.

8           I actually saw and heard Mr. Sisto make a public  
9 statement to a Mr. Stan Atkinson, a newscaster on Channel 4  
10 television, the day after the verdict, on the 5:30 p.m. news,  
11 that people had in fact contacted him and talked to him in  
12 regard to the case.

13           That is, people approached him and people  
14 actually talked to him about the case; that people --  
15 during the penalty phase of the trial -- that people came  
16 up to him, when he was not sequestered, people came up to  
17 him and said, "Get them, get them!"

18           The obvious inference meaning that the juror,  
19 Mr. Sisto, was to get the defendants, Charles Manson,  
20 Leslie Van Houten, Patricia Krenwinkel and Susan Atkins,  
21 by returning a verdict of death.

22           I think that is a little different situation.

23           I think the Sisto situation is a different  
24 situation than when we are probing the subjective state of  
25 mind of one or more of the jurors.

26           As Witkin indicates in his California Criminal



1 Procedure, it is highly improper for a juror to communicate  
2 with or receive communications from others concerning the  
3 case, either during its presentation or after its submission.

4 Penal Code Section 1182 provides that the juror  
5 may not discuss with other people, or not permit other  
6 people to discuss with him, the facts or circumstances  
7 surrounding the case unless and until those persons are  
8 regular jurors themselves and it takes place during the  
9 deliberation portion of the trial.

2 10 Now, Hutchinson himself, the case that changed  
11 the law, involved an analogous situation.

12 It is not/<sup>the</sup>precise situation, certainly, but it  
13 involved an analogous situation.

14 In Hutchinson my recollection is that a bailiff  
15 illegally and improperly communicated with a juror while  
16 the juror was on jury duty, but prior to deliberations and  
17 prior to verdict.

18 The Court in that case, the Supreme Court,  
19 ruled that an affidavit by that juror as to the communication  
20 to him from the Deputy Sheriff would be sufficient, and  
21 that it should be considered by the Court in evaluating the  
22 motion for a new trial.

23 That is all we are asking here is that -- I  
24 think with Sisto there is a prima facie case, but for the  
25 short length of time between the verdict and this hearing  
26 today, I probably could have secured the filmed, tape-

1 recorded interview of Mr. Sisto that would in effect, out  
2 of his own mouth, establish the fact.

3 But I don't think that anybody would strenuously  
4 contest the facts that are contained in the affidavit as to  
5 Sisto.

6 As to the others, as to the other allegations.  
7 that I have made, improper deliberations in regard to  
8 Morse and the death penalty meaning not a death penalty,  
9 and the impermissible financial arrangements, I think, as  
10 Mr. Shinn pointed out to the Court, the Court does have  
11 discretion and that is all we are asking for is an oppor-  
12 tunity to inquire of them in as brief a manner as possible,  
13 and in as germane a manner as possible whether or not these  
14 things influenced them.

15 Certainly, engaging in improper financial  
16 arrangements with regard to the sale of their story is such  
17 an outside influence that it does not come within the  
18 traditional rule.

19 MR. KEITH: I would adopt Mr. Fitzgerald's arguments.

20 I have no intention of going on a fishing  
21 expedition as intimated by Mr. Bugliosi. There are certain  
22 appropriate areas to cover, and I know that I will, if  
23 permitted to inquire of certain of the jurors, stay within  
24 those proper limits of discovery, if you want to put it that  
25 way, in determining whether there were any outside  
26 pressures brought upon any of the jurors.

1 Now, as far as failure to submit the declarations  
2 or affidavits, from some or all of the trial jurors, I  
3 think the Court might give counsel a little leeway in this  
4 case, at least in waiving that requirement if it is a  
5 requirement.

6 There does not appear to be an absolute  
7 jurisdictional requirement. Apparently the Court does have  
8 discretion, but in this case, and in view of the length of  
9 time the jurors were sequestered and were a captive  
10 audience in this case, and because of the notoriety and  
11 publicity, I personally was very loath to contact any of  
12 the jurors.

13 I did not know how to get ahold of them anyway,  
14 and seek a declaration.

15 Perhaps I should have, and I should be  
16 criticized for not doing so, but I didn't. I thought that  
17 their privacy probably had been intruded upon enough, and  
18 they would not welcome any visits from me for the purpose  
19 of obtaining declarations from them, and they probably would  
20 not have talked to me anyway.

21 So I feel under these circumstances, because of  
22 the uniqueness of the situation, that brief inquiry in the  
23 areas outlined by Mr. Fitzgerald should be permitted by  
24 the Court.

25 Thank you.

26 MR. KANAREK: Your Honor, in terms of -- there is

1 process out for the Sheriff, and the Sheriff has only  
2 returned, as I understand it, the only process that has  
3 been returned is that as to Juror Roseland, so your Honor's  
4 not granting a continuance is, we allege, a denial of due  
5 process and equal protection in view of the fact that the  
6 Sheriff does have the subpoenas as to all of the jurors,  
7 including Victoria Kampman, who we have alleged was dis-  
8 charged erroneously and who, in fact, was a regular juror.

9 And so we would like to point that out to the  
10 Court.

11 Perhaps the Court will reconsider its decision  
12 not to grant a continuance. On that type of showing --  
13 and I do move your Honor to continue, so we can have those  
14 jurors here, because the Sheriff does have the subpoenas.

15 THE COURT: Does that complete your argument,  
16 Mr. Kanarek?

17 MR. KANAREK: No, your Honor. May I have a ruling on  
18 that, your Honor?

19 THE COURT: You will get a ruling when you complete  
20 your argument.

21 MR. KANAREK: Very well, your Honor, just a couple of  
22 points.

23 If, your Honor, if this case were not a  
24 publicized case, the jury would not have been sequestered  
25 and these problems would not have -- some of these problems  
26 would not have arisen.

1           The District Attorney, as we know from this  
2 record, has chosen to publicize this case long before there  
3 was any proceeding whatsoever in your Honor's courtroom.

4           And so it is with the greatest of reluctance  
5 that I point out a couple of other matters which we think  
6 are such that -- especially in view of the fact that the  
7 prosecution is asking for the death sentence, and death  
8 verdicts have been returned -- the juror, Zamora, on  
9 television stated that the jurors were promiscuous.

10           Now, that may be true or it may be untrue.  
11 The only way we can find out, and the only way we can find  
12 what the facts are from which the Court can base its  
13 determination is by taking testimony.

14           We did not manufacture that. Mr. Zamora went on  
15 a program and so stated.

16           Now, how can we allow people, knowing the  
17 propensities of man and how people are influenced by their  
18 friendships and liaisons, and so forth, with the opposite  
19 sex, how can we allow people to go to the gas chamber when a  
20 juror makes that statement? The only way we can ferret out  
21 if this is truth or not is by taking evidence.

22           Furthermore, your Honor, Juror Roseland, and  
23 this was on the front page of the Los Angeles -- or it was a  
24 front-page story, I don't know if this particular part -- I  
25 think it was about on Page 16 of that issue of the Times  
26 which I believe was a week ago today, Juror Roseland, as we

1 set out in our affidavit, stated:

2 "When we first heard the nature of the  
3 crimes that were involved, I think we all  
4 realized that our decision in the case would  
5 influence young people all over the world."

6 Now, your Honor has cases before him every day  
7 where justice is administered without the evil eye of  
8 publicity, and the jurors and the Court -- the decision is  
9 rendered based upon evidence, based upon law, not based upon  
10 what the outside world is going to think, and when a juror  
11 is under this kind of an influence, it is unfair to the  
12 juror -- it is unfair to all of these jurors to have to  
13 realize this kind of a fact, that this case would influence  
14 young people all over the world.

15 Certainly this is in the minds of these jurors,  
16 when they are deciding this case, how can they, how can they,  
17 even if they were an Oliver Wendell Holmes or God himself,  
18 how could they possibly -- how could they possibly render a  
19 decision that would not be influenced by knowing that the  
20 world is looking at them.

21 Then we go on to the next statement of Mrs.  
22 Roseland, "After realizing that --"

23 THE COURT: What are you reading from, Mr. Kanarek?

24 MR. KANAREK: My declaration, your Honor.

25 THE COURT: Your declaration?

26 MR. KANAREK: This is under penalty of perjury of

1 what was in the Los Angeles Times, your Honor.

2 THE COURT: Go ahead.

3 MR. KANAREK: It is on information and belief.

4 I am not -- I was not percipient, but it was in the Los  
5 Angeles Times.

6 THE COURT: All right, go ahead.

7 MR. KANAREK: "After realizing that I tried to keep the  
8 social implications of the trial out of my mind completely  
9 and just look no further than the evidence being presented."

10 Juror Roseland did what she could do, she said  
11 here, she tried. It is an impossible task because let's  
12 look at her next statement. Her next statement is:

13 "But I thank God there was overwhelming evidence  
14 enough to convict them."

15 That is a most unusual statement, thanking God  
16 that there was enough evidence to convict Mr. Manson.

17 I would think that a juror would thank God there  
18 isn't enough evidence to find people guilty of murder  
19 rather than thanking God that there is enough to convict  
20 him of murder.

21 That is certainly not consonant with what this  
22 country was founded upon and was predicated upon, your Honor.

23 We have the further facts of, during this trial,  
24 of during this trial certain matters being brought to the  
25 Court's attention that are in the record. These are  
26 matters that we did not foster, we only heard about them.



1 They were brought to our attention.

2 For instance, the Juror Hines, her husband  
3 saying she developed a drinking problem after she went on  
4 the jury. I did not manufacture that. It was on Baxter  
5 Ward's program.

6 The only way we can ferret it out -- can we  
7 send people to the gas chamber? The jurors themselves may  
8 want to exonerate themselves. They have become in a way  
9 public figures, judges.

10 This is an opportunity not only for us to get  
11 at the facts but also -- also for the jurors to let the  
12 Court and everybody know that maybe some of these things  
13 are not true.

14 I am sure your Honor is familiar with the  
15 Court of Appeal decision from the Fifth Circuit, Marion vs.  
16 Beato, I think is the case, wherein the Court of Appeals in  
17 the Fifth Circuit which is not our Ninth Circuit and it is  
18 not the California Supreme Court, but I think it is persuasive,  
19 that if there is error in connection with one juror in a  
20 death sentence case, just one juror, that is prejudicial  
21 because obviously without that unanimity there cannot be  
22 death.

23 And so we ask your Honor to allow this eviden-  
24 tiary hearing so that we let the evidence come out, what-  
25 ever it may be, and your Honor will then be able to make a  
26 decision based upon evidence.



1           There is, for instance, Mr. Sheeley's statement  
2 that they should all stick together which, your Honor, I am  
3 sure, has been apprised of.

4           Mr. Tubick mentioned it at his press conference,  
5 which is most unusual for a jury foreman in any event to  
6 have a press conference at the Ambassador Hotel, in which  
7 Mr. Sheeley supposedly said, "Let's all stick together,"  
8 and then something about \$200,000.

9           So we have unanimity for the sake of money,  
10 perhaps, because if there is a mistrial or something like  
11 that, or there is not unanimity, the story may be worth  
12 less, because the next jury would be coming here, and we  
13 would then have-- we would then have the lack of focus upon  
14 this jury and their story may not be worth as much, unless  
15 there is death.

16           We also have, we also have the fact that in the  
17 deliberations -- we have -- these things would be in the  
18 minds of the jurors.

19           Were the minds of the jurors on dollars or were  
20 the minds of the jurors on assessing the evidence?

21           These are the things that we have to determine.  
22 The only way we could determine them would be -- to see if  
23 there is any error -- is by taking evidence, your Honor.

24           These are some of them; I have others, but I  
25 think that this -- why should we allow this case to be a  
26 case wherein people like, for instance, this book that has

1 been written, Witness To Evil, a man has already written a  
2 book, Mr. Bishop has written a book.

3 He has in that book, which is already released,  
4 I saw a book review of it, in the Sacramento Bee, I think it  
5 was, over the weekend, in which he speaks of things.

6 They speak of matters wherein clearly the gag  
7 order was violated.

8 He is talking of matters that occurred at the  
9 bench and occurred in chambers. These are the types of  
10 things that have occurred.

11 Somebody violated the gag order there. I have  
12 my ideas of who it was, but what I am getting at is --

13 THE COURT: Confine your argument to the point under  
14 consideration.

15 MR. KANAREK: I am doing it by way of illustration,  
16 that we must put some of the matters that we have brought  
17 to the Court's attention -- not only in the interest of  
18 justice for the defendants, but also to vindicate our system  
19 of justice, because these matters will go on and on and on,  
20 and people will conjecture, and maybe make up their minds  
21 concerning matters that did not even occur.

22 The only way we can tell is by taking evidence.

23 THE COURT: Anything further?

24 MR. KANAREK: And I join with Mr. Fitzgerald and  
25 Mr. Keith and Mr. Shinn's comments, your Honor, in this  
26 request to take evidence.

1 THE COURT: Of course, one of the reasons that the  
2 Court required counsel to file last Friday their motions in  
3 writing, supported in addition by the statement of the  
4 statutory grounds of the precise matters relied on with  
5 reference to this case, was just so that you gentlemen would  
6 have the opportunity, and the Court would have the oppor-  
7 tunity, to consider all matters in connection with these  
8 motions.

9 I believe Mr. Fitzgerald was the only one who  
10 filed declarations.

11 In any event, I read all of the motion papers.  
12 Mr. Fitzgerald's declaration is hearsay; his second  
13 declaration on information and belief is hearsay on hearsay.

14 It is clear that neither of those declarations  
15 can be considered by the Court in connection with this. I  
16 have given this matter careful consideration and there had  
17 been rumors to the effect that the jury would be subpoenaed  
18 in for the hearing on motion for new trial, so I have had  
19 three weeks to consider this question and whether or not  
20 it is desirable or necessary for the jury to be interrogated  
21 and I have concluded that there is no such necessity, nor  
22 is it desirable for the jury to be interrogated, and that  
23 motion will be denied.

24 Do you wish to argue your motion for a new trial,  
25 Mr. Fitzgerald?

26 MR. FITZGERALD: Yes, your Honor.

1 THE COURT: Incidentally, at this time if any of the  
2 jurors who are here under subpoena wish to leave, they will  
3 be excused. They are, of course, free to stay if they  
4 want to stay, but insofar as any requirement is concerned,  
5 they are free to leave.

6 MR. KANAREK: Well, your Honor, may we make the record --

7 MR. FITZGERALD: On Page 3 of my Notice of Motion I  
8 set out various points in regard to the motion for a new  
9 trial.

10 Item number one, the matter relating to a jury  
11 from outside of the County, I would submit on the basis of  
12 the points and authorities, and the argument I made at the  
13 time that the motion was made.

14 Rather than reiterate all the comments I made  
15 to your Honor during the course of the trial as these  
16 various points came up, I don't think that is necessary on  
17 the motion for new trial. I think your Honor has them in  
18 mind.

19 I will submit item number one.

20 Item number two, I will submit.

21 Item number three.

22 Item four, item five, item six, item seven,  
23 item eight, nine, ten, eleven, twelve, thirteen, fourteen,  
24 fifteen, sixteen, seventeen, eighteen and nineteen we have  
25 just covered, your Honor.

26 Your Honor did indicate that, just briefly,

1 that you would give me leave to raise additional items.  
2 I did not anticipate that, but I do have one additional  
3 item which I would like to raise. It is not included in  
4 the motion for new trial, and that is that the Court erred  
5 in a matter of law in giving to the jury CALJIC instruction  
6 8.82. That is the so-called Morse instruction.

7 We argued about this at the time it was given.  
8 We had a conference with regard to the instructions in  
9 chambers.

10 But I think it is helpful to reiterate,  
11 particularly in light of the hearsay statements of  
12 Mr. McBride, that this Morse instruction actually tells the  
13 jury that at some time the defendants can be paroled.

14 It actually calls their attention to the fact  
15 that parole is obviously in the future of anybody they  
16 are about to convict and sentence.

17 It tells them that they can be released at  
18 some future date.

19 Then the instruction in the last paragraph  
20 goes on to tell them that now that the scheme of parole in  
21 California has been explained to them, they are to disregard  
22 it.

23 Felix Frankfurter in an analogous situation  
24 referred to that type of instruction or admonition to the  
25 jury as telling a little boy to go into the corner and not  
26 think of a white elephant.

1           Once you tell this jury that the defendants are  
2 going to be paroled at some future date or are likely to be  
3 paroled at some future date they are obviously -- it is  
4 obviously difficult for them to remove that idea from their  
5 mind.

6           Now, jurors who spent any amount of time in  
7 California, and all of these jurors are registered voters  
8 so they have been here for some amount of time, they have been  
9 deluged by the matters in the popular press concerning  
10 Adult Authority and parole in California.

11           Most people feel persons charged with crimes  
12 in this country today, much less California, are released far  
13 too soon with the liability actually incurred by the populace  
14 in general.

15           Now, in California they believe that people are  
16 automatically, ipso facto, paroled at the end of seven  
17 years.

18           Obviously in California the statutory scheme is  
19 such that people are eligible for parole at the end of seven  
20 years, but it is an unlikely situation where anybody is  
21 actually paroled at the end of seven years.

22           Now, the instruction asks the jury to put trust  
23 and confidence in public officials. It asks them to trust  
24 in and believe in the public officials appointed to the  
25 Adult Authority by the Governor.

26           It strikes me that telling the jury to put

1 confidence in public officials is something that traditionally  
2 Americans have been loathe to do.

3 Your Honor, on the other hand, has tried a number  
4 of cases and your Honor has been assigned criminal  
5 departments for some extended period of time and your Honor  
6 is familiar with the conduct of the Adult Authority and your  
7 Honor is familiar, I am sure, with the conscientious manner  
8 in which members of the Adult Authority dispatch their  
9 duties and obligations to the citizenry, and I am sure your  
10 Honor is well convinced that the Adult Authority in  
11 California is not going to release persons convicted of  
12 murder until it is safe to do so, and certainly defendants  
13 in this kind of posture.

14 Now, as a matter of common practical knowledge  
15 we all know that the more publicity there is attending a  
16 case, the longer somebody is going to remain in prison  
17 before they are released on parole, and we have some  
18 notorious examples in America.

19 I think Leopold remained in prison some 40  
20 years.

21 Persons convicted of -- Spade Cooley in  
22 California remained in prison and was released just before  
23 his death. I believe he spent an extraordinary length of  
24 time in jail.

25 I am sure that had this instruction not been  
26 given, I feel there would have been a probability of a



1 different result.

2 THE COURT: There certainly would have been. On appeal  
3 you would have raised that point and the case would have  
4 been reversed, wouldn't it?

5 MR. FITZGERALD: Well, I'm not sure that I would have  
6 raised it on appeal. I am sure some lawyer would have  
7 raised it on appeal. If it wasn't I, somebody would say  
8 you did not give --

9 THE COURT: You would have a duty to raise it on  
10 appeal, Mr. Fitzgerald.

11 MR. FITZGERALD: I would concede that some other  
12 attorney certainly would raise it on appeal because it is  
13 an instruction that was offered actually by the former  
14 Chief Justice of the California Supreme Court, Roger  
15 Traynor.

16 It is a mandatory instruction, but what is  
17 frequently done in the guise of helping the defendants  
18 actually hurts them.

19 I think this is the situation with the Morse  
20 instruction.

21 THE COURT: That may be true, and of course you can  
22 reargue the matter on appeal, but so far as this Court is  
23 concerned there was no choice, it was a mandatory instruc-  
24 tion.

25 (Interruption by Mr. Manson, not heard clearly  
26 by the reporter.)



1 THE COURT: I certainly would not have been justified  
2 under any circumstances in refusing to give that instruction.

3 I have been told by the Supreme Court of this  
4 State that it is a mandatory instruction.

5 MR. FITZGERALD: Now, actually these remarks conclude  
6 my argument on the motion for new trial.

7 Obviously, in the event this motion is denied  
8 I would like to be heard on a motion to reduce the penalty,  
9 but this business about the Morse instruction actually  
10 dovetails with the motion to reduce the penalty.

11 We have a very, very unfortunate state of  
12 affairs in America today where there is a so-called mora-  
13 torium on the death penalty.

14 THE COURT: Are you now arguing the other motions?  
15 I would like to hear all the motions on new trial before  
16 we get into other motions, Mr. Fitzgerald.

17 MR. FITZGERALD: I will defer to other counsel.

18 THE COURT: Mr. Keith.

19 MR. KEITH: May the Court please, with respect to  
20 strictly the motion for a new trial I have nothing really  
21 germane to add beyond the points that I made in my  
22 declaration and points and authorities as submitted to the  
23 Court.

24 I would like to expand, perhaps, on the denial  
25 to my client of a fair trial on the grounds that she was not  
26 severed from the other defendants.

1           Now, I may be on somewhat thin grounds. I don't  
2 feel I am on thin ground as far as the justice of the  
3 situation is concerned, but I am not sure because I was not  
4 here, of the state of the record with respect to a motion  
5 for severance having been made by then counsel in her  
6 behalf.

7           I understand Mr. Reiner did make such a motion.  
8 Whether it was before your Honor or not, I don't know, and  
9 it may be that the motion in midstream, at the hearing,  
10 in other words, was withdrawn.

11           I pointed that out in my declaration, and in all  
12 honesty I am not sure precisely what happened to that motion,  
13 whether it was actually ruled upon and denied by your Honor  
14 or one of the other Superior Court judges that handled pre-  
15 trial matters in this case.

16           Be that as it may, by reason of the matters  
17 and things that I show in my points and authorities and  
18 declarations, I feel very strongly because Defendant Van  
19 Houten was only charged in effect with two homicides, and  
20 although she was accused as a conspirator, it was never  
21 contended that she joined the conspiracy prior to the Tate  
22 homicides; that she has been and was severely prejudiced  
23 by the evidence, the voluminous evidence of the Tate homi-  
24 cides plus the voluminous evidence of Mr. Manson's beliefs,  
25 philosophies, activities and so forth, when she herself was  
26 only the subject of evidence and testimony on two counts of

1 murder and, to be sure, the conspiracy.

2 But then, she did not join any conspiracy,  
3 assuming there was one for the sake of argument, until  
4 after it had already commenced, and after the first night.

5 Therefore, she could not have been liable for  
6 the homicides that took place at the Tate residence.

7 I believe that in her behalf the jury could not  
8 help but have been prejudiced against her because of all of  
9 the evidence that went in against the other defendants on  
10 other counts in which she was not charged.

11 This is the guilt by association motive that was  
12 strongly urged in the Massey case, and adopted by the Court  
13 in Massey.

14 Guilt by association was one of the factors in  
15 Massey, and that appears to me to be the leading authority  
16 on severance, that caused our Supreme Court to overturn the  
17 conviction and to return the case for a new trial.

18 Not only was there an Aranda problem in that  
19 case, but, just as significant, the Court said the over-  
20 whelming guilt of Massey could not have helped but  
21 prejudice Vetter. The case against Vetter was not that  
22 strong, and as a result, in all probability -- they used a  
23 probability test, the prejudiced result -- in other words,  
24 without the presence of Massey at that trial, and in all  
25 probability a more favorable result would have been  
26 obtained for Mr. Vetter.

1 I feel that in this case the same thinking and  
2 logic and reasoning of the Supreme Court should apply, that  
3 without the evidence of the Tate homicides, without all of  
4 the evidence brought in against Mr. Manson and Leslie  
5 Van Houten's female defendants, in all probability a more  
6 favorable result would have been obtained for her.

7 As a result she has been deprived of a fair  
8 trial.

9 I don't wish your Honor to consider the points  
10 I raised in isolation. I think all of the points that are  
11 raised should be considered as a whole and altogether.

12 I hope the Court may be convinced that because  
13 of the combination of facts and circumstances and things  
14 and matters, one of which is the failure of Leslie to be  
15 separated from the rest of her co-defendants, that she did  
16 not receive justice in this case.

17 Another point I raised in my motion was the  
18 failure of the Court to give instructions on diminished  
19 capacity, although requested by all counsel for the  
20 defendants.

21 It is true that no psychiatrist testified in  
22 behalf of Miss Van Houten or any of the defendants.  
23 However, as I read the cases, I don't find that an  
24 absolute requirement.

25 I think there was enough here to raise the issue,  
26 particularly as applies to Mr. Bugliosi's argument, and the

1 jury as a result was deprived of the presentation of an  
2 important issue in this case and that was the extent of my  
3 client's ability to premeditate.

4 And premeditate means, as the Court knows, the  
5 extent of her ability to maturely and meaningfully reflect  
6 upon the gravity and enormity of the evil contemplated.

7 If the jury had had the benefit of that  
8 instruction of diminished capacity, I believe that in  
9 Leslie's case a different result also may well have been  
10 reached.

11 I well realize no psychiatrist took the stand  
12 and advised the Court she did not have the ability to  
13 premeditate, or that the extent of her ability was  
14 impaired.

15 But the evidence put on by the prosecution,  
16 showing how she regarded Mr. Manson, showing that -- this  
17 is the prosecution evidence -- that she apparently slavishly  
18 followed him; that he thought, Mr. Manson, according to the  
19 prosecution evidence, he believed that killing was right,  
20 good and just and that -- further evidence -- that her  
21 influence -- his influence over her, bearing in mind  
22 Mr. Bugliosi's argument that the female defendants were  
23 robots, automatons, zombies, was enough in and of itself to  
24 justify the instruction.

25 Not having the benefit of that instruction  
26 means the jury was deprived of an important issue that I

1 certainly argued to the jury in the guilt phase, that is,  
2 the issue of the extent of her ability to premeditate, and  
3 as a result she was again deprived of a fair trial.

4 But I don't want to isolate things. It is that  
5 failure, the failure of a severance, the pretrial publicity,  
6 not that this jury may have formed expressions of opinion  
7 concerning it, but the mere fact that the jury knew that  
8 this was a case of great notoriety and national interest,  
9 in and of itself, under Sheppard and under Estes, is an  
10 important consideration.

11 As a matter of fact, in Estes vs. Texas, it  
12 doesn't appear as if the jury was subjected or exposed to  
13 anything more in that case than they were in this case.

14 There were television cameras in the courtroom  
15 in that case. There were many members of the news media in  
16 the audience in this case.

17 THE COURT: If you are suggesting there were any  
18 cameras in the courtroom, of course there weren't.

19 MR. KEITH: No, there were not.

20 THE COURT: There is a vast difference.

21 MR. KEITH: In essence there were television cameras  
22 although they were not on during the trial

23 In this case there were no cameras. I am  
24 sorry if I implied that there were.

25 DEFENDANT MANSON: Lucky there wasn't.

26 MR. KEITH: There were many members of the news media

1 which, in my mind, was the equivalent of cameras, which the  
2 jury knew what was happening here was being reported in the  
3 news media throughout the country and, as pointed out in  
4 Sheppard and in Estes, although nobody can prove it,  
5 certainly subtle pressures may have been exerted upon the  
6 jury.

7 For these reasons, may the Court please, I do  
8 believe very strongly and very earnestly that Miss Van  
9 Houten is entitled to a new trial.

10 Thank you.

11 THE COURT: Mr. Shinn, do you wish to argue?

12 MR. SHINN: Yes, your Honor, very briefly.

13 One of the points I submitted on my written  
14 motion for new trial, one of the grounds was that when the  
15 Court found out that one of the jurors had read the head-  
16 lines in the newspaper of August 4th, I think, the Los  
17 Angeles Times which stated, "Manson Guilty Nixon Declares,"  
18 and I believe that defense made a motion for a mistrial and  
19 I believe that the Court should have at that time granted  
20 the motion because I believe that anyone in the jury reading  
21 this article would be influenced.

22 Because here is the President of the United  
23 States, and we all respect him, making a statement that  
24 Manson was guilty.

25 Now, I believe that that juror would have been  
26 influenced to a certain extent, we don't know how much.



1 We all felt at that point the Court should have  
2 granted this motion for mistrial.

3 THE COURT: Is that what you had in mind when you  
4 placed the newspaper on the counsel table, Mr. Shinn?

5 MR. SHINN: Well, your Honor, is your Honor implying  
6 that I intentionally placed this --

7 THE COURT: That issue has already been decided.

8 MR. SHINN: Your Honor implied that I intentionally  
9 knew that that was in the batch of papers I put on the  
10 counsel table.

11 Your Honor, I am not arguing that point now.

12 THE COURT: Go on with your argument, Mr. Shinn.

13 MR. SHINN: The second point is there was misconduct  
14 by Juror Zamora.

15 We did call to the Court's attention that  
16 Mr. Zamora in the corner was drawing pictures, and not  
17 paying attention to the evidence.

18 DEFENDANT MANSON: He didn't bring his homework,  
19 either.

20 MR. SHINN: The Court had a duty at that point at  
21 least to inform the juror that this was a very serious  
22 case; that it is a question of life and death, and he should  
23 pay more attention.

24 Your Honor did nothing about it.

25 DEFENDANT MANSON: He played hookey three times.

26 MR. SHINN: I believe that denies the defendant an



1 impartial trial.

2 Now, the next point I brought in my motion for  
3 new trial was that ineffective deletion of Roni Howard and  
4 Virginia Graham's statements which were made to Susan Atkins  
5 in the women's jail.

6 Now, Roni Howard and Virginia Graham both  
7 testified --

8 (Interruption by Mr. Manson, not heard clearly  
9 by the reporter.)

10 MR. SHINN: -- that they did talk to Miss Atkins  
11 sometime in October, 1969, and I believe they testified on  
12 the stand about a year later.

13 Now, they both stated that they had read  
14 articles about this case, and they saw on TV facts con-  
15 cerning this case, and their testimony and, according to  
16 their original statement to the police, it was vastly  
17 different, and I believe although Aranda and Bruton state  
18 that the statement of a co-defendant could be deleted, it  
19 must be an effective deletion.

20 Here I believe there was not an effective  
21 deletion. I believe it was prejudicial to Susan Atkins.

22 I believe I did make a motion to strike the  
23 testimony of either Roni Howard or Virginia Graham, and I  
24 believe the Court denied that motion.

25 Now, the next point I brought up in my written  
26 motion was a change of venue. I don't have to elaborate on

1 the change of venue. The Court is fully aware of the mass  
2 publicity in this case, and other counsel have discussed  
3 this matter already.

4 Also, I believe I made a motion to suppress the  
5 letters of Susan Atkins to Walker, Fletcher, and Roni Howard.

6 I at that time stated that the Sheriff's  
7 Department here violated Susan Atkins' Fourth Amendment  
8 rights by photographing all her letters going in and coming  
9 out, and I believe the Court denied my motion at that time,  
10 too.

11 Now also, my next point I brought up in my  
12 written motion was that the Court erred when the Court dis-  
13 missed Juror Sheeley.

14 Now, Juror Sheeley wanted to be excused because  
15 his wife was in an accident. I believe your Honor indicated  
16 that your Honor did in fact dismiss Juror Sheeley.

17 The Court thanked Mr. Sheeley and he walked out  
18 and I believe in the process of swearing in the new juror,  
19 I believe she had taken the oath and then she fainted, and  
20 I believe your Honor then decided to unsequester the jury  
21 and then asked Juror Sheeley whether or not, if he could go  
22 home, he would stay on the jury panel.

23 And I believe he stated yes, and then your  
24 Honor vacated the proceedings in which he dismissed Juror  
25 Sheeley, and reinstated him.

26 Now, there is no case authority, or there is no

1 statutory positions for this, where once a juror has been  
2 excused, it is final, and the Court cannot again bring him  
3 back in the seat of an original juror.

4 Now, the next point -- the next point that I  
5 brought up was the fact that after being incarcerated for  
6 three days, after each day I requested a continuance, a  
7 short continuance, indicating that I had no rest; I didn't  
8 have any sleep, and I was unprepared mentally and physically  
9 to go ahead with the trial.

10 I believe the Court after the first, second and  
11 third day denied my motion for a short continuance, and I  
12 cited the case where the Courts have held that when an  
13 attorney has been incarcerated and is not prepared to go  
14 ahead either physically or mentally, the Court should grant  
15 at least a short continuance, in order that he may prepare  
16 adequately in the interests of his client.

17 Even the last day I begged the Court to give me  
18 a half day continuance after I had not gotten any sleep for  
19 three days, and the Court denied that motion.

20 I think that was error.

21 DEFENDANT MANSON: Everybody had a hard time, huh?

22 MR. SHINN: I also cited my motion that the Court  
23 should not allow colored photographs of the victims --

24 (Interrupted by Mr. Manson.)

25 MR. SHINN: -- I also cited that the Court made an  
26 error when they forced Susan Atkins to take the stand before

1 Mr. Bugliosi, although I submit that the Court does have  
2 discretionary power --

3 (Interruption by Mr. Manson.)

4 MR. SHINN: The Court could exceed this power. I  
5 believe the Court did exceed his power in this case in  
6 telling the defense in what order to put the witnesses on,  
7 because there may be a strategy in which we wanted to put  
8 Mr. Bugliosi on first and then Susan Atkins.

9 The Court has forced me to put on Miss Atkins  
10 first and then Mr. Bugliosi.

11 I believe that was error.

12 The Court made an error when he restricted my  
13 examination of Roni Howard and Virginia Graham. I tried to  
14 elicit questions regarding original statements which Miss  
15 Atkins made at the County Jail.

16 Your Honor made me approach the bench and asked  
17 what I was doing and made me restrict my questions in that  
18 area, which I felt was prejudicial.

19 I believe all these points I stated, and which  
20 I have in my written motions, your Honor, I do feel some of  
21 these errors the Court, I believe, should take into consider-  
22 ation and grant the new trial.

23 Submitted.

24 THE COURT: We will take a 15-minute recess at this  
25 time and then resume with the arguments.

26 (Recess.)

1 (10:58 a.m.)

2 THE COURT: All parties and counsel are present.

3 Mr. Kanarek, do you wish to argue your motion?

4 MR. KANAREK: Yes, your Honor.

5 I am sure your Honor and I will agree that  
6 there is case law that indicates that the motion for new  
7 trial may be made or must be made orally.

8 In order that there not be any question about it  
9 I would ask that all of what I filed be deemed to be oral  
10 or to at least, to at least accommodate that rule of law  
11 because we are cognizant of it.

12 I am sure it does not mean you cannot have  
13 points and authorities, but I don't believe -- I believe  
14 in this particular case for some reason the law does pro-  
15 vide, and your Honor, I am sure is aware of it, the law  
16 provides that the motion for new trial must be made orally.

17 In that connection, in connection with the  
18 points and authorities we would like to direct the Court's  
19 attention to some 214 exhibits which we have called A-1  
20 through A-214, which are copies of what has occurred in the  
21 local press, primarily the Los Angeles Times and the Herald  
22 Express (sic), in connection with this case.

23 These 214 pages, and there is the Valley News  
24 also, but -- and perhaps a couple of other outlying news-  
25 papers, but the point is that these 214 exhibits encompass  
26 only a very small portion of the time duration of the trial,

1 and really these 214 exhibits are by way of illustration only  
2 in connection with our point about the pretrial -- about  
3 the in-trial publicity.

4 There is no question about it, there has been  
5 constant daily coverage by the mass media other than the  
6 newspapers, radio, television.

7 The Court has accommodated the press, so that,  
8 as the Court faces the courtroom, the entire -- essentially  
9 the right-hand section of the courtroom was made available  
10 to the press.

11 Out in the hallway there are numerous phones,  
12 I don't know, some 25 or 30 phones which are there on a  
13 permanent basis, pending during this trial for the benefit  
14 of the press.

15 So there is no question about the coverage,  
16 the publicity coverage in this case.

17 We think that there is an ironic -- an ironic  
18 similarity in President Nixon's action in the Calley case.

19 In the Calley case the man was convicted and it  
20 shows how public opinion -- how public pressure has an  
21 effect on the administration of justice.

22 Mr. Calley --

23 DEFENDANT MANSON: He did a damned good job. ✓

24 MR. KANAREK: Mr. Calley has been given -- I don't  
25 know the merits of his case or the demerits of his case --  
26 but the President has injected himself to the point that

1 Mr. Calley, as we all know, is restricted to quarters only  
2 instead of going to Leavenworth.

3 Now, the public opinion in this case, this is  
4 the other side of the coin, in this case public opinion has  
5 lynched Mr. Manson.

6 The District Attorney's office by their conduct  
7 and what they have done, they have lynched Mr. Manson just  
8 as much as if he were taken out by some band of vigilantes  
9 in the old West and hung.

10 The fact of the matter is that when this case  
11 broke, when this case broke, Chief Davis, as we all know,  
12 had his press conference saying the case is solved, the  
13 District Attorney's office did what your Honor has been  
14 apprised of what they have done in this case, they have used  
15 this case -- they have used this case for political pur-  
16 poses.

17 They have used the public press, the mass media  
18 for purposes of getting a conviction.

19 And so these cases that we have cited are in  
20 point. I am sure your Honor has read them:

21 Sheppard vs. Maxwell, the Estes case, Heuvel  
22 vs. Louisiana.

23 In those cases -- in those cases there wasn't --  
24 there was not the focus on the defendant being guilty the  
25 way this case has. In those cases there was -- sure, the  
26 defendant was put in a bad light, but in this instance it is



1 an a fortiori situation, your Honor, in this case Mr. Manson  
2 was damned from the very beginning.

3 He was a Svengali, a monster, so we get these  
4 jurors saying the very things they are now saying at the  
5 present time.

6 (Interruption by Mr. Manson.)

7 MR. KANAREK: And so we have, just by way of illus-  
8 tration, we have the effect of public opinion, even, your  
9 Honor, upon the President of the United States, and he can-  
10 didly said so in his press interview.

11 He said that public opinion made him act.

12 If public opinion made the President of the  
13 United States act, how can we expect 12 people, 12 ordinary  
14 lay people, not to be subservient to that public opinion?

15 (Interruption by Mr. Manson.)

16 MR. KANAREK: And so, your Honor, these facts cry  
17 out that your Honor grant the motion for new trial.

18 To get to some other points that we would like  
19 to emphasize, it is our belief, your Honor, that reversible  
20 error was committed.

21 We tried to forestall it by asking the Court in a  
22 timely manner to grant Linda Kasabian her immunity in the  
23 way that our law provides.

24 She is supposed to take the witness stand; if  
25 she does, if she does exercise the privilege against self-  
26 incrimination she is granted her immunity.



1 That was never done. The law was walked over in  
2 that regard.

3 Due process, and there is a reason for that as in  
4 People vs. Walther, in that case the Court points out that  
5 if you grant the immunity at the very earliest time, whatever  
6 feeling there may be in the -- or in the witness' mind,  
7 whatever affection she may have towards the prosecution or  
8 whatever ways she may be biased toward the prosecution would  
9 tend to be attenuated if she knows that right now she has that  
10 immunity.

4 11 But for reasons best known to the Court, the  
12 Court would not grant this request. We made a motion for an  
13 election, actually it was a motion that the Court forced  
14 the District Attorney to elect; either she is a defendant or  
15 she is going to be a prosecution witness.

16 That was done in a timely manner, but I don't  
17 know how much of her testimony had transpired, perhaps seven-  
18 eighths of it -- anyway, a very large fraction of her  
19 testimony had already occurred before she was granted the  
20 immunity, and of course the immunity papers themselves do  
21 not speak the facts.

22 The immunity papers purport to say she was  
23 called to the witness stand, she refused to testify and  
24 immunity was granted.

25 We all know that that did not happen and the  
26 reason -- the reason for that is, as we have stated, in

1 order to keep her as honest as possible, and that was not  
2 done.

3 On that basis alone, since she has such a key  
4 position in the prosecution case, on that basis alone your  
5 Honor should grant a motion for new trial because of the  
6 fact that that was an error of law in a decision of law,  
7 and it almost -- we think it's reversible error even if it  
8 is not requested, but we requested it timely.

9 Furthermore, when she was called to the witness  
10 stand she was a defendant, and there is case law to the  
11 effect that calling a defendant to the witness stand is  
12 reversible error. She was actually a defendant when she was  
13 called.

14 In connection with the prosecution's what we  
15 allege is a deliberate, malicious attempt, failure to make  
16 discovery in connection with the testimony of California  
17 Highway Patrolman Steuber.

18 That is a very important point.

19 We asked the Court timely for an evidentiary  
20 hearing. We asked the Court that we conduct an evidentiary  
21 hearing because of the fact we made discovery, this was  
22 law enforcement tape.

23 And all of a sudden the prosecution came up with  
24 this tape. Your Honor refused the evidentiary hearing;  
25 your Honor allowed the tape to be used where, purportedly,  
26 certain statements were not made.

1 I am sure your Honor will recall that we did in  
2 chambers make that timely request which was denied.

3 And so it is our -- it may be deemed that our  
4 other points have been made or really, we beg the Court to  
5 grant a motion for new trial and -- so that we may, perhaps,  
6 have a fair trial in this case and allow the defendants to  
7 be tried in an atmosphere wherein we will have some kind of  
8 objectivity.

9 The present result, your Honor, is not based upon  
10 a deliberative approach. It is not based upon objective  
11 analysis. It is based upon rank emotion.

12 (Interruption by Mr. Manson.)

13 THE COURT: Do the People wish to respond?

14 MR. BUGLIOSI: Very briefly, your Honor.

15 Each and every contention argued by the four  
16 defense attorneys, your Honor, have been previously raised  
17 by them and resolved by this Court, so I see no need to  
18 address myself to each and every one of the issues they have  
19 now raised for a second, third and fourth time.

20 Your Honor, the 12 jurors who heard this case  
21 conscientiously and diligently listened to and evaluated all  
22 of the evidence during this very long trial, and they  
23 labored very, very long and hard during their deliberations.  
24 There is no question in my mind that they were an exemplary  
25 jury.

26 I am convinced that each and every one back in  
the jury room felt that they had a commitment and an

1 obligation not only to our system of justice, but to them-  
2 selves, to render a just and a proper verdict.

3 Through their unanimous verdicts they said that  
4 these defendants were guilty of first-degree murder.

5 Inasmuch as this was a jury trial, and inasmuch  
6 as this jury consisted of 12 people from this community,  
7 chosen not only by the prosecution but by the defense, and  
8 inasmuch as each of these four defendants unquestionably  
9 has received a fair trial, and inasmuch as the jury, after  
10 hearing and considering all of the evidence, has spoken  
11 through their verdict, and inasmuch as, your Honor, there  
12 appears to be no valid, legitimate reason whatsoever for  
13 modifying or changing these jury verdicts, the People of the  
14 State of California respectfully and strenuously urge the  
15 Court to ratify, as it were, these jury verdicts and not  
16 disturb them and to deny the defense motions for a new trial.

17 The People of the State of California, your  
18 Honor, beseech this Court to not disturb these verdicts.

19 Submit the matter, your Honor.

20 THE COURT: Anything further, gentlemen?

21 MR. FITZGERALD: Not on the motion for new trial.

22 MR. KEITH: Submit on behalf of Leslie Van Houten.

23 THE COURT: Very well.

24 MR. KANAREK: Except for the aspect of modification,  
25 I submit, your Honor.

26 MR. FITZGERALD: I think the record should be clear,

1 I know in my discussions with the other attorneys, and I  
2 know it is true certainly with me, we are moving as well  
3 under 1181, Subdivision 6, as well as for a new trial, to  
4 reduce the offenses from murder in the first degree to  
5 murder in the second degree or manslaughter, as Mr. Keith  
6 suggested.

7 THE COURT: I so understand your motions, gentlemen.

8 MR. KANAREK: I join in those comments, your Honor.

9 THE COURT: In considering these motions I have  
10 independently reviewed and weighed the evidence.

11 I have read and considered all of the documents  
12 that you gentlemen have filed in support of your motions, and  
13 I have carefully considered your arguments.

14 I find no basis for granting a new trial and,  
15 accordingly, the motions for a new trial will be denied as  
16 to each defendant.

17 Do you wish to argue your further motion,  
18 Mr. Fitzgerald?

19 MR. FITZGERALD: Yes. We would appeal to the Court's  
20 inherent power to reduce the penalty from death to life.

21 I will be very brief; your Honor sat here for  
22 as long as we sat here.

23 Your Honor is familiar with the background of  
24 the defendants, as we produced them on the witness stand;  
25 your Honor also has the benefit, I am sure, of an individual  
26 evaluation of your own.

1 Now I think -- obviously I am not going to  
2 burden the Court with my argument to the jury, but during  
3 my argument to the jury in the penalty phase of the trial  
4 I referred to the death penalty as a relic of savagery,  
5 some sort of medieval relic of savagery and I believe that.

6 I sincerely believe that, as I think the body  
7 of scholarly opinion in this country believes that the death  
8 penalty actually serves no useful purpose, and that in an  
9 enlightened society, certainly the penalty ought to be the  
10 lowest penalty consistent with public safety.

11 And I submit that while the jury may have some  
12 problem determining whether or not the defendants will ever  
13 be released on parole, when it is unsafe to do so, that  
14 your Honor does not have those problems.

15 Now, as I alluded to earlier in my motion for  
16 new trial, there is an unfortunate state of affairs  
17 existing in America with respect to the death penalty, that  
18 jurors, being human beings, and certainly being laymen,  
19 must have taken into consideration.

20 Perhaps it did not rise to the dignity of  
21 influencing their deliberations, but certainly subconsciously  
22 it affected the jurors, and that is the proposition that  
23 the death penalty does not mean the death penalty.

24 There has not been an execution in California  
25 since April of 1967 when Aaron Mitchell was executed, and  
26 there are some 90-odd persons awaiting the death sentence



1 in California, many of whom have been there since the '50's,  
2 since the end of the '50's or the early '60's.

3 Throughout America there are 500 people on  
4 Death Rows around the country awaiting execution.

5 There is currently before the United States  
6 Supreme Court the combined class action of these persons  
7 awaiting the death penalty throughout America.

8 The United States Supreme Court recently put a  
9 determination of that very, very serious issue off at least  
10 until the Fall of 1971, and perhaps even to the Spring of  
11 1972.

12 Many of people, however, and certainly those of  
13 the popular press, feel that the death penalty is a dead  
14 letter.

15 Now obviously, if these defendants were going to  
16 be executed, really going to be executed and they were going  
17 to be executed say, for example, next Monday morning, and  
18 the jurors were appraised of this, and the jurors knew it;  
19 that would be one set of circumstances and fact.

20 On the other hand, where the jurors realize  
21 that there is a possibility -- many of them feel a  
22 probability -- that the defendants will never be executed,  
23 that governors from time to time exercise their power of  
24 clemency, they must feel that in returning a verdict of  
25 death that it really does not mean death.

26 Now, I suggest that any death penalty verdict



1 returned now means death. I think there is a substantial  
2 body of respectable opinion in this country that argues  
3 that the United States Supreme Court is not going to hold  
4 the death penalty to be a cruel and unusual punishment with-  
5 in the purview of the Eighth Amendment.

6 Nor is it going to find that it lacks standards  
7 sufficient to deprive persons of due process. There is a  
8 responsible body of attorneys in this country who cogently  
9 argue that this is the last substantial attack on the  
10 death penalty, and once this is decided by the United  
11 States Supreme Court, we will resume executions in this  
12 country, and I think these certainly for the purposes of  
13 this argument to the Court, your Honor must assume that  
14 these defendants are actually going to be executed, if your  
15 Honor allows the penalty of death to stand.

16 Now, as I mentioned just a few minutes ago, I  
17 think the only appropriate penalty is the lowest penalty  
18 consistent with public safety and, I think, as I mentioned  
19 earlier, with your Honor's experience with the Adult  
20 Authority, and certainly I am sure it is your Honor's  
21 opinion that they consciously dispatch their duties to the  
22 People of the State of California, these defendants will  
23 not be released until it is safe to be released.

24 To execute them over and beyond protection of  
25 society, I think, would be something that, as an enlightened  
26 society, we don't want to stand for.

1 It just smacks of convenience and retribution,  
2 and it serves no useful purpose.

3 More importantly, it seems to me that there has  
4 not been any evidence presented that these defendants, and  
5 certainly my client, Patricia Krenwinkel, there has been  
6 no evidence presented that she cannot be rehabilitated and  
7 as the Courts in California and elsewhere have pointed out  
8 for a number of years, rehabilitation is the only, and,  
9 certainly, the salutary function of our penal system.

10 It isn't to punish; it isn't <sup>to</sup> wreak vengeance  
11 or retaliation on the person of anybody. And as you look at  
12 Patricia Krenwinkel, and I reviewed her probation report,  
13 here is a girl who has a very, very minimal prior involve-  
14 ment with the law, and that involvement did not take place  
15 until 1968. It did not take place until she was, well --  
16 it did not take place until she was 19 or 20 years of age.

17 I am sure your Honor has had numbers of people  
18 appear before you under a minor offense, say possession of  
19 marijuana or possession of dangerous drugs, who had far  
20 more serious, far worse criminal records than Patricia  
21 Krenwinkel.

22 I mention this -- and I mention it certainly  
23 in mitigation of the punishment in the abstract, but I  
24 mention it more specifically to demonstrate that here is a  
25 person who can obviously be rehabilitated or, from the face  
26 of it, could obviously be rehabilitated.

1 She had the benefit of a good family, a good  
2 education. She is an intelligent girl. There is no  
3 indication whatever that she cannot profit substantially  
4 from the therapeutic services available in the Department  
5 of Corrections.

6 (Interruption by Mr. Manson.)

7 MR. FITZGERALD: I think that in determining whether  
8 this penalty ought to be reduced, your Honor ought to take  
9 into consideration the personal culpability of the various  
10 defendants and whether they personally killed, and if so,  
11 whether they personally killed as the result of her own  
12 impetus or as the result of the impetus of someone else,

13 I would also ask your Honor to take into  
14 consideration the use, the substantial, prolonged, chronic  
15 use of mind-altering drugs. It certainly would have an  
16 influence on someone in terms of premeditation and  
17 deliberation, and certainly would have an influence on my  
18 client and the other defendants here with respect to the  
19 quantum of mental wherewithal that obviously we must find  
20 if we are going to impose such a drastically severe penalty.

21 THE COURT: Mr. Keith.

22 MR. KEITH: Thank you, your Honor.

23 I would like to echo and adopt Mr. Fitzgerald's  
24 arguments to you on the subject of reducing the penalty in  
25 this case, and I would like to discuss something with the  
26 Court that neither counsel, neither Mr. Bugliosi or any

1 of the defense counsel could discuss before the jury at the  
2 time of their arguments, yet it appears, if I read newspaper  
3 accounts correctly, to be a substantial factor in the jury's  
4 decision to return verdicts of death in this case.

5 Some of the jurors indicated to the press that  
6 they wished to set an example to other young people, and  
7 that this was one of the vital reasons why they returned  
8 the verdicts that they did.

9 This, of course, means the jurors considered  
10 the deterrent aspects of the death penalty.

11 As we well know, neither Mr. Bugliosi nor  
12 defense counsel nor counsel in any other capital case, by  
13 reason of Supreme Court decisions, may argue deterrence or  
14 lack of it to a jury during their summations regarding the  
15 capital punishment, or the imposition of capital punishment  
16 or life imprisonment.

17 The reason for the Supreme Court's opinion is  
18 certainly cogent; simply, as I understand it, there is  
19 insufficient data by which counsel can argue, or should be  
20 permitted to argue deterrence or lack of it; that it is  
21 a very dubious assumption at best, and certainly scholars,  
22 officers and statisticians and sociologists are very much  
23 divided on the question of whether capital punishment does  
24 offer deterrence.

25 There are arguments and data both ways. Suffice  
26 it to say no one has reached a germane or a conclusion

1 substantiated by facts one way or another. Therefore,  
2 counsel are precluded from arguing the issue.

3 However, inasmuch as there is no guidelines to  
4 channel the jurors' deliberations on the question of capital  
5 punishment, they, of course, are not precluded from  
6 considering deterrence, or, as they or some of them have  
7 put it, making an example of the defendants.

8 That this is one of the vices, may it please  
9 the Court, of a lack of guideposts and of permitting the  
10 jurors to have their untrammelled discretion in deciding the  
11 issue of life or death.

12 Nonetheless, I don't believe that if counsel  
13 cannot argue it for either side that the jurors should be  
14 permitted to consider it.

15 Nonetheless, in their absolute discretion there  
16 is nothing to prevent them from considering it, and since  
17 the subject has been brought up by the jurors themselves,  
18 and since we are in court without a jury being present, I  
19 have grave doubts as to whether making an example of these  
20 defendants or any of them would in any way prevent or deter  
21 or give young people second thoughts about committing the  
22 sort of misdeeds that have been committed in this case.

23 Indeed, I suggest to the Court that anyone so  
24 deranged who would consider committing the type of bizarre  
25 and singular homicides as committed in this case, would  
26 surely not be expected to be deterred by thinking of what

1 happened to the people in the Manson case.

2 It is highly unlikely that the thought would  
3 ever occur to them in the first place, and I have often  
4 taken the position in other capital cases that the deterrence  
5 aspect is absolutely of no value in deterring the  
6 commission of murder.

7 Certainly I would go further, in a case of this  
8 nature, if contemplated by others -- what I am saying is  
9 if others contemplated similar acts, certainly they would be  
10 of a state of mind that what happened to Mr. Manson and the  
11 three female defendants in this case would offer no deterrence,  
12 would give them so second thoughts whatsoever.

13 They would go ahead and do it, and I would make  
14 that argument in virtually any case. I know of no evidence  
15 that indicates making an example of people in a particular  
16 case is going to reduce the crime rate in this country.

17 I should not say crime rate, I should say the  
18 homicide rate; I think that would be more accurate.

19 And I would like to reiterate Mr. Fitzgerald's  
20 argument and add to it, I see no social benefit to be  
21 derived from the imposition of the death penalty in this  
22 case as to Defendant Van Houten or any of the other defendants  
23 for that matter.

24 You examine your conscience; you examine your  
25 experience and try to come up with some reason why  
26 Leslie Van Houten's death would benefit you or me or any of

1 the people in this courtroom or anybody in the community.  
2 It is an act of pure retribution, the death penalty in this  
3 case, and if I thought that the death penalty might deter  
4 someone from committing another crime of this nature, I  
5 would say so, but I don't think so.

6 The jurors seem to have a different viewpoint,  
7 or at least some of them, if their accounts to the media  
8 are accurate.

9 I would like to incorporate what I said to the  
10 jury in both opening and closing arguments regarding whether  
11 or not Leslie should receive the death penalty.

12 She was only 19 at the time of the La Bianca  
13 homicides. I don't know of any other 19-year-old girl in  
14 modern times that has been put to death in this country.

15 I sincerely and seriously doubt there ever has  
16 been a 19-year-old girl put to death, no matter what the  
17 crime may have been.

18 In addition, as I argued to the jury, I  
19 strongly believe that Leslie's mental and emotional makeup,  
20 her state of mind, belies her chronological age. I don't  
21 believe that she is mentally and emotionally 21 now. She  
22 is more like 10 or 12 to me, and I stress again the  
23 psychiatric testimony in this case which indicates to me  
24 that Leslie was not acting entirely with the free will that  
25 might be more excuse for the imposition of the death penalty  
26 in this case.



1 I think she was under tremendous pressures from  
2 other sources.

3 I do believe that her mind through the  
4 chronic use of LSD had deteriorated so that her social  
5 values were altered completely, albeit she voluntarily  
6 took the drug, nonetheless her judgment and her values and  
7 her morals must have been seriously impaired, if not  
8 destroyed.

9 This plus the setting she found herself in  
10 along with Mr. Manson and his influence, I suggest to the  
11 Court, made her activities an extension of his, and that she  
12 was not acting freely and voluntarily at the time even  
13 though, to be sure, if she stabbed anybody she was the one  
14 that had to propel the knife, I will grant you that,  
15 physically she had to.

16 Mentally I have grave doubts that it was her  
17 own mind that acted when she committed the wrongdoing she  
18 has been convicted of committing in this case.

19 I do feel very strongly and sincerely that  
20 this is a medical and a psychiatric case.

21 For reasons unfortunately that were somewhat  
22 beyond my control, it was never presented as such to the  
23 fullest extent of human endeavor. I believe that Leslie  
24 should be examined or should have been examined extensively,  
25 not just for two or three or four hours but week after week  
26 after week.

1 This was impossible in this case. Leslie is  
2 partly to blame.

3 Apparently she was not interested in that type  
4 of defense until relatively recently, if you can call it a  
5 defense -- it is a defense, not only mitigation but actually  
6 it could have been a defense on the merits, but it was  
7 never used as such.

8 As a result I think a grave miscarriage of  
9 justice might be committed in this case, more than "might",  
10 it would be committed, and will be committed if this  
11 death penalty as to her is allowed to stand.

12 There are intimations in the record that she is  
13 capable of being rehabilitated. I don't think it could be --  
14 of course this is impossible with a death sentence pending.  
15 This is the purpose of -- one of the main purposes of  
16 incarceration, as Mr. Fitzgerald points out, certainly one  
17 of the purposes and the major purpose of incarceration is  
18 to protect the public.

19 I suggest to the Court that life imprisonment  
20 adequately protects the public from any future misdeeds, if  
21 ever there ever would be any on the part of Leslie Van  
22 Houten.

23 Furthermore, as I believe very strongly, and  
24 I have gotten to know her quite well, that she can be  
25 rehabilitated.

26 As I told the jury, I think it would be a long  
and painful process, but it can be done. It would be

1 totally unfair to send a girl, a young girl like this to her  
2 death when there is that possibility, if not strong  
3 probability in existence.

4 Although the offenses with which she has been  
5 charged were characterized as brutal, bloody, atrocious,  
6 horrible, and so on and so forth, almost ad infinitum,  
7 I think we should look at the girl more than these offenses  
8 themselves in assessing the validity of the death penalty  
9 in this case.

10 This is a girl that went terribly wrong and I  
11 don't think it is her own fault entirely.

12 As a matter of fact I think that if extensive  
13 psychiatric studies were made under the proper circumstances  
14 I think her fault, although it would not be minimal, there  
15 would be a considerable body of authoritative opinion that  
16 this girl was not capable of premeditating in the sense  
17 that premeditation is defined in our Penal Code and in the  
18 instructions and in the case law.

19 I do believe very strongly that she was -- that  
20 the extent of her ability to realize, to understand the  
21 enormity of the evil that she was contemplating, was  
22 impaired and, again, if not destroyed.

23 And by reason thereof her acts at the La Bianca  
24 residence were not those of a normal and normally  
25 intelligent young girl, but those of a very mentally and  
26 emotionally deficient person.

1 I would again invite the Court's attention to  
2 the Bassett case which I cited in my points and authorities  
3 and asked the Court to give that case the consideration I  
4 believe it merits, and reduce the sentence in this case in  
5 the interest of justice to life imprisonment.

6 Thank you.

5 7 THE COURT: Mr. Shinn.

8 MR. SHINN: Yes, your Honor.

9 On behalf of Susan Atkins, your Honor, I think  
10 the Court should take into consideration her cooperation  
11 in this matter.

12 Now -- although the District Attorney does not  
13 have a conscience, I believe the Court has a conscience.  
14 It was brought out in this case that Miss Atkins did in fact  
15 cooperate with the police and the District Attorney's  
16 Office. In fact, she broke the case of the century.

17 Now, Chief Davis on December 2nd made an  
18 announcement that the Los Angeles Police Department solved  
19 the case of the century. This was after the police and the  
20 District Attorney heard the Tate statements made by Susan  
21 Atkins in Mr. Caballero's office.

22 Now, the Court in sentencing should take into  
23 consideration the defendant's cooperation, whether or not  
24 the defendant has pleaded guilty. I believe the courts  
25 take all of these facts into consideration when they sen-  
26 tence a defendant.

1 Now, here Miss Atkins was put in a position  
2 by her own attorney, Mr. Caballero, and also Mr. Caruso,  
3 where they made an agreement with the District Attorney's  
4 Office.

5 Now, the agreement as interpreted -- I mean,  
6 if you look at it in an objective way, the agreement was  
7 such that if she testifies and secures her indictment  
8 against the defendants in this case, that they would not seek  
9 the death penalty.

10 Now, Mr. Bugliosi, Mr. Stovitz, Mr. Younger,  
11 got on the stand and tried to say, well, she did not tell  
12 the 100 per cent truth or she did not tell the complete  
13 truth and they also stated that they were going to determine  
14 whether or not she was telling the truth.

15 And we all know that the Grand Jury determines  
16 whether or not a witness tells the truth at a Grand Jury  
17 hearing.

18 if  
19 Now, /the Grand Jury did not believe Miss  
20 Atkins I doubt very much whether or not they would have  
21 brought an indictment against Manson and the other defen-  
22 dants.

23 Now, I believe the courts do have somewhat of a  
24 moral obligation toward Miss Atkins.

25 Now, the District Attorney has kept all of the  
26 benefits, yet Miss Atkins was put in the same position as  
the other defendants in this case, and I think the Court

1 should strongly consider the fact that she has somewhat  
2 cooperated with the authorities and take that into  
3 consideration in our motion to reduce the penalty.

4 Now, the District Attorney will say, well, she  
5 lied in the Grand Jury; she later recanted by her declar-  
6 ations, and if they believed this to be true, then they had  
7 a duty at that time to dismiss the indictment and get a new  
8 indictment. This was never done.

9 Now, they keep the benefits they received from  
10 Miss Atkins and in the same breath say because of the fact  
11 she filed a declaration indicating she lied to the Grand  
12 Jury, now the deal was off, yet they use all of the benefits  
13 that they have received from Miss Atkins.

14 So I feel that in view of the fact Miss Atkins  
15 did cooperate to a certain extent, that the Court should  
16 take this into consideration, in our motion to reduce  
17 penalty.

18 Submit it.

19 THE COURT: Mr. Kanarek.

20 MR. KANAREK: Yes, your Honor.

21 I submit on the basis that Mr. Manson is  
22 completely innocent of these matters. I submit further on  
23 the basis of my argument to the Court previously this  
24 morning and my argument to the jury.

25 I submit also, your Honor, with this point:

26 Juror Tubick, who was the foreman of the

1 jury, says if Linda Kasabian were sitting where these  
2 defendants were, he would have brought in the death sentence.

3 If that doesn't cry out for a certain result as  
4 far as this Court is concerned, I don't know what does, your  
5 Honor.

6 Thank you.

7 THE COURT: Mr. Bugliosi.

8 MR. BUGLIOSI: Very briefly, your Honor.

9 I repeat a statement I have made several times  
10 previously, I will say it again:

11 That the seven Tate-La Bianca murders were  
12 perhaps the most savage, barbaric, nightmarish murders in  
13 the ~~courtroom~~ <sup>recorded</sup> annals of crime.

14 I am not an uncompromising, rigid, inflexible  
15 exponent of the death penalty.

16 I do not believe the death penalty should be  
17 imposed in all cases. I think each case has to be examined  
18 and evaluated separately.

19 Although I am a prosecutor, your Honor, there  
20 have been cases where I actually urged the jury to return  
21 verdicts of life imprisonment.

22 But in view of the incredible brutality,  
23 savagery and senselessness of these seven murders, if any  
24 case justifies the imposition of the death penalty, this  
25 surely was a proper case.

26 The 12 jurors who heard this case felt that in



1 view of the extremely aggravated nature of these murders  
2 and the total, complete lack and absence of any mitigating  
3 circumstances, the death penalty was a proper verdict and  
4 I see no reason whatsoever to change that verdict and I  
5 would remind the defense attorneys that not only did the  
6 prosecution select these 12 jurors, but the defense did.

7 Again, the People of the State of California  
8 respectfully and strenuously urge the Court not to disturb  
9 these verdicts.

10 We ask the Court to affirm the jury verdict of  
11 the death penalty.

12 Thank you, your Honor.

13 THE COURT: Does anyone wish to respond to Mr.  
14 Bugliosi?

15 MR. FITZGERALD: No, your Honor.

16 MR. KEITH: Submit, your Honor.

17 MR. KANAREK: Submit, your Honor.

18 MR. SHINN: Submit, your Honor.

19 DEFENDANT MANSON: May I respond?

20 THE COURT: In considering this motion to reduce the  
21 penalty, gentlemen, I have read and considered all of the  
22 pre-sentence investigation reports.

23 In addition I have independently reviewed and  
24 weighed the evidence in determining the motion, and of  
25 course I have considered carefully the arguments on both  
26 sides for and against the motion.

1 After nine and a half months of trial all of  
2 the superlatives have been used, all of the hyperbole has  
3 been indulged in by counsel, by the press, and all that  
4 remains are the bare, stark facts of seven senseless murders,  
5 seven people whose lives were snuffed out by total strangers  
6 for motives which may remain known only to them.

7 I have carefully looked, in considering this  
8 motion for mitigating circumstances, and I have been unable  
9 to find any.

10 I have considered the arguments of counsel  
11 regarding the legitimate ends of sentence and punishment  
12 which are usually considered to be deterrence, rehabilitation,  
13 protection of the public, and it is also fashionable these  
14 days not to mention the fourth which I think also is a  
15 legitimate element and that is retribution -- not an eye  
16 for an eye -- but punishment for acts voluntarily and  
17 deliberately engaged in which are contrary to our law.

18 It is important that any sentence and any  
19 punishment dealt out by the Court represent an emphatic  
20 denunciation by the community of the type of conduct being  
21 engaged in.

22 It is also important that any sentence show  
23 the revulsion of the community for the conduct engaged in.

24 And in this case it is my considered judgment  
25 that not only is the death penalty appropriate, but it is  
26 almost compelled by the circumstances.

1           The Legislature in this State has given the jury  
2 and the Court alternatives. Certainly the Legislature must  
3 have considered that the death penalty would be an  
4 appropriate penalty in some kind of first-degree murder  
5 case, and I must agree with the prosecutor on the point  
6 where he asks the question, if this is not a proper case  
7 for the death penalty, what would be?

8           I have been unable to resolve that question in  
9 any other way than by affirmatively finding that this is an  
10 appropriate case for the death penalty.

11           Accordingly, the motion to reduce the penalty  
12 on each of the defendants is denied.

13           Is there any legal cause why judgment should  
14 not now be pronounced?

15           MR. KANAREK: Yes, your Honor, I make a motion in  
16 arrest of judgment.

17           THE COURT: Very well, you may be heard.

18           MR. KANAREK: As your Honor knows, the motion in  
19 arrest of judgment lies normally -- normally where a  
20 demurrer has been filed.

21           Mr. Manson was deprived of his right to file a  
22 demurrer, as the record will reveal in this case.

23           I don't want to belabor it, I'm sure your  
24 Honor has read that portion of the record.

25           THE COURT: Why was he deprived?

26           MR. KANAREK: Well, because of colloquy which

1 occurred wherein there was colloquy between himself and the  
2 Court.

3 THE COURT: Of course you were counsel of record,  
4 Mr. Kanarek, at the time the pretrial motions were heard  
5 in this case.

6 MR. KANAREK: No, I was not, your Honor, this was  
7 before I was of record in this case.

8 THE COURT: Yes, but you did not hear what I said,  
9 sir.

10 MR. KANAREK: I'm sorry.

11 THE COURT: On June 1st you were counsel. The Court  
12 at that time set the pretrial motions for June 10th, and  
13 you had until June 5th to file all of your supporting  
14 papers.

15 Go ahead.

16 MR. KANAREK: But the demurrer must be made prior  
17 to plea. Plea had already been made, your Honor.

18 But in any event, and that is clear, I am  
19 sure your Honor will agree that a demurrer -- the code  
20 specifically provides, I think it is 1004 or 1005 -- it  
21 must be made prior to plea.

22 But in any event, it is our position that the  
23 Court must arrest judgment because of the invasion of  
24 Mr. Manson's constitutional rights which have been guaran-  
25 teed him by the due process clause of the Fourteenth  
26 Amendment which grants him the right to a fair public

1 trial.

2 This horrendous publicity is represented in  
3 A-1 to A-214 which we filed here. It clearly shows he  
4 was not granted a fair public trial, a little bit of the  
5 iceberg, your Honor, over and above the fact that we made  
6 a motion to quash based on the Grand Jury -- the Grand  
7 Jury, no question in this case, that that was erroneously  
8 denied, and also the petit jury.

9 We challenged the petit jury, and that is  
10 before this Court.

11 It is our belief that the Court, because of  
12 these violations of Mr. Manson's constitutional rights, we  
13 incorporate by reference the other motions we have made.

14 It is our belief and our motion that your  
15 Honor arrest judgment.

16 THE COURT: The motion will be denied.

17 DEFENDANT MANSON: Your Honor, may I put a foot in  
18 the door?

19 THE COURT: I will give you an opportunity to speak,  
20 Mr. Manson. Do you wish to be heard now?

21 DEFENDANT MANSON: Yes, sir, I do.

22 THE COURT: All right.

23 DEFENDANT MANSON: In your infinite self --

24 THE COURT: But before I hear you I want to hear  
25 from counsel.

26 Is there any legal cause why judgment should

1 not now be pronounced?

2 MR. FITZGERALD: Other than what has heretofore been  
3 stated, your Honor, there is no legal cause why sentence  
4 should not now be imposed on behalf of Patricia Krenwinkel.

5 MR. KEITH: There is no legal cause on behalf of  
6 Leslie Van Houten.

7 MR. SHINN: There is no legal cause, your Honor, on  
8 behalf of Susan Atkins.

9 MR. KANAREK: No legal cause, your Honor, except what  
10 has been stated.

11 THE COURT: You may speak, Mr. Manson.

12 Please stand.

13 DEFENDANT MANSON: (Referring to the microphone)  
14 This is all right, I have a voice.

15 In your infinite self you know as well as I  
16 know that all of the proceedings that have went before your  
17 Honor and all of the words, the numbers that are written  
18 in your books, all of the things that you learn in school  
19 to do, and act as grownups -- in my mind as a child my  
20 mother brought me to you and she left me with you and I  
21 have always lived with the truth of this courtroom.

22 I have always stood within your light, sir.  
23 I have always stood to my father and said, "Yes, I have  
24 done what I have been told to do."

25 If I did something I would go to my father and  
26 say, "Yes, I did; now do what you want to do to me."

1 But, sir, I am dead in this thought, and that  
2 is true. I accept this court as my father. I have always  
3 done the best in my life to uphold the laws of my father  
4 and I accept my father's judgment.

5 Thank you, sir.

6 THE COURT: Do any of the other defendants wish to  
7 say anything?

8 (No response.)

9 THE COURT: Mr. Manson and his counsel will please  
10 rise.

11 On December 8th, 1969, the Grand Jury of  
12 Los Angeles County duly returned indictment No. A-253, 156  
13 charging Charles Manson and others with seven counts of  
14 murder in violation of Section 187 of the Penal Code of the  
15 State of California, and one count of conspiracy to commit  
16 murder in violation of Section 182.1 and 187 of the Penal  
17 Code of the State of California. The counts were  
18 described as follows:

19 Count I, the murder of Abigail Anne Folger.

20 Count II, the murder of Voityck Frykowski.

21 Count III, the murder of Steven Earl Parent.

22 Count IV, the murder of Sharon Marie Polanski.

23 Count V, the murder of Thomas John Sebring.

24 Count VI, the murder of Leno A. La Bianca.

25 Count VII, the murder of Rosemary La Bianca.

26 And Count VIII, conspiracy to commit murder.



1           On December 11, 1969 Charles Manson appeared in  
2 Department 100 of the Superior Court of the County of  
3 Los Angeles, at which time the Public Defender was appointed  
4 to represent him.

5           On December 22, 1969 the Public Defender was  
6 relieved, and on December 24, 1969 the defendant's motion  
7 to represent himself in propria persona was granted.

8           Thereafter, on January 28th, 1970 Charles  
9 Manson was duly arraigned on Indictment No. A-253 156,  
10 and on this date pleas of not guilty to all charges were  
11 entered by the Court on behalf of the defendant, pursuant  
12 to Section 1024 of the Penal Code.

13           On March 6, 1970, the defendant's right to  
14 represent himself in propria persona was revoked and  
15 Attorney Charles Hollopeter was appointed to represent the  
16 defendant.

17           On March 19, 1970, Attorney Ronald Hughes was  
18 substituted for Charles Hollopeter as counsel of record,  
19 representing the defendant.

20           On June 1, 1970, Attorney I. A. Kanarek was  
21 substituted for Attorney Ronald Hughes as counsel of  
22 record to represent the defendant.

23           Between December 11, 1969 and June 15, 1970  
24 this case was continued from time to time on behalf of the  
25 defendant for good cause and for the hearing of certain  
26 motions.

1 On June 15, 1970 in Department 104 of the  
2 Superior Court of the State of California in and for the  
3 County of Los Angeles, trial by jury on the issue of guilt  
4 was commenced.

5 On January 25, 1971 the jury returned verdicts  
6 finding the said Charles Manson guilty as charged on all  
7 eight counts of the indictment, and fixing the degree of  
8 murder in Counts I through VII as murder in the first  
9 degree.

10 Thereafter, on January 28th, 1971, the penalty  
11 phase of the trial commenced, and on March 29, 1971 the  
12 jury returned verdicts of death against the said Charles  
13 Manson as to each of the eight counts of which the defendant  
14 had been convicted.

15 The case was continued to April 19, 1971 for a  
16 hearing on motions for a new trial and to reduce the  
17 penalty from death to imprisonment for life, and for the  
18 pronouncement of judgment and sentence.

19 On April 19, 1971, the defendant through his  
20 counsel argued his motions for a new trial and to reduce  
21 the penalty and to arrest the judgment.

22 After due consideration of the arguments  
23 presented by the parties, the motions for a new trial and  
24 reduction of the penalty from death to imprisonment for  
25 life, and the motions in arrest of judgment were denied.

26 The Court now merges Counts I through VIII for

1 the purpose of sentence only, and sentences the defendant  
2 Charles Manson as follows:

3 It is the judgment and sentence of this Court  
4 that for the crimes of Murder in the First Degree in  
5 Counts I through VII, and Conspiracy To Commit Murder in  
6 Count VIII of which you, Charles Manson, have been  
7 convicted, and the penalty having been fixed as death,  
8 that you be delivered by the Sheriff of Los Angeles County  
9 to the warden of the State Prison of the State of California  
10 at San Quentin to be by him put to death in the manner  
11 prescribed by law of the State of California on the date  
12 hereafter to be fixed.

13 Execution on Count VIII is stayed pending  
14 the determination of any appeal on the other counts, such  
15 stay to become permanent when the sentence as to any one of  
16 the counts, I through VII, has been completed.

17 You may be seated, Mr. Manson and Mr. Kanarek.

18 Mr. Shinn, will you stand with your client,  
19 please.

20 MR. SHINN: Yes, your Honor.

21 THE COURT: On December 8, 1969, the Grand Jury of  
22 Los Angeles County duly returned Indictment No. A-253 156,  
23 charging Susan Atkins and others with seven counts of murder  
24 in violation of Section 187 of the Penal Code of the State  
25 of California, and one count of conspiracy to commit murder  
26 in violation of Section 182.1, and 187 of the Penal Code of

1 the State of California.

2 The counts were described as follows:

3 Count I, the murder of Abigail Folger.

4 Count II, the murder of Voityck Frykowski.

5 Count III, the murder of Steven Earl Parent.

6 Count IV, the murder of Sharon Marie Polanski.

7 Count V, the murder of Thomas John Sebring.

8 Count VI, the murder of Leno A. La Bianca.

9 Count VII, the murder of Rosemary La Bianca.

10 Count VIII, conspiracy to commit murder.

11 On December 16, 1969, Susan Atkins appeared in  
12 Department 100 of the Superior Court of the County of  
13 Los Angeles with her attorney, Richard Caballero, at which  
14 time she was duly arraigned on Indictment No. A-253 156.

15 At the time of her arraignment Susan Atkins  
16 entered pleas of not guilty to all eight counts of the  
17 Indictment.

18 Thereafter, on March 11, 1970, Attorney Daye  
19 Shinn was substituted for Richard Caballero as attorney  
20 of record representing the defendant.

21 Between December 16th, 1969 and June 15th,  
22 1970 this case was continued from time to time on behalf of  
23 the defendant for good cause, and for the hearing of cer-  
24 tain motions.

25 On June 15, 1970 in Department 104 of the  
26 Superior Court of the State of California in and for the

1 County of Los Angeles, trial by jury on the issue of guilt  
2 commenced.

3 On January 25, 1971 the jury returned verdicts  
4 finding the said Susan Atkins guilty as charged in all  
5 eight counts of the Indictment and fixing the degree of  
6 murder on Counts I through VII as murder in the first  
7 degree.

8 Thereafter, on January 28, 1971 the penalty  
9 phase of the trial commenced, and on March 29, 1971 the  
10 jury returned verdicts of death against the said Susan  
11 Atkins as to each of the eight counts of which the defen-  
12 dant had been convicted.

13 The case was continued to April 19th, 1971 for  
14 a hearing on motions for a new trial and to reduce the  
15 penalty from death to imprisonment for life, and for the  
16 pronouncement of judgment and sentence.

17 On April 19, 1971, the defendant through her  
18 counsel argued her motion for a new trial, and to reduce  
19 the penalty from death to imprisonment for life.

20 After due consideration of the arguments  
21 presented by the parties, the motions for a new trial and  
22 the reduction of the penalty from death to life imprison-  
23 ment were denied.

24 At this time the Court merges Counts I through  
25 VIII as one count for the purpose of sentence only, and  
26 sentences the defendant Susan Atkins as follows:

1           It is the judgment and sentence of this Court  
2 that for the crimes of murder in the first degree in  
3 Counts I through VII and conspiracy to commit murder in  
4 Count VIII of which you, Susan Atkins, have been convicted,  
5 and the penalty having been fixed as death, that you be  
6 delivered by the Sheriff of Los Angeles County to the  
7 Superintendent of the California Institution For Women  
8 at Frontera, to be held at that facility pending further  
9 order of the Court.

10           Upon affirmance of this judgment on appeal,  
11 this Court will set a date for your execution.

12           Thereafter, the Department of Corrections is  
13 ordered to deliver you to the custody of the Warden of the  
14 State Prison of the State of California at San Quentin to  
15 be by him put to death in the manner prescribed by law of  
16 the State of California.

17           Execution on Count VIII is stayed pending the  
18 determination of any appeal on the other counts, such  
19 stay to become permanent when the sentence as to any one of  
20 Counts I through VII has been completed.

21           Mr. Fitzgerald, will you stand with Miss  
22 Krenwinkel.

23           On December 8th, 1969, the Grand Jury of  
24 Los Angeles County duly returned Indictment No. A-253 156,  
25 charging Patricia Krenwinkel and others with seven counts  
26 of murder in violation of Section 187 of the Penal Code of

1 the State of California, and one count of Conspiracy To  
2 Commit Murder in violation of 182.1 and 187 of the Penal  
3 Code of the State of California.

4 The counts were described as follows:

5 Count I, the murder of Abigail Anne Folger.

6 Count II, the murder of Voityck Frykowski.

7 Count III, the murder of Steven Earl Parent.

8 Count IV, the murder of Sharon Marie Polanski.

9 Count V, the murder of Thomas John Sebring.

10 Count VI, the murder of Leno A. La Bianca.

11 Count VII, the murder of Rosemary La Bianca.

12 Count VIII, conspiracy to commit murder.

13 On February 24, 1970, Patricia Krenwinkel  
14 appeared in Department 100 of the Superior Court of the  
15 County of Los Angeles at which time Attorney Paul Fitzgerald  
16 was appointed to represent her.

17 Thereafter, on March 3, 1970 Patricia  
18 Krenwinkel was duly arraigned on Indictment No. A-253 156,  
19 and entered pleas of not guilty to all charges.

20 Between February 24, 1970 and June 15, 1970  
21 this case was continued from time to time on behalf of the  
22 defendant for good cause and for the hearing of certain  
23 motions.

24 On June 15, 1970 in Department 104 of the  
25 Superior Court of the State of California for the County of  
26 Los Angeles, trial by jury on the issue of guilt commenced.



1           On January 25, 1971 the jury returned verdicts  
2 finding the said Patricia Krenwinkel guilty as charged on  
3 all eight counts of the Indictment, and fixing the degree  
4 of murder in Counts I through VII as Murder in the First  
5 Degree.

6           Thereafter, on January 28, 1971 the penalty  
7 phase of the trial commenced, and on March 29, 1971, the jury  
8 returned verdicts of death against the said Patricia  
9 Krenwinkel as to each of the eight counts of which the  
10 defendant had been convicted.

11           The case was continued to April 19, 1971 for a  
12 hearing on motions for a new trial and to reduce the penalty  
13 from death to imprisonment for life and for the pronouncement  
14 of judgment and sentence.

15           On April 19, 1971, the defendant through her  
16 counsel argued her motions for a new trial, and to  
17 reduce the penalty from death to imprisonment for life.

18           After due consideration of the arguments  
19 presented by the parties, the motions for a new trial and  
20 the reduction of the penalty from death to imprisonment for  
21 life were denied.

22           At this time the Court merges Counts I through  
23 VIII as one count for the purpose of sentence only and  
24 sentences the defendant Patricia Krenwinkel as follows:

25           It is the judgment and sentence of this Court  
26 that for the crimes of Murder in the First Degree in

1 Counts I through VII and Conspiracy To Commit Murder in  
2 Count VIII of which you, Patricia Krenwinkel, have been  
3 convicted, and the penalty having been fixed as death,  
4 that you be delivered by the Sheriff of Los Angeles County  
5 to the Superintendent of the California Institution For  
6 Women at Frontera, to be held at that facility pending  
7 further order of the Court.

8 Upon affirmance of this judgment on appeal this  
9 Court will set a date for your execution.

10 Thereafter the Department of Corrections is  
11 ordered to deliver you to the custody of the Warden at the  
12 State Prison of the State of California at San Quentin  
13 to be by him put to death in the manner prescribed by law  
14 of the State of California.

15 Execution on Count VIII is stayed pending  
16 the determination of any appeal on the other counts, such  
17 stay to become permanent when the sentence to any one of  
18 Counts I through VII is completed.

19 MR. FITZGERALD: If the Court please, is your Honor  
20 suspending execution of the sentence to Count VIII to meet  
21 the standards of People vs. Niles, the multiple-punishment  
22 situation, or is your Honor suspending sentence to retain  
23 jurisdiction of some sort?

24 THE COURT: Under the multiple-punishment provision,  
25 Mr. Fitzgerald.

26 MR. FITZGERALD: I have no objection.

1 THE COURT: And in accordance with People versus  
2 Niles.

3 Mr. Keith, will you please rise with Miss Van Houten.

4 On December 8th, 1969, the Grand Jury of Los  
5 Angeles County duly returned Indictment No. A-253 156,  
6 charging Leslie Van Houten and others with the crimes of  
7 Murder in Violation of Section 187 of the Penal Code of the  
8 State of California, and one count of Conspiracy To Commit  
9 Murder in violation of Section 182.1 and 187 of the Penal  
10 Code of the State of California.

11 The counts against Leslie Van Houten were  
12 described as follows:

13 Count VI, murder of Leno A. La Bianca.

14 Count VII, murder of Rosemary La Bianca.

15 Count VIII, conspiracy to commit murder.

16 On December 19th, 1969 Leslie Van Houten  
17 appeared in Department 100 of the Superior Court of the  
18 County of Los Angeles at which time Attorney Marvin Part  
19 was appointed by the Court to represent her.

20 Thereafter, on December 22, 1969 Leslie  
21 Van Houten was duly arraigned on Indictment No. A-253 156.

22 At the time of her arraignment Leslie Van  
23 Houten entered pleas of not guilty to all charges against  
24 her in the Indictment.

25 On February 6, 1970 Attorney Ira Reiner was  
26 substituted for Marvin Part as attorney of record

1 representing the defendant

2 Between December 19, 1969 and June 15, 1970 this  
3 case was continued from time to time on behalf of the  
4 defendant for good cause, and for the hearing of certain  
5 motions.

6 On June 15, 1970, in Department 104 of the  
7 Superior Court of the State of California in and for the  
8 County of Los Angeles, trial by jury on the issue of  
9 guilt commenced.

10 On July 17, 1970 attorney Ronald Hughes was  
11 substituted for Ira Reiner as attorney of record  
12 representing the defendant.

13 On December 3, 1970 Attorney Maxwell Keith was  
14 appointed co-counsel to assist Attorney Ronald Hughes in the  
15 representation of the defendant.

16 On January 25, 1971 the jury returned verdicts  
17 finding the said Leslie Van Houten guilty as charged on  
18 Counts VI through VIII of the Indictment and fixing the  
19 degree of murder in Counts VI and VII as murder in the  
20 First Degree.

21 Thereafter on January 28, 1971 the penalty  
22 phase of the trial commenced, and on March 29, 1971 the  
23 jury returned verdicts of death against the said Leslie  
24 Van Houten as to each of the three counts of which the  
25 defendant had been convicted.

26 The case was continued to April 19, 1971 for a

1 hearing on motions for a new trial and to reduce the  
2 penalty from death to imprisonment for life and for  
3 pronouncement of judgment and sentence.

4 On April 19, 1971 the defendant through her  
5 counsel argued her motions for a new trial and to reduce  
6 the penalty from death to imprisonment for life.

7 After due consideration of the argument  
8 presented by the parties, the motions for new trial and a  
9 reduction of the penalty from death to imprisonment for  
10 life were denied.

11 At this time the Court merges Counts VI through  
12 VIII as one count for the purpose of sentence only and  
13 sentences the defendant Leslie Van Houten as follows:

14 It is the judgment and sentence of this Court  
15 that for the crimes of Murder in the First Degree in  
16 Counts VI and VII, and Conspiracy To Commit Murder in  
17 Count VIII of which you, Leslie Van Houten, have been  
18 convicted, and the penalty having been fixed as death,  
19 that you be delivered by the Sheriff of Los Angeles County  
20 to the Superintendent of the California Institution For  
21 Women at Frontera to be held at that facility pending  
22 further order of the Court.

23 Upon affirmance of this judgment on appeal  
24 this Court will set a date for your execution.

25 Thereafter the Department of Corrections is  
26 ordered to deliver you to the custody of the Warden of the

1 State Prison of the State of California at San Quentin to  
2 be by him put to death in the manner prescribed by the law  
3 of the State of California.

4 Execution on Count VIII is stayed pending the  
5 determination of any appeal on the other counts, such stay  
6 to become permanent when the sentence as to any one of  
7 Counts VI and VII have been completed.

8 The defendants are remanded into the custody of  
9 the Sheriff in accordance with the judgment and sentence.

10 This court is now adjourned.

11 MR. FITZGERALD: Your Honor, there is a matter on  
12 tomorrow morning's calendar to correct the record.

13 I have discussed it with Mr. Hollombe.

14 I also discussed it with the prosecution. I  
15 have no objection to the changes, neither does Mr. Shinn.  
16 I understand Mr. Kanarek and Mr. Keith don't either.

17 I wonder if our presence would be necessary at  
18 that time. it has been noticed for tomorrow morning at  
19 9:00 o'clock.

20 THE COURT: Well, I have not seen the notice.

21 MR. BUGLIOSI: That would be very fine if they  
22 would stipulate to anything.

23 The corrections are very small and nominal.

24 THE COURT: Do you all acknowledge receiving service  
25 of the copy of the notice set for tomorrow morning?

26 MR. FITZGERALD: Yes.

1 MR. KANAREK: Yes.

2 MR. SHINN: Yes.

3 MR. KEITH: Yes.

4 THE COURT: Correction of the transcript?

5 MR. FITZGERALD: Correction of the transcript. Most  
6 of the corrections relate to Mr. Bugliosi's argument.

7 THE COURT: Do you all stipulate that the transcript  
8 may be corrected in accordance with the request made by the  
9 prosecution?

10 MR. KANAREK: Yes, I understand based upon Mr.  
11 Hollombe's representation --

12 THE COURT: I don't want any conditions.

13 MR. KANAREK: So stipulated.

14 MR. FITZGERALD: So stipulated.

15 MR. SHINN: So stipulated.

16 MR. KEITH: So stipulated.

17 THE COURT: Without conditions, is that understood?

18 MR. FITZGERALD: It's understood.

19 MR. KANAREK: It's understood.

20 MR. SHINN: It's understood.

21 MR. KEITH: It's understood.

22 THE COURT: Very well.

23 MR. KAY: Your Honor, before we leave we have a  
24 problem of People's 87.

25 Your Honor wanted the prosecution to file a  
26 declaration. Now, if counsel is not going to be here



1 tomorrow morning, when can this issue be settled?

2 THE COURT: It can be served by mail. I think you  
3 should notice it for hearing before the Court.

4 MR. KAY: Does the Court want the prosecution here  
5 tomorrow morning?

6 THE COURT: Not necessarily. If your notice sets  
7 out the corrections that are there.

8 MR. BUGLIOSI: It does not, so we would have to be here  
9 tomorrow morning.

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1 LOS ANGELES, CALIFORNIA, TUESDAY, APRIL 20, 1971

2 9:06 A.M.

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4 (The following proceedings were had in the  
5 chambers of the Court, Mr. Kay and Mr. Bugliosi being  
6 the only ones present:)

7 MR. BUGLIOSI: I understand the defense is going to  
8 stipulate to these changes.

9 THE COURT: Well, they did stipulate yesterday.

10 MR. BUGLIOSI: I want Joe to know I am very happy  
11 with the transcript. Every day they were excellent, but  
12 in the nature of things, the way I speak, I speak so  
13 quickly you just cannot pick up every word, so I have  
14 some corrections, Judge. There are quite a few but they  
15 are small; they are minor; they are not like a whole line  
16 missing or anything like that.

17 If Joe could just look at the corrections and  
18 either insert on the Court copy the changes or type up a  
19 new page, it would be up to the Court as to what the  
20 Court wants Joe to do on this.

21 THE COURT: Have you listed these in some form?

22 MR. BUGLIOSI: The reason I haven't, it is almost  
23 on a page-to-page basis, your Honor.

24 I will give you an example, you see, it would  
25 be almost too big a job. It's almost on a page-to-page  
26 basis, so he can almost go page-by-page.

1 THE COURT: How many volumes are you talking about?

2 MR. BUGLIOSI: The main part of my opening argument,  
3 for three volumes, I just forgot about.

4 So we are talking about Volume 26, which is  
5 my opening statement, and then starting with my opening  
6 argument, the first couple of pages where I discuss the  
7 law.

8 That is in Volume 153, and then from that on  
9 to 156 I have ignored, and then continuing on, 156 for a  
10 couple of pages to the end of my opening argument.

11 Then I've got my entire closing argument; I  
12 made corrections during my entire closing argument.

13 THE COURT: Well, are these things you said or  
14 wished you said?

15 MR. BUGLIOSI: No, no, these are things I said.

16 THE COURT: We all say things sometimes, which  
17 upon re-reading it, where we wish we had phrased  
18 differently.

19 MR. BUGLIOSI: The reason I know I said them is  
20 I made the tape recording, and I also have notes. I think  
21 you have seen them on the dais; these are actual statements  
22 by me.

23 The reason I am so concerned, Judge, is in  
24 the Milton Floyd case I never made corrections, and on  
25 appeal they quoted me for about four pages and they got  
26 things in there where I sounded like an idiot.

1 I wish now I made those changes. Sometimes  
2 one word changes the complete context.

3 Just to give you an example, near the end of  
4 my closing argument, and I listened to the tape so I know  
5 I said this, I said words to the effect that Manson from  
6 the fires of hell sent out three bloodthirsty robots, and  
7 I said, "Unfortunately for him, one human being, Linda  
8 Kasabian," the words "for him" are not in here, so it  
9 would read he sent out three bloodthirsty robots and  
10 unfortunately Linda Kasabian, just things like that, little  
11 changes.

12 I anticipate that the Appellate Court will  
13 quote certain parts of my argument, that is why I am so  
14 concerned, otherwise I would correct my copy and let it  
15 go at that, but if these words are going to be in some  
16 volume throughout history, I think that it is important  
17 that we have it as accurate as possible, so I played the  
18 entire opening and closing arguments on tape, and made  
19 these corrections.

20 But I repeat again, I have had so many cases  
21 where I looked at the transcript, and there are almost  
22 paragraphs missing -- have you ever had that, almost a  
23 whole paragraph?

24 MR. KAY: Once.

25 MR. BUGLIOSI: And sentences missing; that is very  
26 common. Whereas I find none of that in here. It is a

1 very good job, Joe, it's just that you cannot possibly  
2 get down every word. I don't think any human being can  
3 do it.

4 THE COURT: Well, how do you propose to proceed  
5 then?

6 MR. BUGLIOSI: Well, as I say, I have set forth the  
7 included pages, and it is for the most part almost on a  
8 page-to-page basis.

9 Now, Joe can do one of two things: He can  
10 either, on the copy that is going to go up to the Appellate  
11 Court, he can either insert in that court copy the  
12 changes, or he can type out a few pages.

13 I think it would be up to the Court what the  
14 Court would want to do on that.

15 Whatever the Court would want to do on that.

16 THE COURT: I understood yesterday, of course  
17 without really knowing, when you made your motion to  
18 correct the transcript, that you had prepared some kind  
19 of a list of proposed corrections. For the record we  
20 need something like that, otherwise there is no way of  
21 telling what has been corrected, in case the question ever  
22 comes up again.

23 Something can be corrected, and no one would  
24 ever know it was corrected, even if there is a correction  
25 where there should not have been a correction, I think we  
26 would have to have a record of it. It just cannot be done

1 with no record.

2 I realize it may be a big job, but I don't see  
3 any other way around it. Otherwise the defendants would  
4 never be protected.

5 You can change anything, and they would  
6 never know it was changed.

7 MR. BUGLIOSI: Of course the defense has stipulated.

8 THE COURT: But they are stipulating to it blind.

9 MR. BUGLIOSI: I see the Court's point on this.  
10 I am trying to find out if there is some way to avoid  
11 setting all this down.

12 THE COURT: You will just have to list page and  
13 line.

14 I wouldn't ever consent to just a blanket  
15 correction of the transcript without any record of what  
16 was done. I don't think it would be fair to either side,  
17 and there could very well be mistakes made, innocent  
18 mistakes; there could be not innocent mistakes made --  
19 you know.

20 MR. BUGLIOSI: Right.

21 THE COURT: I am not suggesting that you would do  
22 anything improper, but nevertheless the possibility is  
23 always there.

24 MR. BUGLIOSI: Right.

25 THE COURT: Without a record we have no way of  
26 knowing.

1 MR. BUGLIOSI: Right. Well, then, I will have a  
2 secretary set forth -- do you want it by way of a brief?

3 THE COURT: Well, I think perhaps if you would make  
4 a motion to correct the transcript and list by volume  
5 number, page number, line number, the precise corrections  
6 you wish made, change this word to that, or inserting  
7 this word where it was left out, so anyone can look at that  
8 and tell exactly what was done, and compare that with the  
9 transcript to see if it was done.

10 MR. KAY: Maybe we should just make an addendum to  
11 the motion, since we already made the motion, just make an  
12 addendum to that rather than make a new motion, mailing it  
13 out again and setting it down for a time to come in,  
14 because the defense has already waived it.

15 What you really want is a list for the record.

16 THE COURT: That's right. I think it should be in  
17 the form of a motion. The record will show the defendants  
18 have stipulated these corrections may be made.

19 MR. BUGLIOSI: Okay. Is there any time problem?

20 (Off-the-record discussion.)  
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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, APRIL 28, 1971

2 10:00 A.M.

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4 (The following proceedings were had in open court,  
5 Vincent T. Bugliosi and Stephen Kay, Deputies District  
6 Attorney, appearing for the People; I. A. Kanarek and  
7 Daye Shinn, attorneys for the defendants, being present:)

8 THE COURT: People versus Charles Manson, et al.

9 MR. KANAREK: May I address the Court, your Honor?

10 THE COURT: Just a moment.

11 MR. KANAREK: Just for appearances, that is what I  
12 wanted to say.

13 THE COURT: Yes, you may state your appearances,  
14 Counsel.

15 MR. KANAREK: Your Honor, I am appearing for myself,  
16 I.A. Kanarek on behalf of Mr. Manson; and I am also  
17 appearing for Paul Fitzgerald on behalf of Patricia  
18 Krenwinkel, your Honor.

19 Mr. Fitzgerald asked me to appear for him.

20 THE COURT: The record will show Mr. Shinn is  
21 present. Is anyone appearing for Mr. Keith?

22 MR. KANAREK: I have not spoken to Mr. Keith, your  
23 Honor.

24 THE COURT: Now, with respect to the motion for replace-  
25 ment of the missing exhibit, there is a declaration of  
26 service, showing service on Mr. Shinn, Mr. Kanarek,

1 Mr. Fitzgerald, and Mr. Keith.

2 Has the clerk heard anything from Mr. Keith?

3 THE CLERK: No, your Honor.

4 THE COURT: Very well.

5 Do you wish to be heard?

6 MR. KANAREK: Yes, if I may, your Honor, I make a  
7 motion, your Honor to strike the declaration.

8 There is no foundation; there is no showing  
9 that this exhibit, or this purported picture that the People  
10 wish to introduce -- actually I don't even know what the  
11 picture is that they intend to introduce, may I see it?

12 THE COURT: Are you serious, Mr. Kanarek?

13 MR. KANAREK: Yes, I am serious, your Honor, I am  
14 serious, in this case, your Honor --

15 THE COURT: You were advised of this in chambers  
16 before the trial ended; you have been served with a copy of  
17 the motion with the exhibit number. I assume you kept a  
18 record of the exhibits during the course of the trial.  
19 You have handled this exhibit; I have seen you show it to  
20 witnesses.

21 MR. KANAREK: I know, your Honor, but I don't  
22 purport to memorize --

23 I don't know what they intend to offer. What is  
24 the exhibit they intend to offer? Where is the picture  
25 that they intend to --

26 THE COURT: If you want to see the Court's copy, you

1 may do so. I find it difficult to believe that you are  
2 really serious, Mr. Kanarek.

3 MR. KANAREK: I am serious, your Honor. I believe  
4 that one or more of the jurors have committed a felony and  
5 I think it is most unusual -- I know that if I --

6 THE COURT: That has nothing to do with what we are  
7 talking about.

8 The only thing before the Court now is the  
9 fact, that apparently a photograph was missing at the close  
10 of the trial. The People wish to substitute a copy, an  
11 exact copy of that photograph made from the same negative.

12 If you have any objection to that I would like  
13 to hear your objection.

14 MR. KANAREK: I would like -- I move to take evidence --  
15 first of all, it is my belief that the Court has no juris-  
16 diction at this time to proceed. There is no statutory  
17 provision.

18 The Court has lost jurisdiction. The Court  
19 did not make any probationary sentence; the Court is  
20 without jurisdiction. It is a violation of due process  
21 and equal protection under the Fourteenth Amendment for  
22 the Court to proceed.

23 There is no statutory provision for what the  
24 District Attorney is purporting to attempt here.

25 This should be done before the Court lost  
26 jurisdiction. The Court is without power, without any

1 power.

2 Now, the Court can use the naked power that it  
3 has and place this physically in some particular place, but  
4 it is our belief that the Court has no such power because  
5 there is no provision in law for it.

6 THE COURT: The Court does have the power to correct  
7 the record, to augment the record under certain circum-  
8 stances and to make the record speak the truth.

9 MR. KANAREK: That has to be done in the appellate  
10 court, augmentation.

11 THE COURT: Look at Rule 35 of the Rules on Appeal,  
12 Mr. Kanarek, and you will see otherwise.

13 MR. KANAREK: Well, your Honor, it is our belief  
14 that this particular procedure is a procedure, and we have  
15 indicated it, where the Court is without jurisdiction to  
16 proceed.

17 THE COURT: Do you have anything, Mr. Shinn?

18 MR. SHINN: Yes, your Honor.

19 MR. KANAREK: Furthermore, if I may, your Honor, if  
20 I may --

21 MR. SHINN: Oh!

22 MR. KANAREK: I don't know, I'm sure, your Honor,  
23 without being able to substantiate it because I don't  
24 have all of the records, that many pictures of Sharon  
25 Tate were taken. We don't know that particular picture,  
26 that this particular picture is in fact the picture, a

1 duplicate of the picture that was used in court, used here  
2 in court.

3 I am sure that more than one picture was shot.  
4 I don't know, I have not been able and I cannot represent to  
5 the Court because I have not been able to ascertain whether  
6 there were any markings.

7 I know from time to time Mr. Bugliosi made  
8 markings on some of the exhibits, as did I with the Court's  
9 permission in court by writing letters, A, B, C, D, that  
10 type of thing.

11 My perusal of the 30,000 pages of transcript  
12 has not been able to -- has not been able to determine  
13 whether or not there were any such markings. I cannot  
14 represent that to the Court, but I believe it is possible  
15 that that did occur.

16 In any event, your Honor, I move we have an  
17 evidentiary hearing, if your Honor overrules the juris-  
18 dictional grounds that we are alleging, because I don't  
19 know that this picture is in fact a copy of what was had  
20 here in court.

21 THE COURT: I would like to hear from Mr. Shinn.

22 MR. KANAREK: There is no --

23 MR. SHINN: I join in Mr. Kanarek's arguments.

24 Also I searched the Penal Code and the Govern-  
25 ment Code, Government Code Section 6201 pertains to a  
26 document which is missing or stolen but it does not provide --

1 I did not see anywhere in the Code section where it provides  
2 the Court could replace the missing or stolen exhibit or the  
3 document.

4 That is why I will join with Mr. Kanarek and  
5 object to this motion and move that the Court does strike  
6 the motion to file by the District Attorney's Office.

7 MR. KANAREK: Yes, your Honor, and I move for an  
8 evidentiary hearing --

9 THE COURT: You made your argument, Mr. Kanarek.

10 MR. KANAREK: I haven't finished.

11 THE COURT: Yes, you have.

12 The motion will be granted. The exhibit will  
13 be substituted. There is no question about the fact that  
14 it is an exact copy, an identical copy made from the same  
15 negative as the original exhibit.

16 MR. KANAREK: What I was going to suggest, that the --

17 THE COURT: Now, as to the proposed corrections to  
18 the transcript, I think that is premature.

19 Under Rule 35 of the Rules on Appeal there is a  
20 procedure set up after the transcripts have been prepared,  
21 and that would include both any corrections to the Clerk's  
22 transcript as well as the reporters' transcript.

23 So I think we are actually premature at this  
24 time. So that motion will go off calendar.

25 MR. BUGLIOSI: Thank you, your Honor.  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff, )

vs. )

MO.A-253 156

CHARLES HANSON, SUSAN ARLINE, )

LESLIE VAN HOUTEN, PATRICIA KRENWINKEL, )

Defendants. )

STATE OF CALIFORNIA )

) ss.

COUNTY OF LOS ANGELES )

I, J. HOLLOWAY, Official Reporter of the Superior Court of the State of California, in and for the County of Los Angeles, do hereby certify that the foregoing pages 1 through 28,307 comprise a full, true and correct transcript of the proceedings and the testimony taken in the matter of the above-entitled cause.

Dated this 30th day of April, 1971.

J. HOLLOWAY /s/

J. Holloway, Official Reporter



**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES**

**DEPARTMENT NO. 104**

**HON. CHARLES H. OLSEN, JUDGE**

**THE PEOPLE OF THE STATE OF CALIFORNIA,**

**Plaintiff,**

**vs.**

**NO. A-133 136**

**CHARLES MANDEL, SUSAN ARLINE,  
LESLIE VAN NOUTEN, PATRICIA ARNOLDWINKEL,**

**Defendants.**

**STATE OF CALIFORNIA**

**) ss.**

**COUNTY OF LOS ANGELES**

I, **MURRAY NEILMAN**, Official Reporter of the Superior Court of the State of California, in and for the County of Los Angeles, do hereby certify that the foregoing pages 1 through 18,100 comprise a full, true and correct transcript of the proceedings had and the testimony taken in the matter of the above-entitled cause.

Dated this 30th day of April, 1971.

**MURRAY NEILMAN /s/  
Murray Neilman, Official Reporter**

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

## FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLIVER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

NO. A-253 256

CARROLL ELLISON, DEBRA HEALING,  
LOUELL VAN HOUTEN, PATRICIA KRAMMANN,

Defendants.

STATE OF CALIFORNIA }

vs. }

COUNTY OF LOS ANGELES }

I, LOUIE M. JOHNSON, Official Reporter of the Superior Court of the State of California, in and for the County of Los Angeles, do hereby certify that the foregoing pages 12,351 through 12,720, inclusive, comprise a full, true and correct transcript of the proceedings and the testimony taken in the matter of the above-captioned cause on October 1 and 2, 1970.

Dated this 30th day of April, 1971.

LOUIE M. JOHNSON /s/  
LOUIE M. JOHNSON, Official Reporter

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

NO. A-253 156

CHARLES HANDEL, ALLEN ATKINS,  
LESLIE VAN KOUTEN, PATRICIA KELLWINNELL,

Defendants.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ss.

I, CHARLES H. OLDER, Judge of the Superior Court of the State of California, in and for the County of Los Angeles, and being the Judge who presided at the trial in the above-entitled criminal cause, do hereby certify that no objection has been made to the within transcript by either the defendants or their attorneys, or the District Attorney, within the time allowed by law; and the same is now, therefore, approved by me this \_\_\_\_\_ day of \_\_\_\_\_ 1971.

Judge

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

NO. A-253 156

CHARLES HANSON, SUSAN ATKINS,  
LESLIE VAN HOUTEN, PATRICIA KREWEHILL,

Defendants.

STATE OF CALIFORNIA }

COUNTY OF LOS ANGELES }

ss.

I, CHARLES H. OLDER, Judge of the Superior Court of the State of California, in and for the County of Los Angeles, and being the Judge who presided at the trial in the above-entitled criminal cause, do hereby certify that the objections made to the transcript herein have been heard and determined, and the same is now corrected in accordance with such determination, within the time allowed by law; and the same is now, therefore, approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 1971.

JUDGE

Due service of the within and receipt  
of a copy hereby admitted this  
day of \_\_\_\_\_, 1971.

CLARENCE P. LUTCH, DISTRICT ATTORNEY

BY \_\_\_\_\_

Deputy

Due service of the within and receipt  
of a copy hereby admitted this  
day of \_\_\_\_\_, 1971.

LYELL J. YOUNGSON, ATTORNEY GENERAL

BY \_\_\_\_\_

Deputy

Due service of the within and receipt  
of a copy hereby admitted this  
day of \_\_\_\_\_, 1971.

Attorney for Defendant-Appellant  
Charles Hanson

Due service of the within and receipt  
of a copy hereby admitted this  
day of \_\_\_\_\_, 1971.

Attorney for Defendant-Appellant  
Susan Atkins

Due service of the within and receipt  
of a copy hereby admitted this  
day of \_\_\_\_\_, 1971.

Leslie Van Houten, In Propra  
Hartono, Defendant-Appellant

1 Due service of the within and receipt  
2 of a copy hereby admitted this \_\_\_\_\_  
3 day of \_\_\_\_\_, 1971.  
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6 Patricia Krenwinkel, Defendant-Appellant  
7 In Propria Persona  
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