

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.

63

No. A253156

REPORTERS' DAILY TRANSCRIPT
Thursday, August 20, 1970
A. M. SESSION

APPEARANCES:

For the People:

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

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

RONALD HUGHES, Esq.

For Deft. Krenwinkel:

PAUL FITZGERALD, Esq.

For the Los Angeles
County Sheriff's
Department:

JOHN D. MAHARG, County Counsel
BY: MICHAEL DOUGHERTY, Esq.
LAWRENCE TAYLOR, Esq.

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

COPY

I N D E X

PEOPLE'S WITNESSES: DIRECT CROSS REDIRECT RECROSS

SWARTZ, John Harold, Jr. 8340(F)
8310(B)

CHAPMAN, Winifred 8357(S)
(Cont'd)

DE ROSA, Jerry Joe 8380(B)

DEFENDANTS' WITNESS:

MANSON, Charles 8280 8293

E X H I B I T S

PEOPLE'S: FOR IDENTIFICATION IN EVIDENCE

99 - Pink slip to 1962
Ford, license GYY 435 8319

100 - Aerial photograph of
Tate residence 8361

101 - Photograph of gate 8382

102 - Photograph of body
of female Caucasian
on lawn 8388

103 - Photograph of front
of Tate residence 8395

104 - Photograph of front
door of Tate residence 8396

105 - Close-up photograph of
door 8396

1 LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 20, 1970

2 9:00 A.M.

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

6 The County Counsel is being represented by
7 Mr. Michael Dougherty, is that correct?

8 MR. DOUGHERTY: Yes, your Honor, that is correct.

9 THE COURT: The Court has read and considered the
10 motion papers filed on behalf of Mr. Manson, including the
11 declarations and the counter-declarations filed by County
12 Counsel, as well as the points and authorities.

13 Is there anything further?

14 MR. KANAREK: Yes, your Honor, I would like to call
15 Mr. Manson.

16 THE COURT: Very well.

17 MR. KANAREK: Mr. Manson, take the stand.

18 THE CLERK: Would you raise your right hand, please.
19 Would you please repeat after me:

20 I do solemnly swear --

21 THE WITNESS: I do solemnly swear --

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

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

24 THE CLERK: -- in the case now pending --

25 THE WITNESS: -- in the case now pending --

26 THE CLERK: -- before this Court --

THE WITNESS: -- before this Court --

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

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

3 THE CLERK: -- the whole truth --

4 THE WITNESS: -- the whole truth --

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

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

7 THE CLERK: -- so help me God.

8 THE WITNESS: -- so help me God.

9 THE CLERK: Would you be seated, please.

10 Would you please state and spell your name.

11 THE WITNESS: Charles Manson, M-a-n-s-o-n.
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CHARLES MANSON,

one of the defendants herein, called as a witness by and in his own behalf, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. KANAREK:

Q Mr. Manson, directing your attention to your life, Mr. Manson, how many years have you spent in jails?

A 1943 --

THE COURT: What is the relevancy of this?

MR. KANAREK: Well, your Honor, the County Counsel has set forth a certain procedure. That is, one of the declarants has set forth his expertise in handling matters in the jail, and I would like to show that Mr. Manson has regrettably had an experience which is more intimate than this declaration indicates.

THE COURT: The Court is not interested in experiences somewhere else other than in matters raised in your motion.

MR. KANAREK: Very well, your Honor. We feel this is certainly implicitly raised, however.

Q BY MR. KANAREK: Mr. Manson, would you tell the Court what the conditions are when you consult with your attorney and a prospective witness in this case?

A When I consult with my attorney --

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1 Q And a prospective witness, would you describe
2 the conditions as they now exist?

3 A Well, there have been many times I have
4 consulted with many attorneys under different circum-
5 stances. There are two different jails. In one jail,
6 the attorney room is different than the other jail.

7 At the present time, when I consult with my
8 attorney, I have to go through a lot of confusion,
9 procedure. I am not allowed to pass anything over. My
10 words were called contraband. If I write anything down,
11 I am not allowed to give it to the attorney, unless the
12 officer reads it.

13 So, consequently, I can't write anything down
14 about the case that has any relevancy to any matters in
15 regard to the trial that is going on.

16 And if I get a witness, a prospective witness,
17 to talk to them we have to go to a screen that is about
18 -- you can't see through it, and to talk to someone that
19 you are not looking at, it is hard to communicate.

20 Then there is an officer that stands within
21 earshot of everything you say unless you are whispering.

22 In other words, the parasol that goes between
23 the attorney and the client isn't there in the attorney
24 room as far as this case is concerned.

25 The procedure that they are setting and the
26 precedent that they are setting in the County Jail in

these procedures are unconstitutional.

Then the shakedown that goes both ways.

Q Would you describe the shakedown, Mr. Manson?

A Well, the shakedown is symbolic to humiliating --

THE COURT: Just give us the facts, Mr. Manson. Describe what happens.

THE WITNESS: That is what I am trying to do without being brash.

You take off all your clothes. Sometimes there are two or three officers and a lot of inmates standing around.

Then you open your mouth and wiggle your tongue. Then you show your left ear, then you show your right ear. Then you shake your hair out.

Then you look under your arms and you shake your fingers, and then you look under your private parts, and then you lift your feet and you wiggle your toes, and you bend over and you show them your rectum. 25 and 26 times a day.

It is like kicking a dead man.

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1 Q How many times a day are you forced to dress
2 and undress, Mr. Manson?

3 A The times have dwindled preceding these proce-
4 dures.

5 There was a time when I first was locked up that
6 every door I went through, every time I moved, any place I
7 went in one part of the jail or the other, I was subjected
8 to the insecurity of whoever I happened to be with:
9 "Stand over here. No. No, there. Over here. Sit over
10 there. Put your shoulder against the wall. What are you
11 doing with that? Let's see this. Take that off. Give me
12 your shoes."

13 I went through five pair of shoes in the County
14 Jail.

15 MR. DOUGHERTY: Your Honor, I am going to move to
16 strike Mr. Manson's comments, all the last comments. They
17 aren't responsive to the question asked.

18 MR. KANAREK: I think they are most responsive.

19 THE COURT: Which comment, Mr. Dougherty?

20 MR. DOUGHERTY: The comment concerning when he was
21 searched on prior occasions in the jail, not how he is
22 being treated at present, with respect to this motion. His
23 comments concerning harassments, such as that.

24 THE WITNESS: That is part of the shakedown.

25 THE COURT: Just a moment, sir.

26 I will deny the motion, but I am only going to

52
1 consider, Mr. Kanarek, matters that Mr. Manson testifies
2 to with respect to his treatment in connection with this
3 case.

4 MR. KANAREK: Very well.

5 Q Mr. Manson, would you direct your answers to
6 your present treatment in connection with this case?

7 A If I was allowed to finish the statement that I
8 was making, that is what I was doing.

9 Q Go ahead.

10 THE COURT: Proceed by question and answer, Mr. Kanarek.

11 MR. KANAREK: Yes.

12 Q Mr. Manson, directing your attention to the
13 present procedure concerning your shoes. Would you tell us
14 what that is?
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1 A Well, the present procedure is not as
2 strenuous as -- the present procedure? You mean the
3 present procedure as I am sitting here? This is the
4 present procedure.

5 Anything that would go in the past, if we are
6 going to go in the past, has to be -- the whole thing has
7 to be covered. You know, there is not any one particular
8 day or one particular time. There is not one particular
9 individual. It is not one particular direction or moment,
10 it is the general, it is the circumference, it covers the
11 whole thing, it covers when you aren't shaken down,
12 things are taken from you.

13 Things are taken from you, like letters are
14 taken from you and different shoes are taken from you, a
15 rubber band is taken from you or a paper clip is taken
16 from you. Anything that may be considered contraband,
17 and even some of the things that may be relevant to the
18 case may be considered contraband. A letter from a pros-
19 pective witness, a letter between my attorney and myself
20 is contraband. Anything that the individual --

21 THE COURT: Mr. Kanarek, let's proceed by question
22 and answer.

23 Propose specific questions to the witness and
24 let him answer them like any other examination.

25 MR. KANAREK: Yes, sir.

26 Q Would you describe, Mr. Manson, the procedure

1 in connection with written material between your lawyer
2 and yourself?

3 THE COURT: That should be fixed as to time.

4 MR. KANAREK: Presently in the County Jail.

5 Q Would you describe how the County Jail
6 personnel handles matters, written matters, between your
7 lawyer and yourself?

8 A Being aware of procedure, I don't let anything
9 fall in the hands of the County Jail.

10 I generally carry a bunch of papers and I
11 carry a folder with a lot of confusion in it, and any
12 time I want to give you something, I generally sneak it
13 in the confusion, and then I try to get it to you over the
14 bench. But many times it doesn't get over the bench
15 because the guy at the bench wants to read it. And when
16 he wants to read it, I generally object, and then I tear
17 it up and I throw it away.

18 So, the written things I generally sometimes
19 sneak down to court.

20 Q Do the Sheriff personnel read every item that
21 you hand to your lawyer, every written item?

22 A So far, yes, the ones that I haven't snuck
23 through his procedure.

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1 Q Now, Mr. Manson, would you tell us, are you
2 forced to walk back and forth in connection with -- with
3 respect to a certain hallway?

4 A Again, this comes under the new County Jail,
5 when I was in the pro per tank, when I was first arrested
6 it was an exhaustion procedure.

7 I think Judge Ruess said that he would dis-
8 courage, and Judge Dell said he would discourage my going in
9 pro per, and I think he did that very well. I think that
10 reflected in the County Jail in the hallways, going back
11 and forwards to the hospital to be weighed, going back and
12 forwards to the --

13 THE COURT: Mr. Kanarek, all of this is non-
14 responsive and is totally irrelevant to the motion you
15 filed.

16 Q BY MR. KANAREK: Mr. Manson, directing your
17 attention to the matter of pencils, Mr. Manson, are you
18 allowed to have pencils?

19 A All last week I was not allowed to have pencils,
20 and I have done everything I could think of to get a pencil
21 and paper, and during trial without a pencil and paper is
22 very difficult. This has happened on 15 different
23 occasions.

24 Q And are you allowed to have any pens?

25 A No, no, just pencils. I am not allowed to have
26 anything.

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1 Q Are you allowed to have any paper?

2 A No, when they take the pencils, generally the
3 paper goes with it.

4 Q Now, Mr. Manson, is it a fair statement you are
5 not alleging physical brutality, is that correct, in the
6 sense of being beaten up or anything like that?

7 A I cannot direct anything to an individual.
8 I am not directing anything to any individual.

9 The word "security" and "procedure" can be
10 stretched to where the mental aspect is much more cruel
11 than the physical.

12 If you come in and beat somebody, it's all
13 over; but just every day, every day, after day, after day,
14 you just go through it every day.

15 I have to go through your sex paranoia; I have
16 to go through your insecurity.

17 Q Would you describe your state of mind,
18 Mr. Manson, as a result of the treatment that you received
19 in the County Jail?

20 MR. DOUGHERTY: objection, your Honor, it is irrelevant.

21 MR. KANAREK: His state of mind is most important,
22 your Honor, it is the whole thing.

23 THE COURT: Sustained.

24 Q BY MR. KANAREK: Would you describe, Mr. Manson,
25 your present state of mind -- I will withdraw that.

26 Would you tell us what effect, Mr. Manson, the

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County Jail procedure has had upon you?

A It makes me stronger.

Q Would you tell us, Mr. Manson, what you mean by that?

A I cannot be discouraged. I don't know what discouraged means.

It is just like going from one room into the other, it is just part of the procedure that I live in.

I accept it and I live with it, although sometimes it seems like it might be impossible for you people to live with.

Q Would you describe --

Directing your attention, Mr. Manson, to the area where you are located when you are consulting with your attorney at a time when there is a witness present, would you describe the two screens and how far apart the screens are from each other?

A I guess about nine inches.

The screens are dark, and they are right next to the attorneys' seats. In fact, you have to almost sit back-to-back on the attorneys side, and on the inmates side it's in a hallway -- not a hallway, but a room that has an echo effect when you speak, and there is generally a guy that looks through a little window and another man standing on the inside of the door, and sometimes on the outside of the door.

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1 Q Now, Mr. Manson, have you been recently in an
2 area that is called "the hole"?

3 MR. DOUGHERTY: Objection, your Honor, it is
4 irrelevant. It was not raised in the motion.

5 MR. KANAREK: Your Honor, this goes to what has happened
6 in the very, very recent past, your Honor.

7 THE COURT: overruled, you may answer.

8 THE WITNESS: No, they call it "the lockup."
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1 Q BY MR. KANAREK: All right, have you been in
2 what is called "the lookup"?

3 A Loss of privileges, yes.

4 Q And what privileges have been withdrawn from
5 you?

6 A Well, you have a minimum segregation and a
7 punitive segregation. Years ago there used to be a
8 difference; now they are pretty much the same.

9 The only privilege you don't have is you don't
10 get a mattress or blanket, if that is a privilege.

11 Or, I think the candy man, you don't get any
12 candy.

13 In my case the privilege is generally pencil
14 and paper.

15 Q Now, directing your attention, Mr. Manson, to
16 Your receipt of correspondence, would you tell us what is
17 done in connection with your receiving letters?

18 A I have yet to get a letter out of the County
19 Jail that I did not sneak out of the County Jail, and the
20 letters that I get in the County Jail generally go through
21 three or four different people, and they, in turn,
22 decide who should write me and who should not write me.

23 And they write letters telling these people
24 not to write me, and the mail is not really flowing at all.

25 I get maybe one or two letters a week in the old
26 County Jail, where I used to get 15 or 20 in the new County

1 Jail.

2 And the flow just stopped as soon as I come to
3 the old County Jail.

4 Then some friends of mine sent letters to other
5 friends of mine --

6 THE COURT: Mr. Kanarek, we are just getting into
7 hearsay.

8 THE WITNESS: No, I have copies of those letters.

9 THE COURT: Let's proceed by question and answer.
10 Pose your questions and I want responsive answers from the
11 witness.

12 Q BY MR. KANAREK: Now, Mr. Manson, have you been
13 told that there are certain letters that have come to the
14 courtroom that were to be given to you ultimately, that
15 you never received?

16 A Correct.

17 MR. DOUGHERTY: Objection, your Honor, calls for
18 hearsay.

19 MR. KANAREK: Your Honor, I don't think we should
20 be so technical in this proceeding.

21 THE COURT: We are not that limited in this proceeding,
22 sir. I have to expend it to find out what in fact occurred.

23 Overruled.

24 Q BY MR. KANAREK: Would you state, Mr. Manson?

25 A Would you repeat the question?

26 Q Yes, have you been told there are certain

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1 letters that have come to the courtroom that you were to
2 receive through the system, that you had not received?

3 A Yes.

4 Q And on how many occasions has this occurred,
5 to your knowledge?

6 A To my knowledge, a few times.

7 MR. KANAREK: Thank you, Mr. Manson.

8 You may examine, Mr. Dougherty.

9
10 CROSS-EXAMINATION

11 BY MR. DOUGHERTY:

12 Q Mr. Manson, I noted when you entered the
13 courtroom this morning you were carrying two pencils, is
14 that correct?

15 A That's correct.

16 Q Where did these pencils come from? Did you
17 have them in your cell last night?

18 A Yes.

19 Q So you are allowed to keep pencils now, is
20 that correct?

21 A Yes.

22 Q And I also noted when you came in you were
23 carrying sheets of papers with you, isn't that true?

24 A Right.

25 Q And you are allowed to keep those papers when
26 you go back to the jail, isn't that true?

1 A Right.

2 Q Now, when you consult with Mr. Kanarek, and he
3 has brought no witnesses with him, where do you consult?

4 (No response.)

5 Q Do you consult in the attorney's room?

6 A No, no, not when the witnesses come, no.

7 Q No, I'm talking about the situation when
8 Mr. Kanarek is there with no witnesses.

9 A With no witnesses?

10 Q Yes.

11 A In the attorney room.

12 Q In the attorney room.

13 Now, didn't you talk to a witness in the
14 attorney room two or three nights ago, with Mr. Kanarek
15 present?

16 A Two or three nights ago?

17 Q Yes.

18 A Two or three nights ago?

19 Q Yes, a simple yes or no is sufficient.

20 A I don't remember.

21 Q In the last two weeks, now, have you consulted
22 with any witnesses in the attorney room rather than through
23 the screen?

24 A Yes.

25 Q And on how many occasions have you consulted
26 with witnesses in the attorney room in the last two weeks?

1 A A few.

2 Q Is it fair to say five?

3 A Fair?

4 Q Would it be correct to say five?

5 A I imagine you have those figures, I don't.

6 Q How many would you estimate you have talked to
7 in the attorney room in the last two weeks?

8 A Three.

9 Q Now, how long has it been that you have had to
10 consult with at least some of your prospective witnesses
11 through the screen?

12 Has it been for the last two weeks?

13 A Yes.

14 Q Now, when you are at the screen you can hear
15 the witnesses you are talking to, or the prospective
16 witnesses, can you not?

17 A If they yell I can hear them.

18 Q You can hear them now. Can you see them?

19 A No, I see a silhouette.

20 Q You see a silhouette. You see something, then,
21 isn't that correct?

22 A I see something, yes.

23 Q When you are searched completely, Mr. Manson,
24 does the Deputy Sheriff that is conducting the search,
25 touch you at all?

26 A Does he touch me?

1 Q Yes.

2 A No.

3 Q Have you ever seen other persons other than
4 yourself in the jail searched in the manner you are
5 searched?

6 A In the new County Jail I have; in the old
7 County Jail I have not.

8 Q But you have seen other prisoners searched
9 exactly the same way?

10 A I have seen other prisoners searched everywhere
11 I have ever been, I have seen other prisoners searched.

12 Q And the search of them is the same as the search
13 of you, isn't that correct?

14 A That depends on where you are at.

15 Q In the normal day when you are coming to court,
16 Mr. Manson, how many times are you searched?

17 A I have yet to see a normal day, sir.

18 Q Well, for example, now, this morning, were you
19 searched before you came to the court?

20 A Yes.

21 Q And, now, yesterday when court was through and
22 you returned to the jail upstairs, were you searched at
23 that time?

24 A Yes.

25 Q And are you normally searched when you leave
26 the courtroom at noon?

1 A Yes.

2 Q Now, are there any other occasions that you are
3 searched daily, assuming it is a court day?

4 A As I have explained to you, preceding this
5 hearing the skin searches have dwindled to a minimum.

6 Q So at present on a court day you are searched
7 three times a day, isn't that correct?

8 A On a court day?

9 Q Yes, a day you come into court.

10 A That varies. Some days are different than
11 others.

12 Q Now, you stated on direct examination that last
13 week you did not have any pencils, is that correct?

14 A That is correct.

15 Q Now, did you have pencils when you were in the
16 courtroom last week?

17 A Did I have pencils when I was in the courtroom
18 last week?

19 Q Right, did you, if you can recall?

20 A I did not think we were here about courtroom
21 procedure.

22 Q Perhaps you did not understand my question.

23 A I understand your question.

24 THE COURT: Then answer it, Mr. Manson.

25 THE WITNESS: Yes.
26

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1 Q Who gave you those pencils you had in the
2 courtroom last week?

3 A Whatever pencil happened to be there on the
4 table.

5 Q And you had paper in the courtroom last week,
6 did you not?

7 A Yes, there was paper in the courtroom last
8 week.

9 Q Now, you stated that you haven't been allowed
10 to receive letters while you have been in jail, and you
11 aren't allowed to receive letters now.

12 Was that your testimony?

13 A No, that wasn't my testimony.

14 I said I haven't been able to send any letters.
15 They all come back. And the few letters that I do receive
16 are generally the letters that you could classify them
17 as hate letters, you could classify them as the bad
18 letters, they get through, but the letters from friends
19 of mine are generally forwarded to the Ranch or sent back
20 with a note from the Sheriff telling the people not to
21 write me, that I am a bad guy.

22 Q How do you know that the Sheriff is putting a
23 note on your letters and sending them back?

24 A Because the people send the notes to the
25 ranch, and I have copies of the notes, the letters that he
26 sent out.

4-2

1 Q And how did you receive those copies?

2 A The people that he sent the letters to sent
3 the letters to friends of mind.

4 Q Did these friends of yours send these notes
5 to you?

6 A No. The attorney has copies of them, and
7 my friends also have some other copies.

8 Q And what do the notes say?

9 THE COURT: Just a moment.

10 Which attorney has copies of them?

11 THE WITNESS: I think Mr. Fitzgerald has a copy.
12 I think he is looking now.

13 MR. KANAREK: Your Honor, as to what the notes say,
14 I will object, on the basis that his right to counsel and
15 his right to effective counsel, and his right to prepare
16 his case, his right to a fair trial, dictates that --

17 THE COURT: Mr. Manson raised this point, Mr.
18 Kanarek.

19 MR. KANAREK: Sir?

20 THE COURT: He stated that the Sheriff -- if I
21 understand his testimony -- the Sheriff's Department has
22 returned his mail with notes telling the writers not to
23 write to him.

24 If there are such letters from the Sheriff,
25 I want to see them.

26 Do you object to that?

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1 MR. KANAREK: Well, let me put it this way --

2 THE COURT: Do you have such letters?

3 MR. KANAREK: At this instant, I don't have any
4 such letters.

5 THE COURT: Do you know of the existence of such
6 letters?

7 MR. FITZGERALD: I have one such letter and I have
8 photocopies of it. I do not believe I have it here.

9 It is a letter written on the Sheriff's
10 letterhead, and it says, if my memory serves me, it says
11 something to the effect: Dear Miss -- or Mrs. -- your
12 letter is in the nature of a pen pal letter. Jail rules
13 and regulations do not permit such correspondence because
14 it makes the burden of mail sorting and things intolerable.
15 For that reason, we request that you no longer write the
16 above inmate.

17 That is the general purport or import of the
18 letter, and if I can find a copy, I will be happy to give
19 it to your Honor.

20 THE COURT: Thank you, Mr. Fitzgerald.

21 MR. KANAREK: The question of what these letters
22 say is objectionable.

23 THE COURT: It isn't objectionable when the witness
24 testifies to it.

25 MR. KANAREK: What I am saying, counsel solicited
26 as to what the letters say. That is clearly within the

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1 purview of the attorney-client privilege. It is clearly
2 within the purview of his right to a fair trial and due
3 process and equal protection with someone that is on
4 bail.

5 Someone on bail doesn't have to have their
6 letters scrutinized. Why should Mr. Manson have to have
7 his letters scrutinized?

8 Therefore, I say the question is improper and
9 we should not be forced --

10 THE COURT: It was raised by Mr. Manson.

11 Let's proceed.

12 BY MR. DOUGHERTY:

13 Q Now, do you know of the existence of any
14 other notes other than the one Mr. Fitzgerald just
15 described, Mr. Manson?

16 A All I know is what I am told.

17 Q You mean you haven't seen these letters you
18 are testifying about?

19 A No.

20 Q Now, this past, say, two-week period, have
21 you received any personal mail in the jail?

22 A Yes.

23 Q And that is not one of your complaints, the
24 receipt of mail, I take it; is that true?

25 A My complaint?

26 Q I say, that is not one of your complaints,

1 the receipt of mail?

2 A The receipt?

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1 Q Yes.

2 You are allowed to receive letters in the jail;
3 isn't that correct?

4 A Well, you could let one letter come in a year
5 and say I am allowed to receive letters.

6 Q Are you allowed to receive letters in the jail.
7 Mr. Manson?

8 A I said you could let one letter a year come in
9 and you could say I am allowed to receive letters.

10 I am talking about all the mail, the whole thing.
11 I am not talking about bits and parts of it.

12 You could take bits and parts and send me bits
13 and parts of it. You could send me envelopes. You can
14 send Xeroxed copies of the front of the letter and say that
15 I got the letter.

16 I have got that on a few occasions, a Xeroxed
17 copy of an envelope, a Xeroxed copy that you can't read too
18 well.

19 Q In the last two weeks, approximately how many
20 personal letters have you received?

21 A I have received four Xeroxed copies.
22 One letter was Xeroxed twice and sent to me.
23 And a postcard, and a letter from New Jersey.

24 I would say four.

25 Q And that is in the last two weeks; right?

26 A Yes.

1 Q Now, you testified as to --

2 A Excuse me. Excuse me.

3 But there was another six that the bailiff took
4 up to the jail. I seen them. I don't know whether you
5 would classify that as receiving them.

6 I seen them and I had my hands on them, but
7 then he said the Judge said to take them up, so he took
8 them upstairs.

9 Q You read them, though?

10 A No, I never seen them again.

11 Q Now, you testified as to your loss of privileges.
12 You testified that you don't have a mattress and blanket
13 now?

14 A I have a mattress and blanket.

15 Q You do?

16 A Yes, I do.

17 Q What does loss of privileges entail besides
18 not being able to buy things like candy and such as that?

19 A What is entailed?

20 Q Yes.

21 A In my case, it entails no pencil and no paper.
22 It entails --

23 Q Let me ask you another question.

24 Are you on loss of privileges right now?

25 A No. I was released yesterday.

26 Q All right.

1 Now, you are allowed to see Mr. Kanarek whenever
2 you wish during visiting hours; isn't that correct?

3 A During visiting hours?

4 Q Well, during the hours that the attorney room
5 is open.

6 A I am allowed to see Mr. Kanarek, right.

7 MR. DOUGHERTY: Freely?

8 I have no further questions, your Honor.

9 THE COURT: Anything further, Mr. Kanarek?

10 MR. KANAREK: No, your Honor.

11 THE COURT: All right.

12 You may step down, Mr. Manson.

13 MR. KANAREK: Call Mr. Shinn, your Honor.

14 THE COURT: We are going to have to resume the trial
15 at this time.

16 MR. KANAREK: Yes, your Honor.

17 Would your Honor, in view of the extreme
18 importance in preparing our case, would your Honor make the
19 order that this matter of the screen be a forthwith order,
20 that that be eliminated?

21 If, as the declaration indicates, the reason
22 they did it is because they received personal mail, they
23 saw personal mail that Mr. Manson hadn't received through
24 the system, certainly with the number of personnel that
25 watch us, sometimes three, four and five people, they can
26 see what goes over the counter.

1 It is very important to consult with these
2 witnesses in an atmosphere that isn't a screen atmosphere.

3 THE COURT: I am not going to make any order until
4 this hearing has been concluded and I have heard all of the
5 evidence presented by both sides.

6 Now, if you have anything further to present,
7 we will continue the matter until tomorrow morning.

8 MR. KANAREK: Well, your Honor, because of the
9 urgency, could we do it this afternoon?

10 THE COURT: No.

11 MR. KANAREK: I mean, at 1:00 o'clock?

12 THE COURT: No.

13 MR. KANAREK: Because it is interfering with the
14 preparation of our case.

15 We have witnesses that we wish to --

16 THE COURT: I have not heard or seen any evidence of
17 any interference at all with the preparation of your case.

18 If you wish to continue the hearing until
19 tomorrow morning, we will do so. Otherwise we will
20 terminate it.

21 Which is it, Mr. Kanarek?

22 MR. KANAREK: Yes. Tomorrow morning.

23 THE COURT: Then we will continue it to 8:30 tomorrow
24 morning.

25 MR. FITZGERALD: If the Court please, insofar as
26 Patricia Krenwinkel and Susan Atkins and Leslie Van Houten

1 is concerned, we would like to join in the motion in the
2 respect that the same witness interview procedures take
3 place at the Sybil Brand Institute For Women.

4 We are not joining any other --

5 THE COURT: I think that a declaration should be
6 filed setting forth precisely what facts these witnesses
7 are complaining of, or these defendants are complaining of.

8 MR. FITZGERALD: We will do that, if necessary, but
9 it is simply that whenever any of the three attorneys --

10 THE COURT: It is necessary in order to pinpoint
11 precisely what the complaints are and to give the Sheriff's
12 Department and the County Counsel an opportunity to answer.

13 MR. KANAREK: Your Honor, just very briefly.

14 May the record reflect that it is our position
15 that this witness matter especially is a violation of equal
16 protection of law under the Fourteenth Amendment?

17 THE COURT: Mr. Kanarek, you will be permitted to
18 make an argument in support of your contention at the
19 close of the hearing.

20 MR. KANAREK: Thank you.

21 THE COURT: The matter will be continued so far as
22 this hearing is concerned until tomorrow morning at 8:30
23 A.M.

24 The Court will now recess for ten minutes in
25 order to permit the jury to be brought down and then we will
26 resume the trial.

1 MR. KANAREK: Thank you, your Honor.

2 (Recess.)

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1 LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 20, 1970

2 10:00 o'clock a.m.

3 - - - -

4 (The following proceedings were had in open
5 court in the presence and hearing of the jury, all
6 defendants and all counsel being present:)

7 THE COURT: All parties, counsel and jurors are
8 present.

9 You may continue, Mr. Bugliosi.

10 MR. BUGLIOSI: Call John Swartz.

11 THE CLERK: Would you raise your right hand, sir.

12 Would you please repeat after me:

13 I do solemnly swear --

14 THE WITNESS: I do solemnly swear --

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

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

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

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

19 THE CLERK: -- before this court --

20 THE WITNESS: -- before this court --

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

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

23 THE CLERK: -- the whole truth --

24 THE WITNESS: -- the whole truth --

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

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

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1 THE CLERK: -- so help me God.

2 THE WITNESS: -- so help me God.

3 THE CLERK: Would you be seated, please.

4 Would you please state and spell your name.

5 THE WITNESS: John Harold Swartz, Jr., S-w-a-r-t-z.

6
7 JOHN HAROLD SWARTZ, JR.,

8 a witness called by and on behalf of the People, was
9 examined and testified as follows:

10
11 DIRECT EXAMINATION

12 BY MR. BUGLIOSI:

13 Q What is your occupation, sir?

14 A I drive a hay truck.

15 Q For whom?

16 A Bar None Ranch in Chatsworth.

17 Q Bar None?

18 A Yes, sir.

19 Q Did you ever work at the Spahn Ranch, sir, in
20 Chatsworth, California?

21 A Yes, I have.

22 Q You did?

23 A Yes, sir.

24 Q When did you start working there, approxi-
25 mately?

26 A Approximately 1963.

5-3

1 Q What type of work did you do at the Spahn
2 Ranch, sir?

3 A Well, I drove Mr. Spahn's trucks, and most of
4 the time I think I was just cleaning the barn out.

5 Q You were kind of a ranch hand there?

6 A Yes, sir.

7 Q You were originally from Pueblo, Colorado?

8 A Yes, sir.

9 Q In late May, 1969, did you leave Spahn Ranch?

10 A Yes, I did.

11 Q Where did you go?

12 A I took a friend of mine to Wisconsin.

13 Q Did you go anywhere before you went to
14 Wisconsin?

15 A Well, we stopped in Pueblo.

16 Q How did you get to Pueblo?

17 A We drove a pickup truck with camper.

18 Q What type of truck was it?

19 A It was a '54 Ford.

20 Q Did you trade this 1954 Ford pickup for any
21 car in Pueblo?

22 A Yes, I did.

23 Q What type of car did you trade it for?

24 A A 1959 Ford.

25 Q When was this -- approximately when?

26 A Oh, the first part of June.

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Q 1969?

2

A Yes, sir.

3

Q Where did you get this 1959 Ford?

4

A I found it in a wrecking yard outside of town,
Allen Wrecking Yard.

6

Q In Pueblo?

7

A Yes, sir.

8

Q Did you give Allen's Auto Wrecking Yard in
Pueblo anything in return for this 1959 Ford?

10

A I traded the pickup truck for the car.

11

Q The '54?

12

A Yes, sir.

13

Q So you gave them the '54 pickup and they gave
you the 1959 Ford, is that correct?

15

A Yes.

16

Q Did you get a pink slip on the '59 Ford?

17

A No, I did not.

18

Q Is there any reason for that?

19

A Well, the pickup truck --

20

MR. FITZGERALD: It assumes facts not in evidence.
I don't know if they have a pink slip in that state. I
don't know if it is a title or registration state.

23

THE COURT: Sustained.

24

BY MR. BUGLIOSI:

25

Q Did they give you any ownership document on
that car?

26

5-5

1 MR. KANAREK: Calls for a conclusion, your Honor.

2 THE WITNESS: Not unless it would be a permit --

3 THE COURT: Just a minute, sir.

4 A conclusion as to whether it's an ownership
5 document?

6 MR. KANAREK: Yes, that is strictly a conclusion.

7 THE COURT: Sustained.

8 MR. BUGLIOSI: Well, I think if he purchased the
9 car, your Honor, he is the buyer; I think he can testify.

10 THE COURT: He can testify whether he received any
11 document.

12 BY MR. BUGLIOSI:

13 Q Did you receive any documents with respect
14 to the '59 Ford when you received it?

15 A Not unless it would be the permit that was put
16 on the rear window of the vehicle.

17 Q Who gave you that permit?

18 A Allen's Auto Wrecking, it was a 20-day permit.

19 Q To drive the car?

20 A Yes, sir.

21 Q Did you ever get an extension on that?

22 A Yes, I did.

23 Q Where did you get the extension?

24 A From the County Clerk in Pueblo.

25 Q How long was the extension?

26 A Ten days.

5a fls.

Q Did you ever get a pink slip on the '59 Ford?

A Never have, no.

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1 Q What did you do with the 1959 Ford after you
2 got it as a result of this trade-in?

3 A I drove the car from Pueblo to Wisconsin, and
4 back to Pueblo, and then from there back out here to
5 California.

6 Q You returned to the Spahn Ranch?

7 A Yes, I did.

8 Q Now, you indicated that you got this '59 Ford
9 in early June, 1969.

10 How long after you got the 1959 Ford did you
11 return to the Spahn Ranch?

12 A Oh, by -- it had been approximately three
13 weeks, four weeks. Four weeks at the most.

14 Q So would you estimate, then, that you returned
15 to the Spahn Ranch in late June or early July, 1969?

16 A Yes.

17 Q Did you continue, then, working as a ranch
18 hand at Spahn Ranch?

19 A Yes, sir, I did.

20 Q I show you People's 38 for identification,
21 Mr. Swartz, do you know the photograph or the automobile
22 depicted in that photograph?

23 A Yes, I do.

24 Q What automobile is that?

25 A That is my Ford.

26 Q 1959 Ford?

5a2

1 A Yes, it is.

2 Q The one that you got in Pueblo, Colorado.

3 A Yes, sir.

4 Q When you got the '59 Ford/ⁱⁿPueblo, did it have
5 a back seat?

6 A Yes, it did.

7 Q At any time after you got the car did you
8 remove the back seat?

9 A Yes, I did.

10 Q When was that?

11 A Well, it was during the time I got back to the
12 ranch, I cannot remember exactly.

13 Q Why did you remove the back seat?

14 A Well, the girls were going on these garbage
15 runs and they had to carry the big boxes in there, so I had
16 to take the seat out.

17 Q What girls are you talking about?

18 A The defendants.

19 Q Do you know Patricia Krenwinkel?

20 A Yes, I do.

21 Q Do you know Susan Atkins?

22 A I sure do.

23 Q Do you know Leslie Van Houten?

24 A I do.

25 Q Do you know Charles Manson?

26 A Yes, I do.

1 Q You say that these girls used to go out on
2 garbage runs, using your '59 Ford?

3 A Yes.

4 Q You decided, then, to remove the back seat to
5 accommodate them?

6 A Yes, I did.

7 MR. KANAREK: Your Honor, I gather I have a continuing
8 objection as to the materiality and relevancy as to this
9 witness also.

10 THE COURT: Very well.

11 MR. KANAREK: Thank you.

12 Q BY MR. BUGLIOSI: I show you People's 59 for
13 identification, do you know what is shown in that photograph,
14 sir?

15 A That is the back of the car with all my beer
16 cans in it.

17 THE COURT: Keep your voice up, please, sir.

18 THE WITNESS: That is the back seat of the car.

19 Q BY MR. BUGLIOSI: When you say the back seat,
20 is there a back seat there depicted in that photograph?

21 A Well, there is no seat in it, no.

22 Q You mean the back area?

23 A The back area of the car, yes.

24 Q Behind the front seat?

25 A Behind the front seat.

26 Q You see some debris on the floor. Do you know

1 how that debris got there?

2 A Yes, I put it there.

3 Q You put it there?

4 A Most of it, yes.

5 Q During the summer of 1969 did you purchase
6 another car?

7 A Yes, I did.

8 Q What type of car was that?

9 A A 1962 Ford.

10 Q How much did you pay for it?

11 A \$50.

12 Q From whom did you buy the car?

13 A Townsend was his name.

14 Q A man by the name of Townsend?

15 A Yes, sir.

16 Q Did Townsend give you a pink slip for that
17 1962 Ford?

18 A Yes, he did.

19 Q Did he sign the pink slip over to you?

20 A No, he did not.

21 Q Do you have that pink slip with you today in
22 court?

23 A I've got it in my billfold.

24 Q May I see it?

25 A Okay.

26 MR. FITZGERALD: May I also approach the witness?

1 THE COURT: You may.

2 (Mr. Bugliosi hands the document to Mr. Fitzgerald.)

3 MR. BUGLIOSI: Your Honor, I have here a certificate
4 of ownership, I think it is commonly referred to as a pink
5 slip in California, to an automobile, a 1962 Ford.

6 In the upper right-hand corner it says "license
7 number GYY 435."

8 May this be marked People's next in order?

9 THE COURT: 99 for identification.

10 MR. BUGLIOSI: 99, your Honor?

11 THE COURT: Yes.

12 Q BY MR. BUGLIOSI: Showing you again the pink
13 slip you just gave me, People's 99 for identification, is
14 this the pink slip to the 1962 Ford that this man Townsend
15 gave you, sir?

16 A Yes, it is.

17 Q License plate number in the upper right-hand
18 corner, GYY 435?

19 A Yes, it is.

20 Q Now, was the license plate that we have just
21 referred to, was that actually on the 1962 Ford?

22 A Yes, it was.

23 Q Did the 1959 Ford ever have a license plate on
24 it during the summer of 1969 -- its own license plate?

25 A No.

26 Q Did you ever purchase a license plate for the

99 id

1 1959 Ford?

2 A No.

3 Q To your knowledge did Charles Manson ever
4 drive your 1959 Ford?

5 A Yes, he did, from time to time.

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1 Q And what about the other members of the group
2 that were living there at Spahn Ranch?

3 A They all have.

4 Q You were a ranch hand, you were not a member
5 of the group or the Family that lived there, is that
6 correct?

7 A Never.

8 THE COURT: The answer was an answer to the question
9 "Is that correct?" That is ambiguous.

10 BY MR. BUGLIOSI:

11 Q Were you a member of the Family there, sir?

12 A No.

13 Q You were a ranch hand?

14 A Yes.

15 Q Did Charles Manson and the other members of
16 the Family always ask you when you wanted to use your car?

17 MR. KANAREK: Your Honor, I must object to the use
18 of the word "Family."

19 MR. BUGLIOSI: Well, your Honor, he can object all
20 he wants, but if the people call themselves the Family,
21 I don't think it is up to Mr. Kanarek to say they are not.

22 MR. FITZGERALD: That is a gratuitous statement.

23 THE COURT: Objection is sustained.

24 MR. BUGLIOSI: Two witnesses, your Honor, have so
25 testified.

26 MR. FITZGERALD: There has been no testimony, your

5b-2

1 Honor --

2 THE COURT: The objection has been sustained, Mr.
3 Fitzgerald.

4 The jury is admonished to disregard the remarks
5 of counsel.

6 MR. BUGLIOSI: I will ask the Court then to also
7 have the jury disregard Mr. Fitzgerald's remark that there
8 has been no testimony from anyone that this group was
9 called "The Family," your Honor.

10 MR. FITZGERALD: Now, there he goes again, he knows
11 that is improper, your Honor.

12 MR. BUGLIOSI: I do not know that, Mr. Fitzgerald.
13 Linda Kasabian --

14 THE COURT: That will be enough.

15 MR. FITZGERALD: There he goes again, your Honor,
16 every time he tells the jury that there has been evidence--

17 THE COURT: Approach the bench.

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

20 THE COURT: Gentlemen, I admonish both of you. I
21 don't know who is to blame. You are both to blame.

22 When one person makes a provocative remark,
23 it triggers off some response.

24 MR. BUGLIOSI: Linda Kasabian testified that she
25 called the group the Family.

26 Now, he said there's been no testimony in front

5b-3

1 of the jury on that.

2 THE COURT: That does not make it so, nor does it
3 justify your use of the term with this witness.

4 MR. BUGLIOSI: Then it came in also from Linda
5 Kasabian, and it was admitted in evidence.

6 THE COURT: If you want to lay a foundation with
7 this witness that he always referred, or occasionally or
8 frequently or under some circumstances, referred to this
9 group as a Family, you can. You have to lay the foundation.

10 But someone else's calling it that does not
11 justify it.

12 MR. BUGLIOSI: The point I am trying to make, your
13 Honor, somewhere along the line, like we are calling it the
14 Tate residence, I don't think Linda Kasabian ever knew it
15 as the Tate residence when she went there that night,
16 certain things are common knowledge.

17 Now, Linda Kasabian said this was a family.
18 She said Gypsy told her it was "The Family" out there.

19 MR. FITZGERALD: A Family.

20 MR. BUGLIOSI: All right, big deal, then he says in
21 front of the jury there has been no testimony about it.

22 There have been statements from Linda and
23 Gypsy.

24 THE COURT: There is no need to get into this at all
25 because I sustained the objection, and both of you went
26 ahead and made gratuitous remarks in the record after that.

1 MR. BUGLIOSI: The thing I was concerned about was
2 Mr. Fitzgerald's remark that there was no testimony to
3 that.

4 MR. FITZGERALD: Here is the problem, he knows better
5 than this, he has practiced for a long time. He knows he
6 is not to make comments in front of the jury.

7 THE COURT: That's right.

8 MR. FITZGERALD: And it hurts my client.

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1 THE COURT: The same rules apply to both sides,
2 Mr. Bugliosi. I must agree with Mr. Fitzgerald.

3 MR. BUGLIOSI: I understand. There has been no
4 testimony on that.

5 THE COURT: But the reason that he said it is because
6 of the comment you made.

7 MR. BUGLIOSI: I am saying that the Court should ask
8 the jury to disregard that remark and also Mr. Fitzgerald's
9 remark.

10 THE COURT: When you asked that, I admonished the
11 jury.

12 MR. BUGLIOSI: I wanted it clear that it was also
13 his remark.

14 MR. KANAREK: I make a motion that all reference by
15 this witness to the word "family" be stricken from the
16 record, if it presently exists.

17 THE COURT: The motion is denied.

18 Let's proceed.

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

23 THE COURT: All right, gentlemen. Let's proceed
24 with the interrogation.

25 MR. BUGLIOSI: Q Did Charles Manson and the three
26 female defendants that you referred to, did they always

6-2

1 ask you when they wanted to use your '59 Ford, or did they
2 ever use it without your consent and knowledge?

3 MR. KANAREK: That is an improper question. It is
4 ambiguous. The form of the question I object to.

5 THE COURT: Overruled.

6 THE WITNESS: Normally they would ask.

7 THE COURT: Pull the microphone closer to your mouth,
8 please, Mr. Schwartz.

9 MR. BUGLIOSI: Q You say normally they would ask.

10 Did they ever use it without asking you?

11 A One time, yes.

12 MR. KANAREK: Your Honor, I ask that that be stricken,
13 that statement, "One time, yes," on the basis that it is a
14 conclusion on the part of this witness, unless he is
15 percipient as to Mr. Manson.

16 The answer is unintelligible.

17 THE COURT: The answer will be stricken as being
18 non-responsive to the question.

19 I don't know what is meant by "they."

20 You will have to specify, Mr. Bugliosi.

21 MR. BUGLIOSI: Q Did either Mr. Manson or these
22 three female defendants ever use the car without asking you
23 for your consent?

24 MR. KANAREK: Your Honor, there is improper foundation
25 for that at this time.

26 MR. BUGLIOSI: I am laying the foundation now.

1 THE COURT: Overruled.

2 THE WITNESS: Yes.

3 MR. BUGLIOSI: Q When was that?

4 A Well, it was one night. I had gone to bed.
5 And the car started up and left.

6 Q Now, where did you sleep at the ranch, sir?

7 A I slept in the trailer house next to Mr. Spahn's
8 house.

9 Q Did you recognize the sound of your engine
10 when it started up?

11 A Yes.

12 Q Any doubt about that?

13 A No doubt at all.

14 Q About what time was this when you heard the
15 engine to the '59 Ford start up?

16 A I have got no idea. It was sometime during the
17 night.

18 Q What time do you normally go to bed there at
19 Spahn Ranch?

20 A 9:00, 10:00 o'clock.

21 Q I show you People's 30 for identification, sir.
22 Do you know what is shown in that photograph?

23 A It is an aerial photo of the ranch.

24 Q The Spahn Ranch?

25 A Yes, sir.
26

6a-1

1 Q Will you point out on this photograph where
2 your sleeping quarters were at the time you say you heard
3 your '59 Ford being started up?

4 A This is the house. The trailer was sitting
5 right next to the house.

6 Q The trailer is not there any more?

7 A No.

8 Q It was right here (indicating)?

9 A Yes.

10 Q Will you please put an X there, sir?

11 (The witness marks.)

12 THE COURT: May I see that?

13 (The photograph is handed to the Court.)

14 MR. BUGLIOSI: May I mark this "Sleeping quarters
15 of Mr. Swartz," your Honor?

16 THE COURT: Very well.

17 BY MR. BUGLIOSI:

18 Q You say you heard the engine to your '59 Ford
19 start up. Did you look out the window of your trailer?

20 A I got up and looked out the window and all I
21 could see was the taillights of the car leaving the drive-
22 way.

23 Q Would you point on the driveway that you saw
24 the '59 Ford exit?

25 A It was going out of the bottom of the driveway
26 here.

6a-2

1 MR. STOVITZ: I couldn't hear the witness.

2 THE COURT: Keep your voice up.

3 THE WITNESS: It was going out the bottom of the
4 driveway next to the corral.

5 BY MR. BUGLIOSI:

6 Q Were you out at Spahn Ranch on August the 16th,
7 1969?

8 A Yes, I was.

9 Q Were you arrested that day?

10 A Yes, I was.

11 Q For grand theft auto?

12 A Yes.

13 Q Were you released shortly thereafter?

14 A Yes.

15 Q Using August 16, 1969, as a base of reference,
16 when was this incident that you have just referred to
17 where you heard your car being started up and being driven
18 out the driveway?

19 A Approximately a week and a half to two weeks
20 before August 16th. The date I can't pinpoint right now.

21 Q Around that time, the time that you observed
22 your car being driven out of the parking area of Spahn
23 Ranch, did you give anyone permission to use your car?

24 A Well, this one night I just got through
25 telling you about, I don't remember giving anybody

26 *permission to drive it.*

permission to drive it?

Q Well, you have told us about one night now when you did not give anyone permission to drive it. That was a week or two before August 16th; is that correct?

A Yes, that's right.

Q On any other night, around that period of time, did you give anyone at the Spahn Ranch permission to take your car off Spahn Ranch?

A Oh, one other night the people said they was going to go downtown and play some music, so I told them to go ahead and take the car.

Q Who were these people?

A Charlie and the girls and some other guys.

Q What girls are you referring to? The defendants?

A I can't remember who aside from Charlie was going to go.

Q You say there was Charles Manson?

A Right.

Q Do you know of your own knowledge what girls were with Manson?

A No.

Q Any men with Manson?

A There might have been a couple because I can't remember exactly who they were.

Q When was this incident in relation to the

1 incident you have just referred to when you observed your
2 car being driven off the parking area without your
3 consent?

4 A It was within the same amount of time, a week
5 and a half or two weeks.

6 Q Was it on consecutive nights or was there a
7 separation?

8 A I don't know whether it was consecutive nights
9 or not.

6b fls.

A-1

Q Was it around the same period of time?

A The same period of time, yes.

Q And Mr. Manson is the one that asked you for permission to use your car, you say?

A Yes.

Q Did you give him permission?

A I did.

Q During the summer of 1969, sir, did you ever discover that the license plate on your 1962 Ford, that is, GYX 435, had been removed from the '62 Ford and placed on a '59 Ford?

A At one time, yes.

Q What did you do when you found this out?

A Well, I went up to the person who was going to drive the car --

Q Who is that?

A I asked Charlie. Charlie was going to take the car downtown, and I just asked him to be careful, just cautioned him about being stopped downtown in the car.

Q In the 1959 Ford?

A Yes.

Due to the fact that the plates didn't belong on the car.

Q Had you given Charlie permission to transfer the plates on the '62 Ford to the '59 Ford?

MR. FITZGERALD: Objection, your Honor. Assuming

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1 facts not in evidence.

2 MR. KANAREK: Assumes facts not in evidence, clearly.

3 THE COURT: Sustained.

4 MR. BUGLIOSI: Q Had you given anyone permission
5 to transfer the plates on the '62 Ford to the '59 Ford on
6 this particular occasion?

7 A No.

8 Q Do you know when that was in relation to
9 August the 16th, 1969?

10 A No, I don't.

*Yes, a different incident than the
one 1 1/2 - 2 weeks before
8-16-69*

11 Q This arrest, sir, on August the 16th, 1969, were
12 you arrested for the theft of your own car, the '59?

13 A No.

14 Q What were you arrested for?

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

16 THE COURT: Sustained.

17 MR. BUGLIOSI: Q Now, on August the 16th, 1969,
18 when you were placed under arrest, sir, for Grand Theft
19 Auto, was the '59 Ford impounded on that day?

20 A Yes, it was.

21 Q Do you know where it was taken to?

22 A Yes, I do.

23 Q Where is that?

24 A The police impound lot on Deering Street in
25 Canoga Park.

26 Q At the time it was impounded, August 16th, 1969,

1 what plates were on the car, if any?

2 A That morning the license plates off the '62
3 Ford were on the car.

4 Q Again you are referring to license plate
5 No. GY 435?

6 A Yes.

7 Q This was the license plate number, GY 435,
8 that was on the '59 Ford on August 16th?

9 A Yes, it was.

10 Q Do you know who put the license plate number
11 GY 435 on the 1959 Ford on that date?

12 MR. KANAREK: Object, your Honor. It is calling for
13 a conclusion of this witness.

14 THE COURT: Overruled.

15 THE WITNESS: Normally I would take the plates off the
16 car.

17 MR. BUGLIOSI: Q off what car?

18 A off the yellow Ford after it had been used.

19 Q Normally you would take license plate GY 435
20 off the '59 Ford?

21 A Yes, I would.

22 Q And put it back on the '62 Ford?

23 A Right.

24 Q On this particular occasion, August 16th,
25 you have indicated that the license plate on the '62 Ford
26 was on the '59 Ford.

Do you know how it got there?

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1 A I can't say for sure.

2 I normally take it off. I can't remember whether
3 I took it off the night before or --

4 Q When you say you took it off, you took it off
5 what, sir?

6 A off the yellow Ford. I normally would.

7 Q What color was the '62 Ford?

8 MR. KANAREK: Your Honor, may he be allowed to finish
9 his answer?

10 Mr. Bugliosi is not allowing him to finish,
11 Your Honor.

12 THE COURT: Let's proceed.

13 MR. BUGLIOSI: Q What color was the '62 Ford?

14 A It was a maroon red.

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1 Q Now, you say that normally you would take the
2 license plate, No. GYY 435 off the '59 Ford and put it
3 back onto the '62 Ford; is that correct?

4 A Yes.

5 Q Now, I am referring to August 16th, 1969.
6 Do you know how license plate number GYY 435, from the
7 '62 Ford, how that plate got on the '59 Ford?

8 MR.KANAREK: Asked and answered, your Honor.

9 THE COURT: Overruled.

10 THE WITNESS: I really don't know.

11 Just like I told you, I normally take the
12 plate off.

13 BY MR. BUGLIOSI:

14 Q I'm not referring to taking the plates off
15 the '59 Ford.

16 I want to know if you know how they got there
17 on the '59 Ford in the first place.

18 A No.

19 Q During the summer of 1969, was the 1962 Ford
20 ever in operating order?

21 A Never.

22 Q Was it ever driven off the area of Spahn Ranch,
23 to your knowledge?

24 A Never.

25 Q Did you know Patricia Krenwinkel by any other
26 name than Patricia Krenwinkel?

1 A No.

2 Q Does the name Katie sound familiar to you?

3 A Katie?

4 Q Yes.

5 A Right. Yes.

6 Q Did you know Patricia Krenwinkel by Katie?

7 A Yes, I did.

8 Q What about Susan Atkins? Did you know her

9 by any other name?

10 A Sadie.

11 Q Any last name?

12 A No.

13 Q Does the name Sadie Glutz ring a bell?

14 A Well, it does now, yes.

15 Q What about Leslie Van Houten? Did you know

16 her by any other name other than Leslie Van Houten?

17 A Just Leslie.

18 Q Did you know Charles Watson?

19 A Yes, I did.

20 Q What name did you know him by?

21 A Everybody just called him Tex.

22 Q How tall are you, sir?

23 A Approximately five nine.

24 Q Do you recall how tall Tex Watson was?

25 A Oh, he was an ear or two taller than me.

26 Close to six feet.

1 Q Do you recall seeing Tex Watson at the ranch
2 quite a bit, sir?

3 A He lived there.

4 Q Did you see him frequently?

5 A Mostly every day.

6 Q What would Tex normally be doing when you saw
7 him?

8 MR. KANAREK: Calling for a conclusion and ambiguous,
9 your Honor.

10 MR. BUGLIOSI: In the summer of '69, sir.

11 THE COURT: Overruled.

12 THE WITNESS: Well, he would be doing the same thing
13 everybody else was doing, running around working on cars
14 and, you know.

15 BY MR. BUGLIOSI:

16 Q Did you see the girls -- excuse me -- go
17 ahead. Were you finished?

18 A He would help us with the horses. Everybody
19 would.

20 Q I am talking about Tex Watson now.

21 Did Tex used to help you with the horses?

22 A He sure did.

23 Q Did Charles Manson ever help you with the
24 horses?

25 A Yes, sir.

26 Q Did Tex used to work on the dune buggies at

1 all out there?

2 A Yes.

3 Q Did you ever see the girls work on any dune
4 buggies?

5 A Everybody had a hand in it.

6 Q Did Tex appear to spend a great amount of time
7 working on dune buggies?

8 MR. FITZGERALD: Immaterial and irrelevant.

9 MR. KANAREK: Also ambiguous.

10 THE COURT: Ambiguous. Sustained.

11 BY MR. BUGLIOSI:

12 Q Did you notice Tex spending quite a bit of
13 time appearing to be working on a dune buggy?

14 A Yes.

15 MR. KANAREK: That is ambiguous, your Honor.

16 THE COURT: Sustained.

17 BY MR. BUGLIOSI:

18 Q How often would you notice Tex working on a
19 dune buggy or dune buggies?

20 A Probably most of his time, you know. There
6d fls. 21 was very little else to do.

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1 Q So, most of the time during the summer of
2 '69 you recall Tex working on dune buggies; is that
3 correct?

4 A Yes.

5 Q I show you People's 48 for identification.
6 Do you know what is shown in that photograph?

7 A That is one of the dune buggies.

8 Q Do you know whose dune buggy that was?

9 A That looks like the one Charlie had fixed.

10 Q When you say Charlie, do you mean Charles
11 Manson?

12 A Yes.

13 MR. BUGLIOSI: No further questions.

14 THE COURT: Cross-examination.

15
16 CROSS-EXAMINATION

17 BY MR. FITZGERALD:

18 Q Mr. Swartz, what was the year and month that
19 you purchased this 1959 Ford in Pueblo, Colorado?

20 A I didn't purchase the car. I traded for it.
21 It was May, 1969.

22 Q May, 1969?

23 A Yes.

24 Q In May, 1969, you obtained --

25 A It was either the latter part of May or the
26 first part of June. Right around in there.

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Q 1969?

A Right.

Q You obtained the '59 Ford in Pueblo, Colorado?

A Yes, I did.

Q Was that a California vehicle?

A No, it wasn't. It was a Colorado vehicle.

Q How come you happened to have a California pink slip then?

A The California pink slip doesn't go with the '59 Ford. It has got nothing to do with the '59 Ford.

Q You never had a pink slip for the '59 Ford?

A No.

Q Did you ever have license plates on the '59 Ford?

A Never.

Q You drove the car from Colorado to Wisconsin without plates?

A The car had a paper plate, a permit, in the rear window when I drove it to California.

Q And when you drove it to Wisconsin?

A Yes.

Q And from Wisconsin back to Colorado?

A Right.

Q Did it have the paper plate in the back window during the summer months of 1969?

A Yes, it did.

1 Q The car was running during the summer months of
2 1969; correct?

3 A Yes, it was.

4 Q You just never got it registered; is that
5 right?

6 A No, I never did.

7 Q Was there some reason for that, Mr. Swartz?

8 A Yes, there was.

9 Q What was the reason?

10 A The reason for that being that the trade that
11 I made with Allen's Auto Wrecking, when I traded the pick-
12 up truck for the Ford in Pueblo, at that time I didn't have
13 a pink slip on the Ford pickup, so I traded and I told him
14 that if you make the trade, as soon as I got the pink slip
15 on the pickup, I would send it to him, and he would send the
16 pink slip on the Ford to me. But I never did get the pink
17 slip on the pickup, so I couldn't register the Ford.

18 Q So, it was your feeling that you didn't have
19 any indicia of ownership of the Ford; consequently, you
20 couldn't register it in the State of California?

21 A Not without the pink slip or ownership
22 registration papers.

23 Q You felt in order to get it registered in
24 California you would have to prove to the DMV that you
25 owned the car, and you couldn't do that because you didn't
26 have any papers?

A That's right.

Q But even though the car wasn't registered, you
used to drive it around?

A I did.

6E

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1 Q Did you ever get stopped by the police?

2 A No, not in that car.

3 Q Did you take the paper plate out of the back
4 window?

5 A I did, yes.

6 Q You were driving it around with no paper
7 plate in the back window and no plate on the front or the
8 rear of the car?

9 A Well, from time to time, I suppose we were
10 all guilty of taking the plates off the other car and
11 putting it on this one to get downtown.

12 Q Yourself included?

13 A Myself included.

14 Q And did you own the '62 Ford as well?

15 A I bought the car, but the pink slip was never
16 signed over to me. You can see that.

17 Q As a matter of fact, People's 99, the Cali-
18 fornia pink slip, is a 1965 pink slip, isn't it?

19 A (Pause.)

20 MR. FITZGERALD: May I approach the witness?

21 THE COURT: You may.

22 BY MR. FITZGERALD:

23 Q This Exhibit 99, the pink slip, that is a
24 1965 pink slip, isn't it?

25 Right above the lettering, "State of California,"
26 in the upper left-hand corner, do you see the numerals

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"1965"?

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A I don't know. But the model right here says 1962.

Q I understand that.

A It was a 1962 Ford.

Q I understand that it is a 1962 Ford, but what I am asking you is that the pink slip you have there, isn't that a 1965 pink slip?

MR. STOVITZ: No. That is the date that it was first issued, Counsel.

It says "Date first issued."

BY MR. FITZGERALD:

Q What year is that pink slip, Mr. Swartz?

Strike that question.

Is it your understanding that each year in California you receive a pink slip when you pay for your plates every year?

A Yes, it is.

7 fls.

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1 Q All right, so you get a pink slip every year,
2 right?

3 A Right.

4 Q What year is that pink slip?

5 A 1965.

6 Q All right, do you have a 1966 pink slip?

7 A No.

8 Q Do you have a '67?

9 A No, I don't.

10 Q A '68 or '69 or a '70 pink slip?

11 A No, I don't.

12 Q How come?

13 A Well, there was no reason for it. I don't have
14 the car.

15 Q Actually after 1965 you never bought any plates,
16 isn't that right?

17 MR. BUGLIOSI: Assuming a fact not in evidence; he
18 didn't even get it in '65, your Honor, he said he got it in
19 '69.

20 Q BY MR. FITZGERALD: In 1969 did somebody give
21 you a 1965 pink slip for the 1962 Ford?

22 MR. STOVITZ: Your Honor, that is ambiguous.

23 MR. BUGLIOSI: A misstatement.

24 THE COURT: Sustained.

25 MR. STOVITZ: I would like your Honor to see it,
26 it's quite clear (handing the document to the Court.)

1 Q BY MR. FITZGERALD: All right, when did you get
2 the 1962 Ford, Mr. Swartz?

3 A Shortly after I came back from the trip from
4 Wisconsin.

5 Q All right, was that in May or so of 1969?

6 A Right.

7 Q Someone gave you a pink slip for the car when
8 you bought it?

9 A Right, the pink slip that went with the car.

10 Q Right, what year is the pink slip you got?

11 A It is a '65 pink slip, apparently the car had
12 not been registered for a few years.

13 Q Did you ask the buyer about that when you
14 obtained possession of the automobile?

15 A I really didn't even think about it. I just
16 gave him the money for it, got the pink slip, put it in
17 my pocket, and went home.

18 Q Do you know a John Orville Kidd, K-i-d-d?

19 A No, I don't.

20 Q Are you familiar with somebody who lives at
21 4327 Inglewood Boulevard in Los Angeles, California?

22 A No, I am not.

23 Q Or somebody who lives at 517-1/2 Washington
24 Street in Venice, California?

25 A No, I'm not.

26 Q To your knowledge no one else owned that 1962

1 Ford besides yourself?

2 A No.

3 Q And to your knowledge as far as you know, no
4 one registered that car with the Department of Motor
5 Vehicles in the year 1969?

6 A No.

7 Q Now, did you give blanket permission for
8 anybody at the ranch to use your car?

9 A Not blanket permission, no. Normally everyone
10 who drove the car would come to me and ask permission to
11 drive it.

12 Q How many times a day would the people at the
13 ranch go on garbage runs?

14 A Well, it wasn't every day. It was maybe three
15 or four times a week, or so.

16 Q Would people at the ranch use your car for any
17 purpose other than a garbage run?

18 A If they had somewhere important they wanted to
19 go, if this was the only transportation what are you going
20 to say?

21 Q I just asked you if they went other places
22 than to collect garbage.

23 A Oh, yes.

24 Q As a matter of fact, almost every day somebody
25 was using your car, isn't that right?

26 A Normally, yes.

1 Q Sometimes as many as two or three times a day?

2 A Well, yes, but this did not happen very often.

3 Q And frequently people would use your car to go
4 down the hill, isn't that right, down to the stores in the
5 Chatsworth area?

6 A Well, yes, this was the only transportation
7 available at that time.

8 Q And now every time somebody wanted to use the car,
9 they did not seek you out and ask your permission, did they?

10 A Normally they would, yes.

11 Q You'd be back working in the corral?

12 A Right.

13 Q And where were the keys to the car?

14 A I either kept them in the car or in my pocket.

15 Q And actually many times people used this car
16 without asking your permission, isn't that right?

17 A No, it is not.

18 Q Well, let's start over again.

19 Did they ask your permission every time the
20 car was used?

21 A Yes.

22 Q To your knowledge the car was never taken
23 without your permission?

24 A At one time it was. I have already testified
25 to that.

26 Q That is just one time.

1 A Right.

2 Q And that was on an evening, or something, wasn't
3 it?

4 A Yes, it was.

5 Q That is the only time anyone ever used your car
6 without permission?

7 A That's right.

8 Q How do you happen to remember that particular
9 night?

10 A Well, it is not hard to remember. All these
11 times the people would come up to you and ask your permission;
12 then one night you're lying in bed and then the car starts
13 and leaves.

14 Now, that is kind of hard to forget.

15 Q So you jumped out of your bed, right?

16 A Well, I got up and I went to the window to
17 see what was going on and it was going out of the driveway.

18 Q You thought somebody was stealing your car?

19 A If you heard your car starting you would --

20 Q I would think someone was stealing my car.

21 A Right.

22 Q Is that what you thought?

23 A I did not actually think somebody was stealing
24 it.

25 Q Why not?

26 A I just wanted to know why the car was driven

1 away and nobody told me.

2 Q You knew then that some friendly people were
3 borrowing your car?

4 MR. BUGLIOSI: This assumes a fact not in evidence,
5 your Honor.

6 Q BY MR. FITZGERALD: Were these people at the
7 ranch friends of yours?

8 A Yes, they were, as a matter of fact.

9 Q So when you got up and looked out the trailer
10 and you saw the car driving away, you assumed some of your
11 friends were borrowing your car, is that right?

12 A Right, so I just went back to bed.

13 Q Did you have a conversation with Mr. Manson
14 sometime after the car was taken about somebody taking
15 your car?

16 A Well, I asked why the car was taken without
17 asking me and he said, 'Well, he did not want to get me out
18 of bed .

19 Q Did you accept that?

20 A Yeah, why shouldn't I?

21 MR. FITZGERALD: Thank you, Mr. Swartz.

22 THE WITNESS: All right.

23 THE COURT: We will take our recess at this time,
24 gentlemen.

25 Ladies and gentlemen, do not converse with
26 anyone nor form or express any opinion regarding the case

until it is finally submitted to you.

The Court will recess for 15 minutes.

(Recess.)

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1 THE COURT: All parties, counsel and jurors are
2 present.

3 Any cross-examination, Mr. Shinn?

4 MR. SHINN: I have no questions, your Honor.

5 THE COURT: No questions?

6 MR. SHINN: No questions.

7 THE COURT: Mr. Hughes?

8 MR. HUGHES: No questions.

9 THE COURT: Mr. Kanarek?

10 MR. KANAREK: I have no questions, your Honor.

11 MR. BUGLIOSI: Your Honor, I have one or two more
12 questions.

13 MR. STOVITZ: With permission of counsel may I have
14 Mrs. Chapman in.

15 MR. FITZGERALD: Yes.

16 MR. STOVITZ: Is it agreeable with the Court?

17 THE COURT: Very well.

18 BY MR. BUGLIOSI:

19 Q How did you refer, sir, to the group that lived
20 at Spahn Ranch?

21 MR. HUGHES: Beyond the scope of cross-examination.

22 MR. BUGLIOSI: Then I ask permission to reopen.

23 THE WITNESS: Well, if I talked to one of the other
24 men that worked there I would say "Charlie and the girls,"
25 or "Charlie and the boys," or I would say "The Family"
26 once in a while but not too often.

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1 BY MR. BUGLIOSI:

2 Q Now and then you would call them Charlie and
3 the girls; now and then Charlie and the boys; now and then
4 the Family, is that correct?

5 A The Family wasn't used very often, but it
6 did happen, yes.

7 Q Now, you say that to your knowledge the 1959
8 Ford was taken off the premises one time without your
9 consent, is that correct?

10 A Yes, sir.

11 Q Now, you don't know if it was taken any other
12 times without your consent, is that correct?

13 A I don't know.

14 Q Did you ever leave Spahn Ranch for a day or
15 so at a time?

16 A Oh, from time to time I would have jobs
17 driving, I might be gone a day or two days.

18 Q And when you left the ranch during those times
19 would you take the '59 Ford with you?

20 A No.

21 Q So you had no way of knowing during those
22 times whether it was used without your consent?

23 A No, I would not know.

24 Q Referring again to the one night, you say a
25 week or two before August 16th, 1969, when you heard your
26 car engine start up and you looked out the window and the

7a-3

1 car was being driven off the parking area --

2 MR. KANAREK: Your Honor, I believe the original
3 statement of the witness was a week and a half to two weeks.

4 Perhaps Mr. Bugliosi is referring inadvertently
5 to one week.

6 The record I believe shows one and a half to
7 two weeks.

8 THE COURT: If there is any question, put the question
9 to him directly.

10 The objection is sustained.

11 MR. BUGLIOSI: I will ask him once again.

12 BY MR. BUGLIOSI:

13 Q This night that you observed your '59 Ford
14 being driven off the parking lot without your consent,
15 when was it in relation to August 16th, 1969?

16 A It was within the week and a half or two-week
17 period sometime.

18 Q Now, referring again to that night, do you
19 know when the car was brought back to the ranch on that
20 occasion?

21 A It was back the next morning.

22 Q You don't know when it came back?

23 A No, I don't.

24 Q But you observed it there the following morning?

25 A Yes, I did.

26 Q Now, you testified on cross-examination that

↑ ↑

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1 you had a conversation with someone and you said he told
2 you he did not want to wake you up, is that correct?

3 A I just asked Charlie why the car was taken,
4 you know, without coming to me first.

5 He said he did not want to wake me up.

6 Q When you said "he," you were referring to
7 Charles Manson?

8 A Yes, sir.

9 Q When did you have this conversation with
10 Charles Manson?

11 A Well, it was the next day.

12 Q The day after the car was taken off the premises
13 without your consent, is that correct?

14 A Yes.

15 MR. BUGLIOSI: No further questions.

16 THE COURT: Anything further?

17 MR. FITZGERALD: Nothing further.

18 MR. SHINN: Nothing further, no.

19 THE COURT: Mr. Kanarek and Mr. Hughes?

20 MR. HUGHES: No questions.

21 THE COURT: You may step down, sir.

22 MR. STOVITZ: May this witness be excused?

23 THE COURT: You are excused, Mr. Swartz.

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1 MR. STOVITZ: This witness has already been sworn.

2 THE CLERK: She was sworn July 24th, your Honor.

3 Please be seated, ma'am. Would you draw the
4 microphone back, please.

5 Would you please state and spell your name.

6 THE WITNESS: Winifred Chapman, W-i-n-i-f-r-e-d.

7 THE CLERK: You are still under oath.

8 THE WITNESS: C-h-a-p-m-a-n.

9 (Winifred Chapman, having previously been
10 duly sworn and examined as a witness on behalf of the
11 People was recalled as a witness on behalf of the People
12 was examined and testified as follows:)

13
14 DIRECT EXAMINATION (Continued)

15 BY MR. STOVITZ:

16 Q Mrs. Chapman, do you recall when you were last
17 here you told us that you left on Friday evening August 8th,
18 1969, from the Polanski residence?

19 Do you remember telling us all that?

20 A Yes.

21 Q All right, now, do you recall what time it was
22 and when it was that you next returned to the Polanski
23 residence?

24 A Between 8:00 and 8:30 Saturday morning.

25 Q So that was the very next following day, is
26 that right?

1 A Yes.

2 Q And did you go by car or by bus or by helicopter
3 from your home to the Polanski residence?

4 A I went by city bus part of the way, and then by
5 car the rest of the way.

6 Q And do you recall where it was that the bus
7 left you off?

8 A Canon Drive and Santa Monica.

9 Q Did you wait there for a lift or did you try
10 to hitchhike or did you start walking or what happened
11 next?

12 A I started to call a cab. I happened to see a
13 fellow there that I used to work with and I asked him to
14 run me up.

15 Q And you then went into this man's automobile,
16 is that right?

17 A Yes.

18 Q And he drove you where?

19 A Up to the gate.

20 Q Can you see from your spot there on the witness
21 stand this diagram, Exhibit No. 98, here? If you can't,
22 just tell me.

23 (Pause.)

24 Can you see this diagram 98 from where you're
25 sitting?

26 A Yes.

1 Q This street going north is Benedict Canyon
2 Drive.

3 Santa Monica will be down here where the diagram
4 folds up.

5 He took you up Benedict Canyon. Did he take
6 you up Cielo Drive?

7 A Yes.

8 Q Up the hill?

9 A Yes.

10 Q How close to the gate did he take you?

11 A Not all the way up to the gate. He stayed back
12 so he could turn around. There isn't too much room up there.

13 Q Then you got out of this man's car?

14 A Yes.

15 Q What did you do next?

16 A I pushed the button and went in the gate.

17 Q Do you have to wait for a signal back from
18 somebody in the house to have the gate open or does it
19 open automatically?

20 A It opens automatically.

21 Q You don't need a key or anything like that, you
22 just push the button?

23 A Just push the button.

24 Q Does this gate then slide back or does it
25 swing back?

26 A It swings back.

1 Q Did you notice anything unusual when you got
2 to that gate?

3 A Yes, I noticed the wires being over --

4 Q What kind of wires were they?

5 A Well, at the time I wasn't sure whether they
6 were electrical or telephone, but after the gate opened
7 I knew it wasn't electricity.

8 Q All right, so then what did you do next?

9 A I went on in the gate and I picked up the
10 paper.

11 As I passed the garage I snapped out the light
12 that was in the garage.

13 I unlocked the back door and I went in the
14 house.

15 May I have some water.

16 Q Do you want some water?

17 A Please.

18 MR. STOVITZ: I believe you brought your own cup with
19 you.

20 THE WITNESS: Yes.

21 MR. STOVITZ: The cups that we furnish are not that
22 good.

23 BY MR. STOVITZ:

24 Q All right, Mrs. Chapman, the paper, was it in
25 its usual place there?

26 A Well, it doesn't always lie in the same place.

1 It was on the ground.

2 I picked it up.

3 Q And do you know of your own knowledge whether
4 the person who delivers that paper -- does he come in
5 through the gate or does he flip it over the gate?

6 A I don't know. I am never there when the paper
7 is delivered.

8 Q Do you know of your own knowledge what time
9 that paper is delivered?

10 A No, I do not.

11 Q Do you remember what kind of paper it is?

12 A The Los Angeles Times.

13 Q All right, now, you flipped off the light, what
14 light did you flip off?

15 A The one up over the garage, up over the steps
16 of the garage.

17 Q And what happened next?

18 A I went on around the back door and went in the
19 house.

20 Q All right, now, without bringing out that big
21 exhibit, 8, again, I'm going to show you an aerial photograph
22 which is an 8 X 11 photograph of what has been shown to
23 be the Tate residence.

24 MR. STOVITZ: May this be marked 100.

25 THE CLERK: 100 is next.

26 THE COURT: It will be so marked.

100 d.

1 BY MR. STOVITZ:

2 Q You have never seen the Tate residence from
3 a helicopter or airplane as shown in this picture, have
4 you?

5 A No.

7c fls.

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1 Q But by looking at this picture do you recognize
2 the house there?

3 A Yes, I do.

4 Q And you recognize this as the gate that you say
5 swung open?

6 A Yes.

7 Q Now, as you were walking towards the garage to
8 turn off the light, did you notice anything of a strange
9 automobile being there?

10 A I am used to seeing automobiles there so I
11 didn't think about it being strange.

12 I just thought we had guests, so I am used to
13 automobiles being there.

14 Q After you left the garage when you turned off
15 the light did you go right up to the main house?

16 A Yes, I go around the back.

17 Q You show us with this blue crayon on Exhibit 100
18 how you got to the back of the house, if you can, how you
19 got to the back of the house, if you can, on that thing.

20 A I don't know if I can -- yeah.

21 You pass the garage. Well, see, down in
22 between here is a little walkway.

23 Q Well, just --

24 THE COURT: If you are testifying you have to keep
25 your voice up, Mrs. Chapman.

26 Q BY MR..STOVITZ: You see this crayon on here, it

7C2

1 makes a mark; you see how it made a mark on top?

2 A Yes, I know.

3 Q You say you went down here like that?

4 A Yes.

5 Q Now, is there more than one back entrance to
6 the back of the house?

7 A No, just the kitchen, going into the kitchen
8 from that way.

9 Q So when you got to the kitchen did you have to
10 use a key to get in?

11 A Yes, I did.

12 Q And did you use the key to get in?

13 A Yes, I did.

14 Q Did you notice whether or not the back light,
15 the back porch light, whether it was on or off?

16 A It was not on because it was burnt out.

17 Q So then what happened after you got inside the
18 kitchen?

19 A I put my purse on the kitchen table and I went
20 to the telephone and picked it up and it was dead.

21 Q What happened next?

22 A So I started up to awaken someone to tell them
23 that we did not have a phone.

24 Q And what is the next room that you go into from
25 the kitchen?

26 A The dining room.

7C3

1 Q And I have a picture of the outside of that
2 dining room.

3 Let's see, I will show it to you, Exhibit 26
4 here.

5 This is from the front of the house. Is that
6 the dining room back there?

7 A Yes.

8 Q And did you have a bouquet of flowers on the
9 dining room table?

10 A Yes, that is not the table there. That is a
11 little stand that is close to the window.

12 This is the table, over here.

13 Q The table is where the round, red circle is,
14 is that correct?

15 A Yes.

16 Q And the bouquet of flowers is on a little
17 stand by the window?

18 A Yes.

19 Q But that is the dining room that you came into?

20 A Yes.

21 Q All right, and does that dining room have a
22 chandelier, to your knowledge?

23 A I don't think so.

24 Q Are there large, expensive chandeliers through-
25 out the Polanski residence?

26 A No.

Q What happened after you got into the dining

7C4

1 room?

2 A I went into the hall and that is when I saw
3 too much.

4 Q All right, now, do you now remember what you
5 next did or saw after you went into the hallway?

6 A What do you mean what I saw?

7 Q What did you next do or see after you went into
8 the hallway and saw what was too much?

9 A I noticed the trunks first in the home. They
10 were not there when I left the night before.

11 Q I show you Exhibit 27 for identification, a
12 photograph of two blue steamer trunks, or foot lockers,
13 are those the trunks you are talking about?

14 A Yes.

15 Q Did you notice this before you noticed this
16 thing that astonished you?

17 A Yes, I noticed the trunks before I got into the
18 home.

19 Q All right, and I show you Exhibit 14 for
20 identification, could you show us in relation to this
21 photograph where the hall is that you are talking about?

22 A It is just a tiny foyer, it comes back this
23 way. It is not a big long hall, it is a little foyer.

24 You come in the front door or you go through
25 the dining room.

26 Q All right, now, there appears to be a red and

7c5

1 white cloth on the couch there, do you see that?

2 A Yes, I do.

3 Q And what is that red and white cloth?

4 A That is an American flag.

5 Q And the couch appears to be a six or seven-
6 foot couch?

7 A It is long.

8 Q It is a long couch?

9 A Yes.

10 Q Do you know whether or not the American flag
11 covered the major portion of the back of that couch, or was
12 it just a part of the couch?

13 A It covered the major portion.

14 Q You would say that the American flag was about
15 as big as the flag in court here?

16 A I did not see it open. It was almost as
17 large. It was a large flag.

18 Q Do you remember when it arrived, if you have
19 any knowledge about when it arrived at the Polanski
20 residence?

21 A No, I don't remember what day.

22 Q Was it there on the Friday when you left?

23 A Oh, yes.

24 Q Had it been there for a day or two before?

25 A It had been there for several weeks.

26 Q And do you remember the occasion for its

46

1 arrival?

2 A Well --

3 Q Did it come for July 4th, let's say?

4 A No, not that I know of. I wasn't there at the
5 house when it did arrive.

6 It arrived one night, then the next day when
7 I went back it was there.

8 Q On Friday, August 8, when you left the home,
9 where was that American flag?

10 A On the back of the couch.

11 Q Similar to the way it is depicted now on that
12 photograph you just saw?

13 A Well, it was straightened out.
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1 Q Now, you tell us that you came in through this
2 little foyer, and you looked in and you saw what you saw?

3 A Uh-huh.

4 Q I know it might be painful for you, Mrs. Chapman,
5 but just tell us briefly as you can what did you see and
6 what did you do next?

7 A I can tell you what I did next.

8 To put into words what I saw is just entirely
9 too hard on me.

10 After viewing the effect of, or whatever words
11 you wanted to use, I turned around and I took my purse
12 from the kitchen table and I ran back out of that house
13 after what I saw.

14 Q All right, now, before running outside of the
15 kitchen door with your purse did you notice whether or not
16 the front door was open or closed?

17 A It was open.

18 Q Did you notice whether or not the back
19 bedroom door that leads to the pool, whether that was open or
20 closed?

21 A Yes, open. The door leading to the pool.

22 Q Now, I know it is very difficult for you, you
23 did not have a motion picture camera, but can you tell us
24 whether or not you noticed those doors open before you were
25 astonished by these bodies or after?

26 A I knew the front door was open before I got all

1 the way into the foyer, but I was all the way in
2 practically at the entrance of the living room when I
3 noticed the door to the pool being open.

4 Q So you had a recollection of picking up your
5 purse, is that right?

6 A Oh, yes.

7 Q And what happened next?

8 A I ran out, and of course, I had to push a
9 button to get out of the gate and -- I went to the first
10 neighbor's house. I did not get in.

11 I went to the second neighbor's house and I went
12 right in.

13 Q All right, and after you got in did somebody
14 make a phone call for you?

15 A Yes.

16 Q And after the phone call did certain police
17 officers arrive?

18 A Yes, they did.

19 Q Can you give us an estimate of time as to how
20 long after the phone call before the police arrived?

21 A There were three calls put in before the police
22 arrived.

23 I think there were three -- I know there were
24 two.

25 Q Can you tell us the time interval?

26 A No, it was after 9:00 -- it was after 9:00 when

1 they arrived.

2 Q All right, when the police arrived did you go
3 back to the house with the police at that occasion?

4 A No, I went out and saw the officer, I showed
5 them how to get in the gate.

6 Q At that time did you notice anything about
7 these wires?

8 A No, no.

9 Q At the time that you were coming back to exit,
10 to leave the Polanski residence to go call the police, did
11 you notice this white car?

12 A Yes -- you are referring to the car that --

13 Q -- did not belong to anybody that you knew of?

14 A Yes.

15 Q What did you notice about that car, if any-
16 thing?

17 A Well, I saw a body in it.

18 Q But when you were going up to the house for the
19 first time you had not noticed that body?

20 A No, I didn't.

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8-1

1 Q Mrs. Chapman, when you had left on August the
2 8th, 1969, did you notice whether or not there was any-
3 thing written on the front door of the house leading to
4 the Polanski residence?

5 A There was nothing written on it. I went out
6 the front door when I left.

7 Q More particularly, the word "pig"?

8 A No, there was nothing on it.

9 Q You are certain of that?

10 A Yes. I left through the front door.

11 Q Now, when you came back that morning of
12 August the 9th, did you notice the door at that time as
13 to whether --

14 A I did not. I did not see the front of the
15 door.

16 Q That is, from the outside of the house; is
17 that right?

18 A I did not.

19 Q Now, with respect to a rope, probably some
20 twenty feet in length and about a half to three-eighths
21 of an inch or five-eighths of an inch in diameter,
22 did you notice anything about a rope hanging across the
23 beams of the living room as shown in this photograph,
24 Exhibit 14?

25 A I don't remember that part of it.

26 Q What is that? When you left on August the 8th,

8-2

1 was that rope there?

2 A No.

3 Q Was the ladder that is shown in this photograph,
4 Exhibit 14, there?

5 A Yes. It stayed there.

6 Q Now, several days later, did you come back into
7 the house with some police officers?

8 A Yes, I did.

9 Q Did you look around the house?

10 A Yes.

11 Q And what, if anything, were you looking for?

12 A Well, we were trying to determine if there was
13 anything missing from the house.

14 Q And this was in the company and observation of
15 police officers; is that right?

16 A Yes.

17 Q Did you determine whether or not there was any-
18 thing missing, to your knowledge?

19 A No, there was nothing missing.

20 Oh, yes. There was a tripod from the master
21 bedroom closet.

22 Q What about like, say, mink coats or fur coats,
23 things like that?

24 Were there fur coats in there when you left
25 on August the 8th?

26 A No. They had been put in storage.

8-3

1 Q So then, there were no fur coats missing because
2 there wasn't any there to be taken; is that right?

3 A That's right.

4 Q Now, what about expensive paintings, or things
5 like that?

6 A No.

7 Q Anything missing like that?

8 A No.

9 Q What about expensive costume jewelry? Did
10 Mrs. Polanski keep any expensive costume jewelry around?

11 A Well, that was all in her jewel case. It
12 wasn't lying around.

13 Q Where was the jewel case?

14 A It usually stayed in the chest in the master
15 bedroom.

16 Q And when you went back with the police officers
17 was that jewel case still there?

18 A No.

19 Q Where was it?

20 A Well, I think the officers had it.

21 Q Could you determine, of your own knowledge,
22 whether or not anything was missing?

23 A Only the tripod.

24 Q With respect to this tripod, is this just an
25 ordinary tripod, that is, that holds up a camera?

26 A Yes.

8a fls.

A-1

1 Q And do you know where that tripod was on August
2 the 8th?

3 A In the closet in the master bedroom. That is
4 where it usually stayed.

5 Q What about any of the clothing from any of the
6 men, such as Mr. Frykowski? Did he keep his clothing there
7 at the house?

8 A Yes.

9 Q Could you determine whether any of that clothing
10 was missing?

11 A No.

12 Q I show you Exhibit No. -- let's see -- it is
13 Exhibit No. 6.

14 I direct your attention to a light next to a
15 doorway of a garage.

16 Was that the light that you turned off?

17 A Yes.

18 Q I direct your attention to what appears to be
19 wires strung from the top of the garage to the ground.

20 Were those wires in that condition when you
21 arrived on August the 9th, 1969?

22 A Yes.

23 MR. STOVITZ: May I, with the Court's permission,
24 mark a square around that light on Exhibit No. 6?

25 THE COURT: Yes.

26 MR. STOVITZ: Q Mrs. Chapman, I am putting a

1 square here. Will you keep an eye on what I am doing
2 and make sure that is the right light.

3 (Mr. Stovitz marks.)

4 Q That is the light, right?

5 A Yes.

6 Q Did you have to walk up the stairway to turn
7 off that light?

8 A No.

9 Q Where is the button?

10 A I passed it as I go around the walk at the
11 bottom by the garage.

12 Q Is it a switch or a button?

13 A It is the kind you push down. You don't push
14 it in.

15 Q Like this one here that says "fan" in the
16 courtroom, is that right?

17 Can you see it right here?

18 A Yes.

19 MR. STOVITZ: You may inquire.

20 MR. FITZGERALD: No questions.

21 THE COURT: Mr. Shinn, any questions?

22 MR. SHINN: Yes, your Honor.

23 No, your Honor, I have no questions.

24 THE COURT: Mr. Kanarek, any questions?

25 MR. KANAREK: No questions.

26 THE COURT: Mr. Hughes?

1 MR. HUGHES: No questions.

2 MR. STOVITZ: May we, with the permission of the
3 Court, excuse this witness?

4 THE COURT: Yes. You are excused.

5 MR. FITZGERALD: May we approach the bench concerning
6 excusing her as a witness? We need some information
7 concerning her identity and whereabouts.

8 THE COURT: All right.

9 Sit there for a moment.

10 Counsel may approach the bench.

11 (All counsel approach the bench and the
12 following proceedings occur at the bench outside of the
13 hearing of the jury.)

14 MR. FITZGERALD: We have no objection to her being
15 excused subject to being recalled.

16 However, in terms of our discovery, we were
17 deliberately not given her address by order of the Court,
18 and we need to subpoena her and need to get her back.

19 MR. STOVITZ: We represent to the Court that she can
20 be returned on 24 hours' notice.

21 MR. FITZGERALD: Notice to you?

22 MR. STOVITZ: To our office.

23 MR. FITZGERALD: Agreeable.

24 MR. KANAREK: Fine.

25 (Whereupon, all counsel return to their
26 respective places at counsel table and the following

1 proceedings occur in open court within the presence and
2 hearing of the jury:)

3 THE COURT: You are excused, then, Mrs. Chapman.

4 MR. BUGLIOSI: Mr. DeRosa.

5 MR. KANAREK: Your Honor, I certainly gather that as
6 far as the immateriality and irrelevancy is concerned, that
7 goes to this witness, too.

8 THE COURT: What are you talking about?

9 MR. KANAREK: My continuing objection on immateriality
10 and irrelevancy. It goes to each and every witness.

11 THE COURT: It will be if you request it and I grant
12 it.

13 MR. KANAREK: I will as to this last witness.

14 THE COURT: Very well. As to the last witness.

15 MR. KANAREK: Thank you.

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1 THE COURT: Do you have another witness?

2 MR. STOVITZ: Yes. He is just down the hall, your
3 Honor. He will be here any moment.

4 MR. KANAREK: Your Honor, we may be able to do some-
5 thing constructive.

6 I notice Mr. Bugliosi has some pictures in
7 his hand. May we approach the bench, your Honor? I have
8 a point that I would like to raise with the Court while
9 we are waiting for this witness.

10 THE COURT: Well, if you are anticipating something,
11 I think we should wait, Mr. Kanarek.

12 MR. KANAREK: Very well.

13 (Mr. DeRosa enters the courtroom.)

14 THE CLERK: Would you raise your right hand, please.
15 Would you please repeat after me.

16 I do solemnly swear --

17 THE WITNESS: I do solemnly swear --

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

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

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

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

22 THE CLERK: -- before this court --

23 THE WITNESS: -- before this court --

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

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

26 THE CLERK: -- the whole truth --

8b-2

1 THE WITNESS: -- the whole truth --

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

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

4 THE CLERK: -- so help me God.

5 THE WITNESS: -- so help me God.

6 THE CLERK: Would you be seated, please.

7 Would you draw the microphone back, sir, and
8 would you please state and spell your name for the record.

9 THE COURT: Pull the microphone up closer, please.

10 THE WITNESS: Jerry Joe DeRosa; D-e-R-o-s-a.

11 THE CLERK: And your first name?

12 THE WITNESS: J-e-r-r-y.

13
14 JERRY JOE DE ROSA,

15 a witness called by and on behalf of the People, having
16 been first duly sworn, was examined and testified as
17 follows:

18
19 DIRECT EXAMINATION

20 BY MR. BUGLIOSI:

21 Q What is your occupation, sir?

22 A Police Officer for the City of Los Angeles,
23 assigned to Rampart.

24 Q On the morning of August the 9th, 1969, did
25 you proceed to the address 10050 Cielo Drive in the City of
26 Los Angeles?

8b-3

- 1 A Yes, I did.
- 2 Q What caused you to go to that address on that
- 3 date at that time, sir?
- 4 A I received a radio call from Communications to
- 5 proceed to that location.
- 6 Q Possible homicide?
- 7 A Yes.
- 8 Q Were you alone at that time?
- 9 A Yes, I was.
- 10 Q And you were working for the West Los Angeles
- 11 Division of the LAPD at that time?
- 12 A That is correct.
- 13 Q About what time did you arrive at the Cielo
- 14 Drive address?
- 15 A It was approximately 9:05.
- 16 Q A.m.?
- 17 A A.m.
- 18 Q The morning of August the 9th, 1969?
- 19 A Yes.
- 20 Q A Saturday?
- 21 A Yes.
- 22 Q What happened after you arrived, sir?
- 23 A I was met by Miss Winifred Chapman and an
- 24 explorer scout. I believe his name is Asin.
- 25 Q Where did you meet them?
- 26 A In the driveway of the Tate residence.

1 Q What is the next thing that happened?

2 A I received information from Winifred Chapman
3 that there were bodies and blood all over the inside of
4 the house.

5 Q What is the next thing that happened?

6 A I had Miss Chapman go to a residence and wait.
7 I walked inside the gate of the Tate residence.

8 Q How did you get in the gate?

9 A I had to activate a button from the outside.

10 Q Where was the button located in relation to
11 the gate?

12 A It was outside the gate by the mailbox.

13 MR. BUGLIOSI: Your Honor, I have here a photograph
14 depicting a gate.

15 May it be marked People's next in order?

P 101 Id. 16 THE COURT: 101 for identification.

17 MR. BUGLIOSI: I have here, your Honor, a photograph
18 of what appears to be a -- I will withdraw that, your Honor.

19 Q I show you People's 101 for identification.

20 Do you know that is shown in that photograph?

21 A Yes.

22 This is the mailbox. And the button to
23 activate the gate is just on the other side of the mailbox
24 here.

25 Q All right.

26 Do you notice a gate in that photograph?

SC-1

1 A Yes.

2 Q That is the gate that you entered on the morning
3 of August the 9th?

4 A Yes, it is.

5 Q I show you People's '73 for identification.
6 Do you know what is shown in that photograph?

7 A Yes.

8 This is the button that I activated to open the
9 gate.

10 Q To the Tate residence?

11 A To the Tate residence, yes.

12 Q You notice in People's '73 for identification
13 there is no longer a mail box.

14 Do you see that?

15 A Yes.

16 Q Were there any wires on the gate when you
17 entered the gate?

18 A Yes.

19 There were approximately three or four
20 communication wires across the gate.

21 Q You say they were communication wires. How do
22 you know they were communication wires?

23 A I believe that they were, before they had been
24 cut. They were attached to the telephone pole.

25 Q Do you know whether they were telephone pole
26 wires or --

MR. FITZGERALD: Just a moment.

8C2

1 I will move to strike that portion of the
2 answer that goes something as follows; that they were cut.
3 That is a conclusion.

4 THE COURT: Sustained.

5 That portion of the answer will be stricken.

6 The jury is admonished to disregard it.

7 MR. BUGLIOSI: Q Do you know whether they were
8 communication wires or telephone wires, or both?

9 A I believe they were both.

10 Q Did there appear to be some fallen telephone
11 wires and communication wires from the telephone pole?

12 A Yes.

13 Q Onto the gate?

14 A Yes.

15 Q And over the gate?

16 A Yes.

17 Q After you entered the gate, sir, what is the
18 next thing that happened?

19 A I walked toward a white Rambler and observed a
20 body in the Rambler.

21 Q Where was the Rambler parked, sir?

22 A The Rambler was just inside the gate in the
23 driveway of the Tate residence.

24 Q I show you People's 6 for identification.

25 Do you know what is shown in that photograph?

26 A Yes.

1 That is the Rambler that was in the driveway.
2 Q Is this the position it was in when you first
3 saw it?

4 A Yes, it is.

5 Q Did you look inside the Rambler?

6 A Yes, I did.

7 Q What did you see inside?

8 A I observed a dead body in the Rambler.

9 Q I show you People's 42 for identification.
10 Do you know what is shown in that photograph?

11 A Yes. This is the body that I observed.

12 Q Is that the photograph a fair and accurate
13 representation of the way the body looked when you saw it inside
14 the car?

15 A Yes.

16 Q Was the engine to the Rambler on?

17 A No, it was not.

18 Q Were the lights to the car on?

19 A No.

20 Q Were the doors to the car open or closed?

21 A They were all closed.

22 Q What about the windows?

23 A All the windows were closed except for the
24 driver's window.

25 Q That was open?

26 A That was open.

1 Q Did you enter the car?

2 A I did not.

3 Q These telephone wires that seem to have
4 fallen from the telephone pole or the gate --

5 THE COURT: Mr. Stovitz, keep that photograph face
6 down on the table. The one just identified. The one
7 right in front of you.

8 MR. KANAREK: Your Honor, I wonder, would it be
9 permissible to --

10 THE COURT: There is no necessity for any comment.

11 MR. KANAREK: Can we approach the bench?

12 THE COURT: No.

13 Proceed.

14 MR. BUGLIOSI: Q Were these wires also on the
15 driveway beside the gate?

16 A Yes.

17 Q I show you People's 6 for identification.
18 Do you see those wires in that photograph?

19 A Yes, I do.

20 Q Referring to the two wires here leading up to
21 the garage?

22 A Yes.

23 Q And is this photograph a fair and accurate
24 representation of the way the two wires looked when you saw
25 them on the driveway?

26 A Yes, it is.

Q What is the next thing you did, sir?

A Approximately at this time my brother officer arrived, Officer Whisenhunt.

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1 Q From West Los Angeles?

2 A Yes.

3 Q All right.

4 A I went back to the gate to let him in.

5 He entered the premises, and we both walked
6 again to the Rambler.

7 From the Rambler we proceeded to the garage
8 to check the premises for further bodies or suspects.

9 Q Did you enter the garage?

10 A We entered the garage and the house -- or a
11 room above the garage.

12 Q Did you find any living persons inside the
13 garage?

14 A No.

15 Q Anyone dead inside the garage?

16 A No.

17 Q Again showing you People's 6 for identification.

18 Do you know what that particular building is
19 there in the center of the photograph?

20 A That is the garage with the room on top of
21 the garage.

22 Q This is the garage that you entered with
23 Whisenhunt?

24 A Yes.

25 Q What happened after you and Whisenhunt left
26 the garage?

8d-2

1 A We walked toward the front of the building,
2 or towards the front of the Tate house, and observed two
3 bodies on the front lawn.

4 MR. BUGLIOSI: Your Honor, I have here a photograph
5 that appears to be a female Caucasian lying on a lawn.

6 MR. KANAREK: Your Honor, may we approach the bench
7 at this moment?

8 THE COURT: Go ahead, Mr. Bugliosi.

9 No, you may not.

10 MR. BUGLIOSI: May it be marked People's 102
11 for identification?

P102Id. 12 THE COURT: It will be so marked.

13 BY MR. BUGLIOSI:

14 Q I show you People's 89 for identification.

15 Do you know what is shown in that photograph?

16 A Yes. This is the body of a male Caucasian
17 that I observed on the lawn close to the front door.

18 Q He appeared to be dead at that time?

19 A Yes, he appeared to be dead.

20 Q Is this photograph a fair and accurate
21 representation of the way the male Caucasian appeared when
22 you saw him lying on the lawn?

23 A Yes, it is.

24 Q I show you People's 102 for identification.

25 Do you know what is shown in that photograph?

26 A Yes.

1 This is the female Caucasian that was on the
2 lawn towards the far end of the Tate house.

3 Q Is that photograph a fair and accurate
4 representation of the way the female Caucasian looked
5 when you first observed her lying on the lawn?

6 A Yes, it is.

7 Q She appeared to be dead?

8 A She appeared to be dead.

9 MR. KANAREK: Your Honor, would it be appropriate
10 at this time to approach the bench concerning these
11 pictures?

12 THE COURT: They haven't been offered yet.

13 MR. KANAREK: I know, but I have a certain point
14 that I would like to make.

15 I think it will save some time, perhaps.

16 THE COURT: All right, Counsel may approach the
17 bench.

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

21 MR. STOVITZ: These are the photographs that have
22 been shown to the witness.

23 This is the one previously shown to Mrs.
24 Kasabian.

25 MR. KANAREK: Your Honor, if I may, as your Honor
26 will recall when I was interrogating Linda Kasabian, there

1 was some question concerning these pictures.

2 I have thought about it, and I believe I was in
3 error, your Honor.

4 I believe that it would have been improper for
5 me -- I have thought about it -- to show these pictures
6 to the jury.

7 I agree with Mr. Fitzgerald.

8 THE COURT: You agree with him as to what?

9 MR. KANAREK: That the pictures, because of the color
10 aspect, are prejudicial.

11 What I am going to suggest, your Honor, is
12 that there is no necessity for all of the blood and all
13 of that, and I would ask your Honor that we use black and
14 white pictures.

15 What I mean is, your Honor, there is no question
16 of the fact of death. The goriness of these color pictures--

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1 THE COURT: As I mentioned, Mr. Kanarek, there has
2 been no offer of the pictures, so there is nothing before
3 the Court at this time.

4 He is simply having them identified by the
5 officer who observed them.

6 MR. KANAREK: He is asking questions about --

7 THE COURT: There is nothing improper about
8 identifying a color photograph.

9 MR. KANAREK: No, except that counsel is asking do
10 they accurately represent what you saw.

11 Now, what I would like to do, I would like to
12 invite a stipulation from the prosecution. I have thought
13 a lot about this, and I think that these pictures in color
14 with the blood, all it does is inflame the jury.

15 THE COURT: What is the point of your making this
16 argument at this time?

17 MR. KANAREK: If we come to an agreement, then we
18 won't have to call the officer back to show him the black-
19 and-white pictures. That is what I am trying to do, to
20 save time.

21 They are probably going to try to use these
22 pictures in their gory state, and I believe that black-and-
23 white would be more appropriate.

24 MR. BUGLIOSI: May I briefly be heard on this issue?

25 I don't think it will ever be necessary to
26 call the officer back to identify black-and-white pictures

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1 being the same as the color photos.

2 MR. FITZGERALD: Stipulated they can be substituted.

3 THE COURT: You are not objecting to that, are you?
4 I understand that is what you are proposing.

5 MR. KANAREK: I want to know if counsel will agree
6 to it, so that it will be deemed that the pictures are
7 shown, if they are black-and-white, that is, if they are
8 shown to the jury, the black-and-white ones, that this
9 officer would be deemed to have testified that they
10 accurately described what he saw.

11 That is what I am trying to do to save time,
12 so we won't have to bring the officer back, because I
13 believe it would be prejudicial to show the color pictures.

14 THE COURT: You were the only one, apparently, that
15 even suggested showing the colored pictures, and what I
16 understand you are proposing now is just the opposite.

17 MR. KANAREK: I am proposing that the black-and-white —
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1 THE COURT: Why are you raising the point at this
2 time?

3 MR. KANAREK: We are raising it at this point, your
4 Honor, I just want to know if we can have a stipulation
5 that black-and-white pictures will be substituted for these
6 pictures.

7 MR. STOVITZ: No, there will be no such stipulation,
8 your Honor.

9 People are wearing clothes of different
10 colors; it is necessary for the pictures to be taken in
11 color so they can more accurately describe what the
12 witness saw.

13 When counsel says he was in error, your Honor,
14 he took a three-day period when he was introducing those
15 photographs and showing them to Mrs. Kasabian, for^a/three-
16 day period he thought about it.

17 There was premeditation in his mind at that
18 time.

19 MR. KANAREK: Your Honor, that is preposterous.

20 THE COURT: That is beside the point.

21 Apparently there is no stipulation, Mr.
22 Kanarek, so let's proceed.

23 MR. SHINN: Your Honor, may I make a suggestion,
24 then, your Honor?

25 THE COURT: Yes.

26 MR. SHINN: Why don't we have the witness describe

1 these pictures in detail, then we don't have to introduce
2 those pictures later, your Honor.

3 THE COURT: I am not going to tell the People how to
4 try their case.

5 MR. SHINN: It has been done in other cases, your
6 Honor, where the pictures --

7 THE COURT: I suggest you talk with Mr. Bugliosi
8 during the noon hour about it.

9 Here are the photographs.

10 MR. BUGLIOSI: Thank you, your Honor.

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

13 Q BY MR. BUGLIOSI: Now, you just looked at
14 People's 102 for identification and you identified a
15 female Caucasian lying dead on the lawn, is that correct,
16 sir?

17 A That's correct.

18 Q Now, at the top of this photograph, or near the
19 top of this photograph, People's 102 for identification,
20 you notice there is another body lying on the lawn.

21 A Yes.

22 Q Is the body lying on the lawn at the top of this
23 photograph, People's 102 for identification, the same body
24 as depicted in People's 89 for identification?

25 A Yes, it is.

26 Q After you observed these two dead bodies, sir,

1 lying on the front lawn of the Tate residence, what is the
2 next thing that you did?

3 A Officer Whisenhunt and myself separated.

4 I stayed in front of the residence; Officer
5 Whisenhunt went to the rear with an Officer Burbbridge.

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

7 A I waited out in the front while the two
8 officers entered the Tate residence.

9 MR. BUGLIOSI: Your Honor, I have here a photograph
10 of the front of the Tate residence. May it be marked
11 People's 103 for identification?

12 THE COURT: It will be so marked.

13 Q BY MR. BUGLIOSI: I show you People's 103 for
14 identification and direct your attention to the front door
15 of the Tate residence.

16 You will notice it is open. Was the front
17 door open when you arrived on the premises?

18 A Yes, it was.

19 Q You say you waited outside and Whisenhunt and
20 Burbbridge entered?

21 A Yes, they did.

22 Q What is the next thing that you did?

23 A I walked toward the front door and I noticed
24 that my brother officers were inside, in the doorway,
25 and we walked into the living room and observed two bodies
26 in the living room.

1 Q Did you notice anything on the front door of
2 the Tate residence?

3 A Yes.

4 Q What did you notice, anything printed?

5 A Yes.

6 Q What did you notice printed?

7 A There was the word "pig" written in blood.

8 Q P-i-g?

9 A Yes.

10 MR. BUGLIOSI: Your Honor, I have here a photograph,
11 it appears to be of a front door. May it be marked
12 People's 104 for identification?

13 THE COURT: It will be so marked.

14 MR. BUGLIOSI: I have here another photograph, it
15 appears to be a closer-up view of the door. May it be
16 marked People's 105 for identification?

17 THE COURT: It will be so marked.

18 MR. BUGLIOSI: May I withdraw that, your Honor, the
19 last exhibit?

20 I have here another photograph, may it be
21 marked People's 105 for identification showing a close-up
22 of the door?

23 THE COURT: It will be so marked.
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1 BY MR. BUGLIOSI:

2 Q I show you People's 104 for identification,
3 do you know what is shown on that photograph?

4 A Yes, this is the word "Pig" that I saw written
5 on the door.

6 Q Is that photograph a fair and accurate repre-
7 sentation of the way the front door and the word "Pig"
8 looked when you arrived at the Tate residence?

9 A Yes, it is.

10 Q I show you People's 105 for identification.
11 Do you know what is shown in that photograph?

12 A This is the same door with the same word pig
13 written on the door.

14 MR. BUGLIOSI: Thank you.

15 Q Near the vicinity of the front door did you
16 notice any blood?

17 A Yes.

18 Q I show you People's 94 for identification, do
19 you know what is shown in that photograph?

20 A Yes, this is the blood that is on the walk by
21 the front door.

22 Q Of the Tate residence?

23 A Of the Tate residence.

24 Q Is that a fair and accurate representation of
25 the way the blood and the walk appeared when you arrived
26 at the Tate residence?

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1 A Yes, it is.

2 MR. BUGLIOSI: May I have just a moment, your Honor.

3 THE COURT: It is two minutes before 12:00, shall
4 we recess?

5 MR. STOVITZ: Yes, your Honor, it would be a good
6 idea.

7 THE COURT: Ladies and gentlemen, do not converse
8 with anyone nor form or express an opinion regarding the
9 case until it is finally submitted to you.

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

11 (Whereupon the court stood in recess until
12 2:00 o'clock p.m.)
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