

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

COPY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

62

No. A253156

REPORTERS' DAILY TRANSCRIPT
Wednesday, August 19, 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:

RONALD HUGHES, Esq.

For Deft. Krenwinkel:

PAUL FITZGERALD, Esq.

[REDACTED]

[REDACTED] Esq.
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VOLUME 62

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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, AUGUST 19, 1970

2 2:00 o'clock p.m.

3 - - - -

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

6 You may proceed, Mr. Bugliosi.

7 MR. KANAREK: May we approach the bench briefly
8 before he starts?

9 THE COURT: Very well.

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

12 MR. KANAREK: Your Honor, I would like to cite to
13 the Court a case which may be dispositive of this entire
14 proceeding.

15 Now, the point is this is a Grand Jury -- the
16 name of the case is Montez vs. Superior Court.

17 THE COURT: I read the opinion. I received a copy
18 of it in the mail today. It was written by Presiding
19 Justice Otto Kaus.

20 MR. KANAREK: This is my first knowledge of it.
21 I am looking at what purports to be a synopsis of it
22 which is from the Daily Journal of August 19, 1970,
23 and it appears, your Honor, of course as I say I have
24 not read the complete decision, but as your Honor knows
25 we made this motion and your Honor made certain rulings
26 which we believe were improper.

1 THE COURT: What motion?

2 MR. KANAREK: We made a motion to quash the indict-
3 ment based on the Grand Jury being improperly constituted.

4 THE COURT: Go ahead.

5 MR. KANAREK: Your Honor would not allow proceedings
6 which we believe are analogous to what the appellate
7 department said was error in the case of Montez vs.
8 Superior Court.

9 Your Honor having read that --

10 THE COURT: What proceedings are you talking about?

11 MR. KANAREK: We asked your Honor that your Honor
12 allow the quashing of the Grand Jury indictment.

13 THE COURT: You made such a motion?

14 MR. KANAREK: Yes, your Honor.

15 THE COURT: You challenged the Grand Jury.

16 MR. KANAREK: Challenging the Grand Jury, your Honor,
17 and your Honor summarily denied it.

12 file.

1 MR. STOVITZ: I submit that counsel has not only
2 not read the decision of Montez but he has not read the
3 record in this case.

4 In the Montez case there was an offer of
5 proof to determine how the Grand Jury was constituted.
6 No such offer of proof was made in this case.

7 I submit that your Honor should ask Mr. Kanarek
8 to make a written motion supported by points and authori-
9 ties from the transcript.

10 THE COURT: I am going to do that.

11 I don't think there is any similarity at all
12 between the two cases, and I suggest that you read the
13 opinion first, because the opinion in that case, the
14 writ was granted on the theory that the trial court should
15 have allowed the defendants to call and examine the
16 judges who had been subpoenaed in that case. That is it.

17 MR. KANAREK: Very well.

18 THE COURT: That is what the opinion holds.

19 MR. KANAREK: Yes.

20 THE COURT: So there is no similarity whatever
21 between that case and this case.

22 If you think otherwise, you can file a written
23 motion supported in the usual ways and I will take it up
24 at that time.

25 MR. KANAREK: May I borrow your Honor's copy?

26 THE COURT: No. I want to reread it again.

1 MR. STOVITZ: I will get you one, Mr. Kanarek.
2 We have one in our office and I will get it for you.

3 MR. HUGHES: I want to join in that motion.

4 THE COURT: What is that?

5 MR. STOVITZ: Mr. Hughes joins in that motion, your
6 Honor.

7 THE COURT: There isn't any motion.

8 MR. KANAREK: No. I don't think Mr. Hughes was at
9 the bench, your Honor.

10 THE COURT: That's right. He didn't participate or
11 listen to the proceedings, so he doesn't know what he is
12 saying when he says he joins in the motion. There was no
13 motion made.

14 MR. KANAREK: The purport of his joining is --

15 THE COURT: You let him decide what the purport is,
16 Mr. Kanarek.

17 Let's get on with the trial.

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

22 MR. BUGLIOSI: Could we have just a moment, your Honor?

23 THE COURT: Yes.

24 (Pause while Mr. Bugliosi confers with all
25 defense counsel.)

26 THE COURT: Do you need more time, Mr. Bugliosi?

1 MR. BUGLIOSI: No, your Honor.

2 May it be stipulated --

3 MR. KANAREK: Your Honor, counsel is going to make a
4 representation to the Court which I think is improper, and
5 I ask to approach the bench. It is highly improper.

6 MR. FITZGERALD: It is perfectly proper.

7 MR. KANAREK: Improper.

8 MR. BUGLIOSI: The first stipulation you said you
9 would agree to.

10 MR. KANAREK: No, I did not.

11 MR. BUGLIOSI: There were two stipulations.

12 MR. KANAREK: May this be done outside the presence
13 of the jury? And would your Honor inform the jury, as
14 I am sure your Honor and I both agree, that these deliber-
15 ate attempts at some kind of a masquerade or a charade in
16 the presence of the jury has nothing to do with the issues
17 of the case.

18 MR. FITZGERALD: They are not a masquerade and they
19 are not a charade.

20 I discussed this matter of a stipulation, as
21 did Mr. Hughes and Mr. Shinn, with Mr. Bugliosi, and the
22 three of us attorneys are willing to enter into a stipula-
23 tion with Mr. Bugliosi.

24 MR. BUGLIOSI: That is what I would like to do at
25 this time.

26 MR. KANAREK: I would state that the law is very clear

1 that no stipulation can be mentioned to the trier of the
2 fact unless all attorneys agree, and it is highly improper
3 on Mr. Fitzgerald's part to so enunciate in the presence
12a file. 4 of the jury.

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1 MR. FITZGERALD: I think it is improper for
2 Mr. Kanarek to impugn the integrity of counsel in this
3 case, regardless of the side of the table he is on.

4 MR. BUGLIOSI: Your Honor, there will be a stipulation

5 MR. KANAREK: I was approached just 13 seconds ago.

6 MR. FITZGERALD: It would not make any difference if
7 he was approached 13 years ago.

8 THE COURT: That is enough.

9 In the first place, you are all talking at the
10 same time, so whatever you are saying is unintelligible.

11 MR. KANAREK: May we approach the bench?

12 THE COURT: If you have a stipulation of all counsel,
13 that is one thing, but if you don't have a stipulation of
14 all counsel then you don't have a stipulation.

15 MR. KANAREK: There is no stipulation.

16 MR. BUGLIOSI: We have it with the prosecution and
17 three defense counsel, your Honor.

18 THE COURT: Unfortunately, Mr. Bugliosi, we have four
19 defendants.

20 MR. KANAREK: There is no stipulation as to anything
21 with this man, your Honor.

22 THE COURT: All right. All right.

23 MR. KANAREK: At this point in the proceedings.

24 THE COURT: Let's proceed.

25 MR. KANAREK: I have asked --

26 THE COURT: That will be enough, Mr. Kanarek.

2A2

1 MR. KANAREK: Yes, sir.

2 MR. BUGLIOSI: The People will call Tim Ireland.

3 THE CLERK: Would you raise your right arm, please.

4 Would you please repeat after me.

5 I do solemnly swear --

6 MR. IRELAND: I do solemnly swear --

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

8 MR. IRELAND: -- that the testimony I may give --

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

10 MR. IRELAND: -- in the cause now pending --

11 THE CLERK: -- before this Court --

12 MR. IRELAND: -- before this Court --

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

14 MR. IRELAND: -- shall be the truth --

15 THE CLERK: -- the whole truth --

16 MR. IRELAND: -- the whole truth --

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

18 MR. IRELAND: -- and nothing but the truth --

19 THE CLERK: -- so help me God.

20 MR. IRELAND: -- so help me God.

21 THE CLERK: Would you be seated, please.

22 Will you please state and spell your name.

23 THE WITNESS: Timothy Ireland; T-i-m-o-t-h-y,

24 I-r-e-l-a-n-d.

1 TIMOTHY IRELAND,
2 called as a witness by and on behalf of the People, having
3 been first duly sworn, was examined and testified as
4 follows:

5
6 DIRECT EXAMINATION

7 BY MR. BUGLIOSI:

8 Q What is your occupation, sir?

9 A I am a graduate student and presently employed
10 at Westlake School For Girls at a day camp.

43-1
1 Q BY MR. BUGLIOSI: on the evening of August 8th,
2 and the early morning hours of August 9th, 1969, do you
3 recall where you were?

4 A Yes, sir, I was at Westlake School For Girls.

5 Q Where is that located?

6 A 700 North Faring Drive.

7 Q Do you know where the Roman Polanski residence
8 was in August of '69?

9 A Approximately.

10 Q Where was it in relation to the school?

11 A It was directly north of the school.

12 Q About how far away?

13 A I would estimate a half to three-quarters of a
14 mile.

15 Q In the early morning hours of August 9th, 1969
16 you say you were at the Westlake School For Girls?

17 A Yes, sir.

18 Q What was going on at that particular time?

19 A There was a sleep-out for approximately 35
20 children.

21 Q Boys and girls?

22 A Yes, sir.

23 Q Now, in the early morning hours, then, of
24 August 9th did you hear anything unusual?

25 A Yes, sir.

26 MR. FITZGERALD: That calls for hearsay, your Honor.

43-2
1 MR. KANAREK: I submit, your Honor, that is not hear-
2 say.

3 That would be merely like a verbal act or
4 something.

5 I see no hearsay there, your Honor.

6 THE COURT: Overruled, you may answer.

7 THE WITNESS: Yes, I did.

8 Q BY MR. BUGLIOSI: What did you hear?

9 MR. KANAREK: Your Honor, Mr. Fitzgerald was
10 speaking. I could not hear what Mr. Bugliosi said,
11 literally.

12 THE COURT: He did not say anything.

13 MR. KANAREK: I mean I could not hear his question,
14 your Honor.

15 Q BY MR. BUGLIOSI: You said you heard something
16 unusual in the early morning hours of August 9th, 1969?

17 A Yes, sir.

18 Q What did you hear?

19 A A man screaming.

20 Q What did you hear him scream, if you recall?

21 MR. FITZGERALD: I renew my objection, your Honor.

22 MR. KANAREK: I will join with Mr. Bugliosi on the
23 question on the ground, your Honor, that it is a verbal
24 type of act and it is not hearsay.

25 It is not offered for the truth of any matters
26 asserted.

1 THE COURT: Overruled.

2 MR. STOVITZ: May I, with the Court's permission, ask
3 counsel not to assist the prosecution, we have enough
4 assistance.

5 MR. BUGLIOSI: I think his joinder should be
6 preserved for posterity, so I am in a position where I
7 disagree with co-counsel here.

8 THE COURT: Overruled, you may answer.

9 Q BY MR. BUGLIOSI: What did you hear the male
10 voice scream, sir?

11 A He said, "Oh, God, no, please don't. Oh, God,
12 no, please don't, don't, don't," for approximately 10 to
13 15 seconds.

14 Q About what time was this?

15 A Approximately 12:40 a.m.

16 Q Forty minutes past midnight?

17 A Yes, sir.

18 Q Do you know from what direction these screams
19 were coming?

20 A From a northerly direction.

21 Q Is that the direction of the Polanski residence?

22 A Yes, sir.

23 Q Would you please step down from the witness
24 stand, sir, and approach this diagram over here.

25 MR. BUGLIOSI: Your Honor, may this diagram be marked
26 People's next in order?

1 THE COURT: 98, your Honor.

2 MR. BUGLIOSI: 98.

3 THE COURT: 98 for identification.

4 MR. STOVITZ: May we, for the record, your Honor,
5 identify that diagram as a diagram drawn to scale showing
6 Ventura Boulevard at the north, showing Beverly Glen
7 Boulevard, Benedict Canyon Drive and certain streets such
8 as Cielo Drive, Portola Drive, and Mulholland Drive.

9 What is the scale on that, Mr. Bugliosi?

10 MR. BUGLIOSI: The scale is one inch equals 480 feet.

11 MR. FITZGERALD: That is hearsay. I object and I
12 ask it be stricken and that the jury be instructed to dis-
13 regard it.

14 MR. STOVITZ: It is drawn to scale.

15 THE COURT: Just a minute. Whether it is drawn to
16 scale or not is not yet known.

17 The jury is admonished to disregard that
18 statement.

19 Is there a purported scale identification on
20 the chart?

21 MR. BUGLIOSI: Yes, there is, your Honor, in the
22 upper right-hand corner, "approximate scale 1 inch equals
23 480 feet."

24 THE COURT: For identification purposes only, then,
25 it purports to have that scale.
26

13a-1

1 BY MR. BUGLIOSI:

2 Q Looking at this diagram, sir, do you see
3 where the Polanski residence would be located on that
4 diagram?

5 (Witness indicates.)

6 You are pointing right there, to 10050 Cielo
7 Drive?

8 A Yes, sir.

9 MR. BUGLIOSI: May I mark that "Polanski residence,"
10 your Honor?

11 THE COURT: Yes.

12 (Mr. Bugliosi so marks on Exhibit.)

13 BY MR. BUGLIOSI:

14 Q Approximately where --

15 THE COURT: Mr. Bugliosi, to assist the jury, would
16 you identify the directions on the chart as now posted on
17 the board.

18 MR. BUGLIOSI: Yes, your Honor.

19 The top is north; the bottom is south; the
20 left of course is the west and the right is the east.

21 THE COURT: All right.

22 BY MR. BUGLIOSI:

23 Q Would you indicate, sir, the approximate
24 location of the Westlake School for Girls in relation
25 to the Polanski residence.

26 (Witness indicates.)

13a-2

1 Q Right there?

2 A Yes, sir.

3 Q Place an X there.

4 (Witness complies.)

5 MR. KANAREK: May I suggest a W, your Honor, for
6 future use.

7 MR. BUGLIOSI: We are going to mark it "Westlake
8 School."

9 THE COURT: Very well.

10 MR. BUGLIOSI: May we mark that "Westlake School for
11 Girls"?

12 THE COURT: Is that the location of the Westlake
13 School?

14 THE WITNESS: Approximately.

15 THE COURT: Very well.

16 (Mr. Bugliosi so marks on the exhibit.)

17 MR. BUGLIOSI: You may resume the witness stand, sir.

18 (Witness resumes seat in the witness stand.)

19 BY MR. BUGLIOSI:

20 Q What is the topography, sir, of where the
21 Westlake School for Girls is?

22 Is it at the bottom of a valley or the top of
23 a hill or what?

24 A It is on a hill. It is on a winding road in
25 a hill.

26 Q Would the Polanski residence be higher?

13a-3 1

A Higher.

2

Q Higher than the Westlake School for Girls?

3

A Yes, sir.

4

Q Did you do anything after you heard these

5

screams, sir?

6

A Yes, sir, I got up and ran around the camp

7

area to see if there was anything going on in the

8

vicinity of the camp.

9

I could not see anything.

10

I went up to the man who was acting as

11

supervisor; I asked him if he heard anything.

12

He was asleep. He said no.

13

I then asked him if I could get in my car and

14

drive around the area to see if I saw anything further

15

away.

16

I got in my car and I drove down to Benedict

17

Canyon, and made a right turn on Benedict Canyon and came

18

around up Beverly Glen and back to camp.

19

I did not see anything.

20

MR. BUGLIOSI: Thank you, no further questions.

15a file. 21

THE COURT: Cross-examination.

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13b-1

CROSS-EXAMINATION

BY MR. FITZGERALD:

Q Mr. Ireland, did you have a conversation with some representatives from the Los Angeles Police Department on or about Saturday, August 10, 1969?

A August 10 would be Sunday, sir.

Q Sunday, August 10?

A I talked to, I think, Sergeant Henderson.

Q Was that on Saturday or Sunday?

A Sunday, August 10.

Q And did you tell Sergeant Henderson in response to a question as to what time you heard the sounds, did you reply "Approximately 1:00 to 1:30 a.m. on Saturday morning August 9th"?

A Yes, sir.

Q Your testimony here today is that you heard these sounds at 12:40 a.m.?

A Yes, sir.

MR. FITZGERALD: I have nothing further.

THE COURT: Mr. Shinn.

MR. SHINN: Yes, your Honor.

CROSS-EXAMINATION

BY MR. SHINN:

Q Sir, did you contact the police or did the police contact you?

1 A I came home Saturday, the 9th, went to sleep,
2 slept all day, heard about the murders in Benedict Canyon
3 area.

4 Saturday night I contacted the Beverly Hills
5 Police Department.

6 Saturday night they told me they were not
7 handling the case and they would have Los Angeles
8 Police Department call me the next day.

9 Q And did the police call you the next day?

10 A Yes, sir.

11 Q Now, these words that you heard uttered,
12 did you take any notes?

13 A No, sir.

14 Q In other words, you had these words memorized?

15 A Yes, sir.

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

17 THE COURT: Mr. Kanarek.

18 MR. KANAREK: Yes, thank you.

19
20 CROSS-EXAMINATION

21 BY MR. KANAREK:

22 Q Now, would you state the exact words you
23 heard uttered?

24 A "Oh, God, no, please don't, oh, God, no,
25 please don't, don't, don't, don't, please don't!"

26 Q All right, now, you take those exact words,

1 sir, how many times have you uttered those words to the
2 Police Department, the exact words that you just uttered?

3 A To the Los Angeles Police Department?

4 Q Yes.

5 A Three, maybe four times.

6 Q That was last August?

7 A Yes, sir.

8 Q And since then have you written down those
9 exact words in preparation for your coming to court today?

10 A No, sir, you don't forget things like that.

11 Q I see. You had those words --

12 You heard them and you have never said them
13 over to yourself since then?

14 A I have said them over many times to myself.

15 Q Many times, right?

16 A Yes, sir.

17 Q And then may I ask you, prior to your coming
18 to court today did you talk to Mr. Bugliosi about it?

19 MR. BUGLIOSI: It is irrelevant, your Honor.

20 I will enter a stipulation that I do not
21 call strangers to the witness stand, Mr. Kanarek.

22 THE COURT: Overruled, you may answer.

23 MR. BUGLIOSI: I talk to all the witnesses.

24 MR. KANAREK: Would your Honor ask the jury to
25 disregard Mr. Bugliosi's statement?

26 THE COURT: The jury is admonished to disregard the

1 comments of counsel.

2 Proceed.

3 BY MR. BUGLIOSI:

4 Q Now, sir --

5 THE COURT: Was there an answer to the last question?

6 THE REPORTER: No.

7 THE COURT: Read the last question.

8 (Whereupon the reporter reads the pending
9 question as follows:

10 "Q And then may I ask you, prior to
11 your coming to court today did you talk to Mr.
12 Bugliosi about it?")

13 THE WITNESS: Yes.

14 MR. STOVITZ: Before the next question, your Honor,
15 with the consent of all counsel I asked the next witness
16 to come in.

17 Is it agreeable with the Court?

18 THE COURT: To what?

19 MR. STOVITZ: I asked the next witness to come in
20 in order to save time.

21 MR. FITZGERALD: No objection.

22 MR. KANAREK: That is agreeable.

23 THE COURT: Very well.

24 MR. STOVITZ: I wanted to ask permission of the
25 Court.

26 THE COURT: Very well.

1 BY MR. KANAREK:

2 Q Now, sir, you say that the topography here
3 puts your location, when you allege you heard the sounds,
4 below the Cielo residence of the date of the case.

5 A Yes, sir.

6 Q Is that correct?

7 A Yes, sir.

8 Q Now, would you describe that topography.

9 In which way is it lower? Is it like a valley
10 with walls of the valley on each side, or is it just lower
11 on a hill basis?

12 Do you know what I mean?

13 A The hill, on which the Tate-Polanski residence
14 was located, is higher than Westlake School for Girls.

15 It is up here. Westlake School is down here.

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44-1

1 Q But it is not in a valley -- that is, each of
2 these is not in a valley the floor of which is on a hill?

3 A I think there might be a valley in between.

4 Q Now, directing your attention to the noise that
5 you heard. Was that noise -- did you time it?

6 A Time it as to the length or as to time of
7 occurrence?

8 Q Let me ask you. I will let you answer it both
9 ways.

10 A I felt that it took 15 seconds, 10 to 15
11 seconds, for the screams to start and stop.

12 I asked the man who I reported the screams to
13 after I first spoke to Sergeant Henderson. I
14 asked the man who I reported the screams to what time he
15 heard me come up to him, and he said it was about 12:30.

16 I then subtracted five minutes for the time it
17 took me to run around the camp.

18 Q All right.

19 Now, then, directing your attention to your
20 statement that it happened at 1:30.

21 A Yes, sir. Go ahead.

22 Q Now, would you, sir, would you tell us, sir,
23 on how many different occasions did you say it happened at
24 1:30?

25 A I never said it happened at 1:30.

26 Q Did you say it happened about 1:30?

14-2

1 A I said -- yes.

2 Q On how many different occasions?

3 MR. FITZGERALD: That is misquoting the witness.

4 The witness testified that he made a state-
5 ment to the representative of the Police Department,
6 Sergeant Henderson, that he heard the noise between 1:00
7 and 1:30 a.m.

8 MR. KANAREK: Your Honor, if we have an objection,
9 I will be glad to listen to it.

10 MR. FITZGERALD: The objection is that counsel's
11 statement misquotes the witness.

12 THE COURT: Put the question again.

13 MR. KANAREK: Yes, sir.

14 Q Counsel -- Mr. Witness --

15 MR. STOVITZ: Mr. Ireland.

16 MR. KANAREK: Q Mr. Ireland, would you please
17 tell us on how many different occasions, sir, have you
18 spoken of a time where, let us say, you said it was between
19 1:00 and 1:30?

20 A Once to Sergeant Henderson.

21 Q That is all?

22 A Yes.

23 Q Now, directing your attention to your state of
24 mind.

25 You felt, when you heard this, that it was
26 necessary to write -- to actually keep track of the time;

1 in that right?

2 A No, sir. I did not keep track of the time.

3 Q You asked someone to --

4 A Yes, sir.

5 Q -- do something in connection with the time of
6 this occurrence; is that right?

7 A Yes, sir.

8 Q Well, did you call the Police Department or
9 some police agency that night?

10 A No, sir.

11 Q And as a matter of fact, you completely forgot
12 it until you read something or heard something the next
13 day; is that right?

14 A Sir, I was asleep all Saturday and I didn't
15 hear anything about it until Saturday night.

16 Q But after -- it was only, sir, after you heard
17 something about it that you did anything about approaching
18 a police agency?

19 A Yes, sir.

20 Q And what is the name, or what is the area,
21 where these girls were bedded down? Does that area have a
22 name? Is it an estate or a park?

23 A It is a school.

24 Q It is part of the school itself?

25 A Yes, sir.

26 Q Is that correct?

4
1 A Yes, sir.

2 MR. KANAREK: Thank you.

3 MR. HUGHES: No questions.

4 MR. KANAREK: Oh, I have just one other question.

5 Q Directing your attention to the words that
6 you heard uttered, did those words seem to you to come
7 from one or more people?
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1 MR. FITZGERALD: That calls for a conclusion, your
2 Honor.

3 THE COURT: Overruled.

4 THE WITNESS: One person.

5 MR. KANAREK: Q When you heard those words, did
6 they seem to be the words -- when you heard them, did you
7 think in terms that this was a man or a woman or a child?

8 A A man.

9 Q You thought in terms that it was a man?

10 A Yes, sir.

11 Q And did you have any impression as to whether
12 it was a young man or an old man? Did you have any
13 impression as to the age of the person from what you heard?

14 MR. FITZGERALD: Objection. Calls for a conclusion.

15 MR. STOVITZ: Calls for a conclusion.

16 MR. FITZGERALD: And there is a lack of foundation.

17 THE COURT: Sustained.

18 MR. STOVITZ: Also, your Honor, Mr. Kanarek stated
19 just one more question when he got up.

20 MR. KANAREK: Thank you, sir. Thank you.

21 MR. HUGHES: No questions, your Honor.

22 THE COURT: Very well.

23 Any redirect?

24 MR. BUGLIOSI: Yes, your Honor.
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REDIRECT EXAMINATION

1 BY MR. BUGLIOSI:

2 Q You say you told Sergeant Henderson that it
3 was between 1:00 and 1:30 a.m.?

4 A Yes, sir.

5 Q Now, what has caused you to change your mind
6 about the time?

7 A When I talked again to Mr. Sparks, who was the
8 man I first contacted about hearing the noise and asked if
9 I could go look around the camp, he said the time was
10 12:45, because he noticed on his watch.

11 Q So then you deducted five minutes from that?

12 A Yes, sir.

13 Q You spoke to Sparks a second time after you
14 spoke to Henderson?

15 A Yes, sir. After I spoke to Henderson and
16 Lee and Richards.

17 MR. BUGLIOSI: Thank you.

18 No further questions.

19 MR. KANAREK: Your Honor, I would ask that the
20 statement about it being 12:45, that the jury be asked to
21 disregard it on the grounds that it is the hearsay utterance
22 of this witness.

23 THE COURT: Are you moving to strike that portion of
24 the answer?

25 MR. KANAREK: Pardon me?

1 THE COURT: Are you moving to strike that portion of
2 the answer?

3 MR. KANAREK: Yes, your Honor.

4 THE COURT: The motion will be granted.

5 That portion of the answer in which he relates
6 -- what is the gentleman's name?

7 THE WITNESS: Mr. Sparks.

8 THE COURT: That Mr. Sparks told him what the time
9 was is stricken.

10 The jury is admonished to disregard that portion
11 of the answer.

12 MR. STOVITZ: May this witness be excused, your
13 Honor?

14 THE COURT: Anything further?

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

16 THE COURT: You are excused.

17 MR. STOVITZ: Thank you very much, Mr. Ireland.

18 MR. BUGLIOSI: People call Mr. Weber.

19 MR. STOVITZ: Mr. Weber, please.

20 THE CLERK: Would you raise your hand, please.

21 Would you repeat after me?

22 I do solemnly swear --

23 THE WITNESS: I do solemnly swear --

24 THE CLERK: -- that the testimony --

25 THE WITNESS: -- that the testimony --

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

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

1 THE CLERK: -- before this Court --

2 THE WITNESS: -- before this Court --

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

4 THE WITNESS: -- shall be the truth --

5 THE CLERK: -- the whole truth --

6 THE WITNESS: -- the whole truth --

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

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

9 THE CLERK: -- so help me God.

10 THE WITNESS: -- so help me God.

11 THE CLERK: Would you be seated, please.

12 THE WITNESS: Yes, sir.

13 THE CLERK: Would you please state and spell your
14 name.

15 THE WITNESS: My name is Rudolf Weber; W-e-b-e-r.

16 THE CLERK: And your first name is spelled?

17 THE WITNESS: R-u-d-o-l-f.

18 THE CLERK: Thank you.

19
20 RUDOLF WEBER,
21 called as a witness by and on behalf of the People, being
22 first duly sworn, was examined and testified as follows:

23
24 DIRECT EXAMINATION

25 BY MR. BUGLIOSI:

26 Q What is your occupation, sir?

1 A Well, I have been retired for the last four
2 months.

3 Q What was your previous occupation?

4 A I was chief steward at the Brentwood Country
5 Club for 18 years.

6 Q Here in Los Angeles?

7 A In West L.A.

14B- 8

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14b-1

1 Q Where do you reside, sir?

2 A I live at 9870 Portola Drive, Beverly Hills.

3 Q Did you live there during the month of August,
4 1969?

5 A Yes, I did.

6 Q Did you live there with anyone?

7 A Nobody but my wife.

8 MR. STOVITZ: Your Honor, rather than having the
9 witness step to the board, may I go to the diagram,
10 Exhibit 98, and point to Portola Drive and ask the witness
11 if he can see it from where he is?

12 THE COURT: Yes.

13 MR. STOVITZ: Do you see Portola Drive from where
14 you are sitting?

15 THE WITNESS: That's right.

16 MR. STOVITZ: Mr. Bugliosi, do you want any
17 questions directed toward this?

18 MR. BUGLIOSI: I think he had better step down from
19 the witness stand.

20 Will you step down from the witness stand,
21 sir?

22 THE WITNESS: Sure.

23 (The witness leaves the witness stand and
24 approaches the exhibit on the board.)

25 BY MR. BUGLIOSI:

26 Q Looking at this diagram, sir, Mr. Weber, do

14b-2

1 you see the location of your home on this diagram?

2 A Well, it would be just about along in here.

3 Q About right here (indicating)?

4 A About there, yes, sir.

5 MR. BUGLIOSI: All right.

6 Your Honor, may I mark that "Weber home"?

7 THE COURT: Yes.

8 MR. STOVITZ: There is a red Crayon there. Mr.
9 Fitzgerald borrowed it.

10 MR. FITZGERALD: Here you are.

11 (Mr. Bugliosi marks the diagram.)

12 MR. BUGLIOSI: You may resume the witness stand,
13 Mr. Weber.

14 I think you will have to return, unfortunately,
15 at a later time. It has just developed this way.

16 (Whereupon the witness returns to the witness
17 stand.)

18 BY MR. BUGLIOSI:

19 Q What is located behind your home on Fortela
20 Drive?

21 A Well, nothing but the hillside.

22 Q Okay.

23 What about to the east?

24 A To the east?

25 Q Yes.

26 A Two vacant lots.

14b-3

1 Q To the west?

2 A To the west is one residence.

3 Q Okay.

4 What about to the south?

5 A To the south?

6 Q Across the street from your house.

7 A That is a vacant lot.

8 Q Are there any street ^{lights} / near your home?

9 A No, sir, except at the intersection of
10 Benedict Canyon and Portola.

11 Q That is what direction? Is that west from
12 your home?

13 A That would be west, yes, sir.

14 Q Okay.

15 Is there any curbing, any street? Any side-
16 walk or any curbing?

17 A No sidewalks and no curbings.

18 Q In front of your home?

19 A None.

20 Q About how far is your home from Benedict
21 Canyon Drive?

22 A Well, I would say 250, 300 feet.

23 Q Close to a hundred yards?

24 A Just about.

25 Q Portola Drive runs east and west?

26 A East and west, yes, sir.

14b-4

1 Q And it dead-ends to the east?

2 A Yes, it does.

3 Q Directing your attention to the date of
4 August the 8th, 1969. You say you were living with your
5 wife at 9870 Portola Drive?

6 A That's right.

7 Q Do you recall what time you retired for the
8 evening on August the 8th, 1969?

9 A Well, we usually retire about 9:00 o'clock
10 in the evening.

11 Q So you went to bed then with your wife?

12 A At 9:00 o'clock, yes, sir.

13 Q Did anything unusual happen that night, sir,
14 after you went to bed?

15 A Well, it was about 1:00 o'clock in the morning.
16 That would be Saturday morning.

17 Q August 9th, 1969?

14c fls. 18 A Well, whatever the date is, yes.

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14C-1

1 Q All right. You may continue.

2 A So, I was awakened by the sound of running
3 water. It seemed to me that something had happened to
4 the plumbing under the house.

5 So I jumped out of bed in my pajamas --

6 Q How did you know it was about 1:00 o'clock?

7 A Because I looked at the clock.

8 Q All right.

9 What happened next?

10 A So I got up and rushed out of the house in my
11 pajamas. I mean, I grabbed a flashlight and went down-
12 stairs.

13 Q Were you with your wife at that time?

14 A Well, she came a little while later.

15 Q All right. Okay.

16 What happened next?

17 A So I opened the garage door. There was no
18 sign of water. The plumbing seemed to be all right.

19 Q What is the next thing that happened?

20 A Then I still heard the running water. In other
21 words, through the regulator.

22 Then I saw that someone had turned on the out-
23 side connection with the water hose.

24 MR. STOVITZ: Your Honor, Mr. Hughes just spoke to
25 me that this testimony should be admitted not as to
26 Leslie Van Houten.

1 MR. HUGHES: Yes. All of the testimony of the nights
2 of August 8th and 9th.

3 MR. STOVITZ: August the 8th and the early morning
4 hours of August 9th is not offered as to Leslie Van Houten.

5 MR. HUGHES: Right.

6 MR. STOVITZ: So stipulated.

7 MR. HUGHES: So stipulated.

8 THE COURT: Very well.

9 The jury is admonished to take heed of that
10 stipulation that was just entered into.

11 Did you all hear it and understand it?

12 Very well.

13 MR. BUGLIOSI: There was a negative response from
14 the alternate juror, your Honor.

15 THE COURT: I am sorry, I didn't see you,
16 Mr. Daut.

17 Would you state the stipulation again?

18 MR. STOVITZ: The stipulation is to any testimony,
19 either from this witness, the previous witness, or any
20 other witness, that relates to August the 8th and the
21 early morning hours of August the 9th, 1969, does not
22 pertain to the defendant Leslie Van Houten.

23 MR. HUGHES: So stipulate.

24 THE COURT: Very well.

25 MR. BUGLIOSI: Q What is the next thing you did,
26 Mr. Weber?

1 A Well, I believe -- I am not quite sure now
2 after this length of time -- but I think I turned the
3 water off that the hose was connected to.

4 Q Where is this location in relation to your
5 house?

6 A Well, that is on the outside of the building,
7 as the picture will show.

8 Q What is the next thing that happened?

9 A Then I heard voices out in the street, and,
10 of course, I had to go out in the street and a little ways
11 up, and I flashed my light over a group of people standing
12 there.

13 Q Now, how many people did you see standing
14 there?

15 A There were four people, one man and three girls.

16 Q Did they appear to be Caucasian or Negro or --

17 A Well, as far as I could tell, they were
18 Caucasians.

19 Q About how old did they appear to be?

20 A Well, they were in their early -- not early,
21 but in their teens. They looked to me like young people.

22 Q Did you get a look at their faces at all?

23 A No.

24 Q You can't identify them?

25 A No, I couldn't at all.

26 Q About how tall would you estimate the man was?

1 A Well, the man was at least my size, at least
2 six-one, six-two, possibly.

3 Q What about the three girls? About how tall
4 were they?

5 A Well, two of them were average height.

6 Q What do you consider average height, sir?

7 A Well, five-foot seven, five-foot eight, or so.

14D

14d-1

1 Q Do you consider the average height of a female
2 to be five seven or five eight?

3 A Of the two females, yes.

4 Q You indicated, sir, that two of the females
5 were of average height.

6 A That's right.

7 Q And do you feel that the average height of
8 a female is five seven or five eight?

9 A Well, that would be my guess.

10 Q What about the third girl?

11 A The other one was real small. I don't think
12 she was more than five feet.

13 Q So, there was one male and three girls?

14 A That's right.

15 Q And you said they appeared to be in their
16 teens?

17 A That's right.

18 Q Their early teens or late teens or mid-teens,
19 or what?

20 A I would say late teens.

21 The little one looked to me like she was
22 about 16.

23 That is the way it looked in the dark.

24 MR. KANAREK: Your Honor, I gather I have a
25 continuing objection on irrelevancy and immateriality,
26 subject to what we discussed previously at the bench?

14d-2

1 THE COURT: Very well.

2 MR. KANAREK: As to both of these witnesses, your Honor?

3 I haven't been enunciating any objections.

4 THE COURT: Very well.

5 MR. KANAREK: Thank you.

6 MR. BUGLIOSI: I have here a photograph. May it be
7 marked as People's next in order?

8 THE COURT: 99 for identification.

9 MR. BUGLIOSI: Let me withdraw that, your Honor.
10 There is a piece of paper covering People's 45.

11 Apparently this is already marked as People's
12 45.

13 BY MR. BUGLIOSI:

14 Q I show you People's 45 for identification, sir.
15 Do you know what is shown in that photograph?

16 A It shows part of the house with the hose
17 connection, and myself and the mailbox.

18 Q This hose here that is shown in the photograph,
19 is that the position or the approximate position it was in
20 in the early morning hours of August the 9th?

21 A Well, it just about is, because it was always
22 hooked up all the time.

23 Q Did it extend from the house out into Portola
24 Drive?

25 A It extended out from the house like this and
26 just around the corner, and say about 20 feet up.

14d-3

1 Q Did it extend from the house onto Portola
2 Drive?

3 A Yes, it did. Because this is the outside of
4 Portola Drive here.

5 Q If a person were driving a vehicle with the
6 lights on at night, driving eastbound on Portola, would
7 the hose which is attached to your house be visible from
8 the street?

9 A They could not help seeing it.

10 Q They could not help but see it?

11 A No.

12 Q You say they could see it?

13 A They could see it.

14 Q I show you People's 43 for identification.
15 Do you know what is shown in that photograph?

16 A Yes.

17 It shows half of the front of the house with
18 the garage open and with the water hose going up on the
19 Portola.

20 Q All right.

21 Would you indicate, sir, on this photograph
22 where the four people were standing when you exited from
23 your home in the early morning hours of August the 9th?

24 A Well, I would say they were standing around
25 here.

26 MR. BUGLIOSI: May I mark that "Where Mr. Weber saw

14d-4

1 four people," your Honor?

2 THE COURT: Which side of the street is your house
3 on, Mr. Weber, the north or the south?

4 THE WITNESS: The south side. That is south there.

5 THE COURT: All right.

6 MR. BUGLIOSI: May I mark this "where Mr. Weber saw
7 the four people," your Honor?

8 THE COURT: Yes, you may, Mr. Bugliosi.

9 MR. STOVITZ: Are you putting a square there, Counsel,
10 or what kind of a marking?

11 MR. BUGLIOSI: There is an X here now.

12 THE COURT: I believe one of your earlier questions
13 indicated that his house was on the north side.

14 MR. BUGLIOSI: I forget, your Honor.

15 THE WITNESS: No. It should be south.

16 BY MR. BUGLIOSI:

17 Q Did you say anything to these four people
18 when you saw them, sir?

19 A Well --

20 Q Or did your wife say anything? Either one of
21 you?

22 A Well, when I came around the corner and saw
23 these four people standing there, first I came out and
24 said just "What in the h-e-l-l do you think you are doing?"

25 So the man was sort of pleasant about it, and
26 he says, "Hi." And he says, "We are just getting a drink
of water."

15 fls.

15-1

1 MR. KANAREK: Your Honor, may I have a continuing
2 objection, in addition, as to conversation, may I have a
3 continuing objection on the grounds of hearsay as to
4 Mr. Manson as to any of the conversations?

5 Clearly Mr. Manson is not even alleged to be
6 present.

7 MR. BUGLIOSI: Your Honor, I think this would come
8 in against all alleged co-conspirators in the indictment.

9 MR. STOVITZ: It should be subject to motion to
10 strike.

11 THE COURT: It will be received subject to motion to
12 strike.

13 MR. KANAREK: So if I don't enunciate an objection as
14 to hearsay, wherever there is conversation may it be
15 deemed that objection has been made prior to the response?

16 THE COURT: It will be deemed received subject to a
17 later motion to strike.

18 MR. KANAREK: Where hearsay is one of the objections.

19 THE COURT: Yes.

20 MR. KANAREK: Thank you, your Honor, — as well as
21 the materiality.

22 Q BY MR. BUGLIOSI: You may continue, sir.

23 You asked, "What the h-e-l-l do you think
24 you're doing," or words to that effect?

25 A Just about, yes.

26 Q What did the male say?

1 A Well, he seemed very pleasant. He said in a
2 youthful voice: "Hi, we are just getting a drink of water."
3 That was all that was said.

4 Q Did your wife say anything at that point?

5 A Well --

6 MR. FITZGERALD: Object. That is also hearsay, Your
7 Honor.

8 THE COURT: Sustained.

9 MR. BUGLIOSI: Your Honor, may we approach the bench
10 on this?

11 THE COURT: I will vacate that ruling. It will be
12 received subject to the same motion to strike.

13 Q BY MR. BUGLIOSI: Did your wife say anything,
14 sir?

15 A Well, in the meanwhile she got a little overly
16 excited and she started to give them h-a-l-l, too. She
17 said, "You have a lot of nerve," and so on and so forth.

18 Of course we were more scared on account of
19 this plumbing thing because I thought the pipe was broken.

20 THE COURT: The question was, "What did your wife say?"

21 THE WITNESS: Anyway, she said, "My husband is a
22 deputy sheriff and I think we are going to make a report of
23 this."

24 In other words, just to scare the people off.

25 Q BY MR. BUGLIOSI: You are not a deputy sheriff?

26 A Of course not.

1 Q And you never have been?

2 A No.

3 Q All right, after you said that to the male
4 and the male responded and your wife made that statement,
5 did you say anything else to these four people?

6 A Well, the only other thing I said is -- when
7 I looked down the street and I saw a car parked right
8 practically in the middle of the street.

9 So I knew it did not belong to any one of the
10 residents because they all have their parking places, and
11 besides there is no parking allowed anyway.

12 So I looked down and I saw this car and I
13 said, "Is that your car down there?"

14 And then the man says, "No, we are just walking."

15 Q Now, was the car that you were referring, that
16 you are referring to, parked down the road?

17 In other words, was it west from the house?

18 A Facing down Benedict Canyon.

19 Q West from your house?

20 A West.

21 Q Towards Benedict Canyon Drive?

22 A Toward Benedict Canyon.

23 Q Did anyone speak to you other than the male at
24 this point?

25 A No, no one.

26 Q In fact during the entire incident did anyone

1 but the male speak to you?

2 A No.

3 Q The three girls did not speak to you?

4 A No, they did not.

5 Q I show you People's 44 for identification, do
6 you know what is shown in that photograph?

7 A Well, this is part of my own house, and this is
8 a neighbor's house, and this is a neighbor's house, and
9 this is Portola Drive, facing west to the canyon.

10 Q Directing your attention, sir, to a vehicle
11 which appears in basically the upper-right-hand portion
12 of this photograph --

13 A That's right.

14 Q -- is that the approximate location of where
15 this car was that you have been referring to in your
16 testimony?

17 A That is approximately the same location.

18 Q That is not the car however?

19 A It is not, no.

20 MR. BUGLIOSI: May I also mark this, your Honor,
21 where Mr. Weber saw a car?

22 THE COURT: Very well.

23 MR. STOVITZ: And that is on what exhibit, Counselor?

24 MR. BUGLIOSI: 44.

25 Q BY MR. BUGLIOSI: After you had that conver-
26 sation, sir, with the male, what is the next thing that

1 happened?

2 A Well, then they started walking down toward the
3 car.

4 Q You said "they."

5 A They, all four of them.

6 Q All right, what did you do?

7 A Well, I walked behind them.

15A.

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1 Q Did you have your flashlight in your hand at
2 that point?

3 A I had it but I did not have it turned on.

4 Q Okay, what is the next thing that happened?

5 A So they walked down to the car and I turned
6 the flashlight back on again and I put it on the license
7 number, on the license plate.

8 Q All right, do you recall what the license
9 plate number was?

10 A GYY 435.

11 Q Did you write that license plate number down
12 at any time after you saw it?

13 A I wrote it down after I got back home, yes.

14 Q What did you write it down on?

15 A Just an ordinary piece of paper.

16 Q And why did you write the license plate number
17 down on that piece of paper?

18 A Well, the main reason was because it was a
19 strange car that did not belong in the neighborhood and
20 I figured when these people, that these people might have
21 been up to some mischief in our street.

22 So I thought I'd better make sure to see what
23 the license plate number was.

24 Q Did you keep that piece of paper?

25 A I kept it for a little while and then one
26 day I cleaned out some odds and ends out of my writing

13a-2

1 desk, old letters, and go on and so forth, and I came
2 across it and I discarded it with the rest of it.

3 Q Did you ever call the police shortly after
4 this incident and tell them about it, about the incident?

5 A No, I did not.

6 Q Did you ever tell them about the license plate
7 number?

8 A I did not.

9 Q Why not, sir?

10 MR. FITZGERALD: Objection, your Honor. May we
11 approach the bench?

12 MR. KANAREK: It calls for a conclusion.

13 MR. BUGLIOSI: If it is irrelevant, okay, though
14 I imagine the defense will go into it.

15 THE COURT: Sustained.

16 MR. BUGLIOSI: I have no purpose for going into it.

17 BY MR. BUGLIOSI:

18 Q How is it, sir, you still remember that number?

19 A Well, it was sort of an odd number to me,
20 especially GYY, and only three digits, 435.

21 Q Is there any other reason you remember that
22 number?

23 A Well, not especially.

24 Q Referring to your employment as a steward
25 at the Bentwood Country Club, did you work with numbers?

26 MR. KANAREK: I object, your Honor, that is remote.

15a-3

1 There are a lot of people that work with
2 numbers. It is immaterial.

3 MR. BUGLIOSI: It is not irrelevant, your Honor,
4 unless the defense will stipulate this man remembered
5 those numbers and won't go into this.

6 THE COURT: Overruled, you may answer.

7 THE WITNESS: Well, in my job I handle figures, and
8 bookkeeping all day long, because I do the buying, and I
9 do the handling, the administration of these merchandises.

10 I have to have the prices, the cost and every-
11 thing at a moment's notice.

12 So I recall most of them.

13 BY MR. BUGLIOSI:

14 Q You recall most of what, sir?

15 A Of the figures on the job.

16 Q You recall the numbers, in other words, I
17 mean the prices on whatever it was.

18 A Six or seven or eight hundred items.

19 Q Your job at the Brentwood Country Club required
20 that you remember numbers, is that correct?

21 A That's right.

22 Q Do you recall whether this license plate number
23 was a California license plate or some other state?

24 A No, it was California.

25 Q After you got down to the car what was the
26 next thing that happened, sir?

15a-4

1 A Well, then, I still stayed behind the car and
2 I stepped over to the left of it and someone opened the
3 door to the back, and as they did, the girls got in.
4 I suppose they got in from both sides.

5 The dome light went on and I could see the
6 back of the car, the floor.

7 Q How was the back of the car, the floor?

8 A It was all littered up, I imagine, cans and
9 everything else.

10 Q What is the next thing that happened?

11 A So then the girls got in, they got in the back.

12 The man got in the front. He closed the door
13 and on an impulse I reached through the window and I
14 tried to reach for the keys, which was not my intention,
15 it was simply the fact, to scare him away.

16 So by the time I even had my hand bearly on
17 the windshield, he took off just like this.

18 Q Did he drive off slowly, moderately or fast?

19 A Very fast.

20 Q Would you describe that car, sir?

21 A Well, it is hard to describe.

22 It was an old car. The paint seemed to be
23 dull from the little I could see when I looked at the
24 license plate.

25 Q You say it's an old car, approximately what year?

26 A Well, it looked old. It could have been, I
don't know, it could have been ten or twelve years old.

15b file.

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Q In other words, '58, '59 or '60?

A Well, it could have been.

Q Do you know what type of car it was?

A Well, that I could not say because I am not too familiar with automobiles, especially that age; it could have been a Ford or Chevrolet.

Q It did not appear to be an expensive type car like a Lincoln or Cadillac?

A No, no, absolutely not.

Q Do you recall what color it was?

A Well, it seemed to me it had a tan color from what I could see around the license plate.

Q Was it dark in that area, sir?

A It was, yes.

Q You indicated there was a light at the intersection of Portola and Benedict Canyon Drive, is that correct?

A That's right.

Q How far would that be from where the car was?

A It might be 100 feet off.

Q Did the illumination from that light cover that particular car?

A Well, it would cover it from the front, I imagine, fairly well.

Q But not from behind?

A Not from the back, no.

1 Q Did you ever look at the sides of this car?

2 A No.

3 Q Did you ever look at the front of the car?

4 A No.

5 Q Just from the back?

6 A I never got around to the front.

7 Q Do you recall if it was a two-door or a four-
8 door?

9 A It must have been a four-door because somebody
10 opened the door to the back.

11 Q I show you People's 59 for identification, sir,
12 directing your attention to the back seat of this car, you
13 notice there is debris there. Is this the type of debris
14 or does it look like the debris that you saw on this parti-
15 cular evening?

16 A Well, as far as I could tell it was not that
17 much.

18 Q Not that much debris?

19 A Not that much.

20 Q But there was debris on the floor?

21 A There was.

22 Q I show you People's 38 for identification.
23 You will notice there are several cards here.

24 I am directing your attention to the one on
25 the right, here, does that look like the car or does that
26 look different from the car you saw on this particular

evening?

A Well, it seems to look different.

Q In what respect?

A Well, the color.

Q What color did you notice this to be, the one in the photograph?

A Well, a cream color.

Q You thought the color of this particular car was tan.

A Sort of a tan, yes.

Q Do you notice this is a four-door?

A That is a four-door, yes.

Q Did you notice the vehicle on this particular photograph as a four-door?

A That's right.

Q And the vehicle that you have been talking about in your testimony was also a four-door, is that correct?

A As far as I can remember, yes.

Q Looking at the paint job on the particular car that is shown in this photograph, does that appear to be a shiny new paint job or a rather old one?

A On this one here?

Q The one --

A This looks fairly good to me.

Q All right. You say you only saw the back of the

1 particular car there?

2 A Just the back, yes.

3 Q Not the side or the front?

4 A No, I did not.

5 Q Looking at the side of this car, this People's
6 38, is it about the same size or smaller or larger than the
7 car you saw that night?

8 A Well, it could be the same size.

9 Q Was it approximately the same size as the car
10 that night or did it appear to be smaller or larger?

11 A It did not appear to be smaller, no, not
12 larger either, so it is about the same size.

13 THE COURT: Mr. Bugliosi, we will take our recess at
14 this time.

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

18 The Court will recess for 15 minutes.

19 (Recess.)

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

22 You may continue, Mr. Bugliosi.

23 Q BY MR. BUGLIOSI: How long were you in the
24 vicinity of this car at the bottom of the hill, or near
25 the bottom of the hill?

26 A Well, excuse me, not any more than three or

four minutes.

Q Now, you did want to remember the license plate number, is that correct?

A That I did, yes.

Q And you flashed your flashlight on the plate?

A That's right.

Q At that particular time were you concerned about remembering the physical description of the car?

A As a matter of fact, no.

Q Showing you People's 44 again, do you see the telephone pole in that photograph?

A You mean this one here?

Q Does that look like a telephone pole?

A I don't think it does, it would be too far out in the street.

It could be, I don't know. There is one there.

16-1

1 Q There is one where you see --

2 A There is one there. Right behind --

3 Q -- what seems to be a tree or a pole?

4 A Behind the car.

5 Q Was there any light on that particular tree
6 or pole, whatever it is, in front of the car?

7 A No. We have no lights at all.

8 Q The light is down at the intersection of
9 Portola and Benedict Canyon?

10 A That's right.

11 MR. BUGLIOSI: For the record, your Honor, we are
12 referring to a post or a pole or the trunk of a tree
13 which is directly -- at least in the photograph -- is
14 directly in front of the car which is shown in People's
15 44.

16 THE COURT: Let's see that?

17 (Mr. Bugliosi hands the photograph to the
18 Court.)

19 THE WITNESS: Most likely this is a telephone pole.

20 (The Court returns the photograph to Mr.
21 Bugliosi.)

22 MR. BUGLIOSI: All right.

23 Q Does that appear to you now, sir, to be a
24 telephone pole?

25 A I think it would be, yes.

26 Q Was that where the telephone pole was in

16-2

1 relation to the car?

2 A Well, just about, yes.

3 MR. BUGLIOSI: May I mark that "telephone pole",
4 your Honor?

5 THE COURT: Very well.

6 (Mr. Bugliosi marks.)

7 BY MR. BUGLIOSI:

8 Q Were there any words spoken between you and
9 these four people down by the car?

10 A No, not a word.

11 Q The only words that were spoken were in front
12 of your home?

13 A That's right.

14 Q That was between you and your wife and this
15 male?

16 A That's right.

17 Q What is your wife's first name, sir?

18 A Myra, M-y-r-a.

19 Q Does your wife have any medical condition that
20 would prevent her from coming to court?

21 A Well --

22 Q You will have to wait until I finish the
23 question.

24 A Excuse me.

25 Q Does she have any medical condition that would
26 prevent her from coming to the court and testifying?

16-3

1 MR. KANAREK: Objection. Calling for a conclusion.

2 MR. BUGLIOSI: It goes to her state of mind.

3 MR. STOVITZ: We can always explain the absence of
4 a witness, your Honor.

5 THE COURT: The form of the question is bad.

6 BY MR. BUGLIOSI:

7 Q Does your wife feel she has any medical
8 condition that would prevent her from coming to court
9 to testify?

10 A She knows she does.

11 MR. KANAREK: I would object to that on the ground
12 that it calls for a conclusion on the part of this witness.

13 THE COURT: Sustain the objection.

14 BY MR. BUGLIOSI:

15 Q How old is your wife, sir?

16 A She is 67.

17 Q Is she in good health or ill health?

18 MR. KANAREK: Calling for a conclusion of the witness.

19 THE COURT: Overruled.

20 MR. STOVITZ: You may answer.

21 MR. BUGLIOSI: You may answer the question, sir.

22 THE WITNESS: Physically she is a hundred percent,
23 except she has a little emotional disorder, shall we say.

24 MR. BUGLIOSI: Thank you, sir.

25 MR. KANAREK: Your Honor, I would ask that that
26 last portion be stricken.

16-4

1 THE COURT: Overruled.

2 The motion is denied.

3 BY MR. BUGLIOSI:

4 Q When this car sped off, sir, did it drive
5 towards the vicinity of Portola and Benedict Canyon?

6 A That's right.

7 Q Do you know whether it took a left or a right
8 on Benedict Canyon?

9 A Well, that I did not watch. By that time I
10 had already gone home again.

11 MR. BUGLIOSI: No further questions.

12 THE COURT: Mr. Fitzgerald?

13 MR. FITZGERALD: Yes, sir.

14
15 CROSS-EXAMINATION

16 BY MR. FITZGERALD:

17 Q Mr. Weber, were you having trouble with hippies
18 there in the area of Portola Drive during the month of
19 July and August, 1969?

20 A Well, I wouldn't pin it down just to a couple
21 of months. We have had hippies living in and out of the
22 Canyon for years.

16a Fla.

4-1
1 Q As a matter of fact, there was a vacant house
2 right across the street from your place, right?

3 A That's right.

4 Q And from time to time during that summer, there
5 were a lot of hippie-type individuals in that vacant house;
6 isn't that right?

7 A I wouldn't say they were in the vacant house,
8 no.

9 How could they get in?

10 Q Were there seams above you?

11 A Well, they lived all up and down the canyon.
12 I mean, our street.

13 Some of them were nice people and some of them
14 were not so nice.

15 MR. FITZGERALD: I wonder if I might approach the
16 bench with counsel?

17 THE COURT: Very well.

18 (Whereupon all counsel approach the bench and
19 the following proceedings occur at the bench outside of
20 the hearing of the jury.)

21 MR. FITZGERALD: I would like to state the following
22 on information and belief.

23 Would you try not to overhear us, sir.

24 MR. STOVITZ: Mr. Weber, why don't you step down
25 from the stand and go over and sit there.

26 MR. FITZGERALD: I would like to state the following

on information and belief.

This witness, Rudolf Weber, did not report this incident to the Los Angeles Police Department until some time during the month of December, 1969.

Now, I am informed and believe that after he saw the Susan Atkins' confession in the Los Angeles Times he reported the matter to the police.

In the published version of the confession there was some mention about their stopping at a house and washing off their hands.

The point of all this, your Honor, is that I would like to ask this witness when he reported the matter to the police to show that there was a substantial lapse of time between the time that he observed those events and the time that he reported them to the police.

MR. STOVITZ: I have cautioned him.

MR. FITZGERALD: I in no respect want to open the door to any counsel in this case -- the prosecution or anybody -- to ask this witness why the delay and then bring in the Susan Atkins' confession.

I would like to ask the question, but if there is any problem about me opening a door, I won't ask the question.

MR. STOVITZ: There is no problem.

MR. KANAREK: I don't want to prejudice Miss Atkins.

MR. STOVITZ: There is no problem about opening the

1 dear.

2 Mr. Fitzgerald's statements that the witness
3 did not report this until some time in December is correct.

4 The second statement that he reported it after
5 he read the confession of Susan Atkins in the paper is
6 incorrect.

7 We will stipulate, if you want to, Mr. Fitzgerald,
8 that his first report to any police officer was sometime
9 around December the 10th, 1969.

10 You will find by questioning him that he never
11 read Susan Atkins' story.

12 THE COURT: That is not exactly the point. That is
13 partially the point.

14 The rest of the point is, as I understand
15 Mr. Fitzgerald, he doesn't want any defense counsel to go
16 into that on cross-examination.

17 MR. SHINN: Yes, Mr. Kanarek.

18 THE COURT: Right.

19 MR. FITZGERALD: That is it exactly.

20 MR. STOVITZ: We will not go into it.

21 THE COURT: I can't understand why any defense
22 counsel would want to go into any question of the
23 confession in front of the jury, but sometimes people do
24 strange things.

25 MR. BUGLIOSI: Wait a while now.

26 MR. KANAREK: Yes, your Honor.

1 MR. BUGLIOSI: Am I being led to believe that
2 Mr. Fitzgerald wants to put in the confession?

3 MR. FITZGERALD: No. No.

4 MR. SHIM: He wants to stay away from it.

5 MR. BUGLIOSI: Did I hear the Court say, "I can't
6 understand why a defense attorney would want to bring in a
7 confession"? Did I hear the Court say that?

8 THE COURT: What I meant was that I can't imagine
9 why any defense counsel, on cross-examination, would want to
10 raise the question of a confession, but sometimes things
11 are done inadvertently or without good judgment and the
12 damage could be done.

13 MR. KAKAREK: May I make this statement?

14 MR. SHIM: Yes. Under certain conditions, sometimes
15 the witness just blurts it out.

16 THE COURT: Yes. It could be done inadvertently by
17 the witness.

17-1

1 MR. BUGLIOSI: My information is that this man never
2 reported to the Police Department.

3 THE COURT: All right, I would make the following
4 suggestion:

5 First of all, I would suggest that you ask
6 each defense counsel, or Mr. Fitzgerald, if he intends
7 to go into that question on cross-examination if you raise
8 it.

9 Secondly, assuming that answer satisfies you
10 and you want to go ahead, I would suggest that either the
11 prosecution or the Court advise the witness that under
12 those circumstances he is not to mention that in any
13 answer he gave.

14 In other words, the fact, if it is a fact,
15 the newspaper account of the confession.

16 MR. BUGLIOSI: My information and belief is that this
17 man told a co-worker of his at the Brentwood Country Club
18 to report it to the police, and he never reported it.

19 MR. FITZGERALD: Okay.

20 THE COURT: That all may be true, yet there may be
21 irreparable damage done inadvertently.

22 MR. STOVITZ: We cautioned him not to mention any-
23 thing about reading it in the newspaper.

24 The way it happened, he told somebody at the
25 Club about it, then somebody at the Club contacted the
26 police and the police contacted Mr. Weber.

17-2

1 THE COURT: What about defense counsel?

2 MR. KANAREK: Your Honor, I make a motion that we
3 interrogate the man outside the presence of the jury in
4 a voir dire proceeding.

5 The Court can then evaluate; that way we
6 don't do it in some hybrid type of proceeding whereby the
7 District Attorney tells him to do something or not to do
8 something.

9 The man seems to speak a little bit with an
10 accent. The only way we can do it is by following our
11 orderly procedure.

12 Certainly it is in the nature of material
13 which would be illegally set forth before the jury.

14 So therefore the best way to do it is to do it
15 in open court, and interrogate him, have the jury removed
16 from the room and let the chips fall where they may.

17 I cannot depend upon the prosecution, your
18 Honor, let's face it, it is our belief that the only
19 reason Susan Atkins --

20 THE COURT: Do I understand you want to bring in
21 some evidence of the confession?

22 MR. KANAREK: No, your Honor, the understanding I
23 wish to convey to the Court is:

24 First of all, it is our belief that the
25 Susan Atkins matter is the result of an illegal conspiracy
26 between the prosecution and Mr. Caballero and Mr. Caruso.

17-3

1 I say the only way we are going to insulate
2 the jury from this is to have your Honor conduct a hearing
3 outside of the presence of the jury, and I make the motion.

4 If anyone is apprehensive of this witness making
5 some statements that may cause the Court to create a
6 mistrial --

7 THE COURT: We are apprehensive of you, Mr. Kanarek.

8 MR. STOVITZ: We have given counsel a full statement
9 of Mr. Weber's, consisting of questions and answers of,
10 what is it, 30 pages?

11 MR. BUGLIOSI: 25 or 30 pages.

12 MR. KANAREK: There is no need for apprehension as
13 far as I am concerned, as to my position in this case.

14 Some counsel fail to realize I am representing
15 -- that is why we have separate counsel, my position is
16 I represent Mr. Manson, and this is the position that I have.

17 And each of the other counsel have told me that
18 they represent individually their client.

19 THE COURT: We are getting off the subject now.

20 MR. KANAREK: What I am saying, you need have no
21 apprehension whatsoever about my injecting any error into
22 this record.

23 At the beginning of this record the D.A.'s
24 conduct, way back, and let's not forget that --

25 MR. BUGLIOSI: And I won't forget your allegation
26 either.

1 MR. FITZGERALD: The procedure outlined by the Court
2 is agreeable with me.

3 That is to say, that we have either the
4 District Attorney or your Honor admonish this witness
5 outside the presence of the jury/^{to} under no circumstances
6 mention what he read in the newspaper in connection with
7 this case.

8 I personally would be satisfied that the evidence
9 will come in as to Mr. Shinn's client, and Mr. Shinn has
10 indicated to me it is agreeable with him.

11 THE COURT: Mr. Hughes, have you heard what is going
12 on?

13 MR. HUGHES: I have heard a good deal, yea, about the
14 confession and if we raise this.

15 THE COURT: What?

16 MR. HUGHES: I have heard tell of it. I have always
17 found it very difficult to overhear at the bench.

18 THE COURT: Well, Mr. Fitzgerald is apprehensive
19 that some counsel inadvertently or intentionally may get
20 into the area of something this man may have read in the
21 newspaper concerning Susan Atkins.

22 MR. HUGHES: I think I followed that.

23 THE COURT: What I'm trying to find out, to assist
24 Mr. Fitzgerald and all of you, is whether or not you
25 intend to go into that area.

26 MR. HUGHES: No, I don't.

1 THE COURT: Do you have any objection to the Court
2 or the District Attorney advising Mr. Weber not to mention
3 anything he may have read in the newspaper in connection
4 with this?

5 MR. HUGHES: Could that be outside the presence of
6 the jury?

7 MR. FITZGERALD: It doesn't make any difference.

8 MR. HUGHES: Could the advisement be outside the
9 presence?

10 MR. FITZGERALD: Outside the hearing of the jury.

11 MR. BUGLIOSI: I would like to have it outside the
12 hearing of the press, or else the press will pick it up
13 again.

14 MR. FITZGERALD: The Judge would simply lean over
15 and tell Mr. Weber.

16 MR. BUGLIOSI: I don't want the press picking up
17 the implication this man got his information from some
18 article.

19 THE COURT: Is that agreeable?

20 MR. KANAREK: I think it is agreeable if it is on
21 the record.

17a fls.

17A-1

1 THE COURT: We will have it on the record but it
2 won't be audible to anybody but Mr. Weber and myself.

3 MR. KANAREK: I would ask the jury be ordered to
4 leave the room.

5 THE COURT: No necessity, I am simply going to lean
6 over while he is in the witness box and tell him not to say
7 anything about anything he read in the newspaper.

8 MR. KANAREK: This cloak and dagger kind of technique --

9 If your Honor wishes to do it outside the
10 presence of the press, I have no objection, but I
11 would ask that it be done outside the presence of the jury.

12 Who knows what connotation they may take with
13 that kind of procedure?

14 THE COURT: You have an objection to calling him right
15 up here at the bench with all counsel present?

16 MR. KANAREK: My preference -- you see, it puts me on
17 the spot and makes me the heavy guy who is interfering.
18 The point is I don't want the jury seeing your Honor having
19 some special conference, because it is adding dignity and
20 weight to this man's testimony.

21 MR. STOVITZ: I don't think we have anything to worry
22 about, if counsel just understands the question they are
23 going to ask.

24 If they ask questions aimlessly, we don't know
25 what will happen.

26 We will try to interpose the proper objection.

1 THE COURT: Then let's proceed.

2 MR. BUGLIOSI: With respect to stipulations, rather
3 than coming up here a second time, I don't see why the
4 prosecution cannot enter a stipulation with any defense
5 attorney.

6 Of course, then it is only evidence as to that
7 client whose counsel entered the stipulation.

8 If Mr. Kanarek wants to argue at the end of the
9 case that these cars belonged to the killers, let him do
10 it.

11 I have no objection to it. I want to save
12 time, bringing people down from Sacramento with records.

13 If the three defense attorneys want to enter
14 into a stipulation with Mr. Stovitz and myself, I don't
15 think he has a right to hold us up.

16 THE COURT: That presents a very difficult problem.

17 If we had separate trials, that would be one
18 thing, but where you have multiple defendants and, say,
19 three out of the four stipulate to something and the other
20 one doesn't, and in the eyes of the jury it is a
21 fait accompli as to the fourth defendant --

22 MR. KANAREK: I might say counsel evidently does not
23 know how to practice law, your Honor.

24 THE COURT: Don't make these kind of statements,
25 Mr. Kanarek, they simply provoke answering statements.

26 You have been talking now continuously for a

1 long time.

2 Let's proceed.

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

5 Q BY MR. FITZGERALD: Mr. Weber, you did not
6 report this matter to the Los Angeles Police Department
7 until sometime in December of 1969, isn't that correct?

8 MR. BUGLIOSI: That assumes a fact not in evidence,
9 that he reported it to the police at all.

10 MR. FITZGERALD: I'm sorry.

11 Q BY MR. FITZGERALD: Did you report this matter
12 to the police at any time?

13 A No, I did not.

14 Q When was the first time you had a conversation
15 with representatives from the Los Angeles Police Department,
16 or any police department, in connection with your home and
17 the water and what you testified to?

18 A Well, this was, I believe, towards the latter
19 part of December.

20 Q Now, were you recently served with a subpoena
21 duces tecum?

22 A Yes, I was.

23 Q For certain documents and records?

24 A Yes, I was.

25 Q That might be in your possession?

26 A Yes, I was.

Q And did that subpoena direct you to appear here in court with a slip of paper that contained the license number?

A Yes, it did.

Q Were you able to honor that subpoena and come to court with a slip of paper with the license number on it?

A I appeared at the time specified, but I did not have the paper with me because I did not have it any more.

MR. FITZGERALD: I have nothing further.

THE COURT: Mr. Shinn.

MR. SHINN: Yes, your Honor.

CROSS-EXAMINATION

BY MR. SHINN:

Q Sir, this license number you put on a piece of paper, you stated that you took the license number down the night you saw these people?

A That's right, after I got home.

Q After you got home?

A Certainly.

Q Approximately how much later did you write this license number down after you got home?

A The minute I got home, maybe five minutes later.

Q And then did you put this paper away after that?

A I did.

1 Q Immediately?

2 A Well, I put it with my other personal papers.

3 Q And you have not seen that piece of paper until
4 what, until the next time when you threw it away?

5 A As I explained it before, I cleaned out some
6 old letters and things like this and I came across it and
7 I discarded it along with the other old papers I had, my
8 personal papers.

17b-1

1 Q Then after that you thought nothing about
2 this license number again?

3 A No, I did not.

4 Q When was the next time you saw this number
5 again?

6 MR. STOVITZ: I don't think the witness understands
7 your question, Counsel.

8 THE WITNESS: The next time I saw it was the last
9 time I saw it when I discarded it. I looked at it and I
10 said "This is no good any more."

11 Q This was in December?

12 A No, it was maybe a couple of months later.

13 Q A couple of months later?

14 A That's right.

15 Q And when was the next time you saw this number
16 again?

17 A I never saw it again.

18 Q You never saw it again?

19 A I turned it over to the police, yes.

20 Q What did you turn over to the police?

21 A When I made my statement to the police.

22 MR. BUGLIOSI: There is no answer to that. The
23 question is "What did you turn over to the police," your
24 Honor.

25 THE WITNESS: You mean as far as evidence is
26 concerned?

17b-2

1 MR. BUGLIOSI: The question is "What did you turn
2 over to the police," so I move to strike on the grounds
3 of not responsive.

4 I don't think there was an answer to that
5 question.

6 THE COURT: The answer will be stricken.

7 BY MR. SHINN:

8 Q You said you turned something over to the
9 police, is that correct?

10 A I didn't turn anything over to the police.

11 Q In other words, you just gave the police
12 information?

13 A Information.

14 Q Did the police, when you talked to the police,
15 did they show you a license number?

16 A No, they did not.

17 Q They did not show you any kind of a license
18 number?

19 A They did not.

20 Q Did they show you any pictures?

21 A They did not.

22 Q In other words, these pictures Mr. Bugliosi
23 showed you, that was the first time he showed you the
24 pictures, today?

25 A Mr. Bugliosi showed it to me when I made my
26 statement to him.

1 Q When was this?

2 A Well, I don't know, that was two or three
3 weeks later, possibly.

4 Q Then you did see these pictures, then?

5 A He showed me those pictures, yes, sir.

6 Q Did he show you any license numbers at that
7 time?

8 A No, he did not.

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

10 THE COURT: Mr. Kanarek?

11 MR. KANAREK: No questions, your Honor.

12 THE COURT: Mr. Hughes?

13 MR. HUGHES: No questions, your Honor.

14 THE COURT: Any redirect examination?

15 18 fls.

18-1
1 MR. STOVITZ: With the permission of the Court,
2 may I bring in the next witness? He is going to testify to
3 something eight to ten hours later.

4 THE COURT: Any objection?

5 MR. FITZGERALD: No objection.

6 MR. HUGHES: No objection.

7 MR. SHINN: No objection.

8 MR. KANAREK: What is that?

9 MR. STOVITZ: I want to bring in the next witness to
10 testify to something eight or ten hours later. It has no
11 connection with this witness.

12 The Court has given me permission.

13 MR. KANAREK: Is this witness still on the stand?

14 MR. BUGLIOSI: Yes.

15 MR. KANAREK: I will object.

16 The man can stand outside the courtroom and
17 be brought in.

18 THE COURT: Sit down, you have made your statement.

19 MR. BUGLIOSI: Q Mr. Weber, you did speak to the
20 police about this incident?

21 A Yes, I did.

22 Q Did you give them your information?

23 A I did.

24 Q Did you give them the license plate number?

25 A I did.

26 Q When you gave them the license plate number,

was it on a slip of paper?

A It was not.

Q You had already discarded the slip of paper?

A That's right.

MR. BUGLIOSI: No further questions.

MR. STOVITZ: Now may I bring in the next witness?

MR. KANAREK: No objection.

MR. FITZGERALD: Nothing further of this witness.

MR. SHINN: Nothing further.

MR. HUGHES: No questions.

THE COURT: You may step down.

THE CLERK: Would you raise your right hand, please.

Would you please repeat after me.

I do solemnly swear --

THE WITNESS: I do solemnly swear --

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

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

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

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

THE CLERK: -- before this Court --

THE WITNESS: -- before this Court --

THE CLERK: -- shall be the truth --

THE WITNESS: -- shall be the truth --

THE CLERK: -- the whole truth --

THE WITNESS: -- the whole truth --

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

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

2 THE CLERK: -- so help me God.

3 THE WITNESS: -- so help me God.

4 THE CLERK: Would you be seated, please.

5 Would you state and spell your name for the
6 record.

7 THE WITNESS: Jim Asin, A-s-i-n.

8
9 JIM ASIN,

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

12
13 DIRECT EXAMINATION

14 BY MR. BUGLIOSI:

15 Q What is your occupation, sir?

16 A Student.

17 Q Where do you attend school?

18 A University High School.

19 Q Where do you reside?

20 A 10090 Cielo Drive.

21 Q Did you know Mr. and Mrs. Roman Felanski?

22 MR. KANAREK: Immaterial, your Honor, and irrelevant,
23 unless there is some foundation.

24 THE COURT: Overruled.

25 You may answer.

26 THE WITNESS: Not personally.

1 MR. BUKLIOSI: Q Did you know who they were?

2 A Yes, I did.

3 Q Did you know where they lived?

4 A Yes, I did.

5 Q Where did they live in relation to your home
6 in August of '69?

7 A Two houses down.

8 Q In terms of altitude, were they up from your
9 home or down from your home?

10 A Down.

11 Q You lived above them?

12 A No. It was on the same level, the same level
13 on the street. It would be up.

14 Q Directing your attention, sir, to Saturday
15 morning, August 9th, 1969, were you at home?

16 A Yes, I was.

17

18

19

20

21

22

23

24

25

26

18a-1

1 Q Did anything unusual happen at that time?

2 A Saturday night?

3 Q I am talking about Saturday morning, sir.

4 A Yes.

5 Coming out of the house to warm up the car,
6 I was going to go down to the West Los Angeles Police
7 Station to work the desk, when I saw the maid, a woman,
8 come running out of the gate and --

9 Q The gate of what?

10 A The Tate residence.

11 Q Was that Winifred Chapman?

12 A Correct.

13 Q What happened next?

14 A She --

15 MR. KANAREK: Your Honor, if I may, would your
16 Honor instruct the witness not to relate these statements?

17 I have no objection to what occurred,

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

19 Make your objections.

20 THE WITNESS: I saw the maid running to the
21 house next door, the white one closest to the Tate
22 residence, and start banging on the door.

23 I paid no attention to it and went to warm
24 up the car and got it started, when she came and started
25 banging on my door.

26 I asked her if I could help her.

18a-2

1 BY MR. BUGLIOSI:

2 Q Did she say anything at that time or scream
3 anything?

4 MR. KANAREK: I object on the grounds that it is
5 hearsay.

6 MR. BUGLIOSI: It comes in under the spontaneous
7 exception to the hearsay rule.

8 MR. KANAREK: There is no foundation as to that.

9 MR. FITZGERALD: No foundation for it.

10 MR. BUGLIOSI: Could it come in subject to a motion
11 to strike?

12 MR. KANAREK: I object.

13 THE COURT: There will have to be a foundation.

14 BY MR. BUGLIOSI:

15 Q What is the next thing that happened, sir?

16 A She was hysterical and she was screaming that
17 there was blood and bodies all over.

18 MR. FITZGERALD: I ask that that portion of the answer
19 be stricken and the jury admonished to disregard it as
20 hearsay.

21 MR. KANAREK: Join in that motion, your Honor.

22 THE COURT: That will be stricken.

23 The jury is admonished to disregard it.

24 BY MR. BUGLIOSI:

25 Q You say she was screaming and hysterical?

26 A Yes, she was.

- 1 Q What is the next thing that happened?
- 2 A I called the police and told them --
- 3 Q You called the police?
- 4 A Right.
- 5 Q About what time was this?
- 6 A Approximately 8:30 in the morning.
- 7 Q How long after Mrs. Chapman was knocking on
- 8 your door did you call the police?
- 9 A About 55 minutes. *CPJ -*
- 10 Q After you called the police, what is the next
- 11 thing that happened?
- 12 A I went down to the gate with my father.
- 13 Q What gate?
- 14 A The Tate residence gate, the front gate.
- 15 Q Did you notice anything on the gate?
- 16 A The wires, the telephone wires were draped
- 17 across it.
- 18 Q About how many wires?
- 19 A Six or seven.
- 20 Q Telephone wires?
- 21 A Yes.
- 22 Q Were on top of the gate?
- 23 A On top of the gate and down along the ground.
- 24 Q Fallen down from the telephone pole?
- 25 A Correct.
- 26 Q Hanging down over the gate?

1 A Correct.

2 Q What is the next thing that happened?

3 A I went back to our home and waited for the
4 police to arrive, and when they arrived, they went -- the
5 police went into the gate and brought out the caretaker,
6 Mr. Garretson. And that is about it.

7 I stood by the front gate after the police had
8 gone in and helped out the best I could until I was asked
9 to leave. And I left.

10 Q Did Mrs. Chapman remain in your home for
11 a while?

12 A In the carport, seated.

13 Q How long after you called the police did it
14 appear that the police arrived?

15 A 15 to 20 minutes.

16 Q Did you ever enter the driveway of the Tate
17 residence that morning?

18 A Yes, I did. After the police had gone in there
19 and cleared it.

15b fls.

18B-1

1 Q How did you get in?

2 THE COURT: Pull the microphone closer, Mr. Asin.

3 MR. BUGLIOSI: Q How did you get in, sir?

4 A Walked in. They allowed me in there.

5 Q The gate was already open?

6 A After the police had arrived, they let me in.
7 They pushed the button.

8 Q The police pushed the button to open the gate
9 and you walked in?

10 A Yes.

11 Q And later you returned to your home?

12 A Yes, sir.

13 MR. BUGLIOSI: No further questions, your Honor.

14 MR. FITZGERALD: No questions.

15 MR. SHINN: No questions.

16 MR. KANAREK: No questions, your Honor.

17 MR. HUGHES: No questions, your Honor.

18 THE COURT: You may step down.

19 MR. BUGLIOSI: Your Honor, may we briefly approach the
20 bench?

21 THE COURT: Yes.

22 (Whereupon, all counsel approach the bench and
23 the following proceedings occur at the bench outside of the
24 hearing of the jury:)

25 MR. STOVITZ: Your Honor, our next witness --^{or}our
26 witness before Mr. Asin -- was going to be Mr. Swartz, the

1852
1 owner of the car.

2 He had a load of hay to deliver to Bakersfield
3 this morning. He gave us all the assurance in the world
4 that he could be in Bakersfield at 8:00 o'clock in the
5 morning and be in court at 2:00 o'clock.

6 I told him that if he ran into any kind of
7 difficulty whatsoever, for him to call the Police Department
8 and let them know.

9 He has not called the Police Department, and
10 Mr. Sartucci just went out to find out where the heck --
11 where he is. We don't know where he is.

12 Tomorrow morning we will have Mrs. Winifred
13 Chapman and Mr. John Swartz here as soon as court convenes.

14 We are very sorry for the inconvenience of the
15 Court, but we had the witnesses on call, standing in the
16 hall, going home day by day, and we apologize for this
17 inconvenience to the Court.

18 THE COURT: In other words, you want to adjourn at
19 this time?

20 MR. STOVITZ: At nine minutes to 4:00, yes.

21 THE COURT: We have a hearing set at 9:00 o'clock
22 tomorrow morning.

23 MR. FITZGERALD: I think it is 8:00 o'clock. Was it
24 9:00?

25 MR. STOVITZ: 9:00.

26 THE COURT: Ask Mr. Darrow to step over here.

1 What time is that hearing set for in the
2 morning?

3 THE CLERK: 9:00 o'clock, your Honor.

4 THE COURT: All right. 9:00 o'clock.

5 MR. BUGLIOSI: Your Honor, is it necessary for the
6 prosecution to be here? I don't think it involves us at
7 all.

8 MR. STOVITZ: I will be here.

9 THE COURT: The County Counsel has been brought in.

10 MR. STOVITZ: I will be here anyway.

11 THE COURT: To represent or at least to handle the
12 matter for the Sheriff's Department.

13 MR. BUGLIOSI: Right.

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18c-1

1 THE COURT: I don't know how long this will last.

2 I think the County Counsel intends to offer
3 some declarations or counter-declarations, and it may well
4 be that you can stipulate to the declarations on both sides,
5 that they be received and that the Court determine the
6 motion on the basis of them.

7 But whether or not that is the fact, I don't
8 want to take trial time to hear these motions. If we don't
9 finish in time, we simply will have to continue it from
10 day to day until such time as it is finished.

11 MR. STOVITZ: That is satisfactory with the People.

12 MR. SHINN: Are we going to go on the basis of the
13 declarations, or are we going to have an evidentiary
14 hearing?

15 THE COURT: You mean tomorrow?

16 MR. SHINN: Yes.

17 THE COURT: That is what I said.

18 I think that the County Counsel intends to
19 offer declarations.

20 In other words, the motion is based on the
21 declaration of Mr. Manson. I think, as is ordinary in
22 these matters, they will submit counter-declarations.

23 MR. SHINN: Plus an evidentiary hearing, your Honor?

24 THE COURT: I presume that there are people in the
25 Sheriff's Department that have knowledge of what the
26 matters are that are contained in Mr. Manson's declaration.

1 Now, commonly, on the basis of the declarations
2 and the cases cited, whether counsel argue or don't argue,
3 the Court decides from that.

4 Sometimes, if it isn't possible to stipulate
5 to the declarations, additional evidence is required, in
6 which case witnesses are sworn and testify.

7 MR. SHINN: Because Susan Atkins has joined in the
8 motion.

9 MR. STOVITZ: Is Susan Atkins being harassed in the
10 jail?

11 MR. SHINN: Yes. We can't see the witnesses over
12 the counter. The same thing as Manson.

13 THE COURT: The difficulty with that, Mr. Shinn, is
14 that she joins in the motion but there is nothing to
15 support what she joined.

16 MR. SHINN: We intend to put her on the stand.

17 THE COURT: She isn't even in the same jail.

18 MR. SHINN: I wanted to expedite matters.

19 I will put her on the stand.

20 THE COURT: We can take it up in the morning, but I
21 just wanted to let you know what the ground rules would
22 be.

23 (Whereupon all counsel return to their
24 respective places at counsel table and the following
25 proceedings occur in open court within the presence and
26 hearing of the jury.)

1 THE COURT: Ladies and gentlemen, the People's next
2 witness has not arrived at this time, so we will adjourn
3 until tomorrow morning.

4 Do not converse with anyone nor form or express
5 any opinion regarding the case until it is finally sub-
6 mitted to you.

7 The court will adjourn so far as the jury
8 portion of the trial is concerned until 9:45 tomorrow
9 morning.

10 So far as counsel are concerned, until 9:00 a.m.
11 (Whereupon at 3:55 p.m. the court was in
12 recess.)
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