

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.

56

No. A253156

REPORTERS' DAILY TRANSCRIPT

Friday, August 14, 1970

P. 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:

~~REDACTED~~
RONALD HUGHES, Esq.

For Deft. Krenwinkel:

PAUL FITZGERALD, Esq.

For Linda Kasabian:

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

VOLUME 56

PAGES 7591 to 7691

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

COPY

I N D E XPEOPLE'S WITNESS: DIRECT CROSS REDIRECT RECROSS

KASABIAN, Linda 7659(F)
7661(Shinn)
7667(K)

DEFENDANT MANSON'S:

MARSH, Jon Hyden 7594(K) 7622(St) 7648(K) 7650(St)
7639(F)
7639(Sh)
7644(St)

E X H I B I T SPEOPLE'S: FOR IDENTIFICATION IN EVIDENCE

97-A - Photograph 7632
97-B - Photograph 7632
97-C - Photograph 7633
97-D - Photograph 7633
97-E - Photograph 7634

DEFENDANTS':

I - Photograph
(Out of presence of jury) 7638
I - Photograph
(In presence of jury) 7658
J - Capsule 7641

1 LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 14, 1970

2 2:06 P.M.

3 ---O---

4 (The following proceedings were had with all
5 defendants and counsel present, the jury absent:)

6 THE COURT: All parties and counsel are present.
7 The jury is not present.

8 Are you ready to proceed, Mr. Kanarek?

9 MR. KANAREK: Yes, your Honor.

10 I believe we have a stipulation that as far as
11 the conditional deposition of Mr. Jon Marsh is concerned,
12 the District Attorney and all counsel agree that the
13 foundational requirements required by the Penal Code are
14 waived, and that the testimony of Mr. Marsh may be read to
15 the jury.

16 MR. STOVITZ: Oh, no, no. That is not it.

17 The foundational requirements are waived, and
18 in the event that his testimony is material, it may be
19 read to the jury.

20 MR. KANAREK: I mean subject to the normal, usual
21 objections, as if he were testifying before the jury; but
22 all of the requirements of the Penal Code in connection
23 with the conditional deposition, that is, the notice --

24 MR. STOVITZ: All that is waived.

25 We stipulate that his testimony may be taken
26 out of order, and if it becomes material, relevant and

1 competent, his testimony may be read to the jury.

2 MR. KANAREK: In other words, we will take it up from
3 the reporter's notes as if he were in court, and then it
4 will be deemed that this all took place in the presence of
5 the jury?

6 MR. STOVITZ: Yes.

7 Is that agreeable with the Court?

8 THE COURT: And it will be subject to all objections
9 as to admissibility?

10 MR. KANAREK: Yes, excepting --

11 THE COURT: Except the foundational requirements.

12 MR. KANAREK: That's right. Except as we interrogate
13 here, counsel will be free to make the objections that he
14 would make if the jury were present.

15 MR. STOVITZ: Similar to any deposition, Counsel.

16 MR. KANAREK: Yes.

17 MR. STOVITZ: All right.

18 That is so stipulated, your Honor.

19 THE COURT: Do you waive any objections as to the form
20 of the question?

21 MR. STOVITZ: If the form of the question is
22 objectionable, your Honor, we will object to the form of the
23 question.

24 However, we are not stipulating --

25 THE COURT: I am talking now about the time that it
26 is offered.

1 MR. STOVITZ: Oh, no, your Honor. At the time that
2 it is offered, if it becomes material, we will not
3 object to the form of the questions.

4 THE COURT: All right.

5 You may call your witness.

6 MR. KANAREK: Call Mr. Marsh, Jon Marsh.

7 THE CLERK: Would you raise your hand, please, and
8 would you please repeat after me.

9 I do solemnly swear --

10 MR. MARSH: I do solemnly swear --

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

12 MR. MARSH: -- that the testimony I may give --

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

14 MR. MARSH: -- in the cause now pending --

15 THE CLERK: -- before this Court --

16 MR. MARSH: -- before this Court --

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

18 MR. MARSH: -- shall be the truth --

19 THE CLERK: -- the whole truth --

20 MR. MARSH: -- the whole truth --

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

22 MR. MARSH: -- and nothing but the truth --

23 THE CLERK: -- so help me God.

24 MR. MARSH: -- so help me God.

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A-1

1 THE CLERK: Would you be seated, please.

2 Would you please state and spell your name for
3 the record.

4 THE WITNESS: Jon Hyden Marsh; J-o-n, H-y-d-e-n,
5 M-a-r-s-h.

6
7 JON HYDEN MARSH,
8 called as a witness by and on behalf of the Defendant
9 Manson, being first duly sworn, testified outside the
10 presence of the jury as follows:

11
12 DIRECT EXAMINATION

13 BY MR. KANAREK:

14 Q Mr. Marsh, can you hear me?

15 A Yes.

16 Q Mr. Marsh, I see you are in uniform.

17 Would you state what rank of the military you are in?

18 A I am a Lance Corporal in the Marine Corps.

19 Q Mr. Marsh, are you presently under some order
20 or orders?

21 A Yes, sir. Emergency leave.

22 Q And are you due to leave the Continental
23 United States?

24 A Yes, sir.

25 Q When?

26 A 2400 tonight.

1 Q And what is your destination?

2 A Okinawa.

3 Q How long have you been in the Marine Corps?

4 A October 18, 1968.

5 Q Now, Mr. Marsh, directing your attention to
6 Linda Kasabian.

7 Do you know Linda Kasabian?

8 A I know of her, sir.

9 MR. KANAREK: May I have a moment?

10 Do you have a picture?

11 MR. STOVITZ: Why don't you ask another question,
12 Counsel, and I will get a picture.

13 MR. KANAREK: All right.

14 Q During July of 1969, Mr. Marsh, did you see
15 Linda Kasabian?

16 A Yes. I was AWOL at that time in Topanga Canyon.

17 Q Would you tell us where you saw Linda Kasabian?

18 A At a place called Topanga Beach. It is at the
19 end of Topanga Canyon Boulevard where it meets Pacific
20 Coast Highway.

21 Q Did you see Linda Kasabian in the presence of
22 anyone else?

23 A Yes, sir. I had a friend with me --

24 Q That question can be answered yes or no.

25 A Yes, sir.

26 Q Would you tell us, Mr. Marsh, in whose presence

1 Linda Kasabian was other than yourself?

2 A Pardon me, sir?

3 Q In whose presence was Linda Kasabian at
4 Topanga Beach other than yourself?

5 A A close friend of mine who I'd rather not
6 mention at this time, and a person in this courtroom known
7 as Sadie.

8 Q I am referring now -- would you --

9 MR. SHINN: Your Honor, may I take the witness on voir
10 dire, your Honor, before he identifies the witness, the
11 person?

12 Just a few questions?
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1 MR. STOVITZ: Seeing this is out of the presence of
2 the jury, your Honor, couldn't he wait for cross-examination?

3 THE COURT: I don't see why not, Mr. Shinn, let's
4 proceed.

5 BY MR. KANAREK:

6 Q Now, you see the lady that is now speaking to
7 Mr. Shinn --

8 MR. SHINN: I object to that question, as leading
9 and suggestive, your Honor.

10 THE COURT: Overruled. You may answer.

11 THE WITNESS: I don't know Mr. Shinn.

12 MR. KANAREK: I'm sorry, my apologies, Mr. Marsh.

13 Q The gentleman that is seated to my immediate
14 right --

15 A Yes, sir.

16 Q -- do you see the lady that is to his immediate
17 right?

18 A Yes, sir.

19 Q Do you know that lady?

20 A Yes, sir.

21 Q By what name do you know her?

22 A Sadie, sir.

23 Q Did you know her by any other name?

24 A No, sir.

25 MR. KANAREK: May the record reflect that is Susan
26 Atkins, the defendant in this case, your Honor?

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1 May the record so reflect?

2 THE COURT: Let's have a little more positive identi-
3 fication, Mr. Kanarek.

4 Have the young lady stand up.

5 MR. KANAREK: Would you stand up, Susan?

6 (Defendant Atkins arises.)

7 Thank you.

8 THE COURT: Is that the young lady of whom you are
9 speaking?

10 THE WITNESS: Yes, sir.

11 THE COURT: The record will so reflect.

12 BY MR. KANAREK:

13 Q Is that the lady that you were at the beach
14 with with Linda Kasabian?

15 A No, sir, I was not with them, sir.

16 Q But they were in your presence?

17 A Yes, sir.

18 Q Now, while Linda Kasabian was in your presence--
19 I will reframe that, your Honor.

20 While Linda Kasabian was in your presence,
21 and in the presence of this -- I gather -- male friend of
22 yours?

23 A Yes, sir.

24 Q And the lady that you have identified here as
25 Sadie, Susan Atkins, did anything occur?

26 A Yes, sir.

1 MR. BUGLIOSI: Before we go any further here, and I
2 am just engaging in supposition, but perhaps Mr. Marsh
3 should be advised of his constitutional rights, if in fact
4 he is going to testify that Linda Kasabian and Susan
5 Atkins ingested narcotics of any kind, he might be exposing
6 himself to criminal liability for being in their presence.

7 This would be a violation of the Health &
8 Safety Code.

9 I would suggest that he be advised of his
10 constitutional rights by the Court.

11 THE COURT: Mr. Marsh, did you understand what Mr.
12 Bugliosi just said?

13 THE WITNESS: Yes, sir.

14 THE COURT: You have a constitutional privilege not
15 to incriminate yourself.

16 If you voluntarily waive that right and testify,
17 of course you might be subject to prosecution.

18 Do you understand that?

19 THE WITNESS: Yes, sir.

20 THE COURT: Do you feel the need of counsel to advise
21 you regarding these matters?

22 THE WITNESS: I cannot afford any counsel.

23 THE COURT: I am not talking about the question of
24 whether you can afford it or not.

25 I am asking you whether you feel that you may
26 have some question in your mind that should be answered by

1 an attorney.

2 If necessary the Court will appoint an attorney
3 to represent you.

4 THE WITNESS: No, sir, I will go ahead.

5 THE COURT: You have understood everything I have
6 said?

7 THE WITNESS: Yes, sir.

8 THE COURT: You are willing to go ahead then and
9 answer the questions of counsel, knowing what we have said?

10 THE WITNESS: Yes, sir.

11 THE COURT: And in that connection you realize that
12 in addition to the questions asked to you by Mr. Kanarek,
13 that the other attorneys will have the right to cross-
14 examine you?

15 THE WITNESS: Yes, sir.

16 THE COURT: As to the circumstances surrounding the
17 answers that you give on direct examination.

18 You understand that?

19 THE WITNESS: Yes, sir.

20 THE COURT: Knowing all that are you now willing to
21 proceed?

22 THE WITNESS: Yes, sir.

23 MR. BUGLIOSI: Your Honor, will the Court tell him
24 that if he was in fact in the presence of people using
25 narcotics, this would be a crime on his part.

26 I don't know if he is aware of that.

1 THE COURT: It might well be.

2 MR. BUGLIOSI: And that he will make himself
3 vulnerable to prosecution by the District Attorney's Office.

4 MR. KANAREK: Hardly, your Honor, the statute of
5 limitations has passed.

6 The statute of limitations for the crime that
7 Mr. Bugliosi is speaking of is one year.

8 This is now August of 1970.

9a fls.

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1 THE COURT: Of course we don't know what, if any,
2 offense there may have been.

3 MR. KANAREK: But the presence --

4 THE COURT: In any event, you are not the person to
5 advise this person of his rights.

6 MR. KANAREK: No, but --

7 THE COURT: Just a moment.

8 MR. KANAREK: Yes, your Honor.

9 THE COURT: Since you are the one that is conducting
10 the examination.

11 THE WITNESS: I've got a question. Am I allowed to
12 speak off the record to you directly?

13 MR. KANAREK: I cannot hear the witness.

14 THE COURT: Mr. Marsh wants to speak to the Court
15 off the record.

16 Does counsel have any objection to that?

17 MR. FITZGERALD: No objection.

18 MR. SHINN: No objection.

19 MR. HUGHES: No objection.

20 MR. KANAREK: No objection.

21 (Off-the-record discussion by the Court and the
22 witness out of the hearing of all others, followed by the
23 following proceedings:)

24 THE COURT: Are you prepared to testify now,
25 Mr. Marsh?

26 THE WITNESS: Yes, sir.

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1 THE COURT: All right.

2 MR. KANAREK: May I have the last question read back,
3 Your Honor?

4 THE COURT: Your last question?

5 MR. KANAREK: Yes, just to maintain my train of
6 thought, your Honor.

7 THE COURT: That is too time-consuming. Let's re-
8 frame the question.

9 MR. KANAREK: Yes, your Honor.

10 Q BY MR. KANAREK: Mr. Marsh, would you tell us
11 what, if anything, you observed Linda Kasabian do on that
12 occasion at Topanga Beach?

13 A Yes, sir, this person I was with was a very dear
14 friend of mine at the time, and in his possession he had
15 some, what is known as psilocybin, and Linda Kasabian pur-
16 chased a quantity of this and consumed it there on the
17 beach, sir.

18 Q When you say "purchased," did she pay money for
19 this?

20 A No, sir.

21 MR. BUGLIOSI: Your Honor, I move to strike his
22 testimony it was psilocybin on the grounds, it was a
23 conclusion and no foundation has been laid for his expertise
24 in this area.

25 THE COURT: Motion granted. The answer will be
26 stricken.

1 Q BY MR. KANAREK: Was there a conversation,
2 Mr. Marsh, between the other person and Linda Kasabian?

3 A Yes, sir.

4 Q And directing your attention to that conver-
5 sation, would you tell us what was said by each?

6 MR. BUGLIOSI: Calls for hearsay, your Honor.

7 MR. KANAREK: Not at all, your Honor, it is offered
8 for the fact of the conversation.

9 MR. BUGLIOSI: That's right, it's offered for the
10 truth of the matter asserted and that is why it is hearsay.

11 MR. KANAREK: Not at all. When the District Attorney
12 proves a sale, your Honor, they do it by the oral statements
13 of the informer.

14 And Mr. Bugliosi undoubtedly has prosecuted
15 these very types of cases.

16 MR. BUGLIOSI: That is when someone was a defendant
17 in the case, Mr. Kanarek, and it comes under the admission-
18 exception to the hearsay rule.

19 MR. KANAREK: This goes to her state of mind as to
20 whether or not it was psilocybin.

21 Mrs. Kasabian has made certain statements and it
22 is offered on her state of mind, not/any hearsay type of
23 situation.

24 MR. BUGLIOSI: It is offered for the truth of the
25 matter, your Honor, and I think it is hearsay and I
26 don't see any recognizable exception to the hearsay rule

14
1 that is applicable here.

2 MR. KANAREK: It is offered on her state of mind,
3 your Honor.

4 THE COURT: What relevancy does that have?

5 MR. KANAREK: The relevancy as to her state of mind
6 is very important because this witness has testified in
7 this court that during the entire time she was at the
8 Spahn Ranch she took what she said was LSD or mescaline
9 once.

10 A fantastically improbable and, I submit,
11 untrue statement by the witness Kasabian, and --

12 THE COURT: And you want to prove that is false.

13 MR. KANAREK: No, I want to prove that her state of
14 mind in this situation was that she was taking psilocybin.

15 Now, the prosecution can then bring Linda
16 Kasabian to the witness stand and try to show that this
17 wasn't so.

18 Everytime narcotics are consumed we don't have
19 chemists there and experts to look into the molecules and
20 determine what they are. We go into the state of mind
21 on what happens to be the particular defendant or the
22 particular witness' activity, that is what we are inter-
23 ested in, is the state of mind, your Honor.

24 And her state of mind was she was taking
25 psilocybin; all of her testimony in this court, or a good
26 portion of it, revolves around her state of mind, and she

1 was engaging in a conversation with someone who was pur-
2 portedly transferring psilocybin.

3 Now, the jury, then, will decide whether or not
4 Linda Kasabian has been candid with this Court and the
5 jury when she says that in the entire month, the entire,
6 whatever time she was at the Spahn Ranch, that she only
7 ingested what she says was LSD or any hallucinogenic
8 material other than marijuana just once, and this is very
9 material and important on the issue of Linda Kasabian.

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1 MR. BUGLIOSI: In the first place, your Honor, Linda
2 testified that at Spahn Ranch she never had anything other
3 than mescaline or LSD more than once, and I believe Mr.
4 Marsh's testimony is going to concern her taking narcotics
5 at some place other than Spahn Ranch. So it is not
6 impeachment.

7 MR. KANAREK: We were talking about the period of
8 time.

9 THE COURT: Let's hear the conversation.

10 This^{is}/not a ruling on the admissibility as
11 evidence in the case yet. It is a conditional examination.

12 MR. KANAREK: Thank you, your Honor.

13 THE COURT: The objection will be overruled.

14 BY MR. KANAREK:

15 Q Would you state the conversation between Linda
16 Kasabian and this other person, Mr. Marsh?

17 A Sir, it is impossible for me to do that word
18 for word.

19 Q Give us the substance.

20 A I can give you a reasonable facsimile.

21 Q Yes.

22 Give us the substance of what was said by
23 each person.

24 A Miss Kasabian came up -- approached my
25 friend and asked him if he had any psilocybin.

26 He said yes, and he gave it to her.

1 Q And he took out something and gave it to her?

2 A Yes, sir.

3 Q Could you tell us, would you describe for us
4 the item that he gave to her?

5 A It was a piece of cigarette cellophane.

6 Q And what did you see, if anything, that Linda
7 Kasabian did with this item?

8 A I saw her pour it in her mouth.

9 Q You say "pour it in her mouth"?

10 A Yes, sir. It was in a powder form, sir.

11 Q I see.

12 And she opened up the container and poured this
13 material into her oral cavity; is that correct?

14 MR. STOVITZ: He means mouth.

15 THE WITNESS: Yes, sir.

16 MR. KANAREK: I see.

17 Q When this occurred, Mr. Marsh, how far away
18 from Linda Kasabian was the girl that you knew as Sadie,
19 or Susan Atkins as she has been identified in this court?

20 A I would say about 20 yards.

21 Q I see.

22 Had you seen Linda Kasabian and Susan Atkins
23 engaged in conversation on that day?

24 A Afterwards, sir. It wasn't really conversa-
25 tion. They were just jumping up and down around the
26 beach and swimming. They had some dogs with them.

1 Q That is, Sadie and Linda Kasabian?

2 A Yes, sir.

3 Q Did you see them leave together?

4 A No, sir.

5 Q Did you see them come together?

6 A No, sir.

7 Q Would you describe what you saw them do
8 together or -- I will withdraw that.

9 Did they appear at any time to speak to each
10 other?

11 A I couldn't say, sir.

12 Miss Kasabian was dancing around in about three
13 feet of water on the shore, and Sadie was watching.

14 Q Linda dance around; is that correct?

15 A Sadie, sir.

16 Q Sadie was watching Linda dance around?

17 A Yes.

18 Q And directing your attention to the dogs,
19 did they each pet, say, the same dog?

10a fls. 20 A No, sir, they didn't pet any of them.

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1 Q I see.

2 Then, at that time, when you were present,
3 did you have any conversation with Linda Kasabian?

4 A No, sir.

5 Q Now, directing your attention, Mr. Marsh, to
6 the time of this occurrence.

7 What is your estimate of when this occurred?

8 A I would say in the middle of July.

9 I couldn't give you an exact date, but it is
10 possible I can.

11 Q It is possible what?

12 A It is possible I can at a later date.

13 Q Get the exact date for us?

14 A Yes, sir.

15 MR. KANAREK: May I approach the witness for a
16 moment, your Honor?

17 THE COURT: You may.

18 (Mr. Kanarek approaches the witness and confers
19 with him.)

20 MR. BUGLIOSI: May the record reflect, your Honor,
21 a very mysterious sinister huddled conversation between
22 Mr. Kanarek and the Marine, or whatever he is.

23 THE WITNESS: May I say something, sir?

24 MR. KANAREK: Your Honor, I will remove all the
25 sinister connotation and ask Mr. Marsh.

26 MR. BUGLIOSI: I was just kidding. I will withdraw

1 that remark.

2 BY MR. KANAREK:

3 Q Will you state exactly what you just told me?

4 A I told you I could find out the exact date from
5 a man that I was working for when I was AWOL. I ain't
6 saying who he was.

7 Q You can find out by checking some records,
8 perhaps, of where you were working?

9 A Yes.

10 Q Did you, on another occasion, Mr. Marsh, have
11 any -- I will withdraw that.

12 Did you, on another occasion, see Linda Kasabian
13 at about, or sometime in the month of July?

14 A Yes, sir.

15 Q And would you tell us where that was, who you
16 were with and who Linda Kasabian was with?

17 A It was in Topanga Canyon, about halfway through
18 the canyon, in a place called The Topanga Center. That is
19 as I know it.

20 I don't know the proper name.

21 It is a Quonset Hut with various stores in it.

22 I saw Linda Kasabian running around in the
23 parking lot with more dogs.

24 Q You don't know if they were the same or
25 different dogs?

26 A No, sir. I wasn't paying any attention to the

dogs.

1 Q I see.

2 That was in July of 1969? Is that your esti-
3 mate?

4 A Yes, sir.

5 Q Was it after the previous incident -- I will
6 withdraw that.

7 Was it after the incident that you just
8 described or before?

9 A It was afterward, sir.

10 Q And would you tell us, in whose presence were
11 you when you saw Linda Kasabian?

12 A I don't know if the party would want to get
13 involved, sir.

14 Q I see.

15 Well, were you with a male person?

16 A Yes, sir.

17 Q One other person who was a male?

18 A Two, sir.

19 Q Two other people, both males?

20 A Yes, sir.

21 Q I see.

22 Was anyone that is in this room at this time
23 present?

24 A Yes, sir.

25 Q Who was that?
26

1 A Sadie, sir.

2 Q Was with Linda?

3 A No, sir. She was there in the parking lot,
4 but she didn't appear to be right close.

5 Q I see.

6 Did you see Linda and Sadie engage in any
7 conversation?

8 A No, sir.

9 Q How close together were they?

10 A Between 15 and 20 meters.

11 Q I see.

12 A Yards.

13 Q Did you see how either Linda or Sadie arrived
14 at this area?

15 A No, sir.

16 Q Did you see how either Linda or Sadie left
17 the area?

18 10b Els. A No. I left prior.

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1 Q In other words, when you came to this area,
2 Linda and Sadie were both present?

3 A Yes, sir.

4 Q And when you left the area, Linda and Sadie
5 were still present?

6 A Yes.

7 Q When you and your friends left; is that right?

8 A Yes.

9 Q Now, would you describe for us, as best you can,
10 the physical activity of Linda Kasabian? What was she
11 doing?

12 A I don't know, whatever you call it that
13 analyzes human movements, or whatever they are, but prior
14 to my coming into the Marine Corps I spent a lot of time --

15 MR. BUGLIOSI: I object on the grounds that this is
16 non-responsive and appears to be calling for a conclusion.

17 THE COURT: Sustained.

18 Just answer the questions, Mr. Marsh.

19 MR. KANAREK: Q Prior to going into the Marine
20 Corps, Mr. Marsh, had you had occasion to observe people under
21 the influence of drugs?

22 A Yes, sir.

23 Q And in that connection, Mr. Marsh, would you
24 tell us what experience you had in connection with such
25 observations?

26 A Like I said, I ain't no doctor, but I figure

10B2

1 that when I saw her, she was --

2 MR. BUGLIOSI: Your Honor, move to strike the answer
3 as non-responsive, conclusionary.

4 THE COURT: The motion is granted. The answer will
5 be stricken.

6 MR. KANAREK: Q Mr. Marsh, -- may the question
7 be read -- and would you please just, Mr. Marsh, answer
8 the question, and then we will go on to other questions.

9 THE COURT: Read the question.

10 (The question was read by the reporter.)

11 THE WITNESS: I was an observer.

12 Q BY MR. KANAREK: I am speaking now of
13 occasions, Mr. Marsh, other than the occasion when you saw
14 Linda at the shopping center.

15 You say that before you went into the Marine
16 Corps you had occasion to observe people under the
17 influence of drugs; is that correct?

18 A Yes, sir.

19 Q Did this include observing people under the
20 influence of LSD?

21 A I couldn't say, sir.

22 Q Well, would you describe what your
23 experience was in observing people under the influence of
24 drugs or hallucinogenic drugs?

25 MR. STOVITZ: Calls for a conclusion.

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

.OB3

1 MR. KANAREK: What his experience was. I'm trying to
2 lay a foundation, your Honor.

3 THE COURT: Overruled. You may answer.

4 THE WITNESS: I ain't no doctor.

5 MR. KANAREK: I understand.

6 THE WITNESS: I can't analyze whatever it is some-
7 body takes, you see, so I can't say, "Well, he is under
8 acid, so I am going to check him out and see what it is
9 like," because I don't know he is, you see. I don't know
10 that.

11 I used to play that game a long time ago,
12 "Well, I think I know," so I talked about it. No.

13 MR. KANAREK: All right.

14 Q Then, would you tell us, on this occasion,
15 Mr. Marsh, what was your observation of Linda Kasabian?

16 Give us as much detail as you can and what you
17 observed her do.

18 A I felt at the time and I feel --

19 MR. BUGLIOSI: He is stating a conclusion now and I
20 object on that ground, your Honor.

21 THE COURT: Listen to the question, Mr. Marsh.

22 THE WITNESS: Would you read that again, please?

23 THE COURT: Read the question.

24 (The question was read by the reporter.)
25
26

10c-1

1 THE WITNESS: She was overly happy.

2 MR. BUGLIOSI: Move to strike, your Honor, on the
3 grounds that it is a conclusion. It is also non-responsive.

4 THE COURT: The answer will be stricken.

5 BY MR. KANAREK:

6 Q Would you describe her physical movements?

7 What we are asking for -- I know it is
8 difficult, Mr. Marsh -- but would you describe the move-
9 ment of her head, her arms, her torso, her legs, as best
10 you can? Describe her physical movements.

11 A I ain't one of them either.

12 Your Honor --

13 THE COURT: You can't talk to me, Mr. Marsh. Just
14 answer the questions.

15 Read the last question.

16 (The question was read by the reporter.)

17 THE WITNESS: Yes, sir. It looked to me like an
18 Oriental dance I seen once overseas.

19 MR. KANAREK: I see.

20 THE WITNESS: That is as close as I can get, sir.

21 BY MR. KANAREK:

22 Q Were her arms moving about wildly?

23 MR. STOVITZ: Objected to as leading and suggestive,
24 your Honor.

25 THE COURT: Sustained.
26

10c-2

1 BY MR. KANAREK:

2 Q Let's take her arms first.

3 MR. STOVITZ: Your Honor, I don't want to interrupt
4 counsel, but he represented to myself as well as other
5 counsel that this would take about four or five minutes.

6 He said it would involve one observation of
7 this witness of Linda Kasabian at a specific time.

8 Now we are describing an Oriental dance.

9 I submit it is immaterial and irrelevant to
10 the charges in this case.

11 MR. KANAREK: Not so, your Honor.

12 I am trying to make it as brief as possible.

13 This witness is going overseas.

14 MR. STOVITZ: He is going overboard too, your Honor.

15 THE COURT: Mr. Kanarek, when did you discover the
16 existence of this witness?

17 MR. KANAREK: This morning, your Honor. This
18 morning.

19 THE COURT: This morning was the first time that you
20 learned of the existence of Mr. Marsh?

21 MR. KANAREK: That's right.

22 Q When is the first time that you ever spoke to
23 me, Mr. Marsh?

24 A This morning, sir.

25 THE COURT: That is not what I asked you.

26 MR. KANAREK: Yes?

1 THE COURT: When did you first learn of his existence?

2 MR. KANAREK: I first learned -- as I look back now,
3 your Honor, I received a message some days ago that it
4 turns out involved Mr. Marsh, but I did not know it when
5 I received that message. I did not associate it until
6 this morning with Mr. Marsh.

7 So, my state of mind is that I did not know
8 of Mr. Marsh's actual existence until this morning.

9 THE COURT: All right.

10 Well, let's proceed.

11 Now, if this is going to take a substantial
12 amount of time?

13 MR. KANAREK: No. I will make it as brief as
14 possible, your Honor.

15 THE COURT: We would have to defer it for some other
16 time.

17 MR. KANAREK: Yes, sir.

18 Q Would you describe for us what the movements
19 of her arms were, if any, that you saw?

20 A I am sure you know what a jumping-jack is.
21 That is what it looked like to me, sir.

22 Q All right.

23 Then would you describe the movements of her
24 head?

25 A I didn't notice that, sir.

26 Q What were the movements of her legs?

11-1

1 A Like I said, like a jumping-jack, sir.

2 Q I see, and her arms -- all right, you have
3 stated about her arms.

4 What about her torso, the part of her body
5 that is not head, not arms, not legs?

6 A I don't know, sir.

7 Q I see. Now, at what time of the day was this,
8 Mr. Marsh?

9 A This was approximately 3:00 in the afternoon.

10 Q And this was in a shopping center?

11 A Yes, sir.

12 Q Is this outside?

13 A Yes, sir.

14 Q And what is her age, Mr. Marsh?

15 A 23.

16 Q What time of the day was it when she asked for
17 the psilocybin?

18 A I couldn't say, sir, I did not take a watch, to
19 be truthful.

20 Q Roughly what time was it; was it evening or
21 was it daylight?

22 A It was afternoon, sir.

23 MR. KANAREK: Thank you, you may examine.

24 MR. BUGLIOSI: Your Honor, before that the people
25 move to strike all of the testimony about the psilocybin
26 on the grounds it is hearsay and also it does not even
constitute impeachment.

11-2

1 It is also conclusionary.

2 MR. KANAREK: Not at all, your Honor, if Linda
3 Kasabian asks for -- if Linda Kasabian approaches someone
4 and asks them for psilocybin in the middle of July, 1969,
5 that impeaches her -- it is for the jury to decide.

6 This lady has stated she has taken only one --
7 she took only once material that she thought was
8 hallucinogenic, of the character that she has indicated
9 puts her on trips, and the jury will decide whether it is
10 impeaching or not.

11 Certainly it is impeaching. There is no
12 question about it because if this was the situation where
13 she took psilocybin --

14 THE COURT: Impeaching on what point?

15 MR. KANAREK: On the point she said she took it only
16 once during the entire time she was at the Spahn Ranch.

17 THE COURT: Now you are not interested in the state
18 of mind.

19 MR. KANAREK: Yes, her state of mind, correct.

20 THE COURT: It is obvious you are not, Mr. Kanarek.

21 MR. KANAREK: I am interested in her state of mind
22 because if she is asking for psilocybin and she is getting
23 some material, she can put herself on a trip just by
24 thinking about it, so whether it is in fact psilocybin
25 or it is something else it goes to her state of mind.

26 THE COURT: I am not going to strike it, Mr. Bugliosi,

1 because the question of admissibility is not involved.

2 CROSS-EXAMINATION

3 BY MR. STOVITZ:

4 Q Mr. Marsh, sir, you gave us your name and rank.
5 What is your serial number?

6 A 2479689.

7 Q And your present mailing address?

8 A Alpha Company, 14 3rd Marine Division FPO
9 San Francisco -- that should be 96602.

10 Q What is that, the zip code number?

11 A I don't know, sir.

12 Q Now, you took an oath when you came here to
13 testify, didn't you?

14 A Yes, sir.

15 Q You recall part of the oath was to tell the
16 truth, the whole truth, and nothing but the truth?

17 A Yes, sir.

18 Q And yet there are some things you did not want
19 to talk about, is that right?

20 MR. KANAREK: I object to that as a non-sequitur.

21 The fact that he doesn't want to talk about it
22 does not mean he is not telling the truth.

23 THE COURT: Overruled.

24 MR. STOVITZ: Some of the things you did not want to
25 talk about, is that right? You wanted to protect these
26

1 people?

2 MR. KANAREK: Immaterial, your Honor, irrelevant.

3 THE COURT: Overruled.

4 MR. KANAREK: He can ask the names if he wishes.

5 Q BY MR. STOVITZ: Is it a fact that you did not
6 want to talk about some of the things?

7 A Yes, sir.

8 Q So you haven't told the whole truth, have you?

9 A Yes, sir.

10 MR. KANAREK: Just a minute.

11 I object, it's improper, it's argumentative.

12 THE COURT: This is cross-examination.

13 Q BY MR. STOVITZ: You understand this is not a
14 motion picture where we can change the names to protect the
15 innocent, you understand that?

16 A Yes, sir, yes, sir.

17 Q Now, this person that you were with at this
18 beach, what is that person's name?

19 A I stand on the Fifth Amendment.

20 MR. STOVITZ: I move to strike all of the direct
21 testimony, your Honor, on the grounds I cannot cross-
22 examine this witness.

23 MR. KANAREK: Your Honor, the People do not have
24 such a privilege.

25 THE COURT: What privilege?

26 MR. KANAREK: Counsel is alluding to the fact that

1 when a defendant is on the witness stand --

2 MR. STOVITZ: Any witness who is on the witness
3 stand. I can show you authority, Counsel.

4 MR. KANAREK: That is not so, your Honor. That is
5 not so.

6 This is not a sale of narcotics case. Counsel
7 is losing his cool.

8 This is a murder case and --

9 THE COURT: Mr. Kanarek, the existence and identity
10 of a person who was present at a time this witness testifies
11 these events occurred is a material point.

12 If he is reluctant or if he refuses to dis-
13 close the identity of another witness to the conversation,
14 that becomes extremely material.

15 MR. KANAREK: Well, then, your Honor, he has dis-
16 covery techniques that he can go into.

17 THE COURT: The discovery technique is cross-
18 examination.

19 MR. KANAREK: That is the only one.

20 THE COURT: That is what he is about to do right
21 now.

22 MR. KANAREK: He is not supposed to go on a fishing
23 expedition on this type of examination.

24 MR. STOVITZ: If it's at the beach, why can't we
25 go fishing?

26 MR. KANAREK: That attempt at humor leaves me

1 exceptionally cold.

2 THE COURT: I order you to disclose the name,
3 Mr. Marsh.

4 THE WITNESS: I don't feel I have the right to
5 disclose this man's name, but the only name I know him by
6 is Picolo.

7 I don't know his true name.

8 Q A male Caucasian?

9 A Yes.

10 Q His approximate age?

11 A 20.

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41A-1

1 Q What was his occupation at the time?
2 A He was a piccolo player.
3 Q Was he also AWOL from the Marines?
4 A No, sir, not that I know of, sir.
5 Q Now, what date was it that you went AWOL?
6 A 1800, March 17th.
7 Q What year, sir?
8 A 1969.
9 Q And what date did you return to the Marine
10 Corps?
11 A October 2.
12 Q 1969?
13 A 1969, sir.
14 Q And I take it you were not in uniform at the
15 time, is that right?
16 A No, sir.
17 Q And did you make a diary note of this date?
18 A No, sir.
19 Q And how long were you working for this
20 particular party that you say you were working for?
21 A Approximately three months, sir.
22 Q So it was sometime during that three-month
23 period, is that right?
24 A Yes, sir.
25 Q Was it before Labor Day or after Labor Day?
26 A I don't know when Labor Day comes, sir.

1 Q All right, take good thought now, do you
2 remember when you went to school?

3 MR. KANAREK: Your Honor, that is immaterial.

4 THE WITNESS: Yes, sir, I remember.

5 Q BY MR. STOVITZ: Do you remember school started
6 after Labor Day?

7 A I don't remember that.

8 Q Did you go to school here in California?

9 A Yes, sir.

10 Q Do you remember school starting in September?

11 A Yes, sir.

12 Q All right, now try to think, do you remember
13 when Labor Day is?

14 A No, sir, I don't know what date.

15 Q All right. You went AWOL before Memorial Day,
16 is that right?

17 A Yes, sir.

18 Q Do you know the other name for Memorial Day?

19 A Yes, sir.

20 Q What is the other name for Memorial Day?

21 A That is the day they run the Indianapolis
22 500, that's all I know.

23 Q What day of the month was it?

24 A May 30th.

25 Q Was it sometime between May 30th and Labor Day
26 that this occurred?

1 A I don't know when Labor Day falls, sir.

2 Q Let's try Columbus Day, do you know when
3 Columbus Day is?

4 A No, sir.

5 Q October 12th.

6 A I did not know that. I know when Halloween is,
7 sir.

8 Q When is Halloween?

9 A October 30.

10 Q Are you sure it's not 31st?

11 A I am not sure.

12 Q What about Independence Day, do you know when
13 Independence Day is?

14 A No, sir.

15 Q Did you ever shoot fireworks on Independence
16 Day?

17 A I don't remember, sir.

18 Q Do you know when the 4th of July falls on?

19 A Yes, sir.

20 Q When does the 4th of July fall on?

21 A July 4th.

22 Q Did you ever hear July 4th called Independence
23 Day?

24 A No, sir.

25 Q All right, now, you were sitting here this
26 afternoon before you testified, is that correct?

1 A Yes, sir.

2 Q I came up and I showed you this photograph, is
3 that correct?

4 A Yes, sir.

5 Q I asked you a question about it, is that
6 correct?

7 A Yes, sir.

8 Q Do you remember what you told me?

9 A Yes, sir.

10 Q What did you tell me?

11 A I told you I did not want to answer anything
12 until I got up here.

13 Q Is that because you felt that an oath was
14 sacred?

15 MR. KANAREK: Just a minute, I object. That is
16 argumentative, your Honor.

17 THE WITNESS: Yes, sir.

18 THE COURT: Overruled.

19 Q BY MR. STOVITZ: And do you feel now that you
20 are telling us the whole truth?

21 A Yes, sir.

22 Q All right, now what is Piccolo's first name?

23 A Piccolo, sir.

24 Q What is Piccolo's last name?

25 A I don't know, sir.

26 Q When was the last time you saw Piccolo?

1 A September of 1969.

2 Q Where was it that you last saw Piccolo?

3 A Topanga Canyon, sir, he left for New York.

4 Q All right, now, were you in the courtroom this
5 morning when Linda Kasabian was testifying?

6 A No, sir.

7 Q Did you see a picture of Linda Kasabian
8 recently in the newspapers?

9 A No, sir.

10 Q I direct your attention to the entire courtroom
11 here, first row, second row, third row, do you see anybody
12 that looks like Linda Kasabian in the courtroom?

13 A No, sir.

14 Q Would you say she is not in the courtroom?

15 A Would you let me walk back there and look, sir?

16 Q While you are doing that, can you tell us the
17 name of the person you came to the courtroom with this day,
18 the fellow with the long black hair?

19 MR. KANAREK: Immaterial, irrelevant.

20 THE COURT: Overruled.

21 Q BY MR. STOVITZ: Tell us the name of the person
22 you came into court with today.

23 A Yes, sir.

24 Q What is his name?

25 A David Sawyer Ewing.

26 Q Before you go back there I would like to show

1 you a group of seven photographs. I am covering over the
2 names.

3 Do you see Linda Kasabian among any of those
4 three girls there?

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

7 MR. STOVITZ: Sure.

8 Q BY MR. STOVITZ: Mr. Marsh, do you see Linda
9 Kasabian among any of those three girls?

10 A I cannot be sure. May I compare the rest, sir?

11b-1

1 Q Surely. There were mostly boys there, so I
2 will skip that, okay?

3 A Yes, sir.

4 Q We will go to the second page.

5 MR. KANAREK: I will object to this as improper,
6 your Honor.

7 THE COURT: Overruled.

8 MR. KANAREK: May I see what he is going to show?

9 MR. STOVITZ: Yes, we will mark this one as
10 People's 97-A, your Honor.

P 97-A Id. 11 THE COURT: So marked.

12 BY MR. STOVITZ:

13 Q The next photograph I show you, three young
14 ladies, you pick out if Linda Kasabian is among any of
15 those three young ladies?

16 A I never saw her in short hair, sir, I don't
17 think.

18 Q All right, let's see if we can find some
19 girls with long hair.

20 I will show you four girls, sir, do you see
21 Linda Kasabian among those four?

22 A No, sir.

23 MR. STOVITZ: May that be marked as 97-B, your
24 Honor?

25 MR. KANAREK: May I look at these for a moment,
26 your Honor, before he shows them to the witness, in

11b-2

1 accordance with the rules.

2 MR. STOVITZ: Yes.

3 97-C contains all men, your Honor, so we
4 will not show that to the witness.

5 BY MR. STOVITZ:

6 Q Now, I am going to show you four more girls.
7 Do you see Linda Kasabian among those girls?

8 A Yes, sir.

9 Q Which one?

10 MR. KANAREK: May the record reflect he pointed to
11 Linda Kasabian.

12 MR. STOVITZ: May the record reflect that on 97-D he
13 pointed to a young lady --

14 THE COURT: Just a moment, 97-D?

15 MR. STOVITZ: Yes, the fourth photograph.

16 THE COURT: What happened to C?

17 MR. STOVITZ: C was all of men and we just marked it
18 because it was in a series.

19 BY MR. STOVITZ:

20 Q 97-D. You did point to a girl whose name
21 is Linda Kasabian, is that right?

22 A Yes, sir, that is Linda Kasabian.

23 Q And you recognized her by the long hair, is
24 that right?

25 MR. KANAREK: I object to that as argumentative,
26 your Honor, assuming facts not in evidence, that that

11b-3

1 is the only reason he recognized her.

2 THE COURT: Overruled.

3 BY MR. STOVITZ:

4 Q You recognized her because she has long hair?

5 A No, sir.

6 Q You recognized her because there was Susan
7 Atkins right next to her?

8 A I recognized her because she is Linda Kasa-
9 bian, sir.

10 MR. KANAREK: May the record reflect when he looked
11 at that picture, Susan Atkins' name was blocked off, your
12 Honor.

13 MR. STOVITZ: All right, and in order to complete
14 these, your Honor, I have another photograph that I would
15 like to have marked 97-E.

16 I would like to show the witness 97-E.

17 THE COURT: E?

18 MR. STOVITZ: E.

19 MR. KANAREK: I make a motion that Linda Kasabian
20 be brought to the courtroom and in the presence of Mr.
21 Marsh; let them view each other and we will take it from
22 there.

23 THE COURT: Proceed with your examination, Mr.
24 Stovitz.

25 BY MR. STOVITZ:

26 Q Directing your attention to 97-E, do you

97-E-Id.

11b-4

1 recognize anyone on that photograph?

2 MR. HUGHES: May I approach the bench, your Honor?

3 THE COURT: Yes.

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

5 THE COURT: Yes.

6 (Mr. Hughes and Mr. Kanarek approach the witness.)

7 MR. KANAREK: Before he answers, it is immaterial.

8 MR. STOVITZ: May I complete my cross-examination,
9 your Honor?

10 THE COURT: Overruled.

11 BY MR. STOVITZ:

12 Q What were you going to say, sir?

13 A Sir, I cannot be sure about two.

14 Q Which two?

15 A The one on the left -- the two on the left, sir.

16 Q Do you think you know their names?

17 A No, sir, I don't think I know their names.

18 I think I have seen them though, sir, I'm
19 not sure.

20 Q What about the man all the way to the right,
21 have you ever seen him?

22 A No, sir.

23 Q Were you ever in a stockade with a man like
24 that?

25 A I have never been in a stockade, sir.

26 Q Even after you returned from AWOL?

11b-5

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A No, sir, I was in the brig.

Q Were you ever in the brig with that man?

A No, sir.

Q Now, I direct your attention to Vernon Edward Thompson, also known as Vernon Ray Plumley, have you ever seen him before, sir?

A No, sir.

Q And you think you have seen a girl that is referred to as Cheri Cooper and Cheri Andrews on Exhibit 97, is that right?

A I may have seen them on occasion, sir.

Q Going to this beach, sir, going to the beach, do you recall how you were dressed?

A Yes, sir, I had some overalls on and an old straw hat and a flowered shirt and no shoes.

Q Beard or no beard?

A Beard.

Q Do you recall how Linda Kasabian or the girl you think is Linda Kasabian was dressed?

A I know she was Linda Kasabian. She had long blonde hair.

11c fls.

11c-1

1 Q And --

2 A And I don't remember exactly how she was
3 dressed, but I believe she just had a kind of a, just
4 a regular old dress on, I don't know that much about that.

5 Q All right, with reference to what we now call
6 July the 4th, Independence Day, was it before or after
7 that?

8 A I believe it was just after that, sir, I
9 believe it was in the middle of July, sir.

10 Q And if I were to tell you that Labor Day is
11 the first Monday in September, sir, could you tell us
12 whether it was a week before that, two weeks before that,
13 a month before that or what?

14 A I believe -- well, I can say it was in the
15 middle of July I believe.

16 Q How do you know it was not in the middle of
17 August?

18 MR. KANAREK: Argumentative, your Honor.

19 THE COURT: Overruled.

20 THE WITNESS: I never got a day off until July.

21 BY MR. STOVITZ:

22 Q Did you get a day off in August?

23 A Yes, sir.

24 Q Did you keep a diary of it?

25 A No, sir.

26 Q Did you talk to Mr. Kanarek during the lunch

11c-2

1 hour?

2 A I conversed with him, sir.

3 Q And you did not want to converse with me?

4 A Pardon me?

5 Q You did not want to converse with me though?

6 A You scared me, sir, when you came up to me
7 with that picture, sir.

8 Q I frightened you, sir?

9 A Yes, sir.

10 Q Are you frightened now?

11 A Not really, sir.

12 MR. KANAREK: Your Honor, may the record reflect
13 Mr. Stovitz asked me whether I had any objections to his
14 interviewing Mr. Marsh and I think Mr. Stovitz will agree--

15 THE COURT: There is no need for any comment by you.
16 Sit down, sir.

17 MR. STOVITZ: I have no further questions.

18 MR. FITZGERALD: I have a question, your Honor.

19 I have a photograph, may this be marked
20 Defendants' next in order, Defendants' I for identification?

21 THE COURT: Defendants' I for identification.

22 MR. FITZGERALD: May I approach the witness, your
23 Honor?

24 THE COURT: Yes, you may.
25
26

1' I Id.

11c-3

CROSS-EXAMINATION

BY MR. FITZGERALD:

Q Directing your attention to a photograph that has heretofore been marked Defendants' I for identification, do you recognize who is depicted in that photograph?

A Yes, sir.

Q Who?

A Linda Kasabian, sir.

MR. FITZGERALD: I have nothing further -- yes, I do.

Q Does that photograph accurately depict the way Linda Kasabian looked during the month of July, 1969, or, said another way, does that look the way she looked in July of '69?

A That is hard for me to say, sir. It looks like her, the way she looked then -- I don't count expressions.

MR. FITZGERALD: Thank you, I have nothing further.

MR. SHINN: I have a few questions, your Honor.

CROSS-EXAMINATION

BY MR. SHINN:

Q You mentioned the name Sadie. When did you first meet her?

A I cannot recall, sir.

Q Well, did she tell you her name was Sadie?

A I kind of heard it through the grapevine, sir.

Q Did you actually talk to Sadie at any time?

11c-4

1 A I may have made remarks, sir.
2 Q When you first met her?
3 A I did not actually meet her, sir.
4 Q How many times did you see her?
5 A Two or three, sir.
6 Q And for how long a period each time?
7 A I could not say.
8 Q One minute, two minutes?
9 A No, you know, I saw her for a few minutes.
10 Q Did you actually have a conversation with her
11 at any time?
12 A No, sir.
13 Q In other words, somebody pointed Sadie out to
14 you and told you that was Sadie?
15 A Yes, sir.
16 Q When was the last time you had seen her?
17 A This was in the Topanga Center, sir.
18 Q This is last year?
19 A Yes, sir.
20 MR. SHINN: I have nothing further.
21 THE COURT: Anything further, gentlemen.
22 MR. HUGHES: Yes, your Honor.
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11c-5

CROSS-EXAMINATION

BY MR. HUGHES:

Q Mr. Marsh, this was on West Topanga Beach, was it?

A Well, it was as west as you can get, sir, without getting in the water.

Q You saw your friend, Piccolo, and Mrs. Kasabian, you saw him hand Mrs. Kasabian the piece of cellophane, you say?

A Yes, sir.

Q Within that cellophane you say was some powder?

A Yes, sir.

Q And this was a white powder, was it, you said?

A It was light in color, sir.

Q Will you tell us approximately how much powder there was?

A That would be hard for me to do, sir.

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

Your Honor, I have here a tablet filled with a white powder. May I have this marked Defendants' next in order.

THE COURT: Defendants' J.

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

THE COURT: Yes. It will be marked J for identification.

J Id.

1 BY MR. HUGHES:

2 Q Mr. Marsh, directing your attention to this,
3 to what appears to be a capsule filled with white powder,
4 will you hold it, please?

5 (Witness complies.)

6 Did the white powder that you saw occupy
7 approximately the same volume as the white powder in that
8 capsule?

12 fls.

9 A I don't know, sir. I did not hold it.
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1 Q About how far away were you?

2 A About the same distance as from me to that
3 table, directly in front of me, sir.

4 MR. HUGHES: May the record indicate --

5 MR. STOVITZ: The front of the table?

6 THE WITNESS: Yes, sir.

7 MR. HUGHES: May the record indicate 12 feet, your
8 Honor?

9 MR. STOVITZ: Yes, your Honor. So stipulated.

10 THE COURT: Very well.

11 MR. HUGHES: Q Were you able to see a white
12 powder leave the cellophane package and be deposited into
13 Linda Kasabian's mouth? Is that right?

14 A Yes, sir.

15 MR. HUGHES: No further questions.

16 MR. KANAREK: Your Honor, on redirect, I make a motion
17 that Linda Kasabian be brought into the courtroom.

18 She is about to leave this area, and I would
19 like her to be brought in and have Mr. -- I would like to
20 ask a few questions of Mr. Marsh.

21 MR. STOVITZ: No objection, your Honor.

22 It was Mr. Kanarek who wanted her excluded or
23 else she would have been here before.

24 THE COURT: Very well.

25 MR. KANAREK: May she be brought down?

26 THE COURT: Bring Mrs. Kasabian to the courtroom.

12-2

1 MR. STOVITZ: While that is being done, your Honor,
2 may I, with the Court's permission, ask another question
3 that I omitted on cross-examination?

4 THE COURT: Yes.

5
6 CROSS-EXAMINATION

7 BY MR. STOVITZ:

8 Q Mr. Marsh, did you get in touch with
9 Mr. Kanarek or did Mr. Kanarek get in touch with you?

10 A I got in touch with Mr. Kanarek.

11 Q In other words, you read about the case in
12 the newspaper?

13 A Yes.

14 Q You read about the name Linda Kasabian?

15 A Yes.

16 Q You didn't know what she looked like before
17 that?

18 MR. KANAREK: That is ambiguous.

19 THE WITNESS: I had --

20 MR. KANAREK: Just a minute.

21 THE WITNESS: -- seen a picture a long time ago.

22 THE COURT: Just a moment.

23 What is the objection?

24 MR. KANAREK: That question is ambiguous, your Honor.
25 Before what?

26 The question is improper as to form.

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1 THE COURT: Read the last question.

2 (The question was read by the reporter.)

3 THE COURT: I assume it refers to the time when he
4 read about it.

5 MR. STOVITZ: Yes. When he read the story in the
6 paper.

7 THE WITNESS: I seen the story a few months ago in
8 Okinawa in a newspaper, and it referred to this girl as
9 Linda Kasabian.

10 MR. STOVITZ: Q Then you voluntarily volunteered
11 the information that you had to Mr. Kanarek?

12 A Yes, sir.

13 Q And you felt it was your duty to come forward
14 because you knew something about the case?

15 MR. KANAREK: Argumentative, your Honor.

16 THE WITNESS: Yes, sir, I do. I feel it is my duty.
17 I feel it is my duty to everybody here.

18 Q To come forward and let the people know what
19 you know about the case?

20 A Yes, sir.

21 Q And what about Mr. Piccolo? Is it your duty to
22 protect him, too?

23 MR. KANAREK: Your Honor, if I may? That is collateral,
24 immaterial and irrelevant, and it is argumentative.

25 THE COURT: Sustained.

26 THE WITNESS: Sir, I would like to answer that, sir.

12-4

1 THE COURT: Just a moment.

2 MR. STOVITZ: Q Where were you at the time that
3 you wrote the letter or made a telephone call, sir?

4 A In Santa Barbara, sir.

5 Q Did anyone pay your expenses to come down here,
6 sir?

7 A Yes, sir.

8 Q Who was that?

9 A I did.

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Q So then you voluntarily paid your expenses?

A Yes, sir.

Q And you got in touch with Mr. Kanarek when you came here this morning?

A Yes, sir.

Q And you spoke to him during lunch hour?

A Very briefly, sir.

Q Do you know how to spell psilocybin?

A I have a hard time with "Marine Corps", sir.

Q Did you ever heard of the word psilocybin before that particular day?

A Yes.

Q Have you heard of the word psilocybin after that day?

A Yes, sir.

Q Were you taking any psilocybin that day?

A No, sir.

Q Were you taking anything that day?

A No, sir.

Q Were you drinking a couple of beers?

A No, sir. I don't drink, sir.

Q And what brig were you in when you returned to the Marine Corps?

A I was at the Camp Pendleton brig.

Q And you, at no time, met a man by the name of Vernon Thompson or Vernon Plumlee?

1 A No, sir.

2 MR. STOVITZ: No further questions.

3 THE WITNESS: May I get a drink of water, sir?

4 MR. STOVITZ: Are you going to get it, Mr. Hughes?

5 MR. HUGHES: Yes.

6 MR. STOVITZ: There is a clean cup over there by
7 the toilet paper.

8 MR. HUGHES: I will use the paper cups.

9 (The witness is handed a drink of water.)

10 (Mrs. Linda Kasabian enters the courtroom.)

11 THE COURT: Proceed, gentlemen.

12 MR. KANAREK: Thank you, your Honor.

13 May Mrs. Kasabian stand up, your Honor?

14 THE COURT: All right.

15 (Mrs. Kasabian stands.)

16
17 REDIRECT EXAMINATION

18 BY MR. KANAREK:

19 Q Mr. Marsh, you see this lady in the orange
20 skirt and the white top?

21 A Yes.

22 Q Does that appear to be Linda Kasabian to you?

23 A Yes, sir.

24 Q Is that the lady that was on the beach at
25 Topanga?

26 A Yes, sir, but I think she was --

1 Q Did --

2 MR. STOVITZ: May the witness answer and not be
3 interrupted, your Honor?

4 THE COURT: Mr. Kanarek, let the witness answer the
5 question.

6 MR. KANAREK: I didn't interrupt him.

7 THE COURT: Go ahead.

8 THE WITNESS: I was going to say that I think she was
9 a little different looking at the time, sir.

10 BY MR. KANAREK:

11 Q In what way?

12 A Well, she had been outdoors then.

13 Q Would you tell us?

14 A I would say more tanned, a little bit more hair,
15 and a little more weight.

16 Q Is that the same lady that you have spoken of
17 that was at the Topanga Center, in the shopping center?

18 A Yes.

19 MR. KANAREK: You may examine.

20 MR. STOVITZ: Counsel?

21 MR. SHINN: No questions.

22 MR. HUGHES: No questions.

23 MR. FITZGERALD: No questions.
24
25
26

RE CROSS-EXAMINATION

1
2 BY MR. STOVITZ:

3 Q Did she have long hair both times you saw her?

4 A Yes.

5 Q And how many weeks apart were these two
6 instances?

7 A I couldn't say exactly, sir. I could approxi-
8 mate one or two.

9 Q And would you kindly demonstrate for us this
10 jumping-jack dance that she did?

11 A I don't think I could do it justice, sir.

12 MR. STOVITZ: I have no further questions.

13 THE COURT: Any questions?

14 You may step down.

15 MR. KANAREK: No questions.

16 I wonder if the witness could be excused and
17 if we might ask a few questions of Linda Kasabian at this
18 time in connection with this matter while Mr. Marsh is
19 still here.

20 THE COURT: No need to take her conditional examina-
21 tion.

22 MR. KANAREK: No. I mean Mr. Marsh is due to go
23 to Okinawa.

24 I wonder if he could remain outside the court-
25 room for a few minutes while we examine Linda Kasabian
26 on this point, your Honor.

12 bfls.

12B-1

1 MR. STOVITZ: I don't see why she should be examined
2 outside of the presence of the jury.

3 MR. KANAREK: Oh, no. I am not saying outside of the
4 presence of the jury, your Honor.

5 I am just saying, in view of the fact that he
6 is going to Okinawa, if we could examine her on this point
7 in the presence of the jury. Certainly.

8 THE COURT: I don't see any necessity for it. This
9 is a conditional examination of Mr. Marsh.

10 MR. STOVITZ: This may not come in. We intend to
11 renew our objection, your Honor, and I think our objection
12 will be well founded. We will authenticate it with points
13 and authorities.

14 MR. KANAREK: I am saying that Linda Kasabian may
15 clear it up so that we won't even need this witness'
16 testimony, your Honor.

17 THE COURT: Let's proceed.

18 You may step down, sir.

19 MR. BUGLIOSI: Your Honor, when does the Court wish
20 us to make our motion?

21 MR. STOVITZ: When it is offered, I take it?
22 When the testimony is offered?

23 THE COURT: Yes.

24 MR. BUGLIOSI: Is it offered at this time?

25 MR. KANAREK: It can't be offered at this time
26 because it has to be before the jury.

4B2

1 Mr. Marsh -- may I have a moment, your Honor, to
2 speak to Mr. Marsh?

3 THE COURT: Will counsel approach the bench, please?

4 (Whereupon, all counsel approach the bench
5 and the following proceedings occur at the bench outside
6 of the hearing of the jury:)

7 THE COURT: I don't see any reason for having the
8 conditional examination of a witness that is present in
9 court.

10 My personal opinion is that this witness is
11 lying.

12 Some of the remarks that he made to me at the
13 bench when I was advising him of his rights at his request,
14 when he asked to speak to me, indicated that he was trying
15 to protect the other person who was with him, the person
16 that allegedly gave the psilocybin to Mrs. Kasabian, and
17 his testimony was directly contrary to what I understood
18 him to be saying at the bench.

19 In view of that, I think the jury should have
20 the benefit of seeing this man testify, and if that is his
21 story, that is his story.

22 MR. STOVITZ: In other words, counsel would have to
23 make arrangements to bring him back at that time.

24 THE COURT: Just put him under subpoena right now.
25 I will order him to remain.

26 MR. BUGLIOSI: There is a question of admissibility

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1 anyway. If this testimony would not be admissible, maybe
2 we can save some time and not even permit him to testify,
3 if it is inadmissible.

4 THE COURT: That's right.

5 MR. STOVITZ: In any event, we are going to renew our
6 objection.

7 MR. BUGLIOSI: I think the issue of admissibility
8 could be determined at this moment, right now. If the
9 Court determines his testimony is not admissible on the
10 issue of psilocybin, there wouldn't be any need to call him
11 back and testify in front of the jury.

12 THE COURT: It is obvious that what Mr. Kanarek is
13 trying to do is to use hearsay to impeach.

14 MR. BUGLIOSI: Right.

15 THE COURT: Although he claims it is for the purpose
16 of showing her state of mind.

17 He is not interested in her state of mind.
18 She didn't testify to her state of mind on this point. She
19 testified that she didn't use any narcotics during a certain
20 period. What he is trying to do is impeach that.

21 I don't see that that is admissible.

22 Now, it may well be that if she were asked
23 what her state of mind was, that the answer would be such
24 that it could be impeached by the testimony of this
25 witness and it would not be hearsay because it wouldn't
26 be offered for the truth of the matter asserted, but simply

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1 to show that the statement was made.

2 As it is now, I don't see that it is admissible.

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1 MR. KANAREK: Then what I propose, your Honor, is
2 that we put Linda Kasabian on the witness stand and we
3 interrogate her on the incident at this point.

4 We are going to recross, anyway.

5 THE COURT: What is your thinking about that?

6 MR. BUGLIOSI: I think she could be put on outside
7 the presence of the jury on this limited point.

8 MR. STOVITZ: She could be asked in the presence of
9 the jury.

10 I covered it in my redirect, that she only
11 took an item at one time. She smoked a few marijuana
12 cigarettes there.

13 THE COURT: In other words, the point that I am
14 getting at is this: All this could have occurred and still
15 not be inconsistent with her answer.

16 MR. BUGLIOSI: Right.

17 THE COURT: Because she might have thought she was
18 getting psilocybin and found out later it was a sugar pill.

19 MR. KANAREK: I will ask her.

20 MR. BUGLIOSI: I don't think we should do it in
21 front of the jury, go into something that might not be
22 admissible.

23 The very purpose of putting her on the stand
24 is to determine whether this guy --

25 THE COURT: She can be asked whether or not she
26 thought she was using narcotics during this period in

question.

1 MR. STOVITZ: Just to make the record clear, it is
2 hallucinogenic drugs. That is the proper term. Mr. Hughes
3 has corrected me several times.

4 MR. HUGHES: I would agree with you.

5 THE COURT: She could also be asked whether or not
6 she attempted to buy any hallucinogenic drug during this
7 period, and depending on what the answers are to those
8 questions.

9 But even that, I don't see that that would be --
10 in other words, that would appear to be raising a
11 collateral matter for the purpose of impeaching the
12 witness on that point, which is irrelevant.

13 I just don't see the materiality of it.

14 MR. BUGLIOSI: I will say this --

15 THE COURT: As the record now stands, it is not
16 admissible.

17 MR. BUGLIOSI: I will say this. From this moment on,
18 I don't know about Mr. Stovitz, but from this moment on,
19 I am going to oppose any more conditional examinations of,
20 I call them, turkeys being brought up here, like June Emmer
21 and this guy.

22 From now on, the District Attorney's office --
23 unless I am overruled by Mr. Stovitz -- will take the
24 position that we wish to complete our case and that these
25 witnesses can be examined after the People rest.
26

1 We took almost all afternoon on this nonsense.

2 MR. STOVITZ: I agree.

3 The representation was five minutes, one
4 question on one incident, and now it is an hour and ten
5 minutes.

6 THE COURT: I am just asking you how you wish to
7 proceed now?

8 MR. STOVITZ: I wish to proceed in the presence of the
9 jury on proper recross-examination.

10 We are not going to object to anything that is
11 not improper.

12 THE COURT: Then the conditional examination is at an
13 end, and if the defendants attempt to use it, you can
14 raise any objections to its admissibility at that time.

15 Now, I see that it is considerably past our
16 recess time, so we will take our recess at this time.

17 MR. KANAREK: Thank you, your Honor.

18 (Whereupon, all counsel return to their
19 respective places at counsel table and the following
20 proceedings occur in open court:)

21 THE COURT: The Court will recess for 15 minutes.

22 (Recess.)

12d-1

1 (The following proceedings were had in open
2 court, all defendants, counsel and jurors present:)

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

5 You may continue, Mr. Fitzgerald.

6 MR. FITZGERALD: I have a photograph, your Honor,
7 of a young woman.

8 May this be marked Defendants' next in order,
9 I.

10 THE CLERK: It has already been marked.

11 MR. FITZGERALD: I would like it remarked in front
12 of the jury.

13 THE COURT: Has this previously been marked?

14 MR. FITZGERALD: It has previously been marked but
15 outside of the presence of the jury.

I jury

16 THE COURT: All right.

17 MR. FITZGERALD: May I approach the witness?

18 THE COURT: You may.

19 MR. KANAREK: Your Honor, there is a possible witness,
20 Mr. Marsh, in the courtroom. I wonder if he could be
21 asked to stay just outside the courtroom door?

22 MR. STOVITZ: We have no objection to him remaining.

23 MR. KANAREK: You have no objection? Very well.

24 I'm sorry.
25
26

12d-2

LINDA KASABIAN,

called as a witness by and on behalf of the People, having previously been duly sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION

BY MR. FITZGERALD:

Q Directing your attention to a photograph that has been marked Defendants' I for identification.

Do you recognize who or what is depicted in that photograph?

13 fls.

A Yes. That is myself.

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1 Q The person depicted in that photograph appears
2 to have long blonde hair, is that correct?

3 A Yes.

4 Q Is that photograph a reasonable facsimile of
5 your appearance during the months of July and August of
6 1969?

7 A No, my hair was short, around the middle end
8 of July, and end of July.

9 Q During sometime during 1969 was your hair long?

10 A Yes.

11 Q And did you cut it sometime?

12 A Yes.

13 Q When did you cut it?

14 A I believe it was the second or third week in
15 July.

16 Q Sometime during the month of July, 1969,
17 approximately the middle of the month were you in the
18 vicinity of the west Topanga beach with the Defendant
19 Susan Atkins also known as Sadie?

20 A Yes.

21 MR. FITZGERALD: Nothing further.

22 THE COURT: Mr. Shinn.

23 MR. SHINN: Yes, your Honor. Thank you.
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13-2

RECROSS-EXAMINATION

1
2 BY MR. SHINN:

3 Q Mrs. Kasabian, you testified that this
4 automobile that was used the first night was a '59 Ford.
5 You keep mentioning it as a '59 Ford, is that correct?

6 A No, I never mentioned it as a '59 Ford.

7 Q How did you describe this automobile?

8 A Just by the color, and it didn't have a
9 back seat.

10 Q Did you at any time mention that it was a '59
11 Ford in your testimony?

12 A Not that I recall.

13 Q Do you know what year it is?

14 A No, I don't.

15 Q And I believe when Mr. Stovitz asked you about
16 getting high without drugs --

17 A Yes.

18 Q -- do you recall that question?

19 MR. STOVITZ: A definition of it. I asked her what
20 her definition of it was.

21 MR. SHINN: I believe she also stated that she did
22 get high without drugs.

23 MR. STOVITZ: That was on Mr. Hughes' questions.

24 BY MR. SHINN:

25 Q I believe you then testified that getting
26 high without the use of drugs, you said, was a form of

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1 yoga, is that correct?

2 A Yes.

3 Q Would you explain to us what your explanation
4 of yoga is.

5 A Well, I'm not an expert on the subject, I
6 don't really know that much about it.

7 I know that there are certain exercises that
8 you can do, physical exercises with the body in prepara-
9 tion for the mental exercises of the mind.

10 Q Did you ever practice yoga as you know yoga?

11 A Yes, I have.

12 Q And how did you do that?

13 A Well, I have done physical exercises, different
14 positions, and I have also sat in a lotus position and
15 meditated.

16 Q And during these sessions of yoga did you take
17 any form of drugs?

18 A No.

19 Q Just without drugs?

20 A Yes.

21 Q And were these yoga exercises performed after
22 you took the drugs or just before you took the drugs,
23 if you took drugs?

24 A I just told you I did not take drugs.

25 Q This exercise was between drugs?

26 A This exercise took place while I was in jail.

1 Q That is the only time you practiced it?

2 A Yes, the physical part of it.

3 Q And you also stated that it was a form of
4 meditation, is that correct?

5 A Yes.

6 Q And then you also stated that a midline, the
7 eye that is not shown?

8 A The what?

9 Q You call it a midline?

10 A Middle eye.

11 Q Middle eye?

12 A Yes.

13 Q And you say that it takes you into an unseen
14 world?

15 A Yes.

16 Q Have you ever experienced that?

17 A No, I haven't reached that stage, no.

18 Q What stage did you reach?

19 A I really cannot relate it into words. I am
20 not really sure what stage I reached. I would have to talk
21 to an expert about it.

22 Q Well, tell us in your own words the way you
23 felt you reached a certain stage as far as you went.

24 A I just told you I don't have words for it.

25 Q What do you mean which takes you into an
26 unseen world?

- 1 A A spiritual world, a world of intangible things.
- 2 Q Have you ever experienced going into an unseen
3 world?
- 4 A I don't quite understand your question.
- 5 Q Well, you stated in your answer that the eye
6 that is not known which takes you into the unseen world.
- 7 A Yes, leads you on a journey.
- 8 Q What kind of a journey is this?
- 9 A Into the mind, into the spiritual realm.
- 10 Q Give us a little more details into the journey.
- 11 A Do you want my own experience?
- 12 Q Yes, yes.
- 13 A I just told you I don't have words for it.
- 14 Q Well, what is it, an optical illusion or a
15 hallucination?
- 16 A No.
- 17 Q Well, what is it?
- 18 A Haven't you ever sat down and closed your eyes
19 and meditated?
- 20 That's what it is. I don't have any other words
21 than that.
- 22 Q Well, when you meditate --
- 23 In other words, you were meditating then, is
24 that correct?
- 25 A Yes.
- 26 Q And what are you meditating about?

1 A I tried to clear my mind of all thoughts and
2 concentrate on the third eye.

3 Q And do you sometimes see this third eye in
4 your mind, visualize it?

5 A No, it is not an eye like the physical eye,
6 it is just a center behind the eyes. I cannot explain it.

7 Q Are you trying to talk about the subconscious
8 mind?

9 A Yes.

10 Q Did you ever get high on alcohol?

11 A Yes.

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1 Q Now, is that the same high you get when you
2 smoke, say, marijuana cigarettes?

3 A Yes, yeah, maybe.

4 Q What is the difference between getting high on
5 marijuana cigarettes and getting high on alcohol?

6 A Alcohol makes me sick to my stomach.

7 Q Do you get hallucinations when you drink
8 alcohol?

9 A Do I get what?

10 Q Do you get any hallucinations when you drink
11 alcohol?

12 A Oh, things are blurry.

13 Q You say things are blurry, what do you mean
14 things are blurry?

15 A Sort of like a haze over things.

16 Q And does it affect your memory?

17 A I don't know, it has been so long since I took
18 alcohol, I could not really say.

19 Q Well, marijuana now, you get high on marijuana,
20 you stated.

21 A Yes.

22 Q Now, what kind of feelings do you have getting
23 high on marijuana?

24 A What kind of feelings?

25 Q Yes.

26 A Well, it's a relaxer. It relaxes me. It makes

1 me hungry; it makes me laugh.

2 MR. SHINN: Your Honor, Mr. Kanarek wants to ask some
3 questions, so could I defer my cross-examination until
4 Mr. Kanarek examines, because he informs me he wants to
5 ask her questions regarding the other witness who was here
6 this afternoon?

7 THE COURT: Very well.

8 MR. SHINN: Thank you.

9 MR. KANAREK: Thank you, your Honor.

10 May I bring Mr. Marsh forward?

11 THE COURT: Yes.

12 MR. KANAREK: Mr. Marsh, will you come forward.

13
14 RE-CROSS-EXAMINATION

15 BY MR. KANAREK:

16 Q Mrs. Kasabian, may I ask you, do you recognize
17 this gentleman that is standing here?

18 A No, I don't.

19 Q Have you ever seen him before?

20 A Not that I recall.

21 Q Now, directing your attention to the middle of
22 July, 1969, were you at West Topanga Beach?

23 A West Topanga Beach?

24 Q Were you at Topanga Beach where Topanga Canyon
25 hits the Pacific Coast Highway?

26 A Yes, I was in that area.

1 Q Were you in the area -- do you know a person
2 named Piccolo?

3 A What?

4 Q A person named Piccolo.

5 A No.

6 Q Did you, while -- were you at the beach with
7 Sadie?

8 A I wasn't on the beach itself, no.

9 Q Well, were you near the beach?

10 A Yes.

11 Q With Sadie?

12 A Yes.

13 Q With some dogs?

14 A No.

15 Q Did you have any dogs near you and Sadie?

16 A No.

17 Q Directing your attention to that time did you,
18 while you were at the beach with Sadie, get some pillorybin
19 from a person at the beach that --

20 MR. STOVIER: Your Honor, I object to the question,
21 assumes facts not in evidence, number one, she was at the
22 beach, number two, she was at the beach with Sadie.

23 She said she was near the beach.

24 MR. MULLIOSI: It is beyond the scope of the
25 redirect examination, your Honor.

26 THE COURT: Sustained.

1 MR. KANAREK: Your Honor, on redirect examination
2 Mr. Stovitz went into her activities in the month or so
3 that she was at the Spahn Ranch.

4 Clearly he went into those activities. He
5 asked her about what drugs she had taken.

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

7 MR. KANAREK: Yes.

8 Q BY MR. KANAREK: Mrs. Kasabian, did you in the
9 middle of July get some psilocybin from somebody?

10 A No.

11 Q You never --

12 In the middle of July did you use any psilocybin?

13 A Just that one trip. I don't know if it was
14 psilocybin or mescaline or acid or whatever it was.

15 Q Where were you when you took that one trip?

16 A At the ranch.

17 Q And when you were in the beach area with Sadie --

18 A Uh-huh.

19 Q -- did you get any psilocybin from anyone?

20 A No, it was the same day that I took the
21 psilocybin or whatever it was that we went down to the
22 beach area at night.

23 Q The same day that you took the psilocybin,
24 or whatever it was, you mean you may have taken psilocybin
25 on this day, this one time you say you took it?

26 A Whatever it was, it was some sort of a trip.

Q Well, was it psilocybin?

1 A I don't know what it was, Mr. Kanarek, it was
2 something weak.

3 Q Well, comparing the effect that it gave to you --

4 A Uh-huh.

5 Q -- with other trips that you had taken, would
6 you describe that trip?

7 MR. STOVITZ: This has been asked and answered, your
8 Honor, on cross-examination, and it was not gone into on
9 redirect examination.

10 THE COURT: Overruled, you may answer.

11 THE WITNESS: Well, there were no hallucinations.
12 There wasn't really that much of a trip. There is nothing
13 outstanding about it. I cannot tell you.

14 Q BY MR. KANAREK: I see, but that day you went
15 to the beach area with Sadie.

16 A That night, yes.

17 Q That night you went to the beach area with
18 Sadie?

19 A Yes.

20 Q Now, directing your attention over to the
21 middle or sometime in July, did you go to Topanga Center with
22 Sadie?

23 A Topanga Shopping Plaza?

24 Q Yes.

25 A No.

26 Q During the time you were at the Spahn Ranch did

1 You go to the Topanga Shopping Center?

2 A No.

3 Q Now, Mrs. Kasabian, on how many occasions have
4 you taken psilocybin?

5 A At the ranch?

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1 Q Anywhere?

2 A Oh, anywhere? I believe two times that I
3 definitely knew it was psilocybin.

4 Q And what made you know for sure it was psilo-
5 cybin?

6 A The person that gave it to me told me it was.

7 Q Comparing the effects of that material with
8 material that you took that you thought to be LSD, did
9 you compare those -- would you compare those two effects
10 for us?

11 A Say that again, I wasn't listening to your
12 question.

13 Q Comparing the effects on the two occasions that
14 you say you took something that someone told you was
15 psilocybin --

16 A Uh-huh.

17 Q -- with LSD when you thought you were taking
18 LSD, would you compare those effects for us?

19 MR. STOVITZ: That is not covered in the redirect
20 examination, your Honor. I object to the question as
21 improper recross-examination.

22 THE COURT: Overruled, you may answer.

23 THE WITNESS: They are similar in a lot of ways,
24 yet acid is more intense, more vivid.

25 That is all I can say.
26

13b-2

1 Q Well, now, Mrs. Kasabian, you say that you get
2 high, you can get high without taking anything, is that
3 right?

4 A Yes.

5 Q And on these occasions when you get high
6 without taking anything do you get high on purpose?

7 A On purpose?

8 Q Yes.

9 A I guess you could call it that, yes.

10 Q I mean you sit down and you determine that
11 right now you are going to be high, is that the way you
12 do it?

13 A Yes, I sit down and meditate, yes.

14 Q And do you ever get high when you are not
15 taking any kind of hallucinogenic material or any kind
16 of a drug?

17 Do you ever get high without taking those
18 materials at a time when you don't get high on purpose?

19 A No.

20 Q And, so, are you telling us that you can sit
21 down and at will decide you are going to be high, and
22 then you will have an exhilarated feeling in your mind,
23 and you will have these visions, and these -- these things
24 that you have spoken of go through your mind.

25 MR. STOVITZ: Your Honor, that is not her testimony
26 that she had visions when she got high without drugs at

1 all.

2 She said it made her feel good.

3 THE COURT: Sustained.

4 BY MR. KANAREK:

5 Q Directing your attention, Mrs. Kasabian, when
6 you get high all by yourself, would you describe that
7 sensation.

8 A I thought I described it to the best of my
9 ability to Mr. Shinn.

10 I will try again.

11 I sit down, I close my eyes, and I sit in
12 the full lotus position and I concentrate, I put all of
13 my energies to a center behind my eyes which is called
14 the third eye.

15 And I concentrate on just this one area and
16 try to eliminate all thoughts, and then I don't know what
17 goes on from there. I don't have words for it.

18 Q You have no words for it?

19 A No, I don't.

20 Q But is it a feeling of exhilaration?

21 A I don't understand what you mean.

22 Q You do not know what I mean by exhilaration?

23 A No, not really.

24 Q Did it make you feel good?

25 A Yes.

26 Q In your mind what do you see while you are

13b-4

1 feeling good?

2 A I haven't seen anything really.

3 Q Well, do you see cubes and patterns and colors?

4 A Oh, no, I'm still at a stage where it is still
5 darkness.

6 Q What do you mean by darkness?

7 A It's just dark. I mean, it's darkness when you
8 close your eyes, it's just darkness.

9 Q Now, Mrs. Kasabian, you told us this morning
10 that in connection with the matter that Mr. Stovitz spoke
11 to you about in the court in Boston --

12 A Uh-huh.

13 Q That you pled guilty, is it true, to the unlaw-
14 ful possession of drugs, dangerous drugs, is that correct?

15 A Yes.

16 Q Now, is it true that you were put on two years
17 probation?

18 A No.

19 Q It is not true?

20 A No.

21 Q You are telling us you were put on one year
22 probation?

23 A Yes.

24 Q And was that case No. 1962?

25 A I have no idea.

26 Q You have no idea?

1 A I don't know what the case number was.

2 Q Did you ever report back to your probation
3 officer?

4 MR. STOVITZ: Objected to as immaterial, your Honor.

5 THE COURT: Sustained.

6 MR. KANAREK: He brought up the subject, your Honor.

7 THE COURT: Sustained.

8 BY MR. KANAREK:

9 Q Now, Mrs. Kasabian, is it a fair statement that
10 every time that you have gotten involved with the law you
11 have managed to sweet talk your way out of it?

12 MR. BUGLIOSI: Argumentative. It is also ridiculous.

13 THE COURT: Sustained.

13a fls 13

13C-1

1 Q BY MR. KANAREK: Now, Mrs. Kasabian, when you
2 were in the court in Boston, as far as doing any time is
3 concerned, you did no time, right?

4 A No, I did not.

5 Q You just walked out of the courtroom on
6 probation, right?

7 A Yes.

8 Q And you got what you wanted which was to walk
9 out of the courtroom, is that correct?

10 MR. STOVITZ: Objected to, your Honor.

11 MR. BUGLIOSI: Argumentative.

12 THE COURT: Sustained.

13 Q BY MR. KANAREK: When you came to California,
14 Mrs. Kasabian, to get your baby, Mr. Stovitz spoke to you
15 on redirect concerning, you know, the hearing before the
16 Superior Court here in Los Angeles in connection with your
17 baby.

18 A Yes.

19 Q Now, would you tell us, Mrs. Kasabian, what
20 did you tell the judge at the hearing when you got your
21 baby?

22 MR. STOVITZ: That is objected to, your Honor, it
23 was not gone into on redirect examination. It was covered
24 thoroughly on cross-examination. He established she spoke
25 to a referee on cross-examination.

26 THE COURT: Sustained.

L3C2

1 Q BY MR. KANAREK: Mrs. Kasabian, is it a fair
2 statement you got what you wanted from the court, as far
3 as your state of mind is concerned, you got the baby and
4 you left?

5 MR. BUGLIOSI: Argumentative, compound, beyond the
6 scope of the redirect examination.

7 THE COURT: Sustained.

8 Q BY MR. KANAREK: Now, Mrs. Kasabian, in
9 connection with this case, this very case, you have seven
10 counts of murder, one count of conspiracy, and it is a fair
11 statement, Mrs. Kasabian, that you -- your state of mind is
12 such that you are now at the stage or near the stage of the
13 proceedings where you are going to leave us; you are going
14 to leave us behind and you are going to Milford,
15 New Hampshire.

14-1

1 MR. STOVITZ: I object to the question, your Honor.
2 The form is ambiguous and compound.

3 THE COURT: Sustained.

4 BY MR. KANAREK:

5 Q But your state of mind is such that you
6 recognize that now you are a free woman; is that correct?

7 A I don't feel like a free woman; but technically
8 I am, yes.

9 Q Practically you are?

10 A Practically, whatever the word is; but I
11 don't feel like a free woman.

12 Q You don't feel free?

13 A No.

14 Q But as a matter of fact, you can come and go
15 as you please? When this court is over today, you can leave
16 and you can go out and you can get yourself a chocolate
17 malt or whatever you wish, when you leave this court; is
18 that correct?

19 MR. STOVITZ: Are you not considering the subpoena
20 that you have on her, Counsel? Aside from the subpoena?

21 MR. KANAREK: Your Honor --

22 MR. STOVITZ: I object to the question, your Honor.

23 It is not a fair question of the witness when
24 counsel knows that she is under subpoena.

25 MR. KANAREK: Your Honor, either we make legal
26 objections, we have due process, or we don't.

This kind of colloquy, your Honor --

1
2 MR. STOVITZ: I object to the question as an improper
3 question.

4 THE COURT: All right, gentlemen.

5 Overruled.

6 You may answer.

7 THE WITNESS: What was your question?

8 BY MR. KANAREK:

9 Q The question, Mrs. Kasabian, is this: Your
10 state of mind is such that as far as this court, as far as
11 Judge Older's court is concerned, you are now free, except
12 when you are coming to court, you are now free to go and
13 come as you please, as you, Linda Kasabian, dictate; right?

14 A I am under protective custody. So I am still
15 not free to do as I please.

16 Q But this protective custody that you are under,
17 Mrs. Kasabian, is at your whim and caprice; if you decide
18 that you no longer want "protective custody," there is no
19 force that can force that protective custody upon you;
20 is that your state of mind?

21 A I guess so.

22 Q Correct? Right?

23 A Yes.

24 Q And so you are free to come and go as you
25 please?

26 A I guess so. I don't know. I haven't tried.

1 Q You guess so? You mean you know so?

2 A Yes, but I haven't done it, so --

3 Q Without telling us where you are staying,
4 last night you didn't stay at Sybil Brand, did you?

5 A Right.

6 Q You stayed somewhere else?

7 A Yes.

8 Q Correct?

9 A Yes.

10 Q So, then, there is no restraint upon you except
11 that which you dictate?

12 MR. STOVITZ: Asked and answered.

13 THE COURT: Sustained.

14 BY MR. KANAREK:

15 Q Now, Mrs. Kasabian, in connection with your
16 getting high by yourself, have you been able to get high
17 by yourself since you have been in custody?

18 A I don't understand your question.

19 Q Well, since December 1 of last year, or there-
20 abouts, since last December, you have been in custody;
21 right?

14a Fls. 22 A Yes.

23

24

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100-1

1 Q And since that time until, let us say, yester-
2 day, have you been able to get high by yourself?

3 A Yes.

4 Q And you have been able to get high at will;
5 that is, you can make yourself exhilarated?

6 A Yes.

7 Q Now, directing your attention to times before
8 you came to this courtroom, Mrs. Macbrian, and testified.
9 While you were in Sybil Brand, did you get high?

10 A Sometimes I would sit and meditate and try to
11 still my mind.

12 Q You tried to stone your mind?

13 A Still my mind.

14 Q Still your mind?

15 A Yes.

16 Q What is the reason for that?

17 A So that I'd be together, I wouldn't be nervous.

18 Q Is there some reason that you were nervous?

19 A Yes. Because I had never sat up on a witness
20 stand and voiced myself to lots of people.

21 Q I see.

22 So, you were trying to steel yourself for that?

23 A I don't understand.

24 Q You were trying to prepare yourself for coming
25 to court here?

26 A Yes.

A2

1 Q Then, on how many occasions before you came to
2 court -- or is it a fair statement that each night before
3 you came to court here that you would make yourself high?
4 Is that a fair statement? To get ready for court for the
5 next day?

6 A No, not every night.

7 Q But about every night?

8 A No. Mostly in the beginning.

9 The beginning of my testimony.

10 Q You mean, after you got used to it, you didn't --

11 A Yes, I was able to be calm.

12 Q Without going through this process of getting
13 high?

14 A Yes.

15 Q Now, is there some reason, Mrs. Kasabian --
16 Mrs. Kasabian, have you ever taken a powder
17 from a cellophane wrapper?

18 MR. STOVITZ: I object to the question, your
19 Honor, as outside the scope of redirect.

20 THE COURT: Overruled.

21 You may answer.

22 THE WITNESS: Would you repeat that again?

23 MR. KANAREK: Q Have you ever taken a powder from
24 a cellophane wrapper?

25 A Powder from a cellophane wrapper?

26 Q Yes.

.4a3

1 A Is that plastic? Yes.

2 Q Have you taken a powder from a cellophane
3 wrapper on more than one occasion?

4 A Yes.

5 Q And have you taken psilocybin from a cellophane
6 wrapper?

7 A No. It was Owsley Acid that I took.

8 Q It was what?

9 A Owsley Acid.

10 THE COURT: Keep your voice up, please.

11 THE WITNESS: Owsley Acid. Pure pharmaceutical
12 acid.

13 MR. KANAREK: Q That you took from a cellophane
14 bag?

15 A A bag, a baggie. You know, a sandwich baggie.

16 Q Did you ever open up a capsule and open up the
17 capsule and put the contents of the capsule on your tongue?

18 A Not that I recall.

19 Q While you were in the Topanga Canyon area,
20 Mrs. Kasabian, did you, on occasion, get drugs from someone?
21 You know, someone that either sold drugs or gave drugs to
22 you?

23 MR. STOVITZ: I object to the question as outside of
24 the scope of redirect examination.

25 MR. HUGHES: May I inquire?

26 Does counsel mean the Topanga Beach area?

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MR. KANAREK: The general Topanga area.

THE COURT: Read the question.

(The question was read by the reporter.)

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14b-1

1 THE WITNESS: Are you talking about before or after
2 I came to the ranch?

3 MR. KANAREK: I will ask it completely. Both before
4 and after.

5 THE WITNESS: Before, yes. After, no.
6 BY MR. KANAREK:

7 Q Now, then, are you telling us, Mrs. Kasabian,
8 that in the whole month that you thought that Mr. Manson
9 was Jesus Christ, you actually thought he was Jesus Christ
10 in that whole period of time; right?

11 A Yes, I did.

12 Q And you thought he was Jesus Christ without
13 the benefit of anything except weak something or other
14 once?

15 MR. BUGLIOSI: That assumes a fact not in evidence,
16 your Honor.

17 THE COURT: Sustained.

18 BY MR. KANAREK:

19 Q Mrs. Kasabian, in this whole period of time
20 that you were staying at the Spahn Ranch, in that whole
21 period of time, you are telling us you only took something
22 that put you on a trip -- and that was a weak trip --
23 once?

24 A That's right.

25 Q And in that whole period of time, you thought
26 that Mr. Manson was Jesus Christ?

1 A That's right.

2 Q Did you worship him?

3 A Yes, I did.

4 Q I see.

5 Did you carry the New Testament with you?

6 A No. It had nothing to do with the Bible.

7 MR. BUGLIOSI: Argumentative.

8 THE COURT: Overruled.

9 THE WITNESS: Excuse me.

10 It had nothing to do with the Bible. There
11 were no Bibles around.

12 BY MR. KANAREK:

13 Q There were no Bibles around?

14 A That I saw, no.

15 Q Did you seek out a Bible?

16 A No.

17 Q I see.

18 Then you, for this whole month, had the
19 delusion that Mr. Manson -- or whatever time it was --
20 until you left and started going to New Mexico with
21 Mr. Hannon's car -- in that whole month you thought that
22 Mr. Manson was Jesus Christ?

23 A Yes.

24 Q Pardon?

25 A Yes.

26 Q Well, how was it that you told us this morning

1 that when you saw Mr. Frykowski, when you saw the man at
2 the pole, I thought that was when the transition occurred,
3 Mrs. Kasabian?

4 A It was.

5 Q At that point you found out that Mr. Manson
6 wasn't Jesus Christ, at the time when you saw this person
7 come to the pole with all of the blood.

8 Now, which is it?

9 A That's right. That is when I realized who
10 he was.

11 Q Well, a minute ago, Mrs. Kasabian, just a few
12 seconds ago, you told me it was when you took Mr. Hammon's
13 car and went to New Mexico.

14 A That is what you said. I didn't understand
15 your question. I am sorry.

16 Q You didn't understand that question?

17 A That's right.

18 Q Or are you not telling us the truth?

19 A I am telling you the truth.

20 Q Which way is it, Mrs. Kasabian?

21 A I realized who he was the moment I saw Mr.
22 Frykowski.

23 Q That moment you realized that Mr. Manson was
24 not Jesus Christ?

25 A That's right.

26 Q That went through your mind?

1 A Yes.

2 Q Then will you tell me, Mrs. Kasabian, what
3 did you mean just a few minutes ago when you said that it
4 was when you were in the car going to New Mexico in Mr.
5 Hannon's automobile?
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1 MR. BUGLIOSI: That is a misstatement of her
2 testimony. He was the one that said it.

3 MR. KANAREK: She answered yes to the question.

4 MR. STOVITZ: The witness said yes to the whole month
5 of July.

6 THE COURT: The objection is sustained.

7 MR. KANAREK: Q Mrs. Kasabian, when was it,
8 Mrs. Kasabian, that you no longer thought Mr. Manson was
9 Jesus Christ?

10 A I just told you. That night.

11 Q That night?

12 A Yes.

13 Q I see.

14 Then, directing your attention, Mrs. Kasabian,
15 to the questions that Mr. Stovitz addressed to you.

16 Do you remember the questions that he addressed
17 to you while he was examining you this morning?

18 A No, I don't recall at the moment what he was
19 asking me about.

20 Q You don't?

21 A At the moment, no.

22 Q Well, directing your attention to this morning.

23 Do you remember that Mr. Stovitz showed you
24 two things, right?

25 A This morning?

26 Q Did he show you two things this morning?

4c2

1 A Not that I recall, no.

2 MR. STOVITZ: Yesterday afternoon, counsel.

3 MR. KANAREK: Your Honor, this is cross-examination.

4 May Mr. Stovitz's comment --

5 MR. STOVITZ: I don't think counsel has a right to
6 mislead the witness.

7 THE COURT: That is enough.

8 MR. STOVITZ: It was yesterday afternoon that I
9 referred to them. They were shown yesterday afternoon.

10 THE COURT: Mr. Stovitz, I admonish you, sir.

11 MR. STOVITZ: All right.

12 THE COURT: Let Mr. Kanarek conduct his examination.

13 MR. KANAREK: Q Mrs. Kasabian, is it your statement
14 that when you looked into Mr. -- into that man's eyes at
15 the pole, at that instant in time, at that precise
16 instance, you realized that Mr. Manson was not Jesus Christ?

17 MR. BUGLIOSI: Repetitious, your Honor. Asked and
18 answered.

19 THE COURT: Sustained.

20 It is after 4:15, Mr. Kanarek. We will adjourn
21 now.

22 Ladies and gentlemen, do not converse with
23 anyone nor form or express any opinion regarding the case
24 until it is finally submitted to you.

25 The Court will adjourn until 9:45 on Monday
26 morning.

(Whereupon, at 4:17 p.m. the Court was in
recess.)