

DISTRICT ATTORNEY
SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff-Respondent,

NO. **3090**

vs.
CHARLES MANSON, SUSAN ATKINS, LESLIE
VAN HOUTEN AND PATRICIA KRENWINKEL,

Defendants-Appellants.

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HON. CHARLES H. OLDER, JUDGE PRESIDING

REPORTER'S TRANSCRIPT ON APPEAL

APPEARANCES

For Plaintiff-Respondent: THE STATE ATTORNEY GENERAL
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Los Angeles, California 90012

For Defendant-Appellant
Charles Manson: IRVING KANAREK, Esq.

For Defendant-Appellant
Susan Atkins: DAYE SHINN, Esq.

For Defendant-Appellant
Leslie Van Houten: LESLIE VAN HOUTEN
In Propria Persona

For Defendant-Appellant
Patricia Krenwinkel: PATRICIA KRENWINKEL
In Propria Persona

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TATE - LA BIANCA PENALTY.

3-15-16-71

THE CLERK: Raise your right hand, please.

You do solemnly swear the testimony you may give in the cause now pending before this Court shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, sir.

THE CLERK: Thank you. Take the stand, please.

State your name, please.

THE WITNESS: Mary Theresa Brunner.

THE CLERK: Spell your last name, please.

THE WITNESS: B-r-u-n-n-e-r.

THE COURT REPORTER: Spell your first and middle names also.

THE WITNESS: M-a-r-y, T-h-e-r-e-s-a.

MARY THERESA BRUNNER,
called as a witness by and on behalf of the defendants,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. KANAREK:

Q Now, Miss Brunner, directing your attention to Charles Manson, would you tell us when, if ever, you met him?

When did you first meet him?

A April of 1967.

Q And is it a fair statement that you are the

1 mother of a child of his?

2 A Yes.

3 Q What is the name of that child?

4 A His legal name?

5 Q Yes.

6 A Michael Manson.

7 Q Michael --

8 A -- Manson.

9 Q And you have known Charles Manson how long?

10 A Since April of '67, that's about four years.

11 Q Now, directing your attention, then, to
12 Mr. Manson, after you met him, did you take up living with
13 him?

14 A Yeah, about a month after I met him.

15 Q And were you living with him in the company of
16 any other people?

17 A Not at first.

18 Q Was just you and Mr. Manson?

19 A Yeah.

20 Q And in what area did you live?

21 A Northern California.

22 Q And was that around San Francisco, Berkeley?

23 A We lived in Berkeley for a while and San
24 Francisco and Mendocino.

25 Q Now, would you tell us where you lived with
26 Mr. Manson prior to coming to live with him at the Spahn

1 Ranch?

2 A Oh, first when we got together we went to the
3 woods in Mendocino and we had a cabin in the woods there.

4 We spent a lot of time in the school bus, and
5 a Volkswagen bus, traveling mainly Highway 101.

6 And we camped a lot of places and we had homes
7 in Malibu and in Topanga Canyon.

8 Q How old is your child with Mr. Manson?

9 A Almost three.

10 Q And are you originally from the State of
11 Wisconsin?

12 A That's right.

13 Q Do you have a degree from the University of
14 Wisconsin?

15 A That's right.

16 Q What is your degree in?

17 A Bachelor of Arts in history.

18 Q And when you met Mr. Manson were you engaged
19 in some work using your schooling?

20 A I was a library assistant at the University of
21 California library in Berkeley.

22 Q And was that in connection with any particular
23 school at the University of California?

24 A No.

25 Q Was it the general library?

A It was the main library of the university.

1 Q At some time -- let me withdraw that.

2 Would you say that you have continuously lived
3 with Mr. Manson and others since you met him until his
4 arrest in Inyo County in 1969?

5 Is that a fair statement?

6 A Almost, until my arrest, I did not go to him
7 to the desert the last time because I was in jail then.

8 Q You mean that you were arrested on or about
9 August 8, 1969, right?

10 A Yeah.

11 Q So at the time he went to the desert the last
12 time, are you telling us you were in custody?

13 A I think I was because I had not seen him since
14 August 8th.

15 Q Of 1969?

16 A That's right, not out of jail.

17 Q Well, were you arrested in the raid of
18 August the 16th, 1969?

19 A No.

20 Q You were not at the Spahn Ranch at the time of
21 that raid, right?

22 A That's right.

23 Q You were in custody in Sybil Brand?

24 A That's right.

25 Q You were arrested with Sandy Good on August 6,
26 1969, is that correct?

1 A That's correct.

2 Q Now, at the time that you were arrested with
3 Sandy Good, were you arrested with any other person?

4 A No.

5 Q Now, is it a fact that you have been arrested
6 by law enforcement officers in connection with the Gary
7 Hinman matter?

8 A Yeah, I was once.

9 Q And --

10 A Twice -- I don't know how many times, once or
11 twice.

12 Q Now, directing your attention to your statements
13 to police officers in connection with the Gary Hinman matter,
14 has -- pardon me --

15 Have law enforcement officers discussed with
16 you Mr. Manson in connection with this Gary Hinman matter?

17 A Yes.

18 Q And would you tell us what law enforcement
19 officers have told you in connection with Mr. Manson as
20 to the Gary Hinman matter?

21 MR. BUGLIOSI: Calls for hearsay.

22 MR. KANAREK: It goes to her state of mind, your
23 Honor. It is offered --

24 THE COURT: The objection is sustained.

25 Q BY MR. KANAREK: At one time --

There was a time when you were a defendant in
connection with the Gary Hinman matter, is that right?

1 A Yeah.

2 Q When were you first arrested in connection with
3 the Gary Hinman matter?

4 A Well, the first time was when I refused to
5 testify, and I don't know what I was charged with then.

6 But it was in connection with the Hinman matter
7 for refusing to testify to the Grand Jury I was arrested.

8 And then I was arrested for murder at another
9 time.

10 Q In connection with the Gary Hinman matter?

11 A That's right, the first time was in April.

12 Q April of what year?

13 A '70.

14 Q 1970?

15 A Yeah.

16 Q And were you arrested again in 1970 in—
17 connection with the Gary Hinman matter?—

18 A Yeah, in June of '70.—

19 Q Now, was Mr. Manson discussed with you at or —
20 about the time of your second arrest?—

21 A He was discussed with me long before then, when—
22 the officers first came to question me, I was told I would —
23 be arrested if I did not incriminate him.—

24 MR. BUGLIOSI: Motion to strike.

THE COURT: Just a moment.

26 MR. BUGLIOSI: When you hear my voice, I am objecting,

young lady, wait for the Judge to rule.

MR. KANAREK: Your Honor, I would ask that --

THE COURT: That is enough, Mr. Kanarek, the answer is stricken. The jury is admonished to disregard it.

MR. KANAREK: Your Honor, may I ask that Mr. --

THE COURT: That will be enough. Let's proceed.

Q BY MR. KANAREK: Would you tell us, Miss Brunner, what you told the police the first time you were arrested in connection with the Gary Hinman matter?

MR. BUGLIOSI: Calls for hearsay.

MR. KANAREK: Your Honor, this is the very matter that is before the Court.

THE COURT: The objection is sustained.

Q BY MR. KANAREK: Did you have a discussion with law enforcement officers concerning Gary Hinman?

A Yes.

MR. BUGLIOSI: Asked and answered.

I will withdraw the objection.

Q BY MR. KANAREK: Will you tell us what police officers you discussed the Gary Hinman matter with?

A Paul Whiteley and Charlie Guenther.

Q And would you tell us when you first spoke to those police officers?

A In December, '69.

Q Concerning the Gary Hinman matter, right?

A That's correct.

1 Q And directing your attention to on or about
2 July 15, 1969, were you at the Gary Hinman home?

3 A No. —

4 Q Were you in the vicinity of the Gary Hinman
5 home at a time when Susan Atkins was at the Gary Hinman
6 home? —

7 A In '69? —

8 Q Yes. —

9 A July of '69? No. —

10 Q At a time in -- you say December of 1969 you
11 spoke to these police officers, could you tell us where it
12 was that you spoke to these police officers, where were you
at that time?

14 A I was in Wisconsin.

15 Q And they came to Wisconsin to speak with you?

16 A That's right.

17 Q Is that right?

18 A That's right.

19 Q And would you tell us what was said by you and
20 what was said by them?

21 MR. BUGLIOSI: Calls for hearsay.

22 THE COURT: Sustained.

23 MR. KANAREK: May I make an offer of proof at the
24 bench, then, your Honor?

25 THE COURT: It is hearsay, Mr. Kanarek, it won't make
26 any difference.

1 MR. KANAREK: It goes to the state of mind, your
2 Honor, of this witness.

3 It is not being offered for the truth of the
4 matter asserted. It is offered to prove a matter which is
5 vital because of the absolute discretion of the jury --

6 THE COURT: Never mind that, Mr. Kanarek.

7 You may approach the bench.

8 (The following proceedings were had at the
9 bench out of the hearing of the jury:)

10 THE COURT: All right, make your offer of proof.

11 MR. KANAREK: Your Honor, the offer of proof would be
12 that this witness, I believe she will testify that she was --

13 In her discussion as to Gary Hinman matter,
there was no mention of the --

15 THE COURT: Discussion with whom?

16 MR. KANAREK: With the law enforcement officers.

17 THE COURT: When?

18 MR. KANAREK: When they were in Wisconsin.

19 THE COURT: When?

20 MR. KANAREK: In December of 1969.

21 THE COURT: All right, go ahead.

22 MR. KANAREK: That there was no statement by her
23 which would implicate Mr. Manson, but that the law
24 enforcement officers were insistent, were more desirous
25 of getting Mr. Manson than they were in getting the truth.

They were not interested --

THE COURT: All right, I have heard enough.

The objection is sustained.

It is obviously hearsay.

Let's proceed.

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

BY MR. KANAREK:

Q Well, in the summer of 1969 at some time were you at the Gary Hinman home?

A No.

Q At some time or other?

A No, I don't think I have been at his house since quite a while before that.

Q When was the last time that you were at the Gary Hinman house at a time when he was alive?

A I don't think I ever went back there since I lived there, and that was over two and a half years ago.

Q Well, can you give us the month and year?

A It was '68 in the springtime.

Q In the spring of '68?

A Um-hum.

Q Now, did you testify at the Bobby Beausoleil trial?

A Yes.

Q And in connection with that testimony did you make any statements concerning the passing away of Gary Hinman?

A Yes.

Q Would you tell us in substance what you testified to at the Bobby Beausoleil trial?

MR. BUGLIOSI: Calls for hearsay.

THE COURT: Sustained.

BY MR. KANAREK:

Q On how many occasions, Miss Brunner, have you been interrogated by a Los Angeles Police Officer concerning the Gary Hinman matter?

A Just three major ones that I can think of.

Q Can you tell us the times?

A December of '69 and February or March of '70 and I think April of '70.

Q Have you been interrogated by members of the District Attorney's office concerning the Gary Hinman matter?

A Yeah.

Q On how many occasions has that occurred?

A Oh, members of the District Attorney's office were present at the last two times that I mentioned along with the Sheriff's Department people.

Q All right, other than those occasions have you been interrogated concerning the Gary Hinman matter?
the

A By/Sheriff's Department or the District Attorney?

Q You mentioned three times, right?

A Uh-huh.

Q Now, other than those three times have you been interrogated by members of the District Attorney's

office?

A No, I don't think so, not that I can recall.

Q When did you first find out that Bobby Beausoleil had been arrested in connection with this Gary Hinman matter?

When did you first find out about that?

A Well, he called the ranch about it right after or sometime after he had been arrested, not too long after that, that is when I found out.

Q All right, at that time was Linda Kasabian living at the Spahn Ranch?

A Yeah.

Q Now, did you have any discussions with Linda Kasabian in connection with the arrest of Bobby Beausoleil?

A Linda?

Q Yes.

A I don't recall any with Linda, no.

Q Did you have any discussions with Susan Atkins concerning the arrest of Bobby Beausoleil?

A Yeah, I was present when more than one of us talked about it.

Q All right. Who was --

Would you tell us who was present when more than one of you talked about it?

A About the arrest of Bobby we are talking about?

Q Yes.

1 A Oh, Sadie and myself, Katie, maybe Sandy.
2 I am not sure.

3 Q And what was said concerning the arrest of
4 Bobby Beausoleil at this --

5 Before you tell us that, would you tell us when
6 it was in connection with his arrest.

7 Can you give us an estimate of how long it was
8 after his arrest that this conversation took place?

9 A It isn't like, you know, a get-together and
10 have a conversation type of conversation.

11 It's like after he got arrested we talked
12 about it.

13 Q All right.

14 A And I can remember talking about it with
15 different people.

16 Q And was --

17 All right, now, then directing your attention
18 to this conversation right now that you mentioned where you,
19 and you say it was Sandy and Katie --

20 A Probably Sandy, yeah, I'm not sure of that.

21 Q All right.

22 What was said and would you tell us what each
23 person said at this conversation?

24 A I cannot tell you what each person said, -
25 no, I can tell you that we talked about Bobby getting -
26 arrested and that it was a bum rap and he would be getting -

out of it somehow or other.

Q And did Susan Atkins make any statements in connection with the passing away of Gary Hinman at this meeting or at this conversation that you are speaking of?

A Sadie told me that she had killed him and she was going through changes about Bobby getting arrested behind her.

Q And in that connection, was anything else said by anyone that was present, anyone of those individuals that you have mentioned?

A Was anything else said?

Q Yes. About Bobby Beausoleil, about getting him out of jail, or about the Gary Hinman matter?

What else was said, if anything?

A I can remember just talking about it and wanting to get him out, and Brenda calling to find out if we could bail him out, but there wasn't any way.

And we were just talking about getting him out. Nothing specific, you know, was said. Just wondering how we were going to do it.

And we talked about the LA County Jail setup. And at the time we didn't know how we were going to do it.

Q What do you mean you talked about how the LA County Jail is set up?

A About getting people out of LA County Jail.

Q Using what means?

A Any means that you can get him out of there.

Q Did you discuss the possibility of raising bail?

A Oh, Brenda called about that, but there was no bail.

Q There was no bail?

What other means did you discuss with getting

1 Bobby Beausoleil out of jail?

2 A Going in the jail and taking him out.

3 Q And Susan Atkins discussed that?

4 A Yes.

5 Q And --

6 A We discussed it together.

7 Q And what was said in this regard?

8 A It didn't seem very feasible at the time.

9 Q Where were you when this conversation took
10 place?

11 A Some place at the ranch. I don't know.
12 Probably on the boardwalk or somewhere. I don't remember.

13 Q Now, was this at a time when Linda Kasabian
14 was still living at the Spahn Ranch?

15 A Yes. Linda was living at the ranch until
16 after I was arrested.

17 Q Now, when is the first time that you heard
18 that the people at the Tate home had died?

19 A When I was in jail. It was over the news.

20 Q When is the first time that you heard that
21 people at the La Bianca home had died?

22 A The same time.

23 Q Now, directing your attention to your state
24 of mind when you heard those events.

25 Did you, in your mind, think of Bobby Beausoleil?

26 MR. BUGLIOSI: That is irrelevant.

THE COURT: Sustained.

BY MR. KANAREK:

Q At some time between August the 8th, when you were arrested, and the date that Mr. Beausoleil was arrested, which was earlier, was there any discussion about committing other crimes in order to get Bobby Beausoleil out of jail?

A Not in my presence.

Q After you were released from the custody that you were in on August the 8th, 1969, where did you go when you were released?

A First I went to the ranch and then the next day I flew to Wisconsin.

Q How many days after August 8th, 1969, were you released?

A About six weeks.

Q You were in custody for a full six weeks?

A About that, I believe, yes.

Q Now, during the time that you were in custody, were you interrogated by Los Angeles Police officers concerning the Gary Hinman matter?

A No.

Q Do you remember what date it was that you were actually released?

You say it was six weeks. Do you know precisely or on or about what day it was that you were released?

1 A No.

2 It was about the middle of September, I think.

3 Q And you went to the ranch, and the people at
4 the ranch -- well, let me withdraw that.

5 Who was at the ranch when you went there?

6 A I think Katie and Sadie and Leslie were all
7 there, and Tex and Bruce, and probably a few other people
8 but I don't really remember.

9 Q At the time that you went to the ranch, was
10 a girl named Stephanie Schram there at that time?

11 A After my release?

12 Q Yes.

13 A I don't think she was. I don't recall her
14 being there.

15 Q Have you, in your lifetime, ever met Stephanie
16 Schram?

17 A Yes. Briefly.

Q All right. Would you tell us, when was it that you met Stephanie Schram?

A On August 8th. She and Charlie drove up to the ranch in a milk truck, and then I talked to her for a little while, and then I took the milk truck and went downtown, and got arrested.

So I only saw her for maybe a half hour.

Q Now, you met Mr. Manson with Stephanie Schram on August the 8th, 1969, and then you drove off with Sandy; is that right?

A That's right.

Q And where were you arrested?

A In San Fernando.

Q And for what offense were you arrested?

A Forging credit cards.

Q Pardon?

A Forging credit cards.

Q Now, you and Sandy were then taken to Sybil Brand; right?

A Yes.

Q And the automobile that you were driving, was that automobile impounded?

A Yes, I believe so.

I don't believe we ever got it back.

It was a van. I don't think anyone ever saw it again.

I don't know what happened to it.

Q Now, would you describe the relationship -- this was on August the 8th. About what time of the day was it?

A What time of the day was what?

Q When you met Stephanie Schram?

A Oh, probably early afternoon.

Q Would you say like this was around 1:00 o'clock or so?

A Yes.

I think I got arrested maybe around 4:00 o'clock. So it must have been about that time; 12:00, 1:00 o'clock.

Q Would you describe what relationship you saw between Stephanie Schram and Mr. Manson? What did you observe there one with respect to the other?

MR. BUGLIOSI: That is too broad. Calling for a conclusion.

THE COURT: Sustained.

BY MR. KANAREK:

Q Well, what did you see Mr. Manson do in the presence of Stephanie Schram, and what did you see Stephanie Schram in his presence?

A Get out of the milk truck together, and then Charlie went off with the guys somewhere, and Stephanie stood around talking to the girls.

2 She was telling us that she was pregnant and
3 a whole bunch of other stuff, and she had some maternity
4 clothes with her that Sandy could wear.

5 Q And how soon was it after she got out, how
6 soon after that was it that you drove away?

7 A Maybe an hour. It wasn't long.

8 Q Did you have any discussion, on August the 8th,
9 1969, with Stephanie Schram concerning what she intended
10 to do?

11 MR. BUGLIOSI: It is irrelevant and calls for
12 hearsay.

13 THE COURT: Sustained.

14 BY MR. KANAREK:

15 Q Did Stephanie Schram tell you about her
16 feelings, her state of mind towards Mr. Manson?

17 MR. BUGLIOSI: Irrelevant.

18 MR. KANAREK: It is most relevant, your Honor. It
19 shows where Mr. Manson was on August the 8th, from which we
20 can infer that --

21 THE COURT: Objection sustained.

22 BY MR. KANAREK:

23 Q Well, did you have conversation with
24 Stephanie Schram concerning Mr. Manson?

25 MR. BUGLIOSI: Irrelevant.

THE WITNESS: Yes.

MR. BUGLIOSI: It is irrelevant, your Honor.

THE COURT: Well, she may answer that question.

The answer is in.

BY MR. KANAREK:

Q All right.

Now, what was said in the conversation?

MR. BUGLIOSI: Irrelevant.

MR. KANAREK: It shows the state of mind of
Stephanie Schram.

THE COURT: Objection sustained.

BY MR. KANAREK:

Q Is that the only time before your release
from jail that you saw Stephanie Schram?

A It is the only time I recall seeing her.

Q Did you see Bobby Beausoleil at the Gary Hirman
house, say, in July of 1969?

A No.

1 Q Did you see Susan Atkins at the Gary Hinman
2 house in July of 1969?

3 A No.

4 Q Were you told -- I will withdraw that.

5 You have been offered and have been granted
6 immunity in connection with the Gary Hinman matter; is that
7 correct?

8 MR. BUGLIOSI: Irrelevant.

9 MR. KANAREK: It is most relevant.

10 MR. BUGLIOSI: Calls for a conclusion.

11 THE COURT: Sustained.

12 MR. KANAREK: Your Honor, may I make an offer of
proof as to that?

14 THE COURT: Yes, you may.

15 (Whereupon, all counsel approach the bench,
16 including Deputy District Attorney Burton Katz, and the
17 following proceedings occur at the bench out of the hearing
18 of the jury:)

19 THE COURT: Make your offer.

20 MR. KANAREK: Yes, your Honor.

21 My offer of proof is that she would testify that
22 she was offered immunity.

23 MR. BUGLIOSI: Your Honor, this is Mr. Katz, the
24 prosecutor on the Hinman matter.

Is it all right if he joins in this discussion?

26 THE COURT: Well, we have enough lawyers in the case.

1 Is there any reason for him to be here?

2 MR. BUGLIOSI: He has more information about the
3 immunity aspect than I do.

4 THE COURT: We are not up here for any information
5 except Mr. Kanarek's offer of proof.

6 MR. KANAREK: The offer of proof is that she has
7 been granted immunity in connection with the Gary Hinman
8 matter, and it goes to her state of mind, the same way that
9 Linda Kasabian's state of mind was relevant.

10 THE COURT: How is it relevant?

11 MR. KANAREK: The District Attorney has granted her
12 immunity.

13 THE COURT: That is circular. Where is it going?

14 MR. KEITH: It may be very relevant as far as I am
15 concerned.

16 Miss Van Houten has got herself in that house,
17 and I am going to ask her if she didn't testify at the
18 Hinman trial that Leslie Van Houten wasn't there, if Bugliosi
19 doesn't himself.

20 THE COURT: But that is another matter, Mr. Keith.

21 MR. KEITH: All right. As long as we understand each
22 other.

23 MR. KANAREK: We have a right that the jury know the
24 factors that affect her credibility, and her being granted
25 immunity by the District Attorney's Office affects her
26 credibility, the same way as anyone granted immunity is

affected.

2 MR. BUGLIOSI: Before you go any further, Mr. Katz
3 should know who has been granted immunity, and he advises me
4 that she has not been granted immunity.

5 THE COURT: Then how can you make such an offer?

6 MR. KANAREK: Well --

7 THE COURT: Were you misrepresenting to the Court
8 the state of the record?

9 MR. KANAREK: No.

10 THE COURT: Then why do you say that?

11 MR. KANAREK: Why are you accepting ad hoc immediately
12 what the District Attorney says?

13 THE COURT: Mr. Bugliosi says that Mr. Katz is
connected with that case.

15 MR. BUGLIOSI: He is the prosecutor. He should know
16 who he has granted immunity to.

17 THE COURT: Apparently your information is wrong.
18 Whatever motive you may have, I don't know.

19 We are going to adjourn at this time.

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

24 THE COURT: We will adjourn at this time, ladies and
25 gentlemen.

Do not converse with anyone or form or express

any opinion concerning penalty until that issue is finally
submitted to you.

The Court will adjourn until 9:30 tomorrow morning.

(Whereupon, at 4:52 p.m. the court was in recess.)

LOS ANGELES, CALIFORNIA, TUESDAY, MARCH 16, 1971

9:53 o'clock a.m.

- - - -

(The following proceedings were had in the chambers of the court, all counsel and Mr. Howard L. Weitzman being present, outside the hearing of the jury and the defendants:)

THE COURT: All counsel are present, and also Mr. Howard L. Weitzman.

You are representing Miss Brunner?

MR. WEITZMAN: Yes, your Honor, we were appointed in another matter to represent Mary Brunner.

It is my understanding, through notification by Burton Katz of the District Attorney's office, she was called as a witness by one of the defense counsel here yesterday and we were not notified.

It would seem to me that before she testified she probably should have had an opportunity to consult with counsel, especially since she was in fact represented at that time. I don't mean to imply that, you know, where the duty lies.

But I feel that we should have had the opportunity to consult with her and attempt to protect whatever rights she may be prone to give up by her testimony.

The Court may or may not know the indictment regarding the Hinman matter is still pending against her,

1 even though the writ of habeas corpus was issued and we
2 prevailed on that writ and she is on the streets.

3 The indictment is still pending against her.

4 There has been no dismissal.

5 As I understand it, the Court ruled in that
6 case that they felt the theory of conditional immunity was
7 a viable theory, and therefore she had met the conditions
8 so far, so the immunity remains in effect.

9 I feel by her testimony here today, especially
10 with respect to the Hinman matter, she may well put herself
11 in some serious position with respect to perhaps institu-
12 tional proceedings in that indictment.

13 THE COURT: Well, I take it you intend to be present
14 then today and ascertain the privilege on her behalf?

15 MR. WEITZMAN: It appears that would be the wisest
16 thing to do, at least to me, in terms of my appointment by
17 the Court to represent her.

18 I am not so sure what kind of cooperation I
19 am going to get.
20
21
22
23
24
25

1 THE COURT: I was not aware of her position in the
2 Hinman case, or even that she was represented yesterday.

3 MR. WEITZMAN: I would, if it would be agreeable
4 with counsel, move to strike whatever testimony was given
5 yesterday by her, and if one of defense counsel wishes
6 to again call her today, ask that whatever testimony
7 she is questioned on relate to matters other than the
8 issues involved in the Hinman matter.

9 It seems to me that that would be within the
10 bounds of fair play.

11 He could get whatever he wanted from this
12 witness without placing her in jeopardy.

13 I have no idea who called her, except by
14 hearsay, and what exactly he wants from her.

15 THE COURT: She was called by Mr. Kanarek.

16 MR. WEITZMAN: I have not had the opportunity to
17 talk with Mr. Kanarek.

18 I don't know if the Court wishes to give us
19 that opportunity to consult, or whether or not it is
20 necessary, or whether or not the Court feels it is
21 necessary.

22 MR. KANAREK: I would be glad to talk to any lawyer.

23 MR. BUGLIOSI: Then how come you didn't talk to him
24 before she was called to the stand?

25 I am sure you knew she was represented by a
lawyer.

1 MR. KANAREK: That gratuitous statement by Mr.
2 Bugliosi is ridiculous. He has called many witnesses that
3 have had lawyers.

4 The District Attorney knows that, and the
5 reason he is doing this is because the District Attorney
6 has condoned untruthful statements. They know there are
7 lies. I am saying this on the record.

8 THE COURT: What is this all about?

9 MR. KANAREK: They are zealous to keep Mary Hinman
10 off the stand.

11 MR. KEITH: Mary Brunner.

12 MR. KANAREK: Mary Brunner off the stand.

13 THE COURT: You are getting emotional. Just calm
down.

15 MR. KANAREK: I am not getting emotional. I am
16 trying to convince the Court.

17 THE COURT: Convince me of what?

18 MR. KANAREK: I am trying to convince the Court
19 that there is perjury, subornation of perjury that goes
20 throughout this Manson matter.

21 MR. BUGLIOSI: That's right. There is a lot of
22 it.

23 THE COURT: We are getting off to something else.

24 MR. KEITH: I feel that I may have let Mr.
25 Weitzman down.

I knew that she was represented by counsel

and I didn't advise the Court.

I move to strike her testimony.

MR. WEITZMAN: I would like the record to be clear. I don't make any objection to Miss Brunner testifying. All I would like to do is to protect her on matters within the scope of the Hinman matter.

Any other testimony that Mr. Kanarek may want to elicit from her with respect to either the Family situation or some of the meetings or her opinion or her attitude toward some of the members, or even anything about crimes involved in this matter, we don't have any objection to.

I shouldn't say that. I haven't heard the questions, but from what I know of the matter, we would just like to avoid her reindictment on the Hinman matter.

THE COURT: Do we have the transcript here?

MR. KEITH: I will tell Mr. Weitzman that to the best of my recollection she testified that she was not in the Hinman home at any time during the month of June, 1969.

MR. BUGLIOSI: The summer of '69. She expanded on that.

MR. WEITZMAN: I would move to strike that portion of the testimony that relates directly to the Hinman matter.

If she testified to anything else, I haven't heard what it is.

MR. KANAREK: I would like to bring a lawyer in and have them strike Greg Jakobsen's testimony, and I'd like to bring in a lawyer and have a lot of testimony stricken, your Honor.

I mean, this is just irrelevant and immaterial.

We have got a trial in progress, your Honor.

MR. BUGLIOSI: It is open season.

THE COURT: Do you have any other witnesses that you can put on?

MR. KANAREK: Yes.

I have some other relief that I wanted to ask the Court for.

The prosecution has stated --

THE COURT: Let's take one thing at a time.

Are you going to put on any other witness?

MR. KANAREK: Yes. There is another witness.

THE COURT: Is that Brenda Mc Cann?

MR. KANAREK: Yes.

MR. SHINN: She has an attorney too, your Honor.

THE COURT: I suggest that what we do is call her first.

Who is her attorney?

MR. SHINN: Mary Fielder.

MR. BUGLIOSI: She is associated with Mr. Kanarek.

MR. KANAREK: I am not her attorney.

THE COURT: I was going to suggest that the other witness be called first until the transcript is ready and then Mr. Weitzman can read the transcript, and then if he wants to make a motion, at least he will be making it from knowledge of what she testified to.

MR. KANAREK: Yes, your Honor.

The fact of the matter is, I have no objection to accommodating the Court, but the District Attorney is injecting, what they are doing here, they are injecting themselves, because they know that there are lies that they have condoned, to say the last.

THE COURT: Mr. Kanarek, save it. Don't make statements like that any more.

MR. KANAREK: Then let's have an evidentiary hearing and I will testify under oath.

THE COURT: We have had one now for nine months.

MR. KANAREK: I know. But I would like to testify.

THE COURT: Why don't you put these things in the form of declarations then, if you are seeking some kind of relief on the basis of accusations you are making. Prepare some declarations and attach them to a petition of some kind.

I don't know what you are talking about, but you seem to have something in mind.

1 Let's not take the Court's time now to do it.

2 MR. KANAREK: Your Honor previously --

3 THE COURT: I don't want to hear any more about it,

4 Mr. Kanarek.

5 MR. KANAREK: Very well.

6 THE COURT: You have been making these wild accusations
7 now for months, but I see no evidentiary support for any of
8 them. Not one of them.

9 MR. KANAREK: Well, your Honor, we have previously had
10 a petition for habeas corpus before this Court, we have had
11 other matters before the Court, and the Court is quite summary
12 in its disposition of some of these matters.

13 For instance, the Court has the power, on its
14 own, to protect its own order, and I am informed and believe
15 that Mr. Burton Katz went on television, notwithstanding the
16 publicity order, and discussed Mary Hinman on television
17 and/or radio.

18 Now, I don't know exactly what it was.

19 THE COURT: I don't either, Mr. Kanarek.

20 MR. KANAREK: But I am informed and believe that he
21 did this yesterday.

22 Now, by the time I go out and ferret out all the
23 details, you know, your Honor --

24 THE COURT: We are wasting time, Mr. Kanarek.

25 If you have some facts that you want to bring
before the Court, put them in a declaration.

2 I assure you I will act on any facts I get
3 if there appears to be a violation of the publicity order.

4 But rumors don't help very much.

5 MR. KANAREX: Mr. Katz is not here today, strangely
6 enough.

7 THE COURT: Is Brenda Mc Cann represented?
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MR. KANAREK: Was she what, your Honor?

THE COURT: Is Brenda McCann represented?

MR. KANAREK: She does have a lawyer, your Honor.

THE COURT: Is this lawyer associated with you, is she?

MR. KANAREK: I know a lot of lawyers, Mr. Fitzgerald —

MR. FITZGERALD: I'm not associated with you.

MR. BUGLIOSI: You went to Sylmar with her.

MR. FITZGERALD: Maybe I can shortcut this.

Brenda McCann has consult with respect to a pending narcotic violation. It has little if anything to do with any of the matters that might be gone into on her testimony.

If you would like to contact her lawyer, fine, but I think there is little likelihood she is going to incriminate herself on the narcotics charge pending against her.

MR. BUGLIOSI: As I understand, she has only been called for a limited point, isn't that correct? She already testified, Brenda McCann.

Now she is being recalled for a very limited point.

THE COURT: Is that correct? She testified once, Mr. Kanarek, we are not going over the same ground again.

MR. KANAREK: That's correct, your Honor.

I am calling her in view of the fact that your

Honor struck Ruthanne Moorehouse's testimony, as I stated previously, I think on the record.

THE COURT: Yes, several times, ad nauseum.

Now get to the point.

MR. KANAREK: There is no point --

THE COURT: I can believe that, too, Mr. Kanarek.

MR. KANAREK: She is there. I am glad to accommodate the Court.

THE COURT: What is the nature of her testimony going to be?

MR. KANAREK: The nature of her testimony, I don't believe that a defendant in a penalty case has to give the nature --

I will be glad to tell the Court in camera --

THE COURT: I want to know, Mr. Kanarek, so I can determine whether or not her counsel should be present.

MR. KANAREK: May I tell the Court in camera with the reporter present, with the District Attorney not present -- that is my position.

MR. BUGLIOSI: The prosecution is going to find out as soon as you call her to the stand anyway. What difference does it make? You cannot pull anything out of the hat.

MR. KANAREK: That is my motion, your Honor. May I have a ruling on my motion?

THE COURT: What is the motion?

MR. KANAREK: That I tell the Court in camera with the

District Attorney not present.

These people, your Honor, are hell bent --

THE COURT: Mr. Kanarek, you make one more remark like that and I'm going to do something about it. Do you understand me, sir?

MR. KANAREK: I am giving the Court --

THE COURT: Do you understand what I said?
I am not going to listen to this nonsense any more from you.

All right, then, we will proceed.

MR. KANAREK: I have another request to the Court, your Honor.

THE COURT: What is that?

MR. KANAREK: Mr. Caballero, for whatever the reason may be, has not been in his office, was not in his office yesterday, my secretary was informed.

THE COURT: I don't know anything about that. Let's proceed with the trial, gentlemen.

MR. KANAREK: Your Honor, we want those tapes. It has been represented to us --

THE COURT: Let's proceed.

(Recess, after which the following proceedings were again had in chambers, all counsel and Mr. Weitzman being present.)

THE COURT: We are not going to waste any time, gentlemen, we will proceed with Mary Brunner now.

How do you propose -- you can review her

testimony later when the transcript is available,

Mr. Weitzman.

MR. WEITZMAN: That is agreeable, your Honor.

THE COURT: Who is examining her now? Are you still examining her, Mr. Kanarek?

MR. KANAREK: Yes, your Honor.

THE COURT: What is the rest of your examination going to relate to? Is it going to relate to the Hinman case?

I want a straight answer, sir.

MR. KANAREK: May I give it to the Court in camera?

THE COURT: You give it to me right now.

MR. KANAREK: Then if I may make the objection, I will give it to the Court.

The objection is it is infringing to effective right of counsel --

THE COURT: I am doing this for your benefit as well as the benefit of the other defendants, Mr. Kanarek, because I don't want to have Mr. Weitzman stand up and assert the privilege for this witness after every question, if it can be avoided in some way.

MR. KANAREK: I appreciate the Court's intent. If I can make the record.

There is the District Attorney here --

THE COURT: You are being ridiculous now.

Are you going to tell me or not?

MR. KANAREK: I wanted to make the record.

1 THE COURT: You have indicated what your position is.

2 MR. KANAREK: Under due process -- I believe your Honor
3 is invading the effective right to counsel.

4 THE COURT: I am in effect making you make an offer
5 of proof, Mr. Kanarek, so we can get on with this proceeding.

6 MR. KANAREK: Yes, your Honor, I am going to
7 interrogate, in view of your Honor's position, we are going
8 to interrogate Mary Brunner -- I have reason to believe
9 that --

10 Well, I am going to interrogate her on the
11 Hinman matter, yes.

12 I don't want to have to belabor it.

13 THE COURT: Obviously, Mr. Weitzman is going to
14 assert the privilege, is that right, Mr. Weitzman?

15 MR. WEITZMAN: Yes, your Honor.

16 THE COURT: Do you want him to stand up and assert it
17 after every question?

18 MR. KANAREK: Yes.
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1 MR. WEITZMAN: If I may offer a solution, although
2 I have never done it; would there be any way to have a
3 running objection, and reserve a motion to strike after
4 the testimony is completed, and have the Court rule on
5 the motion to strike?

6 MR. FITZGERALD: I don't want to be misled here.

7 Are you representing to the Court that your
8 client wants to assert the privilege?

9 I don't think you can assert the privilege
10 in her behalf.

11 MR. WEITZMAN: I think I can. I think she can over-
12 rule me, is the way I understand it.

13 I think I would be derelict in my duty if I
14 did not raise the legal objection first.

15 My next question is, do you want the answer
16 first or do you want the objection after the question?

17 THE COURT: If you are going to assert the privi-
18 lege, there should not be an answer.

19 MR. WEITZMAN: That is the way I would understand it.

20 THE COURT: Assuming that the privilege is well
21 founded.

22 In order to avoid the problem, if we could
23 agree in chambers here that if you, instead of asserting
24 the privilege, in so many words, state that you object
25 on the grounds discussed in chambers, we will deem it to
be the assertion of - by you of her privilege against

1 self-incrimination.

2 Is that agreeable?

3 MR. WEITZMAN: That is agreeable.

4 THE COURT: In other words, just make that state-
5 ment:

6 "I object on the grounds discussed in chambers."

7 MR. MUSICH: Your Honor, if I may, I think the problem
8 presently exists. Her testimony does concern the Himman
9 matter. She has testified regarding it.

10 I think the only point at this time is as to
11 whether or not she wants to invoke the privilege, or whether
12 or not she will waive it or has already waived it as a
13 matter of fact and a matter of law.

14 Once the gate is opened you cannot have part
15 of the privilege as to one aspect of it and not as to
16 another.

17 MR. WEITZMAN: My understanding is she was not
18 represented by counsel yesterday. She does have an
19 attorney of record.

20 She was testifying to matters directly involv-
21 ing those with which her attorney was appointed to represent
22 her.

23 I would think she would not have been deemed
24 to have waived them.

25 MR. MUSICH: That is why I think we should clarify it
right now.

1 THE COURT: So the record will be clear, I had no way
2 of knowing what her testimony was going to relate to, and
3 did not know she was represented by counsel, and I have no
4 knowledge of her relationship in the Hinman case.

5 MR. MUSICH: I think the problem now is whether she
6 wants to invoke the privilege.

7 Then we strike her testimony in that area,
8 and there is no sense to proceed further in that area.

9 THE COURT: That can be done later, after we got
10 the transcript.

11 MR. WEITZMAN: So I get the pages and lines
12 correctly, for the record.

13 THE COURT: It may be he won't want to strike any-
14 thing, maybe there is nothing to strike; maybe there
15 is.

16 MR. BUGLIOSI: Is Brenda McCann here? If she is we
17 will put her on.

18 THE COURT: She is outside. We won't go looking for
19 her. Let's get on with the trial.

20 MR. WEITZMAN: Can I have a minute with my client.

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

23 THE COURT: All parties except Mr. Manson are present,
24 all counsel and all jurors are present.

25 You may continue, Mr. Kanarek.

26 MR. KANAREK: Thank you, your Honor.

THE COURT: Miss Brunner, will you resume the witness stand?

MARY THERESA BRUNNER,
called as a witness by the defendants, having been
previously duly sworn, resumed the stand and testified
further as follows:

THE CLERK: Would you state your name, please.

THE WITNESS: Mary Theresa Brunner.

THE CLERK: You are still under oath.

DIRECT EXAMINATION (Continued)

BY MR. KANAREK:

Q Now, Miss Brunner, you know Leslie Van Houten?

A Yeah.

Q Did Leslie Van Houten discuss with you the
Hinman matter?

A Yes.

Q Would you tell us what did Leslie Van Houten
say concerning the Hinman matter?

MR. BUGLIOSI: Calls for hearsay.

MR. WEITZMAN: I object to that on the grounds
discussed in chambers, and ask an offer of proof be made
outside the presence of the jury.

MR. KANAREK: It has to do with what Leslie told --
she can be a witness -- it has nothing to do with this

1 THE COURT: Miss Brunner, will you resume the witness
2 stand?

3
4 MARY THERESA BRUNNER,
5 called as a witness by the defendants, having been
6 previously duly sworn, resumed the stand and testified
7 further as follows:

8 THE CLERK: Would you state your name, please.

9 THE WITNESS: Mary Theresa Brunner.

10 THE CLERK: You are still under oath.

11
12 ~~DIRECT EXAMINATION~~ (Continued)

13 BY MR. KANAREK:

14 Q Now, Miss Brunner, you know Leslie Van Houten?

15 A Yeah.

16 Q Did Leslie Van Houten discuss with you the
17 Hinman matter?

18 A Yes.

19 Q Would you tell us what did Leslie Van Houten
20 say concerning the Hinman matter?

21 MR. BUGLIOSI: Calls for hearsay.

22 MR. WEITZMAN: I object to that on the grounds
23 discussed in chambers, and ask an offer of proof be made
24 outside the presence of the jury.

25 MR. KANAREK: It has to do with what Leslie told --
she can be a witness -- it has nothing to do with this

particular witness's alleged involvement.

It is what someone told her -- it could be a police officer, it could be anybody.

THE COURT: There was a hearsay objection.

MR. BUGLIOSI: Yes, I object on the grounds of hearsay.

THE COURT: Sustained.

MR. KARAREK: Leslie Van Houten is a defendant in this case; any such statement would be an admission and an exception to the hearsay rule, a clear exception to the hearsay rule.

It is an admission.

I ask this be allowed to be answered, your Honor.

THE COURT: Will counsel approach the bench.

The following proceedings were had at the bench out of the hearing of the jury:

THE COURT: All right. Does anybody want to be heard.

MR. KATHE: I would like Mr. Kararek to make an offer of proof on what this woman is going to say about my client. It may be extremely damaging; it may be exculpatory.

I think I am entitled to ask.

THE COURT: I am a little confused. Why are you entitled to ask, whether it is exculpatory or exculpatory?

MR. KATHE: I would like to know in advance, I'm entitled.

1 THE COURT: Naturally, every lawyer would.

2 MR. KEITH: I don't know if I have any legal grounds
3 to know ahead of time, but I would sure like to know.

4 MR. WEITZMAN: I think my motion for an offer of
5 proof would be more appropriate in this part, if Mr. Kanarek
6 is correct and if her testimony would be an exception to the
7 hearsay rule, then it would seem to me it would not be
8 damaging to the witness and therefore we would have no
9 objection.

10 On the other hand if her statement is going to
11 place her in the position where it would jeopardize her
12 present standing, why, then I think the objection would be
13 a good objection.

14 That was the reason for my asking for the offer
15 of proof.

16 If Mr. Kanarek's representation is correct, we
17 would have no standing to object.

18 THE COURT: Make an offer of proof, Mr. Kanarek.

19 MR. KANAREK: Well, your Honor, she is going to
20 testify that Leslie said she was there with Sadie.

21 THE COURT: Who was there?

22 MR. KANAREK: Leslie Van Houten. She told her that.

23 She told her matters concerning the incidents
24 in the Haines case.

25 THE COURT: Is that all you intend to elicit?

26 MR. KANAREK: No, I intend to elicit what happened.

what Leslie told her.

2 MR. BUGLIOSI: This would not be an exception to the
3 hearsay rule. It would be a prior consistent statement.

4 MR. KANAREK: It is an admission to her own culpa-
5 bility and it is a matter clearly an admission.

6 MR. BUGLIOSI: Leslie Van Houten already testified to
7 it, so what he is seeking to elicit is just a prior consistent
8 statement, out of court statement, not an exception to the
9 hearsay rule.

10 MR. KANAREK: We are entitled to put on our evidence
11 with our witnesses.

12 The prosecution is saying Leslie Van Houten is
13 making things up; that they are all under the domination of
14 Mr. Manson.

15 We are entitled to put on evidence.

16 This is a penalty phase trial.

17 THE COURT: Well, are you intending to assert the
18 privilege with respect to this?

19 MR. WEITZMAN: He made the offer of proof. If the
20 offer of proof is correct, no, I don't think we have to
21 object.

22 THE COURT: I don't see how, either.

23 MR. WEITZMAN: Not knowing what the statement is,
24 the statement could very well implicate my client.

25 THE COURT: I think you should lay a foundation for
the statement first.

All right, the objections will be overruled,
but you will have to lay a foundation.

MR. KANAREK: Yes, your Honor.

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

5 MR. WEITZMAN: Your honor, may I approach my client?

6 THE COURT: Yes.

7 (Mr. Weitzman approaches the witness stand and
8 confers with the witness.)

9 THE COURT: You may proceed, Mr. Kanarek.

10 MR. KANAREK: Thank you, your honor.

11 Q Miss Brunner, would you tell us when you had
12 this conversation with Leslie Van Houten?

13 A Exactly when? I don't know, but it must have
14 been sometime probably in the beginning of August or late
15 July of '69. Right before I got arrested. A while before
16 I got arrested.

17 Q Was this before Bobby Beausoliel got arrested?

18 A I am not real sure if it was before or after.
19 It was probably before.

20 Q And who was present, if anyone else, besides your
21 self and Leslie Van Houten?

22 A I can't say for sure any more, Irv, it was too
23 long ago.

24 I think I talked to Leslie about it, and I can
25 remember what she said, but I can't remember what happened
26 and I'm not sure.

Q Where did the conversation take place?

A Some place at the ranch.

Q Will you tell us what she said?

MR. KEITH: I object on the grounds of no foundation.

THE COURT: Overruled.

THE WITNESS: Pardon?

THE COURT: You may answer.

THE WITNESS: Leslie told me about being at the Gary Hinman house at the time that he was killed.

Q Did she tell you what she observed?

A She said she saw Sadie kill Gary Hinman.

She also saw a few other things.

Q Tell us what else she saw.

A She told me that she had seen Gary's ear cut, and she described to me how it had been cut, and she told me that they were there, I think, for a couple of days.

And I can't remember what she said in particular about what happened in the couple of days.

Q Who was there for a couple of days?

A She and Sadie.

Q And how was Gary Hinman's ear cut?

A She said it was cut with a knife.

Q And who cut Gary Hinman's ear?

A I don't recall if she said that or not.

She told me that it had been cut.

Q All right.

What else?

A She told me that there had been a fight and that Gary was after Bobby for some reason, and that Sadie had stabbed Gary and killed him.

Q Did she say that she saw Sadie stab Gary?

A I don't know if she said she saw it or not.

I know that she said that it had happened.

I assumed she saw it because she said that it happened.

Q Well, did she tell you that Sadie told her it happened, or did she say that she was actually physically at

A She said she and Sadie had been at Gary's house and in the course of time Sadie had killed Gary, had stabbed him

Now, she didn't say, "I saw it," she just said it happened and she was there when it happened.

Q I see.

Now, did she say anything about what Mr. Hinman said or did?

A About what? When?

1 Q At the time, at the time when she and Sadie were
2 at the Gary Hinman home?

3 A Before he got out or stabbed or something, or
4 after?

5 Q Yes. Let's say before he got out or stabbed.

6 A There was an argument over a car that at the time
7 I was using that we had gotten from him, and they were
8 arguing over that, and that is what started the fight some-
9 how.

10 Q When you say they were arguing, who are you
11 speaking of?

12 A Well, Sadie. I think, got a car from Gary.
13 I think it was Sadie that got it. Anyway it was a car
that I was driving.

15 And the title wasn't straight on it, or else the
16 money wasn't straight. I don't remember whether it was the
17 title or the money.

18 Anyway, they wanted to get it straightened out
19 so there wouldn't be any question if I were ever stopped
20 with the car, and it led to a fight.

21 Q I see.

22 And did she tell you anything that Gary Hinman
23 said during this fight?

24 A Other than telling them to leave, I don't know
25 if she told me there was anything that he said.

26 Q All right.

Did she tell you anything that Gary Newman
said after he was out?

1 No, not that I recall.

Q Now, when he was out - I will withdraw that.

Did she tell you how long it was after he was
out that Sadie killed him?

1 Yes.

I think she said there was a couple of days in
between.

Q Between the time he was out until Sadie killed
him?

1 See, they got in a fight and they cut him.
Then they were afraid and didn't know what to do, so they
stuck around. And then they didn't know what to do, so
they killed him.

Q I see.

Now, subsequently may I ask you to
on how many different occasions did you discuss this matter
with Leslie Van Housen?

1 Just once.

Q She told you this once?

1 Yes.

Q In her lifetime, has she told it to you more
than once?

1 No. She told it to me once.

Q Just one time, right?

1 A Yes.

2 Q Now, have you related these facts to any
3 law enforcement officers?

4 MR. BUGLIOSI: Calls for hearsay.

5 MR. WEITZMAN: Objection, your Honor.

6 MR. KANAREK: Under Greene vs. California, your
7 Honor, we are entitled to know whether there have been any
8 other statements.

9 MR. BUGLIOSI: Calls for hearsay.

10 THE COURT: The objection is sustained.

11 Q BY MR. KANAREK: Well, have you had any conver-
12 sations concerning what you have said --

13 A Yes.

14 MR. KANAREK: Just a moment, Miss Brunner.

15 THE COURT: Finish the question.

16 MR. KANAREK: Q Have you discussed these matters
17 with law enforcement officers?

18 MR. BUGLIOSI: Calls for hearsay.

19 MR. KANAREK: Your Honor, I am entitled to determine
20 whether there has been conversations or not.

21 THE COURT: The question is objectionable in that
22 form, Mr. Kanarek.

23 MR. KANAREK: Q Subsequent to this time, have you
24 spoken with law enforcement officers?

25 MR. BUGLIOSI: It is irrelevant, and it has been
asked and answered yesterday, your Honor, three or four

times.

THE COURT: Overruled.

You may answer.

MR. KANAREK: Pardon?

THE COURT: You may answer.

THE WITNESS: What is the question?

MR. KANAREK: May it be read, Your Honor?

THE COURT: Reframe it, Mr. Kanarek.

Q BY MR. KANAREK: Subsequent to this date,
Miss Brunner, have you spoken with law enforcement officers?

A Yes, many times.

Q And during these conversations with law
enforcement officers, have you discussed what Leslie
Van Houten told you?

A Yes.

MR. BUGLIOSI: Calls for hearsay.

THE COURT: Sustained.

The answer is stricken and the jury is
admonished to disregard it.

MR. KANAREK: Q On what occasions, would you tell us
the occasions that you spoke to law enforcement officers
concerning these matters?

A In --

MR. BUGLIOSI: Same objection.

THE COURT: Sustained.

Q BY MR. KANAREK: Did you testify at the Grand
Jury, Miss Hinman -- or Miss Brunner -- in case No.
A-258,361?

MR. BUGLIOSI: Irrelevant.

THE COURT: Sustained.

MR. KANAREK: Well, your honor, under Greene vs.
California, I am entitled to ask the witness --

THE COURT: The objection is sustained, Mr. Kanarek.

MR. KANAREK: I am trying to lay a foundation, your

1 Honor.

2 THE COURT: The objection is sustained, sir.

3 Ask your next question.

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

6 THE COURT: Don't do what I have just told you not to,
7 Mr. Kanarek.

8 Is that the Grand Jury transcript?

9 MR. KANAREK: Yes.

10 THE COURT: Let's get on with the examination.

11 MR. KANAREK: I may not approach the witness?

12 THE COURT: No.

13 MR. KANAREK: Q You told us yesterday, Miss Hinman --
14 Miss Brunner -- that you had not been at the Gary Hinman
15 home during the summer of 1969, right?

16 Do you remember that?

17 MR. WEITZMAN: Objection in respect to the matters
18 discussed in chambers, your Honor.

19 THE COURT: Sustained.

20 Q BY MR. KANAREK: Do you wish to answer that
21 question, Miss Brunner?

22 A I answered it yesterday, too.

23 Q What is your answer?

24 A The same answer.

25 MR. WEITZMAN: Same objection.

I ask that the answer be stricken.

1 THE COURT: Sustained.

2 Do you understand what your attorney is saying,
3 Miss Brunner?

4 THE WITNESS: He is objecting. Yes.

5 THE COURT: Do you know why he is objecting?

6 Don't give me the reason, but do you know?

7 Have you discussed this with your client,
8 Mr. Weitzman?

9 MR. WEITZMAN: I have, but if I may have a moment,
10 your Honor, I would like to discuss it further with her.

11 THE COURT: Yes.

12 (Mr. Weitzman approaches the witness stand and
confers with the witness.)

14 MR. WEITZMAN: I think she understands the purpose of
15 the objections, your Honor.

16 THE COURT: And you have explained your reasons to her?

17 MR. WEITZMAN: I have, your Honor.

18 THE COURT: In accordance with our discussion in
19 chambers?

20 MR. WEITZMAN: In accordance with our discussions in
21 chambers, and she is willing to abide by those objections
22 and understands the meaning and the nature of the objections.

23 MR. KANAREK: She tells me -- do you wish to answer
24 that question, Miss Brunner?

25 THE WITNESS: I already did, Irv.

I told you I wasn't there.

MR. KANAREK: All right.

Q Now, did you tell someone previously that you were there?

MR. BUGLIOSI: Irrelevant, and calling for hearsay.

MR. WEITZMAN: Objection, your Honor.

MR. KANAREK: Your Honor, this goes to Greene vs. California.

THE COURT: Just a moment.

Are you making an objection?

MR. WEITZMAN: I am making the same objection previously made, your Honor, as discussed in chambers.

THE COURT: Sustained.

1 MR. KANAREK: You may answer if you wish.

2 MR. BUGLIOSI: No. I don't believe that is the law.

3 MR. WEITZMAN: Pardon me. The objection has been
4 sustained.

5 THE COURT: Don't advise the witness, Mr. Kanarek.

6 MR. KANAREK: I don't believe she understands the
7 nature of it.

8 I think she is trying to --

9 THE COURT: Ask your next question.

10 BY MR. KANAREK:

11 Q Miss Brunner, would you tell us, what is
12 your response to this question?

13 MR. WEITZMAN: Your Honor, the objection has already
14 been sustained.

15 MR. KANAREK: I don't think she understands, your
16 Honor.

17 THE COURT: Well, Miss Brunner, your attorney is
18 objecting for the reasons that he stated to you in your
19 conference.

20 Now, if you wish to answer notwithstanding
21 his objection, you have the right to do so, but you
22 are not obligated to.

23 THE WITNESS: The question that I once told someone
24 I was there?

25 THE COURT: Do you understand what I am saying?

26 THE WITNESS: Yes.

THE COURT: All right.

MR. WEITZMAN: Your Honor, if I may interrupt the Court for a moment.

Miss Brunner, as I understand it, comprehends what is going on. She is intelligent enough to understand the meaning and the purpose of the objection.

If she has any question, contrary to Mr. Kanarek's belief, I believe she will ask if she can consult with me, and perhaps then, if there is a problem, we could resolve it.

But I would ask the Court to advise Mr. Kanarek not to advise my client.

MR. BUGLIOSI: And apart from Mr. Weitzman's objection, I am objecting on the ground that it is irrelevant and calls for hearsay.

THE WITNESS: Oh, Vince.

THE COURT: Reframe the question, Mr. Kanarek.

BY MR. KANAREK:

Q Have you told anyone, in fact, that during those summer months you were there, Miss Hinman?

MR. WEITZMAN: Same objection.

THE WITNESS: Yes.

MR. BUGLIOSI: Same objection. Irrelevant and hearsay.

THE COURT: Sustained.

MR. KANAREK: Under Greene vs. California.

THE COURT: Objection sustained.

MR. BUGLIOSI: Motion to strike the witness's answer.

THE COURT: I didn't hear an answer. Did she answer?

MR. BUGLIOSI: She answered yes.

MR. WEITZMAN: I am sorry. I didn't hear it. May it be stricken?

THE COURT: The answer is stricken and the jury is admonished to disregard it.

MR. KANAREK: Is it stricken on Mr. Bugliosi's grounds or on Mr. Weitzman's?

THE COURT: Ask your next question, Mr. Kanarek.

BY MR. KANAREK:

Q In fact, Miss Brunner, were you present when Gary Hinman was killed?

A No.

MR. WEITZMAN: Same objection, your Honor.

THE COURT: Sustained.

MR. WEITZMAN: I don't know if there was a response. If there was, may it be stricken, your Honor?

THE COURT: Not if she wants to answer.

Do you want to answer, notwithstanding your attorney's objection?

THE WITNESS: I answered it.

THE COURT: All right.

BY MR. KANAREK:

Q What is your answer?

A I told you no.

I have told you five times now.

MR. WEITZMAN: I think the objection should stand
for the record, your Honor.

THE COURT: Let's proceed.

1 MR. KANAREK: Q Is it a fair statement, Miss
2 Brunner, that notwithstanding your attorney's statement to
3 you, it is your desire to answer all of these questions?

4 MR. BUGLIOSI: That is irrelevant.

5 THE COURT: That is an objectionable question,
6 Mr. Kanarek.

7 Do you have any further examination?

8 MR. KANAREK: Yes, your Honor.

9 THE COURT: Get on with it.

10 MR. KANAREK: Q Then, other than Leslie Van Houten,
11 Miss Brunner, have you spoken to Susie?

12 Do you know someone named Susie?

13 A Do you mean Sadie?

14 Q What do you call her?

15 A Sadie.

16 Q You call her Sadie?

17 A Yes.

18 Q Have you spoken to Sadie concerning matters at
19 the Hinman house?

20 A Yes.

21 Q And when did you speak to her?

22 A Sadie has told me about matters at the Hinman
23 house several times.

24 Q Will you tell us who was present on each
occasion?

25 A I couldn't tell you. I don't know.

2 Sadie would say something in front of me and
3 Katie, then something else in front of me and Brenda, and
4 then something else in front of me and another girl.

5 Sadie has told me several different things that
6 happened at the Hinman house.

7 Q All right.

8 Would you tell us, if you can, would you tell
9 us when each conversation occurred and what was said at
10 each conversation?

11 Can you do that? Is that possible?

12 A Not exactly.

13 Sadie talked about killing Gary several times,
14 and it was all within a period of a couple of weeks, and
15 every time she told it it came out a little bit different.

16 Q Well, would you tell us, as best you can --
17 were all of these conversations at the Spahn Ranch?

18 A Yes.

19 Q Was anyone else present other than yourself
20 when you spoke to Sadie concerning these matters?

21 A I think one time I talked to her alone about it,
22 and other times I talked to her with other people
23 present.

24 Q All right.

25 Will you tell us who the other people were who
were present?

A Just other girls, other girls in the family.

I don't remember for sure who.

Q All right.

Then would you tell us each of the versions that Sadie told you?

You say she told it a little different each time.

MR. BUGLIOSI: Irrelevant, and calls for hearsay.

THE COURT: Overruled.

THE WITNESS: One version was that Gary was attacking her and that she had stabbed him.

One version had it that Gary was after Bobby for some reason, and she had stabbed him.

One version was that Gary had gotten in a fight with some other people when she had gone up there, gotten in a fight with other people that she had been with, and he got stabbed. It wound up that he got stabbed by other people.

She had stories, you know. Sadie's imagination runs sometimes.

One version had Bobby stabbing Gary, and then she stabbing him afterward.

Q Have you finished?

A That is all I can remember.

There are a lot of details, but they went in one ear, I heard them and I put them in my head, but I don't remember them exactly.

1 Q What did she say occurred at the Hinman
2 house prior to the stabbing?

3 A They all involved a fight in which Bobby's
4 ear had been cut by someone. And some of it was by other
5 people. Sometimes it was cut -- not Bobby, Gary, excuse
6 me. It had been cut with a knife.

7 I don't remember exactly how it happened in
8 her story.

9 Q Now, did she say anything concerning Gary
10 Hinman's dealing in dope?

11 MR. BUGLIOSI: That is irrelevant.

12 THE WITNESS: Yes.

13 BY MR. KANAREK:

14 Q What did she say?

15 THE COURT: Overruled.

16 THE WITNESS: She mentioned in one version that I
17 heard, she mentioned there was some dope dealers at
18 Gary's house, that he had burned them, or they had burned
19 him. I don't remember which way it went.

20 BY MR. KANAREK:

21 Q What do you mean by burned?

22 A Burned? Well, it means either that he had
23 gotten something from them and hadn't paid him for it,
24 or they had gotten some dope from him and hadn't paid
25 him for it. Or else they had given him bad dope.

26 Q Now, did she state that Leslie was with her

1 at the Hinman house?

2 A Yes.

3 Q Did she state how long Leslie was with her
4 at the Hinman house?

5 A For a couple of days.

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Q Did she tell you what she observed Leslie do
at the Himman house?

MR. KEITH: Hearsay as to Leslie Van Houten.

MR. KANAREK: What she did, your Honor.

THE COURT: Overruled, you may answer.

THE WITNESS: I don't really recall what she said
she saw Leslie do.

She was there with her. They were doing
whatever they were doing together.

MR. KEITH: I move that answer be stricken as a
conclusion of this witness.

THE COURT: The latter portion of the answer will
be stricken.

The jury is admonished to disregard it.

BY MR. KANAREK:

Q Was there any discussion with Sadie concerning
the words "political piggy"?

A She told me that she wrote them on a wall.

Q Did she tell you why she wrote them on the
wall?

A No.

Q Did she tell you whose idea it was to write
them on the wall?

A No, I imagined it was her own idea.

MR. BUGLIOSI: Motion to strike as a conclusion,
your Honor.

1 THE COURT: The statement "I imagined it was her
2 idea" is stricken.

3 The jury is admonished to disregard it.

4 Don't volunteer.

5 BY MR. KANAREK:

6 Q Now, after you were arrested you spent some
7 weeks in jail, is that right?

8 A That's right.

9 Q About six weeks?

10 A About that.

11 Q After you got out of jail did you go somewhere?

12 A I went first to the ranch.

13 Q How long did you stay at the ranch after you
14 got out of jail?

15 A Just overnight, part of the next day.

16 Q Do you remember what day it was that you went
17 to the ranch?

18 A No.

19 Q Now, you recognize that you are testifying
20 under oath?

21 A Yes. —

22 Q Under penalty of perjury? —

23 A Uh-huh.

24 Q It's a penitentiary offense to lie on the
25 witness stand? —

MR. BUGLIOSI: I object.

1 THE COURT: Get on with your examination, Mr.
2 Kanarek.

3 BY MR. KANAREK:

4 Q Did you have occasion to go into the trailer
5 where Randy Starr lived when you got back to the ranch?

6 A Yeah, I think I did because Sandy was getting
7 stuff ready -- oh, no, I think Sandy was in there maybe
8 then with her baby.

9 Q Had you been in that trailer before?

10 A Yeah.

11 Q Were there cupboards in that trailer?

12 A Yes.

13 Q Now, I will show you a picture --

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

15 MR. WEITZMAN: Your Honor, I would like to see the
16 picture before he approaches the witness.

17 (Photo shown to Mr. Weitzman.)

18 BY MR. KANAREK:

19 Q I show you this panel, it appears to be a
20 door or a panel, depicted in People's 261.

21 First I will ask you, have you ever seen that
22 panel before?

23 A Yeah, I think I remember seeing this written
24 some place, I don't remember, it's probably all on the
25 same panel. This would stand out more.

26 Q Now, directing your attention to the time

1 before you were arrested on August 8th, 1969, was this
2 writing on that panel and the trailer that Randy Starr
3 occupied?

4 A Before I was arrested?

5 Q Yes.

6 A No.

7 Q Did you see this writing on this panel after
8 you were arrested?

9 A Not that night, I went back to the ranch; I
10 did not see it, no.

11 Q When did you see it if at all in your lifetime,
12 what appears to be depicted in People's 261?

13 When did you first see it?

14 A I only saw it once. I was at the ranch in
15 October when all the family was in the desert and it was
16 on the wall then.

17 Q Now -- and is it your statement that prior
18 to the time that you saw it in October you had never seen
19 this, what is depicted here -- what is written on this
20 panel, you have never seen it before?

21 A That's right.

22 Q And on how many different occasions had you
23 been in the trailer that was occupied by Randy Starr?

24 A Oh, really, I was in there in and out, you
25 know, I might go in there every day, several times, and
I might not go in there --

2 You know, I have been in there hundreds of
3 times, I imagine.

4 Q So you had ample opportunity to look at the
5 panels that were covering the cupboard, right?

6 A Yeah.

7 Q And the doors that were covering the cupboard?

8 A Sure, I cleaned that trailer several times.

9 Q And does this panel, this door appear to be
10 a cupboard door or a panel for that very trailer?

11 A Yeah, I saw that panel. I saw it painted in
12 there.

13 Q And is this the very panel that we are speaking
14 of, the panel that you saw in Randy Starr's trailer?

15 A I imagine when I saw it, a lot of this writing
16 was not on it, part of it was on it.

17 I don't think this peace symbol was on it, I
18 don't think this design on there was on it then.

19 Q Well, was anything written on it at all before
20 your arrest of August 8, 1969?

21 A No, nothing at all was written on it before my
22 arrest.

23 Q And this came into existence in the form that
24 you see it here when these writings on it after August 8th,
25 1969, is that right?

 A After the middle of September, 1969.

 Q Now, who lived in that trailer, who lived in

2 that trailer to your knowledge between August the 8th,
3 1969, and sometime in October, 1969?

4 A Sandy lived there I think for a while with her
5 baby, and then after she left and went to the desert,
6 Juan moved into that trailer.

7 Q So if Sandy -- do you know when Sandy went to
8 the desert?

9 A No, I do not.

10 Q Do you know the exact date, or can you give
11 us an approximate time that Juan Flynn moved into that
12 trailer?

13 A No, I know when I was out of jail in the middle
14 of September, I think it was, Sandy was living in the trailer
15 with her baby; then I went back East, and when I came back
16 in October none of the Family was there.

17 The only person I knew was there was Juan.

18 Q On August 8, 1969, who lived in that trailer
19 the day you were arrested?

20 A I don't rightly recall.

21 Q The trailer we are speaking of?

22 A I don't remember Randy being there then; I
23 don't know who was using it right then.

24 I think Randy just left the ranch. I don't
25 know if anyone was using it.

Q When you got out of jail, then, Sandy was
living there, is that right?

1 A That's right.

2 Q When was the first time to your knowledge that
3 Juan Flynn lived in this trailer?

4 A I know, the first time that I knew of him
5 living in there was when I was here in October.

6 Q October, 1969?

7 A Uh-huh.

8 Q Is that right?

9 A That's right.

10 Q Now, you went to Wisconsin and while you were
11 in Wisconsin were you interrogated by Los Angeles Police
12 Officers?

13 A Yes.

14 MR. BUGLIOSI: Asked and answered, and it is
15 irrelevant.

16 THE COURT: The answer is in.

17 BY MR. KANAREK:

18 Q Did you at some time then come back to Los
19 Angeles?

20 A Several times.

21 Q In other words, you went back and forth
22 several times?

23 A At least three.

24 Q Now, do you remember when it was -- do you
25 remember the date that you were interrogated by Los
Angeles Police officers in Wisconsin?

MR. BUGLIOSI: Irrelevant.

MR. KANAREK: The date -- I am not asking for the conversations, I'm merely asking for when it occurred, your Honor.

THE COURT: Overruled, you may answer.

THE WITNESS: Twice. Once in December of '69 and once in March of '70.

BY MR. KANAREK:

Q Now, in this interim, between December of '69 and March of 1970 did you come back to Los Angeles?

A I made arrangements to come back to Los Angeles but I was told if I were to come I would be murdered or I would be arrested for murder if I came to talk to Daye Shian.

Q Who told you that?

MR. BUGLIOSI: Motion to strike.

THE COURT: The answer is stricken. The jury is admonished to disregard it.

Just answer the question asked; don't volunteer anything.

BY MR. KANAREK:

Q You say you made arrangements to come, but you didn't come?

A That's right.

Q Well, at some time you did come, though, is that right. Miss Brunner?

2 A Yeah, after Burt Katz decided it would be all
3 right if I would come and talk to another lawyer other than
4 Shinn.

5 MR. BUGLIOSI: Motion to strike.

6 THE COURT: The answer is stricken. The jury is
7 admonished to disregard it.

8 BY MR. KANAREK:

9 Q Now, when was it that you came to Los Angeles
10 in fact?

11 A The first time? In '70.

12 Q Between this period of December, 1969, and
13 March of 1970?

14 A I came right after --

15 It must have been later in March, right after
16 Burt Katz came out.

17 He said I could see some lawyer other than
18 Shinn, and then I came out and saw a lawyer arranged by
19 someone else.

20 MR. BUGLIOSI: Motion to strike.

21 THE COURT: The answer is stricken.

22 The jury is admonished to disregard it.

23 Don't keep doing the same thing, Miss Brunner,
24 we are just wasting time.

25 Just answer the question asked.

BY MR. KANAREK:

Q Well, then, without telling us what was said,

1 Miss Brunner, you were spoken to in Wisconsin by Mr. Katz
2 of the District Attorney's office as well as Los Angeles
3 police officers, is that right?

4 A That's correct, yeah.

5 Q Then subsequent to some conversation with a
6 member of the District Attorney's office, to wit, Mr.
7 Burton Katz, you then came to Los Angeles?

8 A That's right.

9 Q When was that?

10 A Probably in the end of March, I'm not sure.
11 I was only here for a weekend to talk to a lawyer.

12 Q Then after speaking to whoever you spoke to
13 here in Los Angeles you went back to Wisconsin?

14 A That's right.

15 Q When did you return after having gone back?

16 A The Sheriff's Department brought me back in
17 April.

18 Q You mean you were brought back in custody in
19 April?

20 A Yeah, they did not call it custody, but that
21 is what the effect was.

22 Q Well, in other words, you --

23 MR. BUGLIOSI: Motion to strike, it's a legal
24 conclusion.

25 THE COURT: Overruled.
26

BY MR. KANAREK:

Q In April you were accompanied to California by certain people, is that right?

A That's right.

Q Who were these people?

A A member of the Wisconsin Sheriff's Department.

Q Anyone else?

A No.

Q Between the time that Mr. Katz spoke to you and the time that you came out in April, were you spoken to by any law enforcement officers?

A I don't believe so -- oh, yeah, a telephone conversation, but that was all.

Q Now, at the present time you have custody of your child?

MR. BUGLIOSI: Irrelevant.

THE WITNESS: No.

THE COURT: Sustained.

MR. BUGLIOSI: Motion to strike, your Honor, and I will ask the Court again to admonish this witness here --

THE COURT: The answer is stricken, the jury is admonished.

MR. BUGLIOSI: -- to wait for the Court's ruling.

THE COURT: Wait for the ruling.

THE WITNESS: You did not object before I answered.

MR. BUGLIOSI: Then wait.

Q BY MR. KANAREK: Just so it will be crystal clear, Miss Brunner, when before, let's say, August the 8th, 1969, when you were arrested and taken to Sybil Brand, when is the last time that you were ever inside or on the premises or near the Gary Hinman house?

MR. WEITZMAN: Objection, your Honor, on the same grounds we previously discussed in chambers.

THE COURT: Sustained.

MR. KANAREK: I don't think the witness realizes she may answer if she wants to, your Honor.

THE COURT: Ask your next question, Mr. Kanarek.

Do you have any more examination?

MR. KANAREK: Yes. May I have an answer to this

question?

THE COURT: The objection is sustained.

MR. KANAREK: Your Honor, I don't mind Mr. Weitzman, but I sort of feel like I am --

MR. WEITZMAN: I would not want to give Mr. Kanarek that impression, your Honor.

THE COURT: What was that, Mr. Weitzman?

MR. WEITZMAN: I would not want to give Mr. Kanarek that impression, your Honor. I will sit over here.

BY MR. KANAREK: Now, on how many occasions in your lifetime, Miss Brunner, have you been at the Gary Hixman house?

A Several.

Q And were these times during the year 1962?

A Yeah, a lot of times. I lived there in 1962.

Q But in 1963 you were never there, right?

A That's right, and --

MR. WEITZMAN: Objection your Honor, the same objection we discussed in chambers.

MR. KANAREK: She answered, your Honor.

THE COURT: The answer is stricken. The jury is admonished to disregard it.

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

THE COURT: You may not.

BY MR. KANAREK: When you lived at the Gary Hixman house, who else lived there?

1 A Gary and Bear, my son, and usually one other
2 girl.

3 Q And another girl?

4 A Yeah, Brenda was there sometimes with me and
5 sometimes another girl, maybe Ella.

6 Q And so it was you, Gary Hinman, Pooh Bear, your
7 son --

8 A That's right.

9 Q -- whose true name is Michael Manson, right?

10 A Yeah.

11 Q And this new girl, Ella?

12 A Ella or Brenda, either one. They switched off.

13 Q When was the last time in your lifetime that
14 you saw Mr. Hinman?

15 MR. WEITZMAN: Objection, your Honor, on the same
16 ground discussed in chambers.

17 THE COURT: Objection sustained.

18 MR. KANAREK: Well, your Honor, then I ask the witness
19 may be informed that she may answer if she wishes.

20 THE COURT: Ask your next question, sir.

21 Q BY MR. KANAREK: Well, did you see Mr. Hinman
22 during the year 1969?

23 MR. BUGLIOSI: Asked and answered.

24 MR. WEITZMAN: Same objection, your Honor.

25 THE COURT: Sustained.

MR. KANAREK: May I approach the bench?

THE COURT: Yes, you may, Mr. Kanarek.

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

THE COURT: Now, Mr. Kanarek, if you don't stop this, you and I are going to have a serious misunderstanding.

Do you understand what I am talking about?

MR. KANAREK: I understand. I would like to point this out to the Court --

THE COURT: All right, you are obviously trying to obstruct and delay and defeat the ends of justice in this case, that has been obvious for a long time.

Now, with respect to this particular witness the procedure has been worked out with Mr. Weitzman, and the witness. She understands. She has been advised.

Is that right, Mr. Weitzman?

MR. WEITZMAN: That is correct, your Honor.

THE COURT: She knows she may answer any question notwithstanding your objection.

Is that right, Mr. Weitzman?

MR. WEITZMAN: Yes, your Honor.

THE COURT: You have been so advised and you have been told that several times, Mr. Kanarek, and you persist in trying to defeat and delay and obstruct the examination. It is your examination.

Now, you are either going to get on with it or I am going to terminate it.

MR. KANAREK: May I point out to the Court she is not aware she can answer?

THE COURT: She is perfectly aware of it.

Is that right, Mr. Weitzman?

MR. WEITZMAN: I would like the record to reflect this is an intelligent girl. She is fully aware of what is going on. She understands the proceedings.

She understands the advisement, what the procedure is:

If she has a question she will call me to the witness stand.

When the objection is sustained she knows not to answer until we have had a discussion.

THE COURT: Your solicitude for the witness is touching, if it weren't so phony, Mr. Kanarek. Get on with this examination.

MR. WEITZMAN: Your Honor, may I approach the witness?

THE COURT: Yes. We are going to take a recess at this time, Mr. Weitzman, you may confer with your witness during the recess.

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

THE COURT: Ladies and gentlemen, do not converse with anyone or form or express an opinion regarding penalty until that question is finally submitted to you.

(Recess.)

1 THE COURT: All parties are present except
2 Mr. Hanson. All counsel and all jurors are present.

3 You may proceed.

4 MR. KANAREK: Your Honor, may we approach the bench
5 briefly?

6 THE COURT: In connection with this examination?

7 MR. KANAREK: Yes, your Honor.

8 THE COURT: Very well.

9 (Whereupon, all counsel approach the bench and
10 the following proceedings occur at the bench outside of the
11 hearing of the jury:)

12 MR. KANAREK: Your Honor, I represent to the Court
13 that this witness has told me that Mr. Weitzman told her
14 that she had immunity.

15 That is one thing I want to point out.

16 MR. WEITZMAN: That what?

17 MR. KANAREK: That you told her that she had immunity.

18 That is one point I wanted to point out.

19 THE COURT: Do you have a motion to make, Mr. Kanarek?

20 MR. KANAREK: Yes.

21 THE COURT: State it.

22 MR. KANAREK: My motion is that there be no further
23 interruptions by the exercise of the privilege because it
24 is res adjudicata that she has been granted immunity.

25 MR. EAT: She has not been granted immunity.

MR. KANAREK: Judge Kathleen Parker granted her

1 immunity.

2 THE COURT: There is no evidence before this Court
3 that she has been granted immunity.

4 MR. KANAREK: I ask the Court to take judicial notice
5 of the proceedings in the Honorable Kathleen Parker's
6 court where a writ of habeas corpus had been granted.

7 THE COURT: That is not a way to ask the Court to
8 take judicial notice. Consult the Evidence Code.

9 Anything else?

10 MR. KANAREK: Well, I ask that the file be brought up
11 here.

12 I had no knowledge that Mr. Weitzman would be
13 here today doing what he is doing.

14 Your Honor calls it obstruction, or whatever.
15 The fact is that I had no reason to believe that there was
16 going to be any claim of privilege.

17 This witness told me that she was told she had
18 been granted immunity.

19 Judge Kathleen Parker had granted a writ of
20 habeas corpus.

21 THE COURT: What is your understanding, Mr. Weitzman?

22 MR. WEITZMAN: I can represent the following to the
23 Court: A writ of habeas corpus was granted pending
24 further proceedings in the Hinman case, which has now been
25 consolidated in the Hinman-Shea case.

26 The Court ruled she would be granted a conditional

1 immunity pending these proceedings, which meant that as
2 long as she continues to testify for the People pursuant
3 to her bargain with them, allegedly made prior to her
4 testifying, she would be granted immunity.

5 However, the Court did not rule that statutory
6 immunity, as we know it, was applicable to that matter,
7 and no immunity papers were filed.

8 Now, Miss Brunner is well aware that she can be
9 reindicted if she breaks the alleged promise she made
10 to the District Attorney's Office. She has a clear under-
11 standing of that.

1 THE COURT: Have you so advised her?

2 MR. WEITZMAN: Yes, I have.

3 I can readvise her.

4 THE COURT: That is your state of mind, that she can
5 be reindicted?

6 MR. WEITZMAN: That is the state that Judge Parker
7 left the case in.

8 I don't think it is legally possible.

9 THE COURT: In other words, you are asserting the
10 privilege in good faith?

11 MR. WEITZMAN: Oh, yes, your honor. Oh, for sure.

12 THE COURT: You are not asserting it believing that
13 she has immunity?

14 MR. WEITZMAN: No.

15 And I might further point out that there is
16 no immunity for perjury if she testifies under oath
17 something differently than what she has already testified
18 to under oath. She would be subject to prosecution for
19 perjury, for which there is no immunity.

20 MR. FITZGERALD: Mr. Bugliosi gives people immunity
21 for perjury.

22 MR. BUGLIOSI: I do?

23 MR. FITZGERALD: That shouldn't be on the record. I
24 am sorry.

25 MR. BUGLIOSI: Where did you get that?

26 THE COURT: Your motion is denied, Mr. Kanarek.

1 MR. KANAREK: I just wanted to point out to the Court
2 that her testifying here has got nothing to do with her
3 obligation to testify for the People.

4 The fact that she has been given immunity
5 doesn't mean that we have to have our interrogation
6 interrupted by this constant use of the privilege.

7 THE COURT: All right. Let's proceed.

8 MR. WEITZMAN: I think the record is clear, but it
9 should be stated once again.

10 There are two problems. One is the pending
11 indictment, and two, the possibility of a perjury indict-
12 ment, which is every bit as real as the pending indictment.

13 THE COURT. You say the possibility of a perjury
14 indictment? I don't follow that.

15 What are you talking about?

16 MR. WEITZMAN: Let's say, for example, she has
17 testified one way under oath. Now, attempts are made by
18 Mr. Kanarek to induce her to testify another way under
19 oath. And the statements are inconsistent, theoretically.

20 THE COURT: That is true in every case.

21 MR. WEITZMAN: It is also true in every case, yes.

22 There is a possibility that that fits into the
23 elements of perjury. It certainly does.

24 THE COURT: What you say is true, but I don't see the
25 relevancy it has to what we are talking about now.

26 MR. WEITZMAN: Well, she certainly has every grounds to

1 invoke the privilege if it is self-incriminatory.

2 I mean; I think that is almost as big an issue
3 as the pending indictment, and I can represent to the Court,
4 believe me, there is an indictment pending against this
5 young lady.

6 The writ of habeas corpus did not dismiss the
7 indictment. She is only on the street as a People's
8 witness.

9 MR. KEITH: You used the term before "reindicted."

10 MR. WEITZMAN: I meant reinstitute proceedings.

11 MR. KEITH: I see.

12 THE COURT: Let's recapitulate for a moment.

13 It is your belief, Mr. Weisman, as an attorney
14 for Miss Brunner, she is still subject to prosecution in
15 the Hinman case?

16 MR. WEITZMAN: Yes, your Honor.

17 THE COURT: And immunity has not been granted?

18 MR. WEITZMAN: Statutory immunity has not been
19 granted, your Honor.
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1 As a matter of fact, I think the record can
2 safely state immunity has not been granted.

3 THE COURT: So then when you assert the privilege
4 against self-incrimination for her in this case, and she
5 follows your advice, you are acting in good faith?

6 MR. WEITZMAN: Yes, your Honor, completely in good
7 faith.

8 THE COURT: The answers may very well incriminate her
9 and she is subject to prosecution for information
10 disclosed in those answers, is that right?

11 MR. WEITZMAN: That's correct, your Honor.

12 MR. KANAREK: But your Honor, Judge Kathleen Parker
in granting habeas corpus --

14 THE COURT: Let's proceed, gentlemen. The motion is
15 denied.

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

18 Q BY MR. KANAREK: Miss Brunner, have law
19 enforcement officers told you that unless you involve
20 Charles Manson --

21 MR. BUGLIOSI: I object to this. The question
22 already contains hearsay.

23 THE COURT: Approach the bench, Counsel.

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

26 THE COURT: Mr. Kanarek, if you try one more sneaky,

1 little trick like that, one more obviously improper question,
2 I'm going to find you in contempt.

3 Now, get on with your examination.

4 MR. KANAREK: I want to point out this is absolutely
5 the discretion of the jury, your Honor.

6 THE COURT: Get on with your examination or I will
7 terminate it.

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

10 Q BY MR. KANAREK: Miss Brunner, did you
11 observe Mr. Bobby Beausoleil in the company of Leslie
12 Van Houten?

13 A Yeah, a lot of times. They were real close.

14 Q And would you describe the relationship that
15 you saw between the two?

16 A Like Leslie lived with Bobby for a while and
17 when he came back to the ranch they were very tight like
18 they were with each other all the time.

19 Q Now, directing your attention, Miss Brunner,
20 to on or about July 15th, 1969, do you know where
21 Leslie Van Houten was living?

22 A She was living at the ranch.

23 Q Do you know where Bobby Beausoleil was living
24 or where his residence was?

25 A He was staying at the ranch then.

He had another apartment some place, but at the

1 time he was staying at the ranch.

2 Q And at a time when Bobby Beausoleil was, as you
3 put it -- where you think he had another apartment, and
4 was staying at the ranch also, -- did you see Leslie
5 Van Houten in the company of Bobby Beausoleil?

6 A Almost all the time.

7 Q And did you see them go places together?
8 Did you see them leave the ranch together?

9 A I imagine I did. I cannot recall any specific
10 instance right now, but they were together all the time, so
11 if one left, then the other probably left.

12 MR. KEITH: Move to strike on the grounds of a
13 conclusion.

14 THE COURT: The answer is stricken; the jury is
15 admonished to disregard it.

16 Q BY MR. KANAREK: Did you see Leslie Van Houten in
17 the company of Bobby Beausoleil at different times of the
18 day and night?

19 A Yes.

20 Q Now, did you have occasion to know whether or
21 not Bobby Beausoleil and Leslie Van Houten shared sleeping
22 quarters at the ranch?

23 A I know they did. I don't know if I ever saw them
24 together but I know they did.

25 Q And upon what do you know this, upon what
26 do you base this?

1 You say that you know that they did.
2 They were just together all the time.
3 Did they have the reputation in that community
4 there at the ranch of being together, I mean, did they have
5 sort of a -- did people think of them as being close to
6 each other?
7 MR. KEITH: I object to the question.
8 THE COURT: Sustained.
9 BY MR. KANARUK: Directing your attention to
10 the time after Bobby Beauzelle was arrested, August 4,
11 1968, and before your arrest of August the 25th, 1968, did
12 you have occasion to speak with Leslie in that interval of
13 time?
14 A Yes.
15 Q Can you tell us whether Leslie showed any
16 concern concerning Bobby Beauzelle?
17 A Yes, she wanted him out of jail a lot.
18 Now, did Bobby Beauzelle, Bobby Beauzelle,
19 to your knowledge, make any phone call after his arrest to
20 anyone at the Graham Ranch?
21 A He called the ranch. I am not sure who he
22 talked to, I know he called and he told us that --
23 MR. BEAUZELLE: Calls for hearsay, your Honor.
24 THE COURT: Sustained.
25 Q BY MR. KANARUK: To your knowledge, do you know
26 where that telephone call came from?

1 A The County Jail, I suppose. He was in Los
2 Angeles at the time and he said he had been brought down
3 from San Luis Obispo.

4 MR. BUGLIOSI: Objection --

5 THE COURT: Sustained. The answer is stricken. The
6 jury is admonished to disregard it.

7 Q BY MR. KANAFER: Do you know what automobile
8 Bobby Beausoleil was arrested in?

9 A Yeah, the one I usually drive, the white Fiat.

10 Q And this is an automobile that you started driving
11 at about what time?

12 By time, I mean what date. Do you remember when
13 it was you started driving that automobile?

14 A No, I know I was going shopping and using it to
15 go shopping with the credit cards I had, but I don't know, yo -
16 know, when I started using it.

17 Q Who is it that transferred physical possession
18 of that automobile to you?

19 A The car was parked at the ranch, and the keys
20 were in the ignition, like all our keys were always in
21 the ignition.

22 I just popped in and took it.

23 Q I see so that your relationship with that
24 automobile was because it was located at the ranch, is that
25 correct?

26 A That's right.

1 Q Now, at the time that you were at the ranch
2 was your son Michael Manson also known as Pooh Bear, was
3 he at the ranch?

4 A Yes.

5 Q And was this child of the same group of
6 children as Linda Kasabian's child, Tanya?

7 A Yeah, Linda's and Sadie's, and sometimes
8 Danny DeCarlo's.

9 Q These children were all kept together and they
10 were together at a certain area in the ranch, is that
11 right?

12 A Yeah, more or less, but Tanya and Bear could
13 both walk, so they got around more than the other two.

14 Q After your arrest was your child taken into
15 custody by public officials?

16 MR. BUGLIOSI: Irrelevant.

17 THE COURT: Sustained.

18 BY MR. KANAREK:

19 Q Now, directing your attention to Mr. Hinman,
20 have you seen Mr. Hinman in the company of Juan Flynn?

21 A I have seen them in company together at the
22 ranch.

23 I know that they have been together more than
24 that.

25 MR. BUGLIOSI: Motion to strike the last part, your
Honor.

-2
1 THE COURT: The last sentence is stricken. The jury
2 is admonished to disregard it.

3 BY MR. KANAREK:

4 Q Directing your attention to a time when Juan
5 Flynn and Gary Hinman were together at the ranch, do you
6 have such an occasion in mind?

7 A Gary came to the ranch a few times and I have
8 seen him talking to Juan.

9 Q Did you see Mr. Hinman and Juan Flynn leave the
10 ranch together?

11 A I don't recall seeing them leave together, no,
12 I know they left together.

MR. BUGLIOSI: Motion to strike, your Honor.

14 THE COURT: The last sentence is stricken. The jury
15 is admonished to disregard it.

16 BY MR. KANAREK:

17 Q To your knowledge on this occasion did Juan
18 Flynn go home, that is, leave with Gary Hinman to go to
19 Gary Hinman's home?

20 MR. BUGLIOSI: Same objection. She already said she
21 had no knowledge, your Honor, she did not see them leave.

22 So by definition it is calling for hearsay.

23 THE WITNESS: I heard them together at Gary's house.

24 THE COURT: Just a moment, the answer is stricken.
25 The objection is sustained.

The jury is admonished to disregard it.

BY MR. KANAREK:

Q Sometime in 1968 did you see Gary Hinman and Juan Flynn together at Gary Hinman's home?

A No, I heard them, I did not see them.

MR. BUGLIOSI: Same objection, your Honor, and I believe the witness knows exactly what she is doing, your Honor. She must have learned by now.

Motion to strike that last remark on her part.

THE COURT: The answer is stricken.

The jury is admonished to disregard it.

BY MR. KANAREK:

Q Do you know the voice of Juan Flynn when you hear it?

A Yes.

Q Did you know the voice of Gary Hinman when you heard it?

A Yes.

Q During the year 1968 did you hear the voice of Juan Flynn and Gary Hinman together, those two voices, in the Hinman home, while you were living there in '68?

A Yes.

Q Did you see and hear Gary Hinman at the Spahn Ranch?

A Yes.

MR. KANAREK: I hadn't quite finished.

Q To your knowledge did Gary Hinman drop acid at

the Spahn Ranch with Juan Flynn?

MR. BUGLIOSI: Irrelevant.

THE COURT: Sustained.

BY MR. KANAREK:

Q Directing your attention to this occasion in 1968, you say you did hear Juan Flynn's voice at the Gary Hinman home, right?

A Right.

Q And you heard Gary Hinman's voice at the Gary Hinman home?

A That's right.

Q And they were speaking together?

A That's right.

Q Would you tell us what you heard said?

MR. BUGLIOSI: Irrelevant, calls for hearsay.

THE COURT: Sustained.

MR. KANAREK: Your Honor, I'm offering it for the state of mind, not for the truth of the matters asserted.

THE COURT: Sustained.

MR. KANAREK: May I make an offer of proof to the Court?

THE COURT: The objection is sustained.

Ask your next question.

BY MR. KANAREK:

Q Have you in the last couple of weeks in company with other individuals attempted to serve Juan Flynn

1 with process to come to this court?

2 MR. BUGLIOSI: Irrelevant.

3 THE WITNESS: Yes.

4 MR. BUGLIOSI: It is irrelevant, your Honor, motion
5 to strike.

6 THE COURT: Overruled.

7 BY MR. KANAREK:

8 Q Would you tell us what you have done in the
9 attempt to serve process, a subpoena upon Juan Flynn to
10 come to this court?

11 A We have gone to where he has been living or
12 known to be or, you know, where he has friends, to try to
13 find him to give him a subpoena.

14 He knows we are looking for him so he is never
15 around.

16 MR. BUGLIOSI: Wait a while, that's a conclusionary
17 statement on her part.

18 THE COURT: The last sentence is stricken. The jury
19 is admonished to disregard it.

20 BY MR. KANAREK:

21 Q And for what period of time has this gone
22 on, Miss Brunner, have you been trying to find him?

23 A I think since about the middle of February.

24 MR. KANAREK: Thank you, Miss Brunner.

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

DIRECT EXAMINATION

2 BY MR. KEITH:

3 Q I take it that you knew Bobby Beausoleil?

4 A That's right.

5 Q You did not dislike him, did you?

6 A No, I liked him as a matter of fact.

7 Q Miss Brunner, didn't you testify as a witness
8 for the prosecution in the case of the People against
9 Beausoleil?

10 MR. BUGLIOSI: It's irrelevant, your Honor.

11 THE COURT: Overruled.

12 THE WITNESS: Yes, I did.

13 MR. KANAREK: Your Honor, I will object on equal
14 protection of the law.

15 These are the types of questions that I asked
16 for and your Honor has sustained the objection.

17 May I --

18 THE COURT: Overruled.

19 BY MR. KEITH:

20 Q Now, in that case, Mr. Beausoleil was convicted
21 of murder in the first degree, is that not correct?

22 A That's correct.

23 Q And he was convicted of the murder of Gary
24 Hinman?

25 A That's right.

Q And you testified in that case at his trial, did you not?

A That's right.

Q And you also testified in that case before the Grand Jury, did you not?

A That is true.

Q And you testified, did you not, that you were the one that participated in that killing, along with Sadie, and you never mentioned Leslie's name, did you?

A Objection.

MR. WELLS: Calls for hearsay.

MR. WELLS: We discussed this matter in chambers, your Honor.

MR. KAMMER: I ask that the question be allowed to be answered.

THE COURT: Set down, Mr. Kammer.

MR. BRIDGES: Calls for hearsay.

MR. WELLS: My objection would be similar to the one discussed in chambers, your Honor.

THE COURT: The objection is sustained.

MR. KAMMER: Did you talk to police officers in the past concerning the Hinton case?

A Yes, I have.

Q Did you ever mention to any law enforcement officer to whom you have talked the conversation that Leslie participated in with you as the person whom you

1 have related on the stand today?

2 MR. BUGLIOSI: Calls for hearsay.

3 MR. KEITH: Yes or no?

4 MR. BUGLIOSI: Calls for hearsay.

5 The question itself contained hearsay.

6 The answer is just a confirmation of the hearsay.

7 MR. KEITH: I am cross-examining this witness. She is
8 adverse.

9 MR. BUGLIOSI: The question itself contains hearsay,
10 your Honor.

11 THE COURT: That is not the purpose of the question,
12 Mr. Bugliosi.

13 Overruled. You may answer.

14 THE WITNESS: Okay. What is the question?

15 MR. KEITH: Would you read the question, please,
16 Mr. Mehlman?

17 THE COURT: Yes, read the question.

18 (The question was read by the reporter.)

19 THE WITNESS: I mentioned it but I substituted
20 people in place, and I substituted myself for Leslie in
21 the conversation that I had with law enforcement officers.

22 Q BY MR. KEITH: So, you didn't use Leslie's
23 name, I take it?

24 A No, I didn't.

25 Bobby was trying to cover up information.

26 MR. BUGLIOSI: Motion to strike the last remark.

1 MR. KEITH: I also move to strike.

2 THE COURT: The last sentence is stricken and the jury
3 is admonished to disregard it.

4 MR. KEITH: Q Did you talk to any deputy
5 District Attorney about the Hinman case?

6 A I talked to Burton Katz about it and I might
7 have talked to Aaron Stevitz about it.

8 Q Did you ever tell Burton Katz that Leslie had
9 anything to do with the --

10 MR. WEITZMAN: Same objection, your Honor.

11 I think this line of questioning is exactly the
12 subject matter that was discussed in chambers and has been
13 discussed at the bench several times.

14 THE COURT: Sustained.

15 MR. KEITH: I have nothing further.

16 THE COURT: Any questions, Mr. Bugliosi?

17 MR. BUGLIOSI: No, your Honor.

18 MR. KANAREK: I have some, your Honor.

19 THE COURT: You already examined.

20 MR. KANAREK: I want to examine on this substitution.

21 THE COURT: After Mr. Bugliosi.

22 MR. KANAREK: He says he has no questions, your
23 Honor.

24 MR. BUGLIOSI: No, I haven't any questions.

25 THE COURT: Very well.
26

1 MR. KEITH: I also move to strike.

2 THE COURT: The last sentence is stricken and the jury
3 is admonished to disregard it.

4 MR. KEITH: 4 Did you talk to any deputy
5 District Attorney about the Hinnan case?

6 A I talked to Burton Katz about it and I might
7 have talked to Aaron Stevitz about it.

8 Q Did you ever tell Burton Katz that Leslie had
9 anything to do with the --

10 MR. WEITZMAN: Same objection, your Honor.

11 I think this line of questioning is exactly the
12 subject matter that was discussed in chambers and has been
13 discussed at the bench several times.

16 14 THE COURT: Sustained.

15 MR. KEITH: I have nothing further.

16 THE COURT: Any questions, Mr. Bugliosi?

17 MR. BUGLIOSI: No, your Honor.

18 MR. KANAREK: I have some, your Honor.

19 THE COURT: You already examined.

20 MR. KANAREK: I want to examine on this substitution.

21 THE COURT: After Mr. Bugliosi.

22 MR. KANAREK: He says he has no questions, your
23 Honor.

24 MR. BUGLIOSI: No, I haven't any questions.

25 THE COURT: Very well.

a-2 1 question, that she did, in fact, testify.

2 MR. WEITZMAN: My recollection was that that wasn't
3 in respect to testimony before any Grand Jury. That was
4 testimony allegedly had, or conversations allegedly had,
5 with police officials.

6 MR. BUGLIOSI: That was my understanding.

7 MR. WEITZMAN: It wasn't pointed to any testimony
8 given under oath before the Grand Jury or before a court
9 of law.

10 THE COURT: In any event, the objection was sustained.
11 BY MR. KANAREK:

12 Q Would you tell us, Miss Brunner, you have said
13 that you substituted yourself for Leslie Van Houten; is
that correct?

15 A That's right.

16 MR. WEITZMAN: Your Honor, same objection. It is the
17 same line of questioning, your Honor.

18 THE COURT: She has answered that question, Mr.
19 Weitzman.

20 MR. WEITZMAN: I think she began to answer until I
21 objected, and then she didn't.

22 Before the Court rules on the objection,
23 perhaps I should have a word with my client.

24 THE COURT: Very well.

25 (Mr. Weitzman approaches the witness stand
and confers with the witness.)

1 MR. WEITZMAN: Thank you, your Honor.

2 I don't believe that the answer was in the
3 record, and it is my understanding that my client wishes
4 to invoke the privilege to that particular question.

5 THE COURT: Sustained.

6 THE WITNESS: May I talk to Irving for a minute?

7 MR. KANAREK: May I talk to the witness for a moment,
8 your Honor?

9 THE COURT: Yes, you may.

10 (Mr. Kanarek approaches the witness and confers
11 with the witness.) (Mr. Weitzman then joins the conference
12 with Mr. Kanarek and the witness.)

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

16 The court will recess until 1:45.

17 (Whereupon at 11:59 o'clock a.m. the court
18 was in recess.)
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1 LOS ANGELES, CALIFORNIA, TUESDAY, MARCH 16, 1971

2 1:57 P.M.

3 ---O---

4 THE COURT: All parties are present except Mr. Manson;
5 all counsel and all jurors are present.

6 Are you ready to proceed, Mr. Kanarek?

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

8 MR. WEITZMAN: Prior to Mr. Kanarek questioning,
9 may we approach the bench so I can make the motion we
10 discussed in chambers or shall I make it on the record now,
11 unless the Court prefers to proceed later?

12 I have a copy of the transcript now. I have had
13 an opportunity to read it. I do know the portions I'd
14 been concerned with.

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

17 THE COURT: You may proceed, Mr. Weitzman.
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1 MR. FITZGERALD: Page 26,941. That is the page it
2 begins on.

3 MR. WEITZMAN: Nine pages in. 26,948, beginning with
4 line 1 down to line 8.

5 I move that those be stricken on the ground we
6 previously discussed in chambers.

7 Then the next page would be Page 26,951, Lines
8 4 through 26.

9 THE COURT: She testified substantially to this
10 this morning.

11 MR. WEITZMAN: No. If I may, your Honor.

12 This was direct. The testimony that took place
13 this morning was hearsay testimony. That is, she testified
14 that this is what Leslie Van Houten told her and Susan
15 Atkins.

16 THE COURT: I am talking about the testimony on
17 Page 26,951.

18 She testified this morning she was at Hinman's
19 house in 1968.

20 MR. WEITZMAN: Pardon me. I misspoke. My objection
21 should take in Page 26,951, Lines 4 through 9. No. 4
22 through 13. Because that is directly in point with what
23 her testimony was in previous proceedings before the Grand
24 Jury and in the Beausoleil trial.

25 That is exactly the type of testimony that
26 we would be objecting to and making the motion to strike.

THE COURT: Have you discussed this with your client?

MR. WEITZMAN: Yes. I just went over the transcript with her and showed her.

THE COURT: There is no point in striking it if she is going to be re-asked the question and is going to answer it notwithstanding your assertion of privilege.

MR. WEITZMAN: She hasn't given me any indication that that was going to be the case, and I would think that counsel would not ask the question again.

I don't know, perhaps they will.

MR. KEITH: Your Honor --

MR. KANAREK: If I may be heard?

THE COURT: Yes, Mr. Keith?

MR. KEITH: Thank you, your Honor.

This raises an interesting point.

If that testimony that Mr. Weitzman refers to is stricken by the Court, inasmuch as this witness has stated that Leslie had told her that Leslie was at the Hinman house at the time of the Hinman slaying, I would like to impeach this witness by a prior inconsistent statement or statements made not only before the Grand Jury under oath but at the Beausoleil trial under oath, to the effect that she was at the Hinman house, not Leslie, and she saw Bobby Beausoleil.

THE COURT: She already testified she was there.

MR. KEITH: I realize that but this is a very unique

1 situation, if the Court please.

2 I don't think Leslie, for reasons that I won't
3 announce for the record, was telling the truth, and by
4 subtle means I would like to impeach this witness by her
5 prior testimony.

6 MR. BUGLIOSI: May I say something?

7 THE COURT: You want to impeach your client?
8 Is that what you want to do?

9 MR. BUGLIOSI: Right.

10 MR. KEITH: I realize it has that effect, but I think
11 your Honor may glean the point.

-1 1 MR. KEITH: It has been brought out in argument that
2 these people are all doing anything they can to protect
3 somebody, even testifying untruthfully under oath.

4 MR. KANAREK: Your Honor, if I may be heard for just
5 a moment.

6 The point is, your Honor, and I say this without
7 any lack of respect to Mr. Weitzman, he has no standing
8 before your Honor to make such a motion.

9 First of all it has been --

10 THE COURT: Let's not waste any time on that, Mr.
11 Kanarek.

12 MR. KANAREK: When she takes the stand and does not
13 exercise the privilege, she waives it.

14 There is case law that says once the door is
15 open, that is it. It happened before before the jury. He
16 has no standing.

17 If she committed any kind of offense, it is up
18 to the District Attorney's office of Los Angeles -- the
19 striking is not only --

20 He has no standing before the Court in these
21 matters to have it stricken.

22 But conceptually there is no basis in law
23 for striking it. The door has been opened. I can cite
24 the Court Mr. Witkin --

25 THE COURT: Just stop talking a minute, will you,
26 Mr. Kanarek.

1 MR. KANAREK: Yes, your Honor.

2 THE COURT: Now, let's go back again.

3 What was the first reference in the transcript?

4 MR. WEITZMAN: The first one is page 26,948, your
5 Honor, lines 1 through 9.

6 Your Honor, if I may further indicate for the
7 record, I don't want to appear somewhat presumptuous or
8 obnoxious, but I think it is clear she's represented by
9 counsel. There is a pending indictment against her. She
10 certainly should have been advised of her right to counsel,
11 and have had an opportunity to consult with counsel before
12 she was questioned in an area that directly relates to a
13 pending indictment and could put her in jeopardy.

14 THE COURT: I understand your position.

15 MR. WEITZMAN: Page 26,951, your Honor, lines 4
16 through 13 -- well, I would submit 4 through 26.

17 THE COURT: It is so vague. What does it mean to be
18 in the vicinity of some place?

19 MR. WEITZMAN: Lines 4, 5 and 6, the question is
20 directly asked:

21 "In the summer of '69 sometime were you at
22 the Gary Hinman house?"

23 The answer is no.

24 THE COURT: She testified this morning to that.

25 MR. WEITZMAN: No.

THE COURT: Yes, she did. She testified this morning.

1 I'm not going to strike any of this testimony.

2 MR. WEITZMAN: I would just like the record to be
3 clear, regardless of what she testified this morning, I
4 think that the motion to strike yesterday's testimony is
5 clearly a good motion because she was not represented by
6 counsel.

7 She is presently under indictment.

8 THE COURT: I don't think that has a tendency to
9 incriminate her, it is so vague and general, it could mean
10 anything.

11 MR. BUGLIOSI: May I make one little brief observa-
12 tion, your Honor:

13 In my opinion we are going in the direction of
14 bringing out the evidence in the entire Hinman case, the
15 Grand Jury, the Beausoleil trial; we are going in that
16 direction in my opinion.

17 I am objecting, of course, at every opportunity,
18 to stop this. It will prolong the trial for a week or so.

19 THE COURT: We are not going to retry the Hinman case.

20 MR. BUGLIOSI: Right, but we are going in that direc-
21 tion.

22 THE COURT: Let's proceed, gentlemen.

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

25 THE COURT: Do you have a question, Mr. Kanarek?
Let's proceed.

1 MR. KANAREK: Yes, your Honor.

2 Q Now, yesterday, Miss Brunner, did you testify,
3 reading from page 26,948 of the transcript:

4 "And directing your attention to on or about
5 July 15, 1969, were you at the Gary Himman home?

6 "A No."

7 MR. BUGLIOSI: I object to this. The record speaks
8 for itself.

9 THE COURT: Sustained.

10 BY MR. KANAREK:

11 Q Miss Brunner, at some time in the past were—
12 you and Mr. Manson going to be married? —

13 A Yeah, we got a marriage license and took the—
14 blood tests; we were going to get married. —

15 Q And you actually were going to go through a—
16 ceremony, is that right? —

17 A That's right.

18 Q Is there some reason that you and Mr. Manson —
19 did not become married? —

20 A We were going to get married and then we were —
21 talking about his record and the way that we were having
22 a lot of hassles with the police, and he could see that he
23 was going back to jail at sometime, and we decided it would
24 be better if he did not have a wife to get into trouble,
25 and to pull through all of it. —

26 He knew he was going back to jail. —

1 Q Did he tell you why he knew he was going back
2 to jail?

3 MR. BUGLIOSI: I object, your Honor, calls for
4 hearsay.

5 THE COURT: Sustained.

6 BY MR. KANAREK:

7 Q Had Mr. Manson been harassed by police officers?

8 MR. BUGLIOSI: Calls for conclusion.

9 THE WITNESS: We have always been harassed.

10 THE COURT: Sustained.

11 MR. BUGLIOSI: Motion to strike.

12 THE COURT: The answer is stricken. The jury is
13 admonished to disregard it.

14 BY MR. KANAREK:

15 Q Now, directing your attention then to a time
16 when you were testifying before the Grand Jury concerning
17 the Hinman matter.

18 A Um-hum.

19 Q Now, do you have in mind that time?

20 Is that firmly in your mind when you were before
21 the Grand Jury in this very building, testifying?

22 A Yeah.

23 Q Now, did you testify at that Grand Jury to
24 doing things that you did not in fact do?

25 MR. BUGLIOSI: Too broad a question.

26 THE WITNESS: Yes, I did.

1 THE COURT: The objection is sustained.

2 MR. KANAREK: Then, your Honor, may I approach the
3 witness with the Grand Jury transcript?

4 THE COURT: Ask your next question, Mr. Kanarek.

5 MR. KANAREK: I want to try to refresh her recollec-
6 tion if I may, your Honor.

7 THE COURT: Do you have a specific question in mind?

8 MR. KANAREK: Yes, I do.

9 Q I will show you at page 85 of the transcript,
10 and ask you --

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

12 THE COURT: You may.

13 BY MR. KANAREK:

14 Q Would you read over to yourself at page 85,
15 lines 10 through 15. Would you read that over to yourself?

16 A Is this from the beginning?

17 Q No, you may look at the transcript to refresh
18 your recollection, look at the front piece, the table of
19 contents, look at any part of it that you may wish to look
20 at to see if that --

21 A I don't --

22 Q Would you just read those lines over. My
23 question is:

24 Did you so testify at the Grand Jury?

25 A Yes.

Q In answer to the question:

"All right" --

MR. BUGLIOSI: I object, this is improper. He is
just reading hearsay into the record.

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1 MR. KANAREK: It is impeachment, your Honor.

2 THE COURT: Sustained.

3 MR. KANAREK: May I show it to the Court? It is
4 impeachment.

5 THE COURT: May I see it?

6 MR. KANAREK: Certainly.

7 THE COURT: Your comment will be stricken also,
8 Mr. Kanarek, and the jury is admonished to disregard it.

9 What was the line?

10 MR. KANAREK: I believe 10 through 15, your Honor.

11 MR. BUGLIOSI: What is the Court's ruling?

12 MR. KANAREK: "Question" --

13 MR. BUGLIOSI: Wait a while.

14 What is the Court's ruling?

15 THE COURT: What is the question?

16 MR. KANAREK: Did she so testify?

17 THE COURT: Overruled.

18 You may answer.

19 MR. KANAREK: "Q All right. Now, when you got
20 to the house" --

21 MR. BUGLIOSI: Just a moment, your Honor.

22 I still have an objection.

23 THE COURT: What is the objection, Mr. Bugliosi?

24 MR. BUGLIOSI: This is not impeachment.

25 The purpose for impeachment is to be favorable
26 to your own client. There is nothing in her testimony at

1 the Grand Jury or her testimony today that is favorable
2 or unfavorable to Mr. Hanson.

3 THE COURT: Overruled.

4 You may answer.

5 MR. KANAREK: "Q All right. Now, when you got
6 to the house, did you see Gary Hinman?

7 "A Yes.

8 "Q Was he alone or with someone?

9 "A Alone."

10 Q You gave those answers to those questions; is
11 that right?

12 A That's right.

13 Q I show you and ask you to read Lines 23 at the
14 bottom of Page 85 through -- well, Lines 23 through 26 at
15 the bottom of Page 85.

16 Would you so read those over?

17 (Pause while the witness reads:"

18 MR. KANAREK: Q Did you so testify?

19 A I suppose so.

20 This doesn't make much sense out of context.

21 MR. KANAREK: "Q Showing you Grand Jury Exhibit
22 13. Is that a fair representation of how Gary Hinman
23 looked at that time?

24 "A Yes, I guess so."

25 Q You so answered to that question; right?

26 A Sure.

1 Q And the picture that was shown you was a
2 picture of Gary Hinman in life? That was a life picture;
3 is that right?

4 A I don't remember what kind of a picture it was.

5 Q Well, does it refresh your recollection?

6 A It says a picture of a male individual.

7 I don't know when that picture was taken.

8 Q Was that a picture that you thought was a
9 picture taken while Gary Hinman was alive?

10 A I don't know what I thought about it at the
11 time.

12 I don't remember what the picture looked like.

13 MR. KANAREK: May I have just a moment, your Honor?

14 Q I call your attention to Page 67. Would you read
15 over Lines 10 through Page 68, Line 17.

16 Would you read those over and tell me whether you
17 so testified.

18 MR. BUGLIOSI: It is irrelevant because it is beyond
19 the scope of redirect.

20 THE COURT: I don't know what it is yet, Mr. Bugliosi.

21 MR. BUGLIOSI: It is not going to be known until
22 Mr. Kanarek asks the question.

23 THE COURT: I will take a look at it in a minute.

24 MR. BUGLIOSI: All right. Very good.

25 THE WITNESS: To where? Here?

26 MR. KANAREK: Yes. Through Line 17.

THE WITNESS: All right.

MR. KANAREK: Yes, your Honor. The reason I suggest it is not beyond the scope of redirect --

THE COURT: Never mind the argument. Give me the line numbers.

MR. KANAREK: Yes.

THE COURT: What lines?

MR. KANAREK: It ends at Line 17, your Honor.

THE COURT: What page?

MR. KANAREK: If I may have it?

Line 17, Page 86. And it starts at Line 10 of Page 87, your Honor.

(Pause while the Court reads.)

THE WITNESS: If it is in that thing, I said it.

THE COURT: Is there an objection?

MR. KANAREK: Yes.

MR. WEITZMAN: There is also an objection on behalf of Miss Brunner pursuant to the procedure outlined in chambers.

MR. KANAREK: Your Honor, the fact is that Mr. Keith asked a question in connection with her and Leslie Van Kouten and who she was substituting for, and this is clearly impeaching.

It is within the scope of Mr. Keith's question.

MR. BRILL: But irrelevant for what purpose, your Honor?

1 Impeachment per se is not valid. There has to
2 be a reason for it.

3 MR. KANAREK: To show what the truth is, Mr. Bugliosi.

4 MR. BUGLIOSI: Motion to strike that ridiculous,
5 gratuitous remark, your Honor.

6 MR. WEITZMAN: I renew my objection on behalf of
7 Miss Brunner, your Honor.

8 THE WITNESS: What is the question?

9 MR. KANAREK: She already answered that she so
10 testified.

11 MR. WEITZMAN: She has not answered that question.

12 The question hasn't been asked.

13 THE COURT: The objection is sustained.

14 THE WITNESS: If you will ask it, I will answer it.

15 MR. KANAREK: On Mr. Weitzman's basis or Mr.
16 Bugliosi's basis, your Honor, so I will know how to proceed?

17 THE COURT: Ask your next question. That is how to
18 proceed, Mr. Kanarek.

19 THE WITNESS: I may as well.

20 MR. KANAREK: Your Honor, may we approach the bench?

21 I don't think that the witness understands the
22 procedure.

23 MR. WEITZMAN: I would like to approach the bench,
24 your Honor.

25 THE COURT: Very well.

26 (Whereupon, all counsel approach the bench and

1 the following proceedings occur at the bench outside of the
2 hearing of the jury.)

3 THE COURT: We are wasting a lot of time, gentlemen.
4 Let's get down to it and get on with this examination.

5 What is it?

6 MR. WEITZMAN: I would like the record to indicate
7 the following:

8 I have been here all morning and part of this
9 afternoon discussing with Miss Brunner her testimony and
10 attempting to discuss it with Mr. Kanarek.

11 I would like the record to reflect that
12 Mr. Kanarek has been cajoling, he has been harassing, he
13 has been pressing, he has been putting words into this
14 young lady's mouth ever since I have been here. In my
15 presence and in front of me he has all out threatened her
16 that she testify. He has given her advice contrary to the
17 advice that I have given her.

18 THE COURT: She is under no obligation to talk to him
19 at all.

20 MR. WEITZMAN: I understand that, but she doesn't
21 understand that.

22 THE COURT: I think she properly understands it
23 perfectly, Mr. Weitzman.

24 I understand your very difficult position, and
25 you seem to be doing everything possible to protect your
26 client's interest, but let the record also show that

1 obviously she doesn't take her position very seriously
2 from her demeanor or from her comment and smiles and
3 laughs back and forth between the three female defendants
4 down here in front. They are laughing and giggling during
5 the proceedings. No one seems to be taking it seriously,
6 except the lawyers. The defendants don't seem to be taking
7 it seriously at all.

8 So, I don't agree.

9 If she listens to Mr. Kanarek, I am sure --
10 as a matter of fact, she requested to talk to him this
11 morning during the proceedings. You will recall that.

12 MR. WEITZMAN: Yes, I do.
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2 THE COURT: It is perfectly obvious that there is an
3 undercurrent going on here with which I am not acquainted
4 so far as what the purport is, but obviously there is an
5 undercurrent going on between the defendants and this
6 witness by signs, by smiles, by giggles back and forth,
7 by knowing looks, the whole thing. It is almost a travesty.

8 MR. WEITZMAN: I don't think these defendants have
9 any idea what is going on, but I do think, your Honor,
10 and perhaps I don't have any standing to make this comment,
11 but for the purpose of calling a witness in a penalty
12 phase, I can see no rhyme or reason to call this young
13 lady, with the sole exception of harming her, and no other
possible purpose.

14 Mr. Kanarek has done nothing, nothing, by way
15 of questioning except put her in jeopardy. It has been
16 totally irrelevant and immaterial.

17 I realize I have no standing to make those
18 objections in front of the jury, but out of the presence
19 of the jury, before the Court, I do have standing, because
20 I have an obligation to attempt to protect this young lady.

21 He refuses to make an offer of proof as to what
22 her testimony is going to show or how it is going to be
23 helpful to anyone of the defendants, and I think, candidly,
24 it is not going to be helpful to anybody.

25 THE COURT: I can't agree with you. I think he has
26 a right to call her under our strange penalty system,

2 1 particularly in this case, where the defense is being
2 put on in the penalty phase rather than during the
3 guilt phase. All kinds of peculiar things happen.

4 But I want to hold this examination down to
5 what is relevant, and I intend to do so.

6 MR. WEITZMAN: With the Court's permission, could I
7 have the standing, then, to make that type of objection
8 on behalf of my client?

1 THE COURT: You don't have any standing to do that,
2 Mr. Weitzman; we have got six counsel in this case.

3 MR. WEITZMAN: I realize that. I just feel that
4 the Court owes a duty and obligation, in fairness and
5 equity, to my client to attempt to put some reasonable
6 boundaries on Mr. Kanarek.

7 I believe it got almost to the point of
8 absurdity.

9 MR. MUSICH: You are going to wind up putting in the
10 testimony of the Grand Jury and the trial of the Beausoleil
11 case. You cannot limit partial portions of prior testimony,
12 your Honor.

13 Defense counsel here are going into every bit
14 of testimony, cross-examination and redirect.

15 THE COURT: The problem was created by Mr. Keith's
16 examination of this witness.

17 MR. MUSICH: You are allowing prior recorded testimony
18 to be read into this trial. I don't see how you can prevent
19 the whole transcript from coming in.

20 MR. BUGLIOSI: If an attorney has a witness on the
21 stand and the witness gives testimony which is injurious,
2 then that attorney can offer --

23 THE COURT: I am familiar with those rules, Mr.
24 Bugliosi.

25 MR. BUGLIOSI: Her testimony was not injurious to
Charles Manson, therefore he cannot impeach her.

1 THE COURT: I will decide whether it is impeachment
2 or not. It could be inconsistent as well as injuring.
3 It doesn't have to be directly injuring; that is ridiculous.

4 Let's get on, gentlemen, but I can tell you,
5 Mr. Kanarek, you are about through with this witness.

6 MR. KANAREK: May I do this, what I am saying is
7 this, I believe that this witness, and I'm sure that your
8 Honor does not wish to have the arrangements of counsel
9 interfere --

10 THE COURT: Get to your point, Mr. Kanarek.

11 MR. KANAREK: The point is, this witness misassumes
12 as to what is meant when your Honor says sustained.

13 She doesn't realize that she can answer.

14 THE COURT: Don't worry about whether she realizes
15 or not. She is represented by counsel who explained it to
16 her half a dozen times.

17 MR. KANAREK: Would your Honor ask her?

18 THE COURT: Mr. Kanarek, if you don't get started
19 again right now you will be through, do you understand?

20 MR. KANAREK: May I then read?

21 THE COURT: You may not.

22 MR. WEITZMAN: I would like the record to reflect
23 my understanding is Mr. Kanarek represents Mr. Manson in
24 the Hinman case in which my client is still a pending
25 defendant in that case.

26 I wonder if the Court should not take that into

1 consideration in attempting to confine whatever questions
2 are asked.

3 THE COURT: Let's get on with it, gentlemen, you are
4 wasting time.

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

7 BY MR. KANAREK:

8 Q Miss Brunner, when you answered Mr. Keith's
9 question this morning, do you remember the question about
10 substituting yourself for Leslie Van Houten?

11 A Yes.

12 Q Do you remember that?

13 A Yes.

14 Q Would you tell us what did you do, what did
15 you testify to at the Grand Jury wherein you substituted
16 yourself for Leslie Van Houten?

17 MR. BUGLIOSI: Calls for hearsay.

18 MR. WEITZMAN: I object on the previously stated
19 ground.

20 THE COURT: The form of the question is objectionable.
21 It will be sustained.

22 BY MR. KANAREK:

23 Q You testified at the Grand Jury, right?

24 A Right.

25 Q You testified in the presence of a court
26 reporter and the members of the Grand Jury, right?

1 A Right.

2 Q All right. You have stated that you substituted
3 yourself for Leslie Van Houten?

4 A In the Hinman case.

5 Q Yes, in the Hinman case.

6 A Yeah.

7 Q My question is, would you tell us what you did
8 in the presence of those people -- what you said that Leslie--
9 that you did, where in fact it was Leslie Van Houten.

10 MR. BUGLIOSI: That is too broad.

11 MR. WEITZMAN: I object to that question on the same
12 grounds.

13 THE COURT: Just a moment, who is objecting.

14 MR. WEITZMAN: I will make the first objection.

15 I will object on the ground it violates her
16 Fifth Amendment rights.

17 MR. KEITH: I object on the grounds it assumes facts
18 not in evidence.

19 MR. BUGLIOSI: Also it is irrelevant, calls for
20 hearsay.

21 THE COURT: Sustained.

22 BY MR. KANAREK:

23 Q Miss Brunner, when you answered Mr. Keith
24 this morning, did you answer truthfully to that question?

25 A Yes.

26 MR. WEITZMAN: Your Honor, I object to that. This

1 lawyer just keeps on badgering the witness.

2 THE COURT: Let's proceed.

3 MR. KANAREK: Q You answered yes?

4 A I answered yes.

5 MR. KANAREK: In view of the Court's rulings, your
6 Honor, I have no further questions, thank you.

7 THE COURT: Anything further?

8 MR. BUGLIOSI: No, your Honor.

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REDIRECT EXAMINATION

1 BY MR. KEITH:

2 Q In this conversation with Leslie that you
3 supposedly had, it was very brief, wasn't it?

4 A I don't know how long it took.

5 Q Do you understand the word brief, short?
6 Was it short? It was a short conversation, wasn't
7 it?

8 A It was as long as it was.

9 Q You did not answer my question. It was a
10 short conversation of, say, two or three minutes' duration?

11 A I don't know how long Leslie and I talked.

12 Q Leslie told you that Beausoleil did not have any-
13 thing to do with Hinman's death, isn't that right?

14 A Leslie told me that Sadie killed him.

15 Q And that Beausoleil did not?

16 A I don't know what she had Beausoleil doing.
17 She had him there.

18 Q Now, you have told us you substituted yourself
19 for Leslie, isn't that right?

20 A That's right.

21 Q Now, Leslie told you that she was there, is
22 that right?

23 A That's right.

24 Q For a couple of days?

25 A That's right.
26

1 Q And she told you, although she did not see
2 Sadie do anything, she knew that Sadie had stabbed Hinman.

3 A I don't know what she said about that. She said
4 Sadie stabbed him. I don't know whether she said she saw
5 it or whether she was present when it happened or she was
6 there.

7 Q And she also told you that Mr. Hinman's ear
8 was cut, isn't that right?

9 A That's right.

10 Q But she did not tell you who cut it, isn't that
11 right?

12 A That's right.

13 Q And Sadie told you four or five different
14 versions of what had happened, isn't that right?

15 A Um-hum.

16 Q Maybe more than four or five?

17 A Sadie never said the same thing twice.

18 Q Now, as a witness for the prosecution in the
19 Beausoleil case, did you not testify in substance and
20 effect that Beausoleil participated actively in the
21 killing of Hinman?

22 MR. BUGLIOSI: This is irrelevant. It's beyond the
23 scope of Mr. Kanarek's questioning.

24 THE COURT: Sustained.

25 MR. KEITH: It is irrelevant, your Honor.

26 Q BY MR. KEITH: At the trial of the Beausoleil

case didn't you testify, without going into the nature of your testimony, didn't you testify in detail for a period of at least a half day if not longer?

MR. WEITZMAN: I am going to make the same objection, your honor. It all tends to be self-incriminating.

THE COURT: It is irrelevant. Sustained.

MR. KEITH: Irrelevant, your honor!

THE WITNESS: It is all irrelevant or hearsay, if you border on the truth.

THE COURT: Five minutes or five hours, let's get on with it.

MR. KEITH: I had a purpose in mind, if the Court please.

THE COURT: Ask your next question.

MR. KEITH: I have no other question if the Court sustains the objection.

THE COURT: It's up to you, sir.

(Mr. Keith sits down.)

MR. SHINN: I have a couple of questions.

DIRECT EXAMINATION

BY MR. SHINN:

Q Miss Brunner, you testified that you did testify at the Grand Jury, correct?

A Right.

Q Now, before testifying at the Grand Jury did