

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

47

No. A253156

REPORTERS' DAILY TRANSCRIPT

Monday, August 10, 1970

A. M. SESSION

APPEARANCES:

For the People:

AARON H. STOVITZ and
VINCENT T. BUGLIOSI,
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

RONALD HUGHES, Esq.
PAUL FITZGERALD, Esq.

For Deft. Krenwinkel:

For Linda Kasabian:

GARY FLEISCHMAN, Esq.
RONALD L. GOLDMAN, Esq.

VOLUME 47

PAGES 6725 to 6812

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

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I N D E X

PEOPLE 'S WITNESSES:

CROSS

KASABIAN, Linda

6739 (K)

E X H I B I T S

PEOPLE 'S:

FOR IDENTIFICATION IN
EVID.

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LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 10, 1970

9:50 A.M.

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

THE COURT: All parties and counsel are present; the jury is not present.

Do you have a motion, Mr. Kanarek?

MR. KANAREK: Yes, your Honor, I have a motion.

I have a motion, your Honor, for a mistrial.

THE COURT: Do you wish to argue, Mr. Kanarek?

MR. KANAREK: Yes, your Honor.

The people still have not presented, and I don't have a copy of any proposed document or any proposed request for an order.

Your Honor, may Mrs. Kasabian not be in here while we are doing this?

THE COURT: Why?

MR. KANAREK: Because, your Honor, I fear that it will affect her state of mind. I see no reason why she should be here. I make a motion that she not be in the courtroom because I am going to have to say some things, your Honor, that I would rather not say in her presence.

These are legal matters.

THE COURT: I see no reason why she should not be

1 present. The motion is denied.

2 MR. KANAREK: Very well, your Honor, it is our
3 position that Linda Kasabian is lying; that she is a liar.

4 The evidence that your Honor received from
5 June Emmer in connection -- that is the lady that she
6 lived with, makes it clear that this witness cannot be
7 believed.

8 Now, that being the case, your Honor, in any
9 event we should proceed cautiously.

10 But in this particular case, we pride ourselves
11 on following the law, due process of law, the prosecution
12 has no way, no legitimate, legal way at this time of
13 granting immunity to this defendant.

14 Now, she has not -- the law is clear, 1234 of
15 the Penal Code is, makes it very clear -- 1324 of the
16 Penal Code makes it very clear she must take the witness
17 stand and exercise the privilege against self-incrimination.
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1 She has not done that. She has not taken the
2 privilege.

3 There is no way that that can be done except
4 if we wink at it. In other words, if we forget it, if we
5 walk away, turn our back on our own law and our own dignity,
6 then she can be given immunity by way of 1324.

7 Your Honor has the power, the naked power, to
8 sign a document giving her immunity. It is my position
9 that it is absolutely illegal because the condition precedent
10 to the exercise of 1324 is that she exercise, assert, the
11 privilege against self-incrimination. This she has not
12 done.

13 We then go to the next possibility, 1099 of the
14 Penal Code.

15 All of the cases under 1099 make it clear, the
16 California Supreme Court cases, the Court of Appeal cases,
17 make it clear that before she can be called as a witness,
18 the discharge must take place.

19 The cases that I have set forth to the Court
20 for the Court's consideration all have the language that
21 before the witness takes the witness stand then the District
22 Attorney, prior to that time, the District Attorney asks
23 the Court, and if the Court sees fit, the Court can dis-
24 charge her, and then she has immunity. He or she.

25 This has not been done in this case.
26 1099 is not available.

1 It is a violation of due process of law for
2 your Honor to proceed either under 1324 or under 1099.

3 Now, it is not your Honor's fault, it is the
4 District Attorney's fault, because they want their cake and
5 they want to eat it, too. They want Mrs. Kasabian not to
6 be an accomplice and they still want her testimony.

7 So, they have created the error. They are the
8 obstructionists in this trial because they want a
9 conviction at any price.

10 That is why our appellate courts reverse, your
11 Honor, because District Attorneys, the People, the only
12 reason that cases are reversed is because there is error in
13 the trial court, and they have instituted the error here
14 because of their blind desire for a conviction at any
15 price; walk over Mr. Manson, anything, to get a conviction.
16 And that is what they have done in this case, your Honor.

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1 I submit that 1324 is not available to them
2 and that 1099 is not available to them.

3 Now, the only possibility that is available
4 to them -- well, I don't see why I should teach them how
5 to practice law, but there are some other possibilities.

6 But the fact of the matter is that these two
7 approaches, what I have enunciated, is just open and shut.

8 I have a very old case, your Honor, it is a
9 California Supreme Court case that goes back to 1874,
10 and the philosophy in this case, I think, is important
11 even though it isn't on all fours. The name of the case
12 is California vs. Indian Peter, and it is a 48 Cal. 250
13 case.

14 In this case, the People opposed, your Honor,
15 a certain type of relief that this man wanted, and the
16 California Supreme Court stated, they set it out much
17 more artfully and much more eloquently than I can, that
18 it is not within the framework of the law. There is a
19 certain immunity, a certain request he had because of the
20 prosecution, through the Court, making certain representa-
21 tions to him, but the California Supreme Court made the
22 point that unless it is part of the law, what he asked
23 for he couldn't get, because it just wasn't -- what was
24 written down in the books was not within the framework
25 of what he requested.

26 Now, I would offer this to the Court to read,

1 and I do offer it to the Court to read because we have
2 a similar situation here.

3 There is no way that they can go on 1324 or
4 1099, just no way, because they have instituted the
5 error.

6 They have called this lady to the witness
7 stand. Your Honor well knows the case of People vs.
8 Walther. We have cited People vs. Spivak, and I would
9 also cite to the Court People vs. Alverson, which is in
10 60 Cal. 2d, which makes it very clear that you have to
11 discharge the person before they take the witness stand.

12 And there is a very logical reason for it.
13 When that defendant is on the witness stand trying to
14 bury a co-defendant, her state of mind is very important,
15 and when she knows she is beholden to the prosecution,
16 as this witness does -- did at least up to this point --
17 her very physical welfare, her very life depended upon
18 currying favor with the prosecution. So, all of her
19 testimony up to the present time has been tainted, and
20 the only relief that is available for your Honor is to
21 declare a mistrial.
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1 I would like to point out, also, Mr. Stovitz
2 made the representation to me that he was going to bring
3 to me as late as last Friday the letter that Mr. Goldman
4 and/or Mr. Fleischman wrote to him concerning the so-called
5 immunity agreement. I have not received that letter.

6 I would hope that was just inadvertent on
7 Mr. Stovitz's part, and he has not brought us the letter.

8 He said he was going up to his office and he
9 would bring it back in ten or fifteen minutes. I still
10 don't have it, so I make a motion to get that letter, your
11 Honor, which he represented to me that he would bring,
12 and as I say, I still don't have it.

13 THE COURT: Let's hear from the People on the motion.

14 MR. HUGHES: I would join that motion, your Honor,
15 the motion for mistrial.

16 MR. SHINN: Join in the motion, your Honor.

17 MR. FITZGERALD: I would also join with some explana-
18 tion, but I will defer to the prosecution if they wish to
19 answer the basic thrust of Mr. Kanarek's position.

20 MR. STOVITZ: First of all, to answer the last
21 remark which has nothing to do with the motion for
22 mistrial, I did search for that letter, Mr. Kanarek, and
23 I found the letter was delivered to the office of Mr.
24 Bugliosi.

25 I asked Mr. Bugliosi for the letter on Friday.
26 He searched. We cannot come up with it, but I am certain

1 that Mr. Younger has a letter in his files and I will ask
2 his secretary to go to that.

3 Because I have been told a copy and an
4 original was sent to our office, we should be able to
5 find one of those.

6 As far as the motion for mistrial is concerned,
7 your Honor, without using any of the vindictiveness of
8 Mr. Kanarek, we oppose the motion for mistrial.

9 As far as the request for immunity is con-
10 cerned, the matter was brought up at the very beginning
11 of Mrs. Kasabian's testimony; the matter was brought up
12 in the middle of her testimony; the matter was again
13 brought up on Friday by all counsel for the defense, and
14 because of that we felt that we should petition the
15 Court for this immunity.

16 However, it was not our intention that when
17 Linda Kasabian took this witness stand, that unless she
18 invoked the privilege against self-incrimination would
19 we seek formal immunity in this trial, because we feel,
20 No. 1, that for the safety of Linda Kasabian it would be
21 best for her to stay in custody.

22 However, we feel that there is going to be
23 another trial; we hope that sometime this month Mr.
24 Watson will be returning from Texas and we will be
25 able to comply with 1324 and 1099 and fulfill our agree-
26 ment with her attorneys when Mr. Watson comes to trial.

1 However, counsel requested the Court for us,
2 to use the common expression, to fish or cut bait, and
3 we decided to cut bait, so therefore we prepared a
4 petition for immunity.

5 The petition for immunity encompasses both
6 1324 and 1099; it encompasses 1324, or uses the language
7 that the Court may require the witness to answer all
8 questions that are pertinent and material to the issues,
9 and it sets forth the penalties of perjury and penalties
10 for contempt for failure to comply with the Court's order,
11 once immunity has been granted.

12 1084 is also applicable. It says any time
13 before the exhaustion of the People's case, the People
14 may call a defendant to the witness stand and thereby
15 ask the Court to dismiss against that defendant.

16 Now, there have been cases in the past whereby
17 the People have sat idly by, keeping a defendant as a
18 co-defendant at counsel table, depriving defendants of
19 their fair amount of peremptory challenges, making it
20 appear to the jury that the defendant is a co-defendant,
21 and then at the last moment dismissing.

22 We did not do that in this case by virtue
23 of the fact of Mrs. Kasabian's attorney asking for a
24 continuance.

25 She was separated from the defendants by more
26 or less operation of law. Her trial setting is set

1 sometime in August I believe.

2 We believe that the petition that we have set
3 forth with your Honor shows that we have full faith and
4 credit in this witness's testimony.

5 We believe whether or not she is given immunity
6 or not given immunity she will tell the truth. She will
7 tell the truth whether she is kept in custody for the rest
8 of her life, or she will tell the truth if she is released
9 today.

10 That is what we believe this witness will do.
11 We believe the witness demonstrated to this court, and will
12 continue to demonstrate to the court that she will continue
13 to tell it as it is.

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1 We have presented a petition for immunity
2 because that is what we thought the defendants wanted us
3 to do, so she would be an unfettered witness, and therefore
4 she would be able to, if she wanted to say, "Everything
5 I've said was a lie," or, "Everything I said was the
6 truth," or she will just continue on testifying in a
7 truthful manner as she has in the past.

8 We believe our petition for immunity should be
9 considered by the Court.

10 If your Honor sees fit not to act, it will not
11 in any way affect our chances in this case. The defense
12 can fully argue this issue to the jury.

13 They can argue it with all the vindictiveness
14 and vengeance they want.

15 They can accuse of whatever ulterior motives
16 they wish.

17 This is a proper argument being had to
18 the jury and not to this Court.

19 MR. KANAREK: If I may, your Honor, counsel evidently
20 has not read the cases, because the cases make the point
21 that he cannot argue, he cannot make this a part of argu-
22 ment.

23 He cannot argue the truthfulness of this witness.
24 That is the reason -- that is one of the reasons that 1099,
25 your Honor, must be applied.

26 I am sure counsel is inadvertently misleading

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1 the Court, but the only clause he refers to is the part
2 before the defendants enter their case.

3 Obviously, your Honor, it is before the
4 defendants enter their case when they are putting on
5 evidence, the prosecution does not put on evidence; he
6 forgets the other part of that code section, the part of
7 the code section that says that the witness must be
8 called, and the cases are absolutely uniform that the
9 witness must be called before the case starts, as to the
10 witness.

11 Now, the witness here is a witness who was
12 called to the witness stand before the discharge occurred.

13 THE COURT: You are talking about 1324.

14 MR. KANAREK: I am talking about 1099, your Honor.

15 THE COURT: I don't consider 1099 to be anything
16 more than a permissive statute. It is an entirely different
17 statute from 1344.

18 MR. KANAREK: But 1099 does provide, I believe it has
19 language to the effect it should be deemed an acquittal or
20 something to that effect.

21 So the immunity is there, if it is applicable.

22 But they have waited too late. That is why we
23 requested this of the Court before the trial started.

24 We pleaded with the Court before the trial
25 started to grant her immunity at that time.

26 THE COURT: Well, as I indicated to you Friday in

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1 chambers, Mr. Kanarek, along with the other attorneys, I
2 believe that where a witness testifies under the
3 circumstances that Mrs. Kasabian has in this case, that in
4 all probability she has immunity as a matter of law
5 regardless of what the People do.

6 MR. KANAREK: But as far as the defendants go, the
7 important thing is not Mrs. Kasabian's immunity.

8 What is important is her state of mind as she
9 testifies from the witness stand, her state of mind as she
10 testified up to this point has been without any kind of a
11 restraint except to obey the dictates of the prosecution.

12 THE COURT: The People have presented a petition for
13 immunity and I have signed the order this morning.

14 MR. KANAREK: I haven't even seen it, your Honor.

15 THE COURT: Nevertheless I have signed it.

16 You were apprised of it on Friday.

17 MR. KANAREK: No, your Honor indicated that the
18 language --

19 THE COURT: Well, you will see it, Mr. Kanarek, and I
20 am telling you now it has been presented and it has been
21 signed. The motion for mistrial is denied.

22 MR. KANAREK: May I allege that your Honor acting on
23 this without allowing us to see it is a violation of notice?

24 THE COURT: All right. Let's call down the jury.

25 MR. STOVITZ: May the record show that Mr. Kanarek
26 came into court at a quarter to 10:00 this morning.

1 At that time he handed me the written motion
2 for mistrial.

3 At that time I did not have an opportunity to
4 give him this motion.

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1 (Members of the jury enter the jury box. The
2 following proceedings were had in open court in the presence
3 and hearing of the jury, all defendants and all counsel
4 being present.)

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

7 You may proceed with your cross-examination,
8 Mr. Kanarek.

9
10 LINDA KASABIAN,
11 a witness called by and on behalf of the People, having been
12 previously duly sworn, resumed the stand, was examined
13 and testified further as follows:

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15 FURTHER CROSS EXAMINATION

16 BY MR. KANAREK:

17 Q Mrs. Kasabian, you stated last Friday that
18 you thought that Mr. Fitzgerald was dishonest; that is why
19 you have not spoken to him.

20 In what way do you feel Mr. Fitzgerald is
21 dishonest?

22 MR. BUGLIOSI: Your Honor, we object to this line of
23 questioning on the rationale it is irrelevant to the
24 charges in this case.

25 THE COURT: Sustained.

26 MR. KANAREK: It goes to this witness's state of mind,

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1 your Honor.

2 THE COURT: Sustained.

3 BY MR. KANAREK:

4 Q Why do you feel that Mr. Fitzgerald is dis-
5 honest?

6 MR. BUGLIOSI: Same objection, your Honor.

7 THE COURT: Sustained.

8 BY MR. KANAREK:

9 Q Mrs. Kasabian, over the weekend have you signed
10 any papers?

11 A No.

12 Q You have signed no paper?

13 A No.

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

16 THE COURT: I see no necessity for it, Mr. Kanarek,
17 let's proceed.

18 BY MR. KANAREK:

19 Q Well, Mrs. Kasabian, have you seen any
20 immunity papers?

21 A Yes, I have.

22 Q What immunity papers have you seen?

23 A I saw immunity papers Friday and I saw them
24 this morning, but I did not read them.

25 Q I see. Now, were the immunity papers that you
26 saw Friday the same immunity papers that you saw this

1 morning?

2 A I don't know because I did not read this
3 morning's papers.

4 Q You did not read them. Well, what is your
5 state of mind in connection with any immunity that you
6 may have, Mrs. Kasabian?

7 A I don't understand.

8 Q You don't know what "immunity" means?

9 A I don't understand what you are asking me.

10 Q Well, what is your state of mind? What do
11 you think your immunity is?

12 A I don't know. I don't understand.

13 Q Do you know what immunity is?

14 A Yes, I think I do.

15 Q What do you think immunity is?

16 A That I won't be prosecuted in this case.

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1 Q And you won't be prosecuted for seven counts of
2 murder and one count of conspiracy?

3 A Yes.

4 Q What was your state of mind as to your
5 immunity up until last Friday?

6 A I don't understand.

7 Q What kind of immunity did you think that you
8 had? I will withdraw that.

9 You remember on direct examination you were
10 interrogated by Mr. Bugliosi?

11 A Yes.

12 Q And you remember Mr. Bugliosi asking you
13 questions about immunity?

14 A I can't remember at the moment.

15 Q You don't remember Mr. Bugliosi asking you,
16 interrogating you, concerning immunity?

17 A I can't remember it at the moment.

18 Q You don't remember any such interrogation?

19 A No.

20 Q Well, over the weekend, with whom have you
21 spoken, Mrs. Kasabian?

22 A Nobody.

23 Q You spoke with nobody at all?

24 A No.

25 Q You didn't speak with your lawyers?

26 A No.

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1 Q You didn't speak with Mr. Bugliosi?
2 A No.
3 Q Or Mr. Stovitz?
4 A No.
5 Q Now, where are you now living?
6 A In the infirmary, the jail.
7 Q The jail?
8 A Yes.
9 Q Is it your understanding that you will be
10 leaving the jail?
11 A I guess so. I am not really sure.
12 Q What is your understanding as to when you will
13 be leaving the jail?
14 A I don't know.
15 MR. BUGLIOSI: Irrelevant.
16 MR. KANAREK: It goes to her state of mind, your
17 Honor.
18 THE COURT: Overruled. You may answer.
19 THE WITNESS: I don't know.
20 MR. KANAREK: Q Do you think that you are going to
21 be leaving the jail in the next day or so?
22 A I guess so.
23 Q I see.
24 And you are leaving the jail the next day or
25 so because of the order that the court signed? Is that
26 your state of mind?

1 A I guess so, yes.

2 Q Because now you are no longer a defendant in
3 this case and you can come and go as you please?

4 A I guess so.

5 Q You guess so, or do you know so?

6 A I know so.

7 Q You know so; that is for sure?

8 A Yes.

9 Q So you will be leaving the County Jail?

10 A Yes.

11 Q So, your state of mind is such that you are now
12 completely discharged of seven counts of murder; you are
13 discharged of those counts and also the conspiracy count;
14 is that right?

15 A Yes.

16 Q Directing your attention to this state of mind
17 that you have, how did you get this state of mind if you
18 didn't talk to anybody over the weekend?

19 MR. BUGLIOSI: Argumentative, your Honor.

20 THE COURT: Overruled.

21 You may answer.

22 THE WITNESS: What was your question?

23 MR. KANAREK: Q Well, Mrs. Kasabian, you have
24 stated that your state of mind now is that you are going
25 to be leaving the jail maybe even today; right?

26 A I guess so.

1 Q You mean you know so?

2 A Well, I don't know if I am going to leave
3 today or tomorrow, or whatever. I don't know.

4 Q And you don't care?

5 A Not particularly, no.

6 Q You feel that you sort of have a mission to
7 perform now; right?

8 MR. STOVITZ: That is objected to as argumentative.

9 THE COURT: Sustained.

10 Q BY MR. KANAREK: Well, then, you tell us that
11 you didn't speak to anybody over the weekend. How did you
12 get this information that you are now going to be leaving
13 the jail?

14 A I believe I heard the Court say this morning
15 that he signed the immunity papers, and I guess he has the
16 power to release me.

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1 Q So, you are going to leave the jail, as far
2 as your mind is concerned, because of what the Judge said
3 this morning?

4 A Yes.

5 Q Now, Mrs. Kasabian, how far is it from the
6 top of the hill to the bottom of that hill at the Tate
7 residence?

8 A I don't know.

9 MR. KANAREK: Your Honor, I make a motion that we
10 have proceedings at the Tate residence; that we adjourn
11 these proceedings and go to the Tate residence and take
12 evidence, your Honor.

13 MR. STOVITZ: Your Honor, this is a motion that
14 should definitely be made outside of the presence of the
15 jury.

16 MR. KANAREK: I see no reason for that, your Honor.

17 THE COURT: The motion is denied.

18 Let's proceed.

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

20 THE COURT: All right.

21 MR. STOVITZ: May we all approach the bench on this
22 issue, your Honor?

23 THE COURT: Very well.

24 (Whereupon counsel approach the bench and the
25 following proceedings occur at the bench outside of the
26 hearing of the jury:)

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1 MR. STOVITZ: The reason that I asked to approach
2 the bench, your Honor, is that this is a matter that we,
3 Mr. Bugliosi and I, were considering, but we feel that
4 this is an improper time.

5 It takes a great deal of trouble and effort
6 to go. We understand that arrangements would have to be
7 made for the defendants and all the jurors and court
8 personnel; and therefore, we did want to talk about it
9 at a time when it would be convenient for everyone to
10 express their opinions on it.

11 We are not opposed to going to the Tate resi-
12 dence. It is just that it is something that should be
13 taken up outside of the presence of the jury and not
14 be made at the frivolous drop of a hat as counsel made it.

15 MR. KANAREK: It was not frivolous.

16 THE COURT: With respect to this witness or just a
17 view of the scene?

18 MR. STOVITZ: We feel that after the police officers
19 testify and they testify to where the particular bodies
20 were found. At that time.

21 THE COURT: Just a view of the premises itself?

22 MR. STOVITZ: There should be a view of the premises,
23 yes. There may be some probative value to go there, to
24 show the length and distances that are not shown by a
25 diagram as easily as it is by actually seeing the location.

26 THE COURT: The diagram and the photographs seem

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1 perfectly clear to me. I can't imagine why a view of
2 the premises would be required in this case.

3 At any rate, I understood your motion was that
4 you wanted to adjourn now and go out there for the purpose
5 of what, Mr. Kanarek, examining this witness on the scene?

6 MR. KANAREK: Yes, your Honor, because this witness
7 is not being candid with the Court, and there are physical
8 objects.

9 THE COURT: Not being candid with the Court? What
10 do you mean?

11 MR. KANAREK: Well, she is not telling the truth,
12 in my view, from what I can ascertain from these pictures,
13 from what I can ascertain from the diagram.

14 Now, the point is this, your Honor: Mr.
15 Altabelli, Rudy Altabelli, has the place completely sealed
16 off. It would require a court order for us to get in
17 there, I believe.

18 That is a fair statement that that is the case,
19 your Honor.

20 I myself have been unsuccessful in any attempt
21 to get on those premises to view the actual home itself
22 and the surrounding area.

23 I think Mr. Fitzgerald had a similar experience.

24 MR. FITZGERALD: We have been unsuccessful.

25 MR. BUGLIOSI: Did you use that phone number I gave
26 you?

1 MR. STOVITZ: The distance from the bottom of the
2 hill to the house, you don't have to go to Altabelli's
3 residence for that.
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1 MR. KANAREK: What I am saying, in order to orient
2 this witness' testimony with the physical setup, it is
3 necessary that she be at the scene.

4 THE COURT: I don't see that at all. I think this
5 is a relatively simple matter of orientation. You have a
6 good diagram, you have got good photographs, and there is
7 no difficulty about it at all.

8 I see no necessity whatever for going out
9 there.

10 MR. KANAREK: Well, your Honor, a fair trial for
11 Mr. Manson requires that we go out there.

12 THE COURT: The motion will be denied.

13 Let's proceed, gentlemen.

14 MR. HUGHES: Join in the motion.

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

19 MR. KANAREK: Q Mrs. Kasabian, would you step
20 over to this diagram, please?

21 (The witness leaves the witness stand and
22 approaches the diagram.)

23 MR. KANAREK: May we have a pointer, your Honor?

24 (A pointer is handed to Mr. Kanarek.)

25 MR. KANAREK: Now, would you take that pointer,
26 please, Mrs. Kasabian.

1 Q Now, would you show us, Mrs. Kasabian, where
2 you were when you gave a knife to someone who came out of
3 the house after you had seen a man killed, shot four times?

4 THE WITNESS: Right about in here. (Indicating)

5 MR. STOVITZ: May the record show that the witness
6 has pointed to People's Exhibit 8 and an area near a fence
7 where it says "100 feet."

8 Is that word "frosted," Counsel?

9 MR. KANAREK: There is the word "frosted."

10 MR. STOVITZ: It was about a quarter of an inch from
11 there that she pointed; is that right?

12 MR. KANAREK: That's right.

13 THE COURT: Let's have the witness mark it K-1.

14 MR. STOVITZ: Very well. K-1.

15 (The witness marks.)

16 MR. KANAREK: Q Now, after you gave that knife
17 to someone, Mrs. Kasabian -- I will withdraw that.

18 At the time you gave that knife to someone,
19 did you have a conversation with that person?

20 MR. SHINN: Your Honor, I am going to object to
21 that question, your Honor.

22 THE COURT: What is the ground for your objection?

23 MR. SHINN: On the ground that the answer will probably
24 be a self-serving answer.

25 MR. STOVITZ: I think the question can be answered
26 with a yes or no. It doesn't say with whom she had the

1 conversation.

2 MR. SHINN: I think the next question leading up to
3 that will be to whom she talked.

4 On behalf of Defendant Susan Atkins, I will
5 object.

6 THE COURT: The question can be answered yes or no.

7 What was the answer?

8 THE WITNESS: What was the question?

9 MR. KANAREK: May it be read?

10 THE COURT: Read the question.

11 (The record was read by the reporter.)

12 THE WITNESS: Yes.

13 MR. KANAREK: Q Now, what was said by you?
14 And what was said by this person?

15 A Katie asked me for my knife, and I gave it
16 to her. And she told me to stay there and listen for
17 sounds.

18 Q And listen for what?

19 A Sounds.

20 Q Listen for sounds?

21 A Yes.

22 THE COURT: Just a moment. Read the answer.

23 (The record was read by the reporter.)

24 Q BY MR. KANAREK: And what did you think you
25 were listening for sounds for?

26 MR. BUGLIOSI: Assumes a fact not in evidence, your

1 Honor, that she did listen for sounds.

2 THE COURT: Sustained.

3 MR. KANAREK: Q What went through your mind as
4 to why you were told by this person to listen for sounds?

5 MR. BUGLIOSI: Calls for a conclusion.

6 MR. FITZGERALD: Objection, your Honor, as vague,
7 immaterial and irrelevant.

8 THE COURT: Sustained.

9 MR. KANAREK: Q When you did, after you gave
10 her the knife, Mrs. Kasabian, did you subsequently hear
11 any sounds?

12 A After?

13 Q Yes.

14 A Yes.

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4c-1

1 MR. STOVITZ: May we, your Honor, if counsel is
2 all through with the diagram --

3 MR. KANAREK: No, I am not all through with the
4 diagram, your Honor.

5 MR. STOVITZ: Okay. I am sorry for the interruption.

6 "It was how long after" you were starting to
7 ask.

8 BY MR. KANAREK:

9 Q How long after, Mrs. Kasabian, did you hear
10 any sounds?

11 A I don't remember the time. It didn't seem
12 too long after.

13 Q Could you speak up?

14 A Didn't I? I can hear myself coming back.

15 Q Pardon?

16 A I can hear it coming back, so I think I was
17 talking loud.

18 MR. STOVITZ: Are any of the jurors having difficulty
19 hearing?

20 MR. KANAREK: Q Now, from where did you hear
21 the sounds that you heard after you gave this person the
22 knife, having seen someone killed?

23 MR. STOVITZ: Just a moment. That assumes a fact
24 not in evidence, or rather arguing with the witness that
25 the knife was given after the shooting.

26 THE COURT: Sustained.

4c-2

1 MR. KANAREK: Well, I think the evidence is clear,
2 your Honor. She says the knife was given after the
3 shooting.

4 THE COURT: The objection is sustained.

5 BY MR. KANAREK:

6 Q Well, Mrs. Kasabian, did you give this knife
7 to someone that came out of the house after the shooting?

8 A The shooting that took place at the car?
9 Yes.

10 Q Did any other shooting take place that night?

11 A Not that I heard.

12 Q Then my question is: Did you give the knife
13 to someone after you witnessed four bullets shot into
14 someone in the automobile?

15 A Yes.

16 Q And directing your attention to your state of
17 mind, what did you think was the purpose that that knife
18 was going to be used for?

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

20 THE COURT: Sustained.

21 BY MR. KANAREK:

22 Q What was your reason for giving the knife,
23 Mrs. Kasabian?

24 A Katie asked for it.

25 Q And were you under the influence of Katie?

26 A No.

4c-3

1 Q Pardon?

2 A No.

3 Q Directing your attention at that time, your
4 purpose was to give her the knife in order to accomplish
5 the mission that you were there for; is that right?

6 A I don't understand.

7 Q Pardon?

8 A I didn't understand you.

9 Q You don't understand the question?

10 A No.

11 Q There is no question that you gave Katie the
12 knife; is that right?

13 A Yes.

14 Q And you gave Katie the knife in order to help
15 accomplish the reason that you came to the Tate residence;
16 is that right?

17 A I don't know.

18 Q You don't know why you gave it to her?

19 A I just gave it to her because she asked for
20 it.

21 Q And she was your friend, and you and she were
22 there to go creepy-crawling; is that right?

23 MR. BUGLIOSI: It calls for a conclusion as to why
24 Katie Krenwinkel was there, your Honor.

25 THE COURT: Sustained.

26 MR. KANAREK: Well, you were there to go creepy-crawling?

1 THE WITNESS: Yes.

2 BY MR. KANAREK:

3 Q And you gave her the knife -- the reason for
4 giving her the knife was to help the creepy-crawl mission;
5 is that correct?

6 A At that point I wasn't sure of what was
7 really happening.

8 Q You weren't sure of what was really happening?

9 A Yes.

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1 Q What did you think was happening?

2 A I don't know. I don't know if I even thought
3 at that point.

4 Q You mean you were in shock?

5 A Yes.

6 Q I see. But you don't have any difficulty
7 remembering?

8 A No. I can remember.

9 Q Pardon?

10 A I remember.

11 MR. STOVITZ: Your Honor, it is now six minutes since
12 my last interruption. If we are still needed at the
13 diagram, I have no objection to waiting, but it is much
14 more comfortable if we do this at the witness stand.

15 MR. KANAREK: I have a lot of questioning to do at
16 the diagram. I prefer to do it at the Tate residence, but
17 since all your Honor is allowing is the diagram, I have to
18 use the diagram.

19 MR. STOVITZ: May I suggest, then, Counsel, that you
20 get on with the questions dealing with the diagram so we
21 can proceed.

22 THE COURT: Let's proceed, Mr. Kanarek.

23 MR. KANAREK: That is what I am trying to do.

24 THE COURT: Do you have some questions regarding the
25 diagram?

26 MR. KANAREK: Yes, your Honor.

1 THE COURT: Ask them so the witness may resume the
2 witness stand.

3 MR. KANAREK: Q Now, how far away, Mrs. Kasabian,
4 how far away were you from the front door when you gave the
5 knife to Katie?

6 A Well, as I pointed out before, right here.
7 (Indicating) So, wherever the front door is.

8 Q Where is the front door on that diagram?

9 A Right here.

10 MR. STOVITZ: May the record indicate that she
11 pointed to a room marked "Entry" on People's Exhibit 8,
12 your Honor.

13 Is that a fair statement, Counsel?

14 THE WITNESS: Do you want me to mark it?

15 MR. KANAREK: In that general area. That is a fair
16 statement, your Honor.

17 MR. STOVITZ: Thank you.

18 MR. KANAREK: Would you mark that K-2?

19 Is that permissible, your Honor?

20 THE COURT: Yes, it is.

21 MR. BUGLIOSI: What does K-2 stand for, Mr. Kanarek?

22 MR. KANAREK: Ask Mrs. Kasabian.

23 MR. BUGLIOSI: You were the one that asked for it.

24 MR. STOVITZ: I think the record shows that it stands
25 for the front door.

26 MR. BUGLIOSI: K-2?

1 MR. STOVITZ: Yes.

2 THE COURT: Hold the microphone horizontally and
3 speak directly into the end of it, please, Mrs. Kasabian.

4 MR. BUGLIOSI: Is there a stipulation that K-2 stands
5 for the front door or represents the front door?

6 THE COURT: What question is that an answer to,
7 Mr. Kanarek?

8 MR. KANAREK: I believe I asked her to mark K-2 as
9 to where the front door was.

10 THE COURT: All right.

11 MR. KANAREK: Q Now, Mrs. Kasabian, at some time
12 you approached that front door; is that correct?

13 A I started down the walkway. I never made it to
14 the front door.

15 Q But you were approaching the front door; is that
16 correct?

17 A Yes.

18 Q And is it a fair statement, Mrs. Kasabian,
19 that your intent was to go inside the house?

20 When you were walking -- directing your
21 attention to your thinking and your state of mind as you
22 were walking down the walkway -- was it your intent to go
23 inside the house?

24 A I guess so. I don't know.

25 Q You don't know for sure?

26 A No.

1 Q Can you reflect upon that for a moment and tell
2 us?

3 A I just remember now running towards the house
4 and stopping short.
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1 Q And your idea, your purpose was to go inside
2 the house, isn't that correct?

3 A I guess so, I don't know. I don't know if I
4 intended to go in the house.

5 I intended to make it stop.

6 Q You intended what?

7 A I intended to make it stop. I wanted it to
8 stop screaming.

9 Q You wanted it, the screaming, to stop?

10 A Yes.

11 Q The screaming was annoying you.

12 MR. BUGLIOSI: Argumentative, your Honor.

13 THE COURT: Sustained.

14 BY MR. KANAREK:

15 Q Now, was the screaming annoying you, Mrs.
16 Kasabian?

17 A I don't understand what you mean "annoying" me.

18 Q You were hearing screams here. Were the
19 screams annoying you?

20 A I still don't understand.

21 Q That question is not clear to you?

22 A No.

23 Q Do you know what the word annoying means?

24 A Bother.

25 Q Yes.

26 A Would you repeat your question.

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Q Do you know what the word annoy means?

A Yes.

Q And was the screaming that you heard, was it annoying you?

A I guess so, yes.

Q It was bothering you to hear those screams?

A Yes.

Q Is that correct?

A Yes.

Q And so your intent was to go inside the house, is that right?

A I guess so. I don't remember that thought entering my head.

Q And when you came to the door, when you came to the door there was someone at the door, is that right?

A I did not go to the door.

Q Pardon?

A I did not go to the door.

Q Well, you came close to the doorway, to the area of the doorway?

A Yes.

Q And when you got to the area of the doorway there was a person standing there?

A Yes.

Q Is that right?

A Yes.

5-3

1 Q And this person appeared to you -- that person
2 was alive, is that correct?

3 A Yes.

4 Q That person was breathing?

5 A Yes.

6 Q And did that person appear to be wounded to
7 you?

8 A Yes.

9 Q In what way was that person wounded?

10 MR. STOVITZ: Your Honor, again I would like to call
11 attention to the fact that for none of these questions do
12 we have to be present at the board.

13 These questions could have been properly
14 asked, and they were asked at the witness stand three
15 days ago.

16 I object to remaining here at the blackboard
17 if it is not necessary.

18 MR. KANAREK: If your Honor wishes we can go back
19 and forth. I am trying to do this as expeditiously as
20 possible, your Honor.

21 MR. STOVITZ: I don't think so, your Honor.

22 THE COURT: If you have any questions regarding
23 the diagram, Mr. Kanarek, let's get to them.

24 The witness may then resume the witness
25 stand.

26 MR. KANAREK: Well, your Honor, I have to integrate

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1 the question --

2 THE COURT: All right.

3 MR. KANAREK: There has to be continuity.

4 BY MR. KANAREK:

5 Q Now, you saw this person standing at the
6 door.

7 Did you say the person appeared to be wounded?

8 A Yes.

9 Q And would you tell us where? Would you tell
10 us in what way the person appeared to be wounded?

11 A He had blood on his face.

12 Q And you have seen blood before in your life,
13 is that correct?

14 A Yes.

15 Q And the person was standing up, right?

16 A Yes.

17 Q He was standing on his two feet?

18 A He was leaning against a pole.

19 Q I see, and was there anyone other than you --
20 let me withdraw that.

21 How close were you to this person?

22 A I don't know, not very.

23 Q How many feet?

24 A I can't relate it in feet.

25 Q How far away with respect to --

26 A Maybe from here to where my attorneys are,

1 about that far.

2 Q The distance between yourself and your
3 attorneys?

4 MR. STOVITZ: Stipulate to being between 12 and 18
5 feet, Counsel, or do you think it is more than that?

6 MR. KANAREK: That seems reasonable, your Honor.
7 BY MR. KANAREK:

8 Q Would you put a mark on the diagram as to
9 where the person was that you saw, the person with the
10 blood on his face.

11 (Witness complies.)

12 A He was leaning against the pole. There is
13 nothing here to indicate a pole.

14 Q Well, you draw a circle.

15 MR. KANAREK: May she draw a circle, your Honor,
16 and may we label that "Pole"?

17 THE COURT: Very well.

18 THE WITNESS: Right there.

19 BY MR. KANAREK:

20 Q Would you draw an arrow from that.

21 MR. STOVITZ: Your Honor, if the Court would supply
22 us with a red Crayon I think it would show up a lot
23 better than the blue pen she is using, because the diagram
24 is drawn mostly in blue.

25 May we substitute a red Crayon here, Counsel?

26 MR. KANAREK: No problem.

(Red Crayon supplied to the witness.)

BY MR. KANAREK:

Q And the person -- could you lift that up
(referring to microphone) -- would you write the word
M, or the letter M -- that was the man at the pole, is
that correct?

A Yes.

Q Would you put the letter "M" under the word
"Pole"?

MR. BUGLIOSI: There is confusion here, your Honor.

Are you saying the man is where you have
written pole or is the man where you have a circle?

MR. KANAREK: If he has an objection to the question
he can address the Court, if he does, your Honor.

MR. BUGLIOSI: There is an obvious -- there is an
obvious confusion here, and I think it is precipitated
by his line of questioning.

THE COURT: I suggest you complete this questioning
at the diagram very shortly. We have too many technical
problems testifying over there.

It cannot be seen, for one thing, by the jury
at that distance.

MR. KANAREK: That is why I was asking we go to
the Tate residence, your Honor.

THE COURT: All right, sir, get on with your
examination.

1 MR. KANAREK: Your Honor, may I have the pictures
2 of the Tate residence, since your Honor says --

3 MR. BUGLIOSI: Before we go any further, your Honor,
4 I think there should be some clarification as to the markings
5 she made on People's 8 here.

6 THE COURT: Let the witness identify it.

7 MR. KANAREK: Mr. Bugliosi will be able to interrogate,
8 your Honor.

9 THE COURT: I want you to identify it first, Mr.
10 Kanarek, since your question called for the mark.

11 MR. KANAREK: Yes.

12 THE COURT: What is it?

13 MR. KANAREK: The "M", your Honor? The "M" is
14 intended to indicate that there was a person, a male
15 person standing next to the pole that she has drawn on
16 the diagram, or where she has indicated the circle as the
17 pole.

18 MR. BUGLIOSI: I would ask Mr. Kanarek to ask her if
19 the "M" here stands for a man next to where she has
20 written p-o-l-e, or next to where she made a circle.

21 It is completely ambiguous.

22 MR. KANAREK: Then he can object to the question if
23 it is ambiguous.

24 THE COURT: All right, Mrs. Kasabian, resume the
25 witness stand.

26 Ladies and gentlemen, do not converse with

1 anyone nor form or express any opinion regarding the case
2 until it is finally submitted to you.

3 The court will recess for 15 minutes.

4 (Recess.)
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1 THE COURT: All parties, counsel and jurors are present.
2 You may proceed, Mr. Kanarek.

3 Q BY MR. KANAREK: Mrs. Kasabian, when you saw
4 this man that was wounded, he just appeared to have blood
5 on his face?

6 A Yes.

7 Q Right?

8 A Yes.

9 Q And you saw that -- what did you do just after
10 you saw him?

11 A I stood there -- I don't know how long it took,
12 not very long, I guess, and he fell down -- and then Sadie
13 came running out and we had a conversation.

14 MR. KANAREK: I am asking what you did.

15 May that be stricken as not responsive?

16 THE WITNESS: I just stood there.

17 THE COURT: Let's hear the answer. Read the answer.

18 (Whereupon, the reporter reads the answer as
19 follows:

20 "A I stood there -- I don't know
21 how long it took, not very long, I guess, and
22 he fell down -- and then Sadie came running
23 out and we had a conversation."

24 THE REPORTER: The witness then said, "I just
25 stood there.")

26 Q BY MR. KANAREK: And as you stood there and saw

5a2

1 this man wounded did any words come out of your mouth?

2 MR. STOVITZ: That has been asked and answered, your
3 Honor, on three occasions on cross-examination, and I
4 submit that it is tedious at this time.

5 THE COURT: overruled, you may answer.

6 THE WITNESS: No, nothing came from my mouth.

7 Q BY MR. KANAREK: You said nothing, right?

8 A Yes.

9 MR. STOVITZ: That is not what she said. She said
10 nothing came from her mouth.

11 On three previous occasions she said she did
12 say something but not out loud.

13 THE COURT: That is not necessary, Mr. Stovitz.

14 The jury will disregard that remark.

15 We have the answer. Let's go to the next
16 question.

17 Q BY MR. KANAREK: So in fact you said nothing,
18 is that right, Mrs. Kasabian?

19 A Yes.

20 Q No words came out of your mouth?

21 A Yes.

22 Q And at this time as far as what you are relating
23 to us, it was perfectly clear in your mind, there is no
24 question about what you are telling us now, your mind was
25 not befuddled by anything?

26 A No.

5a3

1 Q Is that right?

2 A Right.

3 Q And what you were doing at that time you were
4 doing of your own free will; you were not under anybody's
5 spell, were you?

6 A No.

7 Q As you stood there on the lawn, or in the area
8 of the Tate residence?

9 A No.

10 Q What do you mean by no?

11 A I was not under anybody's spell.

12 Q And directing your attention then to your state
13 of mind and your acting, doing things under anyone else's
14 spell, is it a fair statement that at no time, at no time
15 that evening were you under anybody's spell?

16 MR. BUGLIOSI: Your Honor --

17 Q BY MR. KANAREK: Is that a fair statement,
18 Mrs. Kasabian?

19 MR. BUGLIOSI: I object on the ground that "spell"
20 is too ambiguous.

21 THE COURT: Sustained.

22 Q BY MR. KANAREK: Well, do you know, Mrs.
23 Kasabian, do you know the word "spell" as it was used in
24 the last question?

25 A Yes, I think so.

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1 Q Then, Mrs. Kasabian, looking at what
2 occurred that first night, is it a fair statement that you
3 were not under anybody's spell?

4 MR. BUGLIOSI: Object again, your Honor.

5 THE COURT: Sustained.

6 Q BY MR. KANAREK: You were acting, the first
7 night, is it a fair statement, you were acting freely and
8 voluntarily, on your own; is that correct?

9 MR. BUGLIOSI: I will object again. Freely and
10 voluntarily what? That she had the physical capacity to
11 move from Point A to Point B? Or was she under anyone's
12 influence?

13 I don't know what that language means.

14 THE COURT: Do you understand the question?

15 THE WITNESS: Not now I don't.

16 THE COURT: Objection sustained. Reframe your
17 question.

18 Q BY MR. KANAREK: That evening, the first night,
19 what you call the first night, Mrs. Kasabian, everything
20 that you did you did because you wanted to do what, in
21 fact, you did; is that correct?

22 A Yes, I guess so.

23 Q Now, directing your attention to Mr. Watson.
24 Is it a fair statement, Mrs. Kasabian, that you, at no time,
25 saw or heard Mr. Manson give any specific orders to
26 Mr. Watson?

1 A No.

2 Q Is that correct?

3 A Yes.

4 Q Just so we have it clear. Did you ever see
5 Mr. Manson present with Mr. Watson at a time when Mr. Manson
6 gave any orders or instructions to Mr. Watson?

7 MR. BUGLIOSI: I object, your Honor, on the grounds
8 it is ambiguous. What night? The night of August the 9th
9 or the night of August the 10th?

10 MR. KANAREK: Any night, your Honor.

11 THE COURT: Overruled.

12 You may answer.

13 THE WITNESS: Well, that night.

14 MR. KANAREK: Q I am talking -- pardon me, let me
15 withdraw that. I will withdraw the question.

16 Directing your attention to August the 9th and
17 August the 10th, did you see Mr. Manson in the presence of
18 Mr. Watson give Mr. Watson any instructions?

19 A Is this the first night?

20 Q Let's call it the first night and the second
21 night.

22 Did you, at any time, see Mr. Watson in the
23 presence of Mr. Manson when Mr. Manson gave any instructions
24 to Mr. Watson?

25 A Yes.

26 Q You did?

1 A Yes.

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

3 THE COURT: You may.

4 (Mr. Kanarek shows the document to Mr. Bugliosi
5 and Mr. Stovitz.)

6 MR. KANAREK: Q Mrs. Kasabian, I show you a
7 piece of paper that appears to be handwritten. It appears
8 to be a copy of a handwritten page.

9 Does that appear to be your writing?

10 A Yes.

11 Q Would you look at the first three lines at the
12 top of that page.

13 Did you write those lines?

14 A Yes.

15 Q Did you write those lines since you have been
16 in custody?

17 A Yes.

18 Q Did you write: "I have looked back and remember
19 all that I have written, and I can't rightly recall any
20 specific orders given to Tex by Charlie"?

21 A Yes.

22 Q Did you write that?

23 A Yes, I did.

24 Q So, you came to the Tate residence on your own,
25 doing your own thing, so to speak.

26 Do you know that expression, doing your own
thing?

A Yes, I know the expression.

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1 Q And when you were there that night, you were
2 doing your own thing as far as what you did; is that
3 correct?

4 A Yes, I guess so.

5 Q Pardon?

6 A Yes.

7 Q And on the second night, on the second night
8 when you went out, after having seen everything on TV
9 that you saw and having witnessed what you saw the first
10 night, when you were out that night you were doing your
11 own thing as far as you were concerned; is that correct?

12 A I didn't want to go.

13 Q Pardon?

14 A I didn't want to go the second night.

15 Q You didn't want to go?

16 A Right.

17 Q But whether you wanted to go or you didn't
18 want to go --

19 A I had no choice.

20 Q Pardon?

21 A I had no choice.

22 Q You had no choice?

23 A Yes.

24 Q The second night you were not doing your own
25 thing?

26 A No.

6a-2

1 Q You were forced to go?
2 A Not physically, no.
3 Q You were forced to go mentally?
4 A Yes, I'd say.
5 Q And you were forced to go mentally because
6 you were exhausted; is that right?
7 A I don't understand.
8 Q Well, you were forced to go mentally. What
9 force, what mental force, was used upon you?
10 A Charlie told me to do something, and you don't
11 tell Charlie no.
12 Q What is that?
13 A Charlie told me to do something and you never
14 tell Charlie no, you do it.
15 Q You do it?
16 A Yes.
17 Q So, the first night you were completely on
18 your own doing your own thing, without anybody telling
19 you what to do; is that right?
20 A Well, Charlie told me to go with Tex, but I
21 was still on my own more or less.
22 Q You were on your own the first night?
23 A More or less, yes.
24 Q The second night you weren't on your own?
25 A No, not really.
26 Q I see.

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1 And in your mind, on the second night, you
2 were there because of some strange force that was exerted
3 over you; is that correct?

4 A If you want to call Charlie's force strange,
5 yes.

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1 Q Well, what about Tex's force?

2 A Tex didn't tell me to do anything that night.

3 Q Tex did not tell you to do anything that
4 night?

5 A Uh-huh.

6 Q Now, when you were under this force, the second
7 night, were you exhausted, were you tired?

8 A Yes.

9 Q I see, and would you tell us your state of
10 mind, what was going on in your mind such that you were
11 so pliable that you did what Charlie told you to do?

12 MR. STOVITZ: That is objected to as ambiguous and
13 unintelligible, your Honor.

14 THE COURT: Sustained.

15 BY MR. KANAREK:

16 Q Well, directing your attention to the second
17 night, Mrs. Kasabian, you state that -- were you able to
18 get out of the car on your own?

19 A Yes.

20 Q And were you able to walk around on your own?

21 A Yes.

22 Q And were you able to find the place to place
23 the wallet in the lady's room on your own?

24 A No, I was given directions.

25 Q Pardon?

26 A I was given directions.

1 Q You were given directions?

2 A Yes.

3 Q But you were able to move in there and lift
4 the top of the toilet bowl and put the wallet in there?

5 A Yes.

6 Q You were able to do all that on your own?

7 A Yes.

8 Q So, as far as your thinking was concerned, you
9 were under your own steam, so to speak, is that right?

10 A What do you mean --

11 MR. BUGLIOSI: "Steam," your Honor --

12 THE COURT: Sustained.

13 BY MR. KANAREK:

14 Q Has any doctor ever told you you had any
15 mental illness, Mrs. Kasabian?

16 A No.

17 Q Have you been to a doctor to determine whether
18 you had any mental illness?

19 A No.

20 Q So you don't know whether you have or not,
21 is that true?

22 A Medically I don't, but within myself I know
23 I don't.

24 Q Pardon?

25 A Medically I don't know if I would be
26 categorized as mental, but within my own self I don't

1 feel that I am.

2 Q You don't feel that you are mentally ill?

3 A No.

4 Q You don't feel that you are?

5 A No.

6 Q I mean, taking all these drugs and all the
7 LSD and the peyote and the smoking marijuana thousands
8 of times, you don't feel you are mentally ill?

9 MR. BUGLIOSI: She never testified she smoked mari-
10 juana thousands of times.

11 MR. KANAREK: Counsel does not remember the record.
12 The record reveals that this witness has testified she's
13 taken marijuana thousands of times.

14 THE COURT: Let's proceed.

15 MR. KANAREK: May we have an answer to the question,
16 your Honor?

17 THE COURT: Do you understand the question?

18 THE WITNESS: I forgot it.

19 MR. KANAREK: May it be read?

20 THE COURT: You'd better reframe it, Mr. Kanarek.

21 BY MR. KANAREK:

22 Q Do you feel, Mrs. Kasabian, directing your
23 attention to the LSD that you have taken, the hash that you
24 have taken, peyote, smoked marijuana thousands of times,
25 you feel that none of this is any indication as far as you
26 are concerned that you have any mental illness?

1 A No.

2 Q When you say no, exactly what do you mean?

3 A I don't feel that it's made me ill, my smoking
4 pot and taking acid.

5 Q You mean it has not made you mentally ill?

6 A Right.

7 Q So then, directing your attention, Mrs. Kasabian,
8 to the second night --

9 A Uh-huh.

10 Q -- were you mentally ill on the second night?

11 A No.

12 Q And everything you did and thought on the second
13 night you did and thought on your own, right?

14 A No.

15 Q Well, did anybody else -- was there anybody
16 else inside your skull, so to speak?

17 A No, but you said when I did -- well, when I was
18 taking lefts and rights, I didn't do it until someone
19 told me to.

20 Q When you took lefts and rights?

21 A When I was driving the car, yes.

22 Q But as far as turning the wheel is concerned
23 and all of that, your mind told your hands, and your feet,
24 to move and do whatever was necessary to move the car?

25 A Yes.

26 Q Is that correct?

1 A Yes.

2 Q And while you were in that automobile you did
3 everything that you did on your own, by yourself?

4 A As far as operating the automobile?

5 Q Yes.

6 A Yes.

7 Q Now, when your attorneys told you not to talk
8 to me, for instance, do you remember saying that your
9 attorney told you that?

10 A Yes.

11 Q Now, are you under the domination of your
12 attorneys?

13 MR. BUGLIOSI: Argumentative, your Honor, calls for
14 a conclusion.

15 THE COURT: Sustained.
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1 Q BY MR. KANAREK: Well, was that -- when you
2 decided not to talk to me, was that your will or was that
3 your attorney's will speaking?

4 A He made a suggestion and then I agreed to it.

5 Q He made the suggestion?

6 A Yes.

7 Q I see, so that he spoke with you and suggested
8 that you don't speak to me, and you did what he suggested?

9 A Yes.

10 Q The same with Mr. Fitzgerald and Mr. Hughes and
11 Mr. Shinn?

12 A Yes.

13 Q Right? He suggested that?

14 A Yes.

15 Q Is that correct?

16 A Yes.

17 MR. BUGLIOSI: Your Honor, for clarification
18 purposes, we are referring to an attorney. I think the
19 record should indicate who this attorney is.

20 THE COURT: I think it should.

21 MR. KANAREK: Certainly, your Honor.

22 Q BY MR. KANAREK: What attorney are you referring
23 to that suggested to you that you not speak with Mr.
24 Fitzgerald, Mr. Hughes, Mr. Shinn and myself?

25 A Both of my attorneys, Mr. Fleischman and
26 Mr. Goldman.

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1 Q From time to time they have told you this, is
2 that correct?

3 A Yes.

4 Q They have told you this on more than one
5 occasion?

6 A Yes.

7 Q Told you this on maybe more than ten occasions?

8 A I don't know how many times.

9 Q Maybe 20 occasions?

10 A I don't know how many times.

11 Q Now, then, when you followed this suggestion,
12 as far as your state of mind is concerned, were you following
13 the will of Mr. Goldman and Mr. Fleischman or were you
14 following your own will?

15 MR. BUGLIOSI: Ambiguous question.

16 MR. STOVITZ: "Both"?

17 THE COURT: Sustained.

18 Q BY MR. KANAREK: On the second night,
19 Mrs. Kasabian, the second night, directing your attention
20 to the things that you had on your person, Mrs. Kasabian,
21 did you take those things and go into the La Bianca house,
22 Mrs. Kasabian?

23 A No, I did not.

24 Q How do you know my question until I finished
25 it?

26 MR. STOVITZ: You dropped your voice, Counsel, the

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1 record is quite clear that that was your question.

2 MR. KANAREK: I defy Mr. Stovitz to show how the
3 record indicates I dropped my voice.

4 MR. STOVITZ: Two normal persons thought you did.

5 THE COURT: Enough colloquy, let's proceed.

6 Q BY MR. KANAREK: When you left the Tate
7 residence, Mrs. Kasabian, you had those thongs on your
8 person, right?

9 MR. STOVITZ: Now just a moment, your Honor, this is
10 another example -- counsel says "on the second night you
11 leave the Tate residence," is this an attempt to confuse the
12 witness or is this serious cross-examination?

13 MR. KANAREK: Is counsel trying to clue this witness
14 in?

15 MR. STOVITZ: No, I'm not trying to clue. I'm trying
16 to get truth in cross-examination.

17 MR. FITZGERALD: Object to Mr. Stovitz's questions.
18 They are totally improper.

19 THE COURT: Approach the bench, Counsel.

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

22 THE COURT: All right, now, Mr. Stovitz, you are
23 asking for this. You are asking for this colloquy, not
24 that it justifies what Mr. Kanarek is saying in response,
25 but you are inciting him to these responses, which are
26 understandable in the heat of battle, when one counsel says

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1 something that incites another; then it triggers off a
2 whole chain reaction of -- I don't say any of it is justifi-
3 fied, but the same rules apply to you as apply to
4 Mr. Kanarek and all other counsel. When you make remarks
5 like that in front of the jury, that are not legal
6 objections or motions.

7 MR. STOVITZ: He starts off the second night, and
8 then he says in the Tate residence.

9 THE COURT: He is entitled to try to --

10 MR. STOVITZ: -- trick the witness? I don't think
11 so.

12 THE COURT: Not trick, but he is entitled to bring
13 out any inconsistencies that he can, and the fact that he
14 changed questions on her, there is nothing wrong with that.
15 That is something you can bring out on redirect.

16 MR. STOVITZ: Something we can argue to, your Honor.

17 THE COURT: Absolutely.

18 MR. STOVITZ: Thank you very much, your Honor.

19 THE COURT: All right, gentlemen, let's proceed.
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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 THE COURT: You may proceed, Mr. Kanarek.

6 MR. KANAREK: Yes, your Honor.

7 Q Mrs. Kasabian, directing your attention to the
8 things. At the Spahn Ranch were there many garments that
9 had thongs?

10 A I don't understand. Garments?

11 Q You don't know what a garment is?

12 A I know what a garment is. I don't know what you
13 are asking me.

14 Q May I have a moment, your Honor?

15 (Mr. Kanarek gets an exhibit from the clerk.)

16 MR. KANAREK: Q I have here, Mrs. Kasabian,
17 Exhibit No. 75; right?

18 A Yes.

19 Q Do you call this a leather thong?

20 A Yes.

21 Q And this appears to be about the size of the
22 leather thong that you had on your person?

23 A I don't know. It was rolled up. I didn't un-
24 roll it.

25 Q Pardon?

26 A It was rolled up and I didn't unroll it, so I

1 don't know what size it was.

2 Q You say you didn't unroll it?

3 A Yes.

4 Q I am not asking you whether you unrolled it. ✓
5 Does this appear to be it?

6 A I don't know.

7 Q Let's roll it.

8 Now, rolled up, does it appear to be the
9 leather thong that you had on your person?

10 A Possibly, yes.

11 Q When you had this leather thong on your person,
12 you knew that you were going out on a creepy crawl mission;
13 is that correct?

14 MR. BUGLIOSI: I object, your Honor. What night is
15 he talking about again?

16 THE COURT: Sustained.

17 Q BY MR. KANAREK: Mrs. Kasabian, on the second
18 night, Mrs. Kasabian, you knew you were going out on a
19 creepy crawl mission; is that correct?

20 A No.

21 Q Pardon?

22 A No.

23 Q That isn't correct?

24 A Right.

25 Q On the second night, you had this leather thong
26 on your person; right?

1 A Yes.

2 Q What did you intend to do with this leather
3 thong?

4 MR. BUGLIOSI: Assumes a fact not in evidence, your
5 Honor, that she intended to do anything with it.

6 THE COURT: overruled.

7 You may answer.

8 THE WITNESS: I don't know. It was handed to me and
9 someone told me to keep it in my pocket, and I did. ↑ ↑

10 MR. KANAREK: Q Someone told you to keep it in
11 your pocket?

12 A Yes.

13 Q Who told you?

14 A Charlie did.

15 Q Someone or Charlie?

16 A Charlie did.

17 Q Now it is Charlie?

18 MR. BUGLIOSI: That is argumentative, your Honor.

19 THE COURT: overruled.

20 THE WITNESS: Yes.

21 MR. KANAREK: Q And you went to the house near the
22 La Blancas?

23 A Yes.

24 Q Is that right?

25 A We parked.

26 Q Pardon?

1 A Excuse me. Would you say it again?

2 Q You went to the house adjacent to the
3 La Blancas?

4 A No, I didn't go to any house.

5 Q Well, in any event, Mrs. Kasabian, did you
6 enter the La Bianca house, Mrs. Kasabian, and tie up
7 someone with this leather thong?

8 A No, I did not.

9 Q You did not? Your mind is clear about that?

10 A I am very positive.

11 Q Pardon?

12 A I am very positive.

13 Q You are very positive?

14 A Yes.

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1 Q When did you first miss the leather thong,
2 Mrs. Kasabian?

3 A I don't know if I missed it. It may have been
4 in my pocket all night.

5 I never paid attention to it. My attention
6 was never directed to it after it was given to me.

7 Q I see.

8 Now, on how many different occasions have you,
9 while in the County Jail, written notes for Mr. Bugliosi?

10 A How many occasions?

11 Q Yes.

12 A I don't know. A few.

13 Q Well, would you tell us on what dates you
14 wrote the notes for Mr. Bugliosi?

15 A I don't know.

16 Q Do you know how many sheets of paper, altogether,
17 you wrote for Mr. Bugliosi?

18 A I don't know the exact number, but quite a
19 few.

20 Q And was this done at the suggestion of your
21 attorneys?

22 MR. GOLDMAN: Objection, your Honor. This calls
23 for privileged communications.

24 THE COURT: Sustained.

25 BY MR. KANAREK:

26 Q Was this done at the suggestion of Mr. Bugliosi?

8a-2

1 A Yes.

2 Q But you don't know the total number of pages
3 that you wrote?

4 A No.

5 Q Now, after you saw this tall man at the Tate
6 residence, did you look through a window?

7 A No.

8 Q In the Tate residence?

9 A No.

10 Q On how many different occasions did you look
11 through a window or windows in the Tate residence?

12 A When Tex was at the window cutting the screen,
13 after I had come back from behind the house, I glanced
14 through the window.

15 Q And what was going through your mind?

16 What did you think the reason was that Tex
17 was cutting the screen?

18 MR. BUGLIOSI: That calls for a conclusion, your
19 Honor.

20 THE COURT: Overruled.

21 THE WITNESS: To climb in the window.

22 BY MR. KANAREK:

23 Q And at that time, Tex had a knife on him;
24 is that right?

25 A I think so. I am not sure what he was cutting
26 with.

8a-3

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Q Pardon?

A I am not sure what he was cutting the screen with.

Q And at that time, Tex had a gun; is that correct?

A I guess so. I didn't see it.

Q Well, after the person had been shot four times, you say by Mr. Watson, what did Mr. Watson do with the gun?

A I don't know.

Q Well, would you step to this diagram as it is now positioned, Mrs. Kasabian.

May I approach the witness now?

Mrs. Kasabian, would you hold up this leather thong? Would you hold that for me, please.

Now, Mrs. Kasabian, would you just hold this leather thong out like this.

Have you ever held a leather thong before?

A Sure.

Q Have you ever held a leather thong like that in your hand before?

A No, not that I recall.

MR. STOVITZ: I can't hear the witness.

THE WITNESS: Not that I recall.

MR. KANAREK: Pardon?

THE WITNESS: Not that I recall.

8a-4

BY MR. KANAREK:

Q Have you ever tied anything up with a leather thong?

A Shoes.

Q Pardon?

A Shoes.

Q You have tied shoes with a leather thong?

A Yes.

8b fls.

8b-1

1 Q Now, have you tied anything else up with a
2 leather thong?

3 A I used to use leather thongs to tie up pieces
4 of leather for clothing.

5 Q Would you speak up? I am sorry?

6 A I used to take leather thongs and tie two
7 pieces of leather together for clothing.

8 Q And it is a fair statement that before you came
9 to the Spahn Ranch you were familiar with leather thongs?

10 A Yes.

11 Q Is that correct?

12 A Yes.

13 Q And you have, from time to time, used leather
14 thongs long before you ever saw Mr. Manson?

15 A Yes.

16 Q Is that correct?

17 A Uh-huh, yes.

18 Q Now, on the night that these events occurred
19 at the Tate residence, Mrs. Kasabian, did you have a
20 leather thong on your person that you intended to use to
21 tie someone up, one or more persons up, in the Tate
22 residence?

23 A No.

24 Q You had no leather thong on your person the
25 first night?

26 A No.

8b-2

1 Q You are sure of that?

2 A I am positive.

3 Q While you were at the Spahn Ranch, Mrs. Kasabian, did you use leather thongs from time to time for --

4 MR. STOVITZ: That is objected to as being immaterial.

5 THE COURT: All right. Resume the stand.

6 The examination now doesn't pertain to the
7 diagram.

8 MR. KANAREK: Yes, it does, your Honor.

9 THE COURT: You haven't asked any questions yet
10 that pertain to the diagram.

11 Let's get on with the examination.

12 MR. KANAREK: May I at this time?

13 THE COURT: Are you going to start now?

14 MR. KANAREK: Yes.

15 THE COURT: All right.

16 MR. KANAREK: May I have an answer to that last
17 question, your Honor?

18 MR. STOVITZ: She has answered the question, that
19 she used leather thongs at the Spahn Ranch from time to
20 time, and I object to further questions on that as
21 immaterial and irrelevant.

22 THE COURT: Did you understand the question, Mrs.
23 Kasabian?

24 THE WITNESS: No, I didn't.

25 THE COURT: Reframe the question.
26

1 BY MR. KANAREK:

2 Q While you were at the Spahn Ranch, Mrs. Kasabian,
3 you did use leather thongs for various purposes; is that
4 correct?

5 A I can't think of anything offhand.

6 Q Now, directing your attention to the window
7 you looked through when you say Tex was cutting the screen.

8 Would you show us where that window is?

9 A It is hard to tell on the diagram.

10 MR. KANAREK: May I have the exhibits, your Honor?

11 THE COURT: Yes, Mr. Kanarek. All you have to do
12 is ask for them.

13 MR. KANAREK: Thank you, your Honor.

14 THE CLERK: Which ones do you want, Mr. Kanarek?

15 MR. KANAREK: The photos of the house exhibits.

16 (The Clerk hands some documents to Mr.
17 Kanarek.)

18 MR. KANAREK: No, the smaller ones.

19 THE CLERK: You will have to give me the numbers.

20 THE COURT: You decide what you want and they will
21 be made available.

22 MR. GOLDMAN: Your Honor, may the witness resume
23 her seat at the witness stand if he is going to go into
24 photographs?

25 THE COURT: Resume the witness stand.

26 MR. KANAREK: I want to orient the pictures with

1 the diagram, your Honor.

2 THE COURT: In the meantime, Mrs. Kasabian will sit
3 down.

4 (Mr. Kanarek, the Clerk and Mr. Stovitz confer,
5 and certain photographs are produced for Mr. Kanarek.)
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1 MR. KANAREK: May I approach the witness, your
2 Honor?

3 THE COURT: You may.

4 MR. KANAREK: Or may the witness approach the
5 diagram?

6 THE COURT: You may show her the photographs at the
7 witness stand.

8 MR. KANAREK: Very well.

9 Q Mrs. Kasabian, I show you this picture which
10 is Exhibit No. 26.

11 Would you take that, please? Would you hold
12 that picture, please?

13 (The witness holds the photograph.)

14 MR. KANAREK: Q Now, does that appear to be the
15 screen that Tex was cutting?

16 A Yes.

17 Q I show you a picture of a house, Exhibit No. 4,
18 and ask you: Does that appear to be --

19 A Yes.

20 Q -- the house?

21 A Yes.

22 Q Directing your attention to the lighting,
23 Mrs. Kasabian, was there any light in the grassy area?

24 A I don't understand.

25 Q Was there any light, artificial light?

26 A Not that I remember.

3-2

1 Q That lighted up the grassy area?

2 A No, not that I remember.

3 Q And the only light that you saw was the light
4 that came from inside the house; is that correct?

5 A Yes. There was a light on when the door was
6 opened.

7 Q And there was light visible at the window that
8 Tex was working at; is that correct?

9 A No, I don't think there was.

10 Q There was no light at the window where Tex
11 was working?

12 A No.

13 Q Now, when the door opened up, directing your
14 attention to the hedge, would you tell us, would you show
15 us on this picture that is Exhibit No. 4, would you show
16 us on this picture where the man was that you say was
17 bleeding?

18 A Right here. (Indicating).

19 MR. STOVITZ: May that be marked with an X, Counsel?

20 MR. KANAREK: Yes.

21 MR. BUGLIOSI: I object to the question on the
22 ground that it is ambiguous. Bleeding at what time, your
23 Honor?

24 I believe on direct examination she testified
25 that he fell into the bushes and then got up and moved some-
26 where else. So, the question is ambiguous and, conse-
quently, the marking on that exhibit would not be

8c3

1 accurate.

2 THE COURT: Do you understand the question,
3 Mrs. Kasabian?

4 THE WITNESS: No, not now.

5 THE COURT: Reframe the question.

6 MR. KANAREK: Q Mrs. Kasabian, at the time when
7 you saw the man emerge from the door, at that time you say
8 you saw him bleeding?

9 A Yes.

10 Q Would you show us on this picture, Exhibit No.
11 4, would you show us where he was?

12 MR. BUGLIOSI: Again I object. Where he was when?
13 When he first came out of the door? or later on when Tex
14 was stabbing him? I don't know and I can't tell by the
15 question, and I don't think the witness can.

1 THE COURT: I think you should clarify it, Mr.
2 Kanarek.

3 MR. KANAREK: Very well.

4 Q BY MR. KANAREK: At the time, Mrs. Kasabian,
5 when a man came out of the door bleeding, would you show us
6 on the picture where you saw him?

7 (Witness complies.)

8 Would you mark it?

9 MR. BUGLIOSI: At what time, right after he came out
10 of the door or when, later on?

11 THE COURT: He said at the time, I think the question
12 is clear.

13 Do you understand it now, Mrs. Kasabian?

14 THE WITNESS: Yes.

15 THE COURT: All right.

16 THE WITNESS: Right here.

17 MR. KANAREK: Your Honor, the witness has put an
18 X on that picture. I think that will -- do you want to put
19 an X and a circle around it?

20 MR. BUGLIOSI: May the photograph, your Honor,
21 reflect on the photograph what that X means? Three months
22 from now when the jury looks at that X it has absolutely
23 no significance whatsoever.

24 MR. KANAREK: I have no objection to the witness
25 putting down --

26 MR. BUGLIOSI: Would you like to put down "where

1 Mr. Frykowski was when he came outside the door?"

2 MR. KANAREK: Your Honor, I have no objection to the
3 witness putting it down. Do you want to put an F there?

4 MR. BUGLIOSI: F could stand for many things.
5 Folger's name starts with an F, too.

6 MR. KANAREK: Your Honor, I take my directions from
7 the Court.

8 THE COURT: Mark it Frykowski.

9 THE WITNESS: How do you spell it?

10 MR. KANAREK: I think it's going to use up a lot of
11 space on the picture.

12 MR. STOVITZ: We can mark it VF. I don't think
13 Folger's first name begins with a V.

14 MR. BUGLIOSI: May it be written right on the docu-
15 ment or photograph where Mr. Frykowski was when Mrs.
16 Kasabian first saw him?

17 MR. KANAREK: We will run out of space on the picture.

18 THE COURT: I don't think that is necessary. Mark
19 the photograph and get on with something else.

20 MR. KANAREK: May we mark a VF?

21 THE COURT: Very well, mark it so it is clearly
22 legible.

23 MR. KANAREK: Your Honor, I move this be offered into
24 evidence so it can be distributed to the jurors as we
25 speak.

26 MR. STOVITZ: No objection, your Honor.

1 THE COURT: Any other counsel object?

2 (No response.)

3 THE COURT: There being no objection, this is
4 People's 4?

5 MR. STOVITZ: Yes, your Honor.

6 THE COURT: It will be received in evidence.

7 MR. KANAREK: May I hand it to the jurors?

8 THE COURT: Yes, they may see it.

9 (Pause while jurors examine the exhibit and
10 then return it.)

11 Q BY MR. KANAREK: Now, at the time, Mrs. Kasabian,
12 that you saw the man that you say was bleeding at the
13 pole, would you show us on this picture where you were?

14 A About right in here.

15 Q All right, would you put -- would you put --
16 You were heading towards the house, is that
17 correct?

18 A I guess so.

19 Q Pardon?

20 A I guess so.

21 MR. KANAREK: Your Honor, may I write the letters
22 LK, with an arrow in the direction of the house?

23 THE COURT: Yes, put a circle to indicate the
24 position, and an arrow to indicate the direction, with
25 the initials LK.

26 MR. KANAREK: Thank you, I will put a circle and then

1 LK in the circle and then an arrow.

2 THE COURT: Does the circle now correctly depict the
3 location where you were, Mrs. Kasabian?

4 THE WITNESS: I think so, yes.

5 Q BY MR. KANAREK: Now, that time when you were
6 heading towards the house, Mrs. Kasabian, was that at the
7 time after Tex had removed the screen and entered the house?

8 A Yes.

9 Q Pardon?

10 A Yes.

11 Q And that was at a time after Tex had removed
12 the screen and entered the house -- what length of time
13 had elapsed?

14 A I don't know.

15 Q Well, will you give us an estimate of the
16 length of time that elapsed?

17 A A few minutes, I guess.

18 Q Well, would you say 10 minutes, 15 minutes?

19 A No, probably five minutes.

20 Q Now, then, the man who had been at the pole
21 ended up somewhere on the grass, is that correct?

22 A Yes.

23 Q Would you show us, Mrs. Kasabian, on this
24 picture, on Exhibit No. 4, would you show us where the man
25 ended up on the grass?

26 MR. STOVITZ: That is assuming a fact not in evidence,

1 that this picture shows that area, your Honor.

2 I object to the question on that basis.

3 THE COURT: Can you answer the question by referring
4 to that photograph, Mrs. Kasabian?

5 THE WITNESS: I think so.

6 THE COURT: The objection is sustained.

7 MR. KANAREK: Pardon?

8 THE COURT: The objection is sustained. She apparently
9 is unable to answer the question by reference to that
10 photograph.

11 THE WITNESS: I think so.

12 MR. KANAREK: She said, I think so, your Honor.

13 THE COURT: I misunderstood you, go ahead.

14 THE WITNESS: I would say right at the end of the
15 picture.

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9a-1

1 Q Would you show us where, Mrs. Kasabian?

2 A Right around in this area.

3 MR. KANAREK: Your Honor, may I call that VF-2?

4 THE COURT: Yes.

5 MR. KANAREK: Is this the place, Mrs. Kasabian?

6 THE WITNESS: Yes.

7 MR. KANAREK: I am writing a VF-2, your Honor, and
8 I will put a circle around it.

9 Q That is where -- that is where the man ended
10 up?

11 A Yes.

12 Q Is that correct?

13 A When I saw him, yes.

14 Q Now, directing your attention to the time
15 between the time the man was at the pole, and the man was
16 at VF-2, what time interval was that, Mrs. Kasabian?

17 A It seems to me just a few seconds.

18 Q Pardon?

19 A Just a few seconds.

20 Q A few seconds later he was at VF-2?

21 A Yes.

22 Q And you were where, in connection with this
23 diagram, this picture -- I'm sorry.

24 A Right about in the same spot.

25 Q You were in the same spot?

26 A Yes.

9a-2

1 Q And when Mr. -- or when the man was at VF-2
2 was there any other person immediately adjacent to him or
3 near him?

4 A I don't understand.

5 Q Pardon?

6 A I don't understand what you mean.

7 Q When the man was at VF-2 was there any other
8 person right next to him or near him?

9 A Yes.

10 Q Who was right near him?

11 A Tex.

12 Q And was Tex touching VF-2 -- that is, touching
13 VF, if we call VF the man?

14 A Yes.

15 MR. KANAREK: Your Honor, may I make another circle
16 and call it Tex?

17 THE COURT: You may.

18 MR. STOVITZ: Why don't you let her put in where Tex
19 was, Counsel?

20 MR. KANAREK: No problem.

21 THE WITNESS: What do you mean?

22 BY MR. KANAREK:

23 Q Would you put a circle and then the word
24 "Tex" in the circle as to where Mr. Watson was?

25 A Well, he was on top of him.

26 Q He was on top of him?

9a-3

1 A Yes.

2 Q Well, then, would you put a circle immediately
3 right next to that --

4 MR. BUGLIOSI: Wait a moment now, she said that Tex
5 Watson was on top of Mr. Frykowski; why do you want a
6 circle next to Frykowski's circle?

7 MR. KANAREK: Your Honor, I will let the Court --

8 MR. BUGLIOSI: I object. There is no relevancy.

9 THE COURT: It indicates what the mark means. It
10 does not make any difference if it is immediately adjacent
11 to it.

12 MR. BUGLIOSI: I think the mark will maybe, at least
13 Mr. Kanarek will want it to mean that this was where Tex
14 was, and her testimony is Tex was not where the circle was.

15 MR. KANAREK: It is physically impossible --

16 THE COURT: All right, gentlemen, just draw a line
17 out from the existing circle and mark it Tex.

18 BY MR. KANAREK:

19 Q Now, at that time when Tex and this man were
20 together, Mrs. Kasabian, you were still where it is
21 indicated LK?

22 A Yes.

23 Q Is that right?

24 A Yes.

25 Q Now, you saw Mr. Watson doing something with
26 the physical body of VF after you had seen the blood on

9a-4

1 VF's face, is that correct?

2 A Yes.

3 Q Did you, Mrs. Kasabian, come over and approach
4 the area where Mr. Watson and VF were located?

5 A No.

6 Q Did you come over and try to pull Mr. Watson
7 off of VF?

8 A No.

9 Q You saw Mr. Watson doing what, in connection
10 with the physical body of the person we are calling VF?

11 A Stabbing him.

12 Q Pardon?

13 A Stabbing him.

14 Q You saw him stabbing him?

10 fls.

15 A Yes.

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1 Q How many times did you see Tex stab VF?

2 A I don't know how many times.

3 MR. KANAREK: Excuse me, your Honor. May I get
4 another picture?

5 THE COURT: It is 12:00 o'clock now, Mr. Kanarek.

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

9 The court will recess until 2:00 p.m.

10 (Whereupon at 12:00 o'clock noon the court
11 was in recess.)
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